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# CITY OF MOTLEY

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
March 24, 2015



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

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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. February 2015
7. Planning and Zoning Administrator's Report
8. Other Business
  - a. Discussion – Zoning of property on Cass County side of city
  - b. Discussion – Massage Business/Therapist Licensing
  - c. Discussion – Regulation of land uses within zoning districts
  - d. Training Session (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

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**Issue:** Massage Business/Therapist Licensing

**Agenda Item:** 8(b)

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### **Background Information:**

- **Issue:** The Commission/Council has directed staff to begin drafting out an ordinance that would require licensing of massage businesses and therapists in the City of Motley.

A draft ordinance is enclosed for your review. The ordinance, as the Commission/Council directed, is based largely off of the ordinance adopted by the City of Maple Plain, but has had other items added that appear in other city ordinances on this same subject. Those additions are printed in blue text.

In order to formally adopt the ordinance, a public hearing would need to be scheduled. The March meeting is for discussion and determining if amendments are necessary. Once the Commission/Council is ready, Staff will publish a notice for the required public hearing. The ordinance can be adopted after the public hearing and a recommendation from the Planning Commission to the Council. The City Council ultimately will need to adopt the new ordinance if it so desires.

**CITY OF MOTLEY  
COUNTIES OF MORRISON AND CASS**

**STATE OF MINNESOTA**

**ORDINANCE NO. \_\_\_\_**

**PURPOSE**

The purpose of this article of the City Code is to prohibit massage businesses and services to the public except those licensed by the city as therapeutic massage enterprises and massage therapists pursuant to this section. The licensing regulations prescribed herein are necessary in order to protect businesses that are operating legitimate enterprises, to prevent criminal activity, and to protect the health and welfare of the community. The purpose of this section is not to impose restrictions or limitations on the freedom of protected speech or expression.

**FINDINGS**

The City Council of the City of Motley makes the following findings regarding the need to license therapeutic massage enterprises and therapists and to prohibit all other types of massage businesses and services to the public:

- (1) Persons who have bona fide and standardized training in therapeutic massage, health, and hygiene can provide a legitimate and necessary service to the general public.
- (2) Health and sanitation regulations governing therapeutic massage enterprises and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.
- (3) License qualifications for the restrictions on therapeutic massage enterprises and therapists can minimize the risk that such businesses and persons will facilitate prostitution and other criminal activity in the community.
- (4) Massage services provided by persons with no specialized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.
- (5) Massage businesses which employ persons with no specialized and standardized training can tax city law enforcement services because such businesses are more likely to be operated as fronts for prostitution and other criminal activity than operations established by persons with standardized training.

- (6) The training of professional massage therapists at accredited institutions is an important means of ensuring the fullest measure of protecting the public health, safety, and welfare.

## **DEFINITIONS**

The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

***ACCREDITED INSTITUTION*** means an educational institution holding accredited status with the United States Department of Education.

***ACCREDITED PROGRAM*** means a professional massage program accredited by the Commission on Massage Therapy Accreditation (COMTA).

***BUSINESS LICENSEE*** means the individual who has obtained a valid therapeutic massage enterprise license from the city, on behalf of himself or herself or on behalf of a business entity, and is designated to be responsible for the enterprise's compliance with all aspects of this section.

***CLEAN*** means the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

***GOOD REPAIR*** means free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

***ISSUING AUTHORITY*** means the City of Motley.

***MASSAGE*** means any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands or arms with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

***MASSAGE THERAPIST*** means an individual who practices or administers massage to the public who can demonstrate to the issuing authority that he or she:

- (1) Has current insurance coverage of \$1,000,000.00 for professional liability in the practice of massage;
- (2) Is affiliated with, employed by, or owns a therapeutic massage enterprise licensed by the city; and

- (3) Has completed 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited program or accredited institution that has been approved by the issuing authority. These training hours must be authenticated by a single provider through a certified copy of the transcript of academic record from the school issuing the training, degree or diploma.

**OPERATE** means to own, manage, or conduct, or to have control, charge, or custody over.

**PERSON** means any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

**THERAPEUTIC MASSAGE ENTERPRISE** means an entity which operates a business which hires only licensed therapeutic massage therapists to provide therapeutic massage to the public. The owner/operator of a therapeutic massage enterprise need not be licensed as a therapeutic massage therapist if he or she does not at any time practice or administer massage to the public. A therapeutic massage enterprise may employ other individuals such as cosmetologists and estheticians, and these individuals are not required to have a massage therapist license as long as they are not providing therapeutic massage to the public.

**WITHIN THE CITY** means physical presence as well as telephone referrals such as phone-a-massage operations in which the business premises, although not physically located within the city, serves as a point of assignment of employees who respond to requests for services from within the city.

## **LICENSE REQUIRED**

- (a) **Therapeutic massage enterprise license.** It shall be unlawful for any person or entity to own, operate, engage in, or carry on, within the city, any type of massage services to the public for consideration without first having obtained a therapeutic massage enterprise license from the city pursuant to this section.
- (b) **Massage therapist license.** It shall be unlawful for any individual to practice, administer, or provide massage services to the public for consideration within the city without first having obtained a massage therapist license from the city pursuant to this section.

## **EXCEPTIONS**

A therapeutic massage enterprise or therapist license is not required for the following persons and places:

- (1) Persons duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, provided the massage is administered in the regular course of the medical business and not provided as part of a separate and distinct massage business.
- (2) Persons duly licensed by this state as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments and provided the massage by beauty culturists is limited to the head, hand, neck, and feet and the massage by barbers is limited to the head and neck.
- (3) Places licensed by this state as a “Salon” pursuant to Minnesota State Statute 155A.29, provided such places do not hold themselves out as offering massage treatments and provided the massage by salon employees is limited to the head, hand, neck, and feet.
- (3) Persons working solely under the direction and control of a person duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry.
- (4) Places duly licensed or operating as a hospital, nursing home, hospice, sanitarium, or group home established for the hospitalization or care of human beings.
- (5) Students of an accredited institution who are performing massage services in the course of a clinical component of an accredited program of study, provided that the students are performing the massage services at the location of the accredited institution and provided the students are identified to the public as students of massage therapy. Students of an accredited institution who are performing massage services at clinics or other facilities located outside of the accredited institution must have at least 150 hours of certified therapeutic massage training at the accredited institution prior to performing the therapy outside of the institution, must have proof of liability insurance, and must be identified to the public as a student of massage therapy.

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## LICENSE APPLICATION

- (a) ***Therapeutic massage enterprise license application.*** An application for a therapeutic massage enterprise license shall be made on a form supplied by the city clerk and shall request the following information:
  - (1) ***All applicants.*** For all applicants:
    - a. Whether the applicant is an individual, corporation, partnership, or other form of organization.
    - b. The legal description of the premises to be licensed together with a plan of the area showing dimensions, location of buildings, street access, and parking facilities.



- c. The floor number, street number, and rooms where the massage services are to be conducted.
- d. Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- e. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans for design are on file with the city's building and inspection department, no plans need be submitted to the issuing authority.
- f. The name and street address of the business if it is to be conducted under a designation, name, or style other than the name of the applicant, and a certified copy of the certificate as required by Minn. Stat. § 333.02.
- g. The amount of the investment that the applicant has in the business, buildings, premises, fixtures, furniture, and equipment, and proof of the source of such investment. The identity of all other persons investing in the business, building, premises, fixture, furniture and equipment, the amount of their investment and proof of the source of such investment.
- h. All applications for licenses, whether enterprise or individual applications, shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by an incorporated association, by the manager or officer thereof; if by a limited liability company (LLC), by a member thereof. Any falsification of information on the license application shall result in the denial of the license.
- i. The full name, place and date of birth, and street residence address of the designated business licensee along with a color photocopy of the applicant's MN driver's license or MN I.D. front and back, or any other government-issued I.D. If the photocopy is not acceptable to the Police Department, the department may take photographs for the file.
- j. All applicants shall agree, in writing, to submit to a criminal background check.
- k. Such other information as the City Council or issuing authority shall require.

(2) **Individuals.** For applicants who are individuals:

- a. The full name, place and date of birth, and street residence address of the applicant, who shall also be the designated business licensee, along with a copy of a valid identification card, as required under (a)(1)(i).
  - b. Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
  - c. Whether the applicant is a citizen of the United States or a resident alien or has the legal authority to work in the United States.
  - d. Street addresses at which the applicant has lived during the preceding five years.
  - e. The type, name, and location of every business or occupation the applicant has been engaged in during the preceding five years.
  - f. Whether the applicant is currently licensed in other communities to perform massage therapy, and if so, where.
  - g. Names and addresses of the applicant's employers for the preceding five years.
  - h. Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
  - i. Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five years of the date the license application is submitted to the issuing authority.
  - j. Whether the applicant has ever been engaged in the operation of massage services. If so, applicant shall furnish information as to the name, place and length of time of the involvement in such an establishment.
- (3) **Partnerships.** For the applicants that are partnerships: the names and addresses of all general and limited partners and all information concerning each general partner as is required in paragraph (2) of this section of this Code. The managing partners shall be designated and the interest of each general and limited partner in the business shall be disclosed. A true copy of the partnership agreement shall be submitted with the application, and if the partnership is required to file a certificate as to a trade name under Minn. Stat. § 333.02, a certified copy of such certificate shall be submitted. The license shall be issued in the name of the partnership.

- (4) ***Corporations and other organizations.*** For applicants that are corporations or other types of organizations:
- a. The name of the organization, and if incorporated, the state of incorporation.
  - b. A true copy of the certificate of incorporation, and, if a foreign corporation, a certificate of authority as described in Minn. Stat. § 303.02.
  - c. The name of the general manager, corporate officers, proprietor, and other person in charge of the premises to be licensed, and all the information about said persons as is required in paragraph (2) of this section of this Code.
  - d. A list of all persons who own or control an interest in the corporation or organization or who are officers of said corporation or organization, together with their addresses and all the information regarding such persons as is required in paragraph (2) of this section of this Code.
- (b) ***Massage therapist license application.*** An application for a massage therapist license shall be made on a form supplied by the City Clerk and shall request the following information:
- (1) The applicant's name and current address.
  - (2) The applicant's current employer.
  - (3) The applicant's employers for the previous five years, including the employer's name, address and dates of employment.
  - (4) The applicant's addresses for the previous five years.
  - (5) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair. A color photocopy of the applicant's MN driver's license or MN I.D. front and back, or any other government-issued I.D. If the photocopy is not acceptable to the Police Chief, the department may take photographs for the file.
  - (6) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the time, place, and offense for which convictions were had.
  - (7) Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five years of the date the license application is submitted to the issuing authority.
  - (8) The names, resident and business addresses of those residents of the metropolitan area, of good moral character, not related to the applicant or financially interested in the premises of the business, who may be referred to as the applicant's character.

- (9) Whether the applicant is a U.S. citizen or resident alien or has the legal authority to work in the United States.
- (10) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
- (11) Whether the applicant has met the definition of a massage therapist as defined.
- (12) All applicants shall agree, in writing, to submit to a criminal background check.
- (13) Such other information as the City Council or issuing authority shall require.

## **LICENSE FEES**

The fees for a therapeutic massage enterprise and therapist licenses shall be as set forth in the City's Fee Schedule. An investigation fee shall be charged for therapeutic massage enterprise licenses and an individual therapeutic massage license. Each application for a license shall be accompanied by payment in full of the required license and investigation fees. No investigation fee shall be refunded.

Beginning in 2014, the first year of massage therapy licensing, license fees for new enterprises and individuals shall be pro-rated to one-half the annual fee. Licenses approved for 2014 will be effective July 1 through December 31, 2014. Thereafter the full license fee will be charged on an annual basis regardless of when the application is received. Background investigation fees will not be pro-rated for a new application.

## **LICENSE APPLICATION VERIFICATION AND CONSIDERATION**

(a) ***Verification of information in therapeutic massage enterprise license and massage therapist license.***

- (1) All applications shall be referred to the Police Chief, or his or her designee, and such other city departments as the city administrator shall deem necessary for verification and investigation of the facts set forth in the application. The Chief, or his or her designee, is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. The Chief, or his or her designee, is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy.

(b) ***Consideration of application.***

- (1) Within a reasonable period after receipt and verification of a complete therapeutic massage enterprise license application or a massage therapist license application and receipt of the applicable fees, the Chief, or his or

her designee, and other consultants shall make a written recommendation to the City Council as to the issuance or non-issuance of the license. The City Council may order and conduct such additional investigation as it deems necessary. Upon completion of its investigation, the council shall grant or deny the license. Notice shall be sent by the City Clerk by regular mail to the applicant upon a denial informing the applicant of the right to appeal to the City Council within 20 days. If an appeal is properly made, the matter shall be placed on the next available City Council agenda.

- (2) **Photo I.D. cards.** Photo identification cards shall be issued to individuals receiving a therapeutic massage enterprise license and to those receiving a massage therapist license.

### **PERSONS INELIGIBLE FOR LICENSE**

- (a) **Therapeutic massage enterprise license.** No therapeutic massage enterprise license shall be issued to an individual or entity operated by an individual who:
  - (1) Is not 18 years of age or older at the time the application is submitted to the issuing authority;
  - (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minn. Stat. § 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minn. Stat. § 364.03, subd. 3;
  - (3) Has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five years of the date the license application is submitted to the issuing authority;
  - (4) Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
  - (5) Is not of good moral character or repute;
  - (6) Is not the real party in interest of the enterprise;
  - (7) Has knowingly misrepresented or falsified information on the license application;
  - (8) Cannot meet the definition of therapeutic massage enterprise as defined by the City of Motley. ;
  - (9) Owes taxes or assessments to the state, county, school district, or city that are due and delinquent; or
  - (10) Is the spouse of a person whose massage-related license has been suspended or revoked in the past five years.
- (b) **Massage therapist license.** No massage therapist license shall be issued to a person who:

- (1) Is not 18 years of age or older at the time the application is submitted to the issuing authority;
- (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minn. Stat. § 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minn. Stat. § 364.03, subd. 3;
- (3) Whether the applicant has had an interest in, individually or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five years of the date the license application is submitted to the issuing authority;
- (4) Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
- (5) Is not of good moral character or repute;
- (6) Has knowingly misrepresented or falsified information on the license application;
- (7) Is not affiliated with, employed by, or does not own a therapeutic massage enterprise licensed by the city; or
- (8) Cannot meet the definition of massage therapist as defined.

#### **LOCATIONS INELIGIBLE FOR THERAPEUTIC MASSAGE ENTERPRISE LICENSE**

- (a) ***Delinquent taxes.*** No therapeutic massage enterprise shall be licensed if such enterprise is located on property on which taxes, assessments, or other financial claims to the state, county, school district, or city are due and delinquent. In the event a suit has been commenced under Minn. Stat. §§ 278.01—278.13, questioning the amount or validity of taxes, the City Council may, on application, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one year after becoming due.
- (b) ***Improper zoning.*** No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in conformance with the city's zoning code.

#### **LICENSE RESTRICTIONS**

- (a) ***Posting and production of license.*** A therapeutic massage enterprise license issued must be posted in a conspicuous place on the premises for which it is used. Upon the demand of the City Administrator or a licensed peace officer, a therapeutic massage enterprise must also immediately produce a current and complete list of all licensed massage therapists who are employed by the therapeutic massage enterprise. A person licensed as a massage therapist shall also post his or her massage therapist license, with color photo, in a conspicuous place on the premises at which the therapist is associated. A massage therapist

shall produce his or her massage therapist license upon demand by the City Administrator or a licensed peace officer.

- (b) ***Licensed premises.*** A therapeutic massage enterprise license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the City Clerk within ten business days. It shall be the continuing duty of each licensee to properly notify the City Clerk, within ten business days, of any change in the information or facts required to be furnished on the application for license and failure to comply with this section shall constitute cause for revocation or suspension of such license.
- (c) ***Transfer of license prohibited.*** The license issued is for the person or the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.
- (d) ***Affiliation with enterprise required.*** A massage therapist shall be employed by, affiliated with, or own a massage enterprise business licensed by the city, unless a person or place is specifically exempted from obtaining a therapeutic massage enterprise license as defined.
- (e) ***Employment of unlicensed massage therapists prohibited.*** No therapeutic massage enterprise shall employ or use any person to perform massage who is not licensed as a therapeutic massage therapist under this section, unless the person is specifically exempted from obtaining a therapist license as defined .
- (f) ***Coverage of genitals during massage.*** The licensee shall require that the person who is receiving the massage shall at all times have his or her genitals covered with non-transparent material or clothing.
- (g) ***Therapist dress/uniform requirements.*** Any massage therapist performing massage shall at all times be dressed cleanly and professionally, shall have his or her breasts, buttocks, anus, and genitals covered with non-transparent material or clothing.
- (h) ***Effect of license suspension or revocation.*** No licensee shall solicit business or offer to perform massage services while under license suspension or revocation by the city.
- (i) ***Massage of certain body parts prohibited.*** At no time shall the massage therapist intentionally massage or offer to massage the penis, scrotum, anus, mons veneris, vulva, or vaginal area of a person.
- (j) ***Restrictions regarding hours of operation.*** No therapeutic massage enterprise shall be open for business, nor will any therapeutic massage therapist offer massage services, before 8:00 a.m. or after 10:00 p.m. any day of the week. No customers or patrons shall be allowed to remain upon the licensed premises after 10:30 p.m. and before 8:00 a.m. daily. Support activities such as cleaning, maintenance and bookkeeping are allowed outside of business hours.

- (k) ***Restrictions regarding use of the business premises outside of business hours.*** No licensee shall permit any person to occupy the business premises outside of business hours, unless it is to complete the support activities outlined in (j). No licensee shall permit any person to reside at the business premises.
- (l) ***Proof of local residency required.*** In the case of a therapeutic massage enterprise, the licensee, operator, managing partner, or manager of the licensed premise must show proof of residency in one of the following Minnesota counties: Cass, Morrison, or Todd. In the case of therapeutic massage therapists, the licensee must show proof of residing in one of the following Minnesota counties: Cass, Crow Wing, Morrison, Todd, or Wadena.
- (m) ***Inspections.*** In light of the high risk of involvement with illegal conduct an establishment providing massage therapy poses to the general public and in the interests of public safety, the issuing authority, environmental health department or designee, and/or the Police Department shall have the right to enter, inspect, and search the licensed premises during the hours in which the licensed premises is open for business to ensure compliance with all provisions of this section and any other applicable sections of the city code and state building code. Any searches of the licensed premises are subject to reasonableness standards as recognized by the courts; search warrants will be secured when applicable. Any entry into a private residence will require either consent, exigent circumstances, or a search warrant. With reasonable notice, the business records of the licensee, including income tax returns, shall be available for inspection during the hours in which the licensed premises is open for business. The licensee is subject to a \$250.00 fee for a third inspection, if orders to correct are issued to the licensee and those orders are not corrected upon re-inspection. Licenses shall be granted only to establishments which can meet the safety and sanitary requirements of the city and of the building code regulations of the city and state.
- (n) ***Posting of rates.*** All massage enterprise businesses must post their rates for service in a prominent place in the entrance or lobby of the business.
- (o) ***Illegal activities.*** In addition to the license restrictions set forth in this section, any advertising by a licensee of any potential unlawful or erotic conduct at the licensed establishment shall be prohibited. A licensee under this chapter shall be strictly responsible for the conduct of the business being operated in compliance with all applicable laws and ordinances, including the actions of any employee or agent of the licensee on the licensed premises.
- (p) ***Restrictions involving minors.*** No person under the age of 18 shall be permitted at any time to be in or on the licensed premises as a customer, guest, or employee, unless accompanied by his/her parent or guardian.
- (q) **Windows.** The exterior windows of the commercial licensed premises must not be one hundred percent (100%) opaque during hours that the licensed premises is open for business, except for windows in massage rooms and restrooms.



- (r) *Advertising.* No licensee shall advertise through any media that is classified for adults only or for sexually oriented business or similar classification, or use any advertising that refers to the massage services as appealing to or satisfying an erotic or prurient interest, lust, sexual or passionate desire.

## **RESTRICTIONS REGARDING SANITATION, HEALTH, AND SAFETY**

- (a) ***Toilet room requirements.*** A licensed therapeutic massage enterprise shall be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room shall be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room shall be kept clean and in good repair and shall be adequately lighted.
- (b) ***Paper/linen requirements.*** A licensed therapeutic massage enterprise shall provide single-service disposal paper or clean linens to cover the table, chair, furniture, or area on which the patron receives the massage; or in the alternative, if the table, chair, or furniture on which the patron receives the massage is made of material impervious to moisture, such table, chair, or furniture shall be properly sanitized after each massage.
- (c) ***Washing of hands required.*** The massage therapist shall wash his or her hands and arms with water and soap, anti-bacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.
- (d) ***Door latches and locks.*** Doors on massage therapy rooms shall not be locked or capable of being locked. Locks, latches or other devices intended to secure a door so as to prevent it from being opened by any person from either side of the door with or without a key cannot be present on any doors of rooms intended for massage therapy.
- (e) *Implements.* Implements used directly on the skin shall be cleaned and sanitized after use on each patron. Such implements shall be stored in closed containers with a dry sanitizer.
- (f) *Maintenance of Facilities.* All facilities shall be maintained in good repair and sanitary condition.
- (g) *Adequate Lighting.* Rooms must be fully and adequately illuminated.

## **TERM, RENEWAL OF LICENSE**

- (a) The term of a massage therapist license and a therapeutic massage enterprise license is one year. If an individual or enterprise submits an application any time during a calendar year, the term shall expire December 31 of the year of issuance. The license fee for a partial calendar year may be pro-rated to one-half of the annual fee if an application is filed with the issuing authority after June 30.
- (b) Licenses must be renewed annually. A massage therapist license issued under this section shall expire on December 31 of the year of issuance of the license. A therapeutic massage enterprise license issued under this section shall expire on

December 31 of the year of issuance. An application for the renewal of an existing license shall be made at least 75 days prior to the expiration date of the license and shall be made in such form as the issuing authority requires.

- (c) An application for a renewal of an enterprise or individual license shall be made in the same manner as the original application. The license and investigation fees for a renewal shall be the same as those contained in the City's Fee Schedule. If the license holder is a corporation, licenses must also be renewed within 30 days whenever more than ten percent of the corporation's stock is transferred. If the license holder is a partnership, the license must also be renewed within 30 days whenever a new partner is added to the partnership. If the license holder is an LLC, the license must be renewed within 30 days whenever a change in membership or chief manager occurs.
- (d) After the completion of the renewal license verification process, the issuing authority shall present the license application to the City Council in accordance with this section. If the application is denied, the City Clerk shall notify the applicant of the determination in writing and by regular mail to the address provided on the application form. The notice shall inform the applicant of the right, within 20 days after receipt of the notice by the applicant, to request an appeal of the denial to the City Council. If an appeal to the City Council is timely received by the City Clerk, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the issuing authority.

#### **SANCTIONS FOR LICENSE VIOLATIONS**

- (a) ***Suspension or revocation.*** The City Council may impose an administrative penalty, suspend or revoke a license issued pursuant to this section, at its discretion, for:
  - (1) A violation related to fraud, misrepresentation, or false statement contained in a license application or a renewal application.
  - (2) A violation related to fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.
  - (3) Any violation of this section or state law.
  - (4) A violation by any licensee or individual that is directly related to the occupation or business licensed as defined by Minn. Stat. § 364.03, subd. 2.
  - (5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
  - (6) If the owner, operator, manager, lessee or any of the employees are found to be in control or possession of an alcoholic beverage, a narcotic drug or controlled substance on the premises, other than drugs which may be

purchased over the counter without a prescription or those for which the individual has a prescription.

- (7) If the holder of an enterprise license fails to maintain with the issuing authority a current list of all employees of such licensed premises. The list shall include all massage therapists licensed under this section.
  - (8) A material variance in the actual plan and design of the premises from the plans submitted.
  - (9) Neither the charging of a criminal violation nor a criminal conviction is required in order for the council to impose an administrative penalty or suspend or revoke a license.
- (b) **Notice and hearing.** A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least ten days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.

\_\_\_\_ **THROUGH** \_\_\_\_ **RESERVED**

#### **VIOLATIONS AND PENALTIES**

Any person or entity violating the provisions of this section is guilty of a misdemeanor under Minnesota law, and shall be punished by a fine or by imprisonment, or both, together with the costs of prosecution. Each violation of this section shall constitute a separate offense. Conviction of a violation of this section, while not required, may be grounds for the suspension or revocation of any license issued under this section.

#### **SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted the section in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

\_\_\_\_ **THROUGH** \_\_\_\_ **RESERVED**

Sec. 1. This ordinance shall take effect upon the day of publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Nancy Nieken, Mayor

ATTEST:

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Terri Smith, City Clerk

DRAFT

## STAFF REPORT

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**Issue:** Regulation of land uses within zoning districts

**Agenda Item:** 8(c)

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### **Background Information:**

- **Issue:** The Commission/Council has directed staff to begin drafting out an amended land use matrix. Based on the discussion in February, 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.

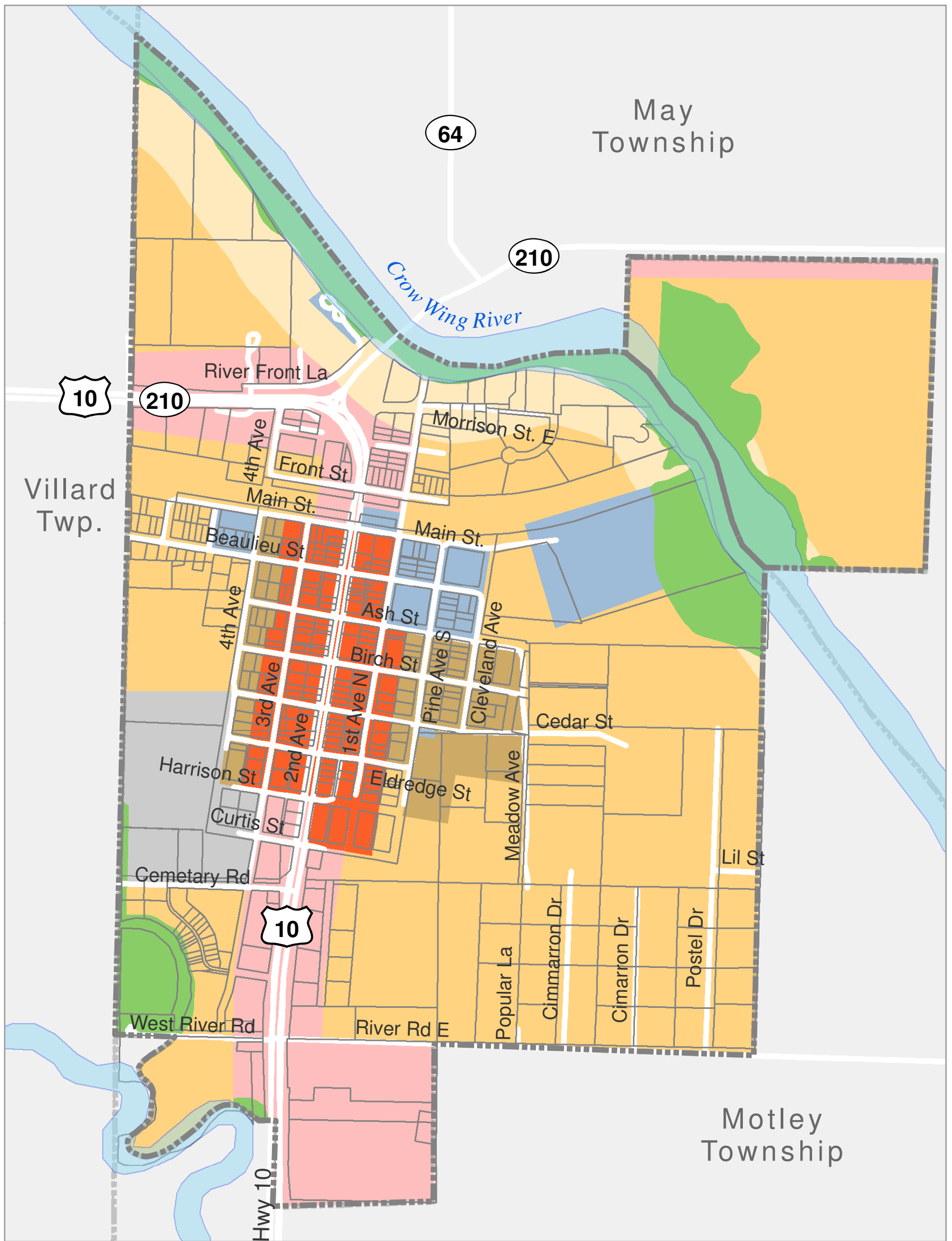
At this point, Staff has only prepared a listing of uses – not identified whether each use would be allowed, permitted, conditional, prohibited, etc... This is both to help focus on first developing as complete a list of land uses as possible, but also because the priority for the March meeting is to discuss the massage therapy licensing ordinance.

Staff would recommend that the Commission members review the enclosed list (which is followed by the current City land use matrix so you can see some of what has changed) and think about whether there are other land uses that should be included, whether the list is too long and an attempt should be made to consolidate some of the uses under one heading, etc...

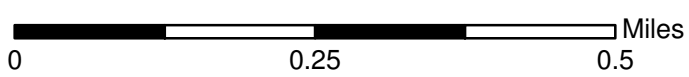
Note also that the matrix has been separated into different categories – residential, commercial, industrial, public/semi-public, signs and accessory. This is an attempt to make uses easier to find for the reader. Further, each section concludes with a category that is intended to allow the City the flexibility to accommodate uses that are not listed in the matrix if they are deemed compatible to the district and similar to other uses that are listed.

# Zoning and Parcels

**City of Motley**  
Cass Co. & Morisson Co., MN



- |                            |                         |                          |
|----------------------------|-------------------------|--------------------------|
| <b>Zoning Districts</b>    | Medium Residential (R2) | Motley Boundary          |
| Downtown Mixed Use (DMU)   | High Residential (R3)   | Rivers                   |
| Commercial (C2)            | Public Use (PU)         | Motley Parcel Boundaries |
| Industrial (I)             | Natural Resource (NR)   | Neighboring Communities  |
| Shoreline Residential (R1) |                         |                          |



December 2009  
Data sources: City of Motley, MN DNR; MNDOT MnGeo.



Map prepared by 1000 Friends of Minnesota TRC

5.11 Land Use Matrix<sup>62</sup>

The following set of tables establishes the uses permitted, permitted by conditional or interim use permit, or not permitted. **All uses are subject to any other applicable requirements or performance standards of this ordinance.**

<b><u>ACCESSORY USES</u></b>	<u>Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, interim or conditional uses are permitted in all districts.</u>
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<b><u>GENERAL USES</u></b>	<b><u>NR</u></b>	<b><u>R1</u></b>	<b><u>R2</u></b>	<b><u>R3</u></b>	<b><u>DM</u></b> <b><u>U</u></b>	<b><u>PU</u></b>	<b><u>C2</u></b>	<b><u>I</u></b>
<u>Abandoned Buildings/Structures</u>								
<u>Abandoned motor vehicles</u>								
<u>Forest Land Conversion</u>								
<u>Grading, greater than 50 cubic yards or which otherwise changes pre-existing drainage patterns.</u>								
<u>Vegetation Removal, Clear Cutting</u>								
<u>Vegetation Removal, Open Cutting</u>								
<u>Vegetation Removal, Select Cutting</u>								

<b><u>AGRICULTURAL USES</u></b>	<b><u>NR</u></b>	<b><u>R1</u></b>	<b><u>R2</u></b>	<b><u>R3</u></b>	<b><u>DM</u></b> <b><u>U</u></b>	<b><u>PU</u></b>	<b><u>C2</u></b>	<b><u>I</u></b>
<u>Agricultural; limited, however, to plant husbandry and sale of plants and produce.</u>								
<u>Limited livestock raising of 0.5 animal units per acre up to 49 a.u. (pasture)</u>								
<u>Limited livestock raising of more than 0.5 animal units per acre (pasture)</u>								

<sup>62</sup> Ordinance 2009-3, 4/28/2009

<u>Animal Feedlot</u>								
<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>								

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.

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

<sup>63</sup> Added 8/4/2014 (Resolution #14-02)



<u>Home Occupations, Low Activity</u>								
<u>Home Occupations, Moderate Activity</u>								
<u>Home Occupations, High Activity</u>								
<u>Planned Unit Developments – Residential (R1 shoreland district)</u>								
<u>Planned Unit Development – Single-Family</u>								
<u>Planned Unit Development – Multi-Family</u>								
<u>Solar Energy Systems and Structures, Individual</u>								
<u>Solar Energy Systems and Structures, Neighborhood</u>								
<u>Solar Energy Systems and Structures, Large Scale (Solar Farm)</u>								
<u>Telecommunication antennas and towers, for personal use.</u>								
<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>								

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.

<u>COMMERCIAL USES</u>	<u>NR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>DM</u> <u>U</u>	<u>PU</u>	<u>C2</u>	<u>I</u>
<u>Adult Uses/Adult Oriented Business</u>								
<u>Animal Boarding Facility/Kennel</u>								
<u>Animal Feed Distribution</u>								
<u>Animal Grooming Facility</u>								

<u>Appliance Repair</u>								
<u>Automobile accessory store with no outdoor storage</u>								
<u>Automobile Repair (passenger vehicles) and Small Engine Repair, including body shops.</u>								
<u>Auto Sales, New or Used</u>								
<u>Banks and other financial service institutions</u>								
<u>Boarding House</u>								
<u>Bowling alley</u>								
<u>Cabinet Shop</u>								
<u>Carwash Facility</u>								
<u>Car Washing (Temporary Event)</u>								
<u>Child Care Center</u>								
<u>Commercial uses which serve local permanent residents and the resort industry, such as grocery stores, marine supplies, equipment and service; recreational equipment sales and privately owned and licensed recreational activity.</u>								
<u>Contractors offices, shops and yards without outdoor storage</u>								
<u>Contractors offices, shops and yards with outdoor storage</u>								
<u>Drive-in Window Facilities</u>								

<u>Fuel (pressurized tanks) storage and sale – propane, acetylene, helium, CO2 and similar (not including small tanks/bottles typically used or sold for medical purposes, filling of helium balloons, portable cooking/heating implements, etc...)</u>								
<u>Gas and convenience store</u>								
<u>Health/athletic/fitness center, and roller rinks</u>								
<u>Hospitals</u>								
<u>Financial institutions</u>								
<u>Laboratories/Testing Facilities</u>								
<u>Laundromat/Dry Cleaning Services</u>								
<u>Lumber/Building Materials Yard</u>								
<u>Machinery, equipment sales, storage and service</u>								
<u>Massage Therapy</u>								
<u>Medical Clinic/Ethical Pharmacy</u>								
<u>Medical Marijuana Sales/Distribution</u>								
<u>Mini-Storage</u>								
<u>Motel/Hotel and other hospitality businesses, including convention/meeting facilities.</u>								
<u>Nursery/garden store</u>								
<u>Nursing homes, assisted living and other similar group housing.</u>								
<u>Offices – Medical</u>								
<u>Offices – Personal Services</u>								
<u>Offices - Professional</u>								

<u>Offices of members of recognized professions, such as doctors of medicine, optometry, dentistry and chiropractors; engineers, lawyers and architects. (In RR, R, RS and CS districts, provided such professions are carried on in their respective residents)</u>								
<u>Pawn Shop</u>								
<u>Planned Unit Development (PUD), Commercial/Mixed Use</u>								
<u>Repair Services – jewelry, electronics, household items, furniture, shoe, locksmith and other similar uses.</u>								
<u>Retail sales, rental and/or service, with no outdoor storage</u>								
<u>Retail sales, rental and/or service, with outdoor storage</u>								
<u>Restaurant, on/off sale liquor sales; supper club and fast food establishments, greater than three (3) tables for outdoor seating.</u>								
<u>Restaurant, on/off sale liquor sales; supper club and fast food establishments, up to three (3) tables of outdoor seating</u>								
<u>Planned Unit Development – Commercial (RS/CS District)</u>								
<u>Planned Unit Development – Non-Residential</u>								

<u>Telecommunication services and utility towers including cellular phone/wireless internet towers and antennas and other wireless telecommunications towers.</u>								
<u>Theater, Movie</u>								
<u>Theater, Drive-In</u>								
<u>Truck (semi) and other large vehicle repair, including body shops.</u>								
<u>Veterinary Clinic</u>								
<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>								

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.

<u>INDUSTRIAL USES</u>	<u>NR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>DMU</u>	<u>PU</u>	<u>C2</u>	<u>I</u>
<u>Blacksmith Shop</u>								
<u>Concrete/bituminous storage or recycling facilities (permanent)<sup>64</sup></u>								
<u>Concrete/bituminous storage or recycling facilities related to a specific project lasting less than 12 months.<sup>65</sup></u>								
<u>Hot mix plant, Temporary</u>								
<u>Hot mix plant, Non-temporary</u>								
<u>Manufacturing, processing and assembly (heavy)</u>								

<sup>64</sup> Added 12/15/08 (Resolution #08-16)

<sup>65</sup> Amended 12/15/08 (Resolution #08-16)

<u>Manufacturing, processing and assembly (light)</u>									
<u>Mining/Extraction of gravel or other materials</u>									
<u>Plumbing Shop</u>									
<u>Print/Copy Shop</u>									
<u>Ready-mix plant</u>									
<u>Recycling facilities (including processing and transferring)</u>									
<u>Salvage/Junk Yard</u>									
<u>Studio – photography, decorating, art, music, dance or similar.</u>									
<u>Transportation or Freight Terminal</u>									
<u>Warehouse</u>									
<u>Welding Shop</u>									
<u>Wholesale Business</u>									
<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>									

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.

<b><u>PUBLIC/ SEMI-PUBLIC USES</u></b>	<b><u>NR</u></b>	<b><u>R1</u></b>	<b><u>R2</u></b>	<b><u>R3</u></b>	<b><u>DMU</u></b>	<b><u>PU</u></b>	<b><u>C2</u></b>	<b><u>I</u></b>
<u>Airport, Public or Private</u>								
<u>Armories/Military Facilities</u>								
<u>Campground (Permanent)</u>								
<u>Camping (Temporary)</u>								
<u>Cemetery</u>								
<u>Churches, chapels, temples, synagogues and other places of worship, including related buildings and parsonage</u>								

<u>Community center, including senior center.</u>								
<u>Controlled Access Lot</u>								
<u>Cultural facilities, such as museums, art centers or cultural education.</u>								
<u>Educational institution/school and incidental uses when situated on the same site or unit of property</u>								
<u>Essential services, governmental use buildings and storage.</u>								
<u>Fairgrounds</u>								
<u>Temporary Festivals/Carnivals, Sales and Promotional Events</u>								
<u>Parking lot</u>								
<u>Public or semi-public/club parks, playgrounds, sport courts, beaches, swimming pools, recreation areas, hiking trails and historic monuments</u>								
<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>								

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

<b><u>SIGNAGE</u></b>	<b><u>NR</u></b>	<b><u>R1</u></b>	<b><u>R2</u></b>	<b><u>R3</u></b>	<b><u>DMU</u></b>	<b><u>PU</u></b>	<b><u>C2</u></b>	<b><u>I</u></b>
<u>Sign, Digital Display</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Sign, Directory</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Sign, Awning</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Sign, Flashing</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Sign, Marquee</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Sign, Off-premise</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>

<u>Sign, On-premise</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Sign, Portable</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>
<u>Sign, Pylon</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>Sign, Scrolling</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Sign, Shimmering</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

A – Denotes Allowed without a Permit  
P – Denotes *Permitted use*  
C – Denotes *Conditional use*

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Use	NR	R1	R2	R3	DMU	PU	C2	I
<i>Abandoned Building</i>	E	E	E	E	E	-	-	-
<i>Abandoned Motor Vehicle</i>	E	E	E	E	E	-	-	-
<i>Accessory Apartment</i>	-	E	E	-	E	-	-	-
<i>Accessory Structure</i>	E	-	P	P	P	E	P	-
<i>Adult Oriented Business</i>	-	E	E	E	E	-	E	E
<i>Agricultural – Cropland and Pasture</i>	-	P(1)	-	-	E	-	-	-
<i>Agricultural Use</i>	E	-	P	E	E	-	-	E
<i>Airport, Public or Private</i>	-	-	-	-	E	E	E	-
<i>Animal Boarding Facility</i>	-	E	C(2)	E	E	-	E	-
<i>Animal Feed Distribution and Processing</i>	-	-	-	-	E	-	E	-
<i>Animal Grooming Facility</i>	-	-	-	-	P	-	E	-
<i>Animal Husbandry, Domestic</i>	-	-	E	E	E	-	-	E
<i>Animal Husbandry, Food</i>	-	E	E	-	E	-	-	E
<i>Animal Husbandry, Wild</i>	-	E	E	E	E	-	-	E
<i>Appliance Repair</i>	-	-	-	-	E	-	E	-
<i>Artist Studio</i>	-	-	-	-	P	-	-	-
<i>Assembly Plants</i>	-	-	-	-	E	-	-	E
<i>Athletic Clubs or Gymnasiums</i>	-	-	-	-	P	-	P	-
<i>Automobile Repair Shops and Garages</i>	-	-	-	-	E	-	E	-
<i>Automobile Sales</i>	-	-	-	-	E	-	E	-
<i>Auto Salvage Yard</i>	-	-	-	-	E	-	-	E
<i>Banks</i>	-	-	-	-	P	-	P	-
<i>Beach</i>	-	-	-	-	E	E	-	-
<i>Bed and Breakfast Dwelling</i>	-	E	-	E	E	-	-	-



<i>Billboards</i>	E	E	E	E	E	E	E	E
<i>Blacksmith Shops</i>	-	-	-	-	E	-	-	E
Use	NR	R1	R2	R3	DMU	PU	C2	I
<i>Building Material Yards, Lumber Yards</i>	<u>E</u>				E	<u>E</u>		C
<i>Campground</i>	<u>E</u>	E		E	E	<u>C</u>		E
<i>Camping</i>	<u>E</u>	P			E	<u>E (8)</u>		E
<i>Car Wash</i>	<u>E</u>				E	<u>E</u>		
<i>Child Care, Center</i>	<u>E</u>				P	<u>E</u>	P	
<i>Church</i>	<u>E</u>	E		C	C	<u>E (9)</u>	C	E
<i>Clinics and Ethical Pharmacies</i>	<u>E</u>				C	<u>E</u>	P	
<i>Commercial Uses</i>	-	-	-	-	E	E	-	-
<i>Community and Recreation Centers</i>	<u>E</u>			C	C	<u>E</u>	P	
<i>Contractors Equipment Yards</i>	<u>E</u>				E	<u>E</u>		C
<i>Drive in Window Facilities</i>	<u>E</u>				C	<u>E</u>	C	
<i>Dry Cleaning and Laundering Services</i>	-	-	-	-	P	-	E	-
<i>Dwelling, Duplex</i>	-	E	P	-	P	-	-	-
<i>Dwelling, Guest Quarters</i>	-	E	-	-	P	-	-	-
<i>Dwelling, Mixed Use</i>	-	-	-	-	P	-	E	-
<i>Dwelling, Multi-Family</i>	-	-	E	E	P	-	-	-
<i>Dwelling, Single Family</i>	-	P	P	P	P	-	-	-
<i>Dwelling Unit, Triplex</i>	-	-	-	P	P	-	-	-
<i>Dwelling Unit, Quad</i>	-	-	-	P	P	-	-	-
<i>Dwelling, Other</i>	-	-	-	-	E	-	-	-
<i>Education and Training</i>	-	-	-	-	P	-	E	-
<i>Extractive Use</i>	<u>E</u>	<u>E</u>	-	-	E	-	-	-
<i>Fair Grounds</i>	-	-	-	-	E	P	-	-
<i>Farm Machinery and Equipment-Rental</i>	-	-	-	-	E	-	E	-
<i>Forest Land Conversion</i>	<u>E</u>	<u>E</u>	-	-	E	-	-	-
<i>Gas Station</i>	-	-	-	-	E	-	E	-
<i>Grading greater than 50 cubic yards</i>	-	E	-	-	E	-	-	-
<i>Grocery Store</i>	-	-	-	-	P	-	P	-
<i>Heavy Industrial</i>	-	-	-	-	E	-	-	<u>E(5)</u>
<i>Hiking Trails, Public or Private</i>	P	P	P	P	P	P	-	-

<i>Interval Ownership</i>	-	<del>E</del>	-	-	<del>E</del>	-	-	-
<i>Junk Yard</i>	-	<del>E</del>	<del>E</del>	-	<del>E</del>	-	-	<del>E</del>
Use	NR	R1	R2	R3	DMU	PU	C2	I
<i>Light Repair Shops</i>	<u>E</u>				C	<u>E</u>		P
<i>Manufacturing</i>	<u>E</u>				C	<u>E</u>	C	C
<i>Mobile Home / Manufactured Home Park</i>	<u>E</u>			E	E	<u>E</u>		E
<i>Motel / Hotel</i>	<u>E</u>				C	<u>E</u>		E
<i>Municipal Sewage Facility</i>	<u>E</u>				E	P		
<i>Nursery</i>	<u>C</u>				C	<u>E</u>	C	
<i>Office Buildings</i>	<u>E</u>				P	<u>E</u>		
<i>On-sale Liquor Sales</i>	<u>E</u>				C	<u>E</u>	AC(4)	
<i>Outside Storage</i>	<u>C</u>	E			E	<del>C</del>		C
<i>Packaging Plants</i>	<u>E</u>				E	<u>E</u>		C
<i>Parking Lot</i>	E	C	C	C	C	P	P	P
<i>Parking Structure</i>	<u>E</u>				C	<u>E</u>	C	
<i>Parks, Playgrounds and Historic Sites</i>	C		P	P	P	P		
<i>Personal Service Buildings</i>	<u>E</u>				P	<u>E</u>		
<i>Plumbing Shops</i>	<u>E</u>				C	<u>E</u>		C
<i>Police and Fire Facilities</i>	<u>E</u>				P	P		
<i>Post Office</i>	<u>E</u>				P	<u>E</u>	P	
<i>Principal Structure</i>	<del>E</del>	-	-	-	<del>P</del>	-	-	-
<i>Print and Copy Shops</i>	<u>E</u>				P	<u>E</u>	P	
<i>Processing</i>	<u>E</u>				C	<u>E</u>	C	
<i>Professional Service Buildings</i>	<u>E</u>				P	<u>E</u>	C	
<i>Public Buildings</i>	<u>E</u>				P	<u>P</u>	P	
<i>Public Maintenance Facilities</i>	<u>E</u>				C	<u>P</u>	C	
<i>Public Utility Substation Buildings or Exchanges</i>	<u>E</u>				C	<u>P</u>		C
<i>PUD, Commercial</i>	E	E	E		P	<u>E</u>		
<i>PUD, Mixed Use</i>	E	E	E		P	<u>E</u>		
<i>PUD, Residential</i>	E	E	C		P	<u>E</u>		
<i>Recycling Facilities (including processing and transferring)</i>								
<i>Residential Uses</i>	-	-	-	-	<del>P</del>	<del>E</del>	<del>E</del>	<del>E</del>
<i>Restaurant / Bar</i>	<u>E</u>				C	<u>E</u>	P	
<i>Retail Sales</i>	<u>E</u>				P	<u>E</u>	P	
<i>Schools</i>	<u>E</u>				C	<u>PC</u>		

<del>Sign, Balloon</del>	E	E	E	E	P	P	P	P
<del>Sign, Banner</del>	E	E	E	E	A	A	A	A
<del>Sign, Canopy</del>	E	E	E	E	P	P	P	P
Use	NR	R1	R2	R3	DMU	PU	C2	I
<del>Sign, Digital Display</del>	E	E	E	E	€	€	€	€
<del>Sign, Directory</del>	E	€	€	€	A	A	A	A
<del>Sign, Awning</del>	E	E	E	E	P	P	P	P
<del>Sign, Flashing</del>	E	E	E	E	€	€	€	€
<del>Sign, Marquee</del>	E	E	E	E	€	P	P	P
<del>Sign, Off-premise</del>	E	E	E	E	E	E	€	E
<del>Sign, On-premise</del>	E	P	P	P	P	P	P	P
<del>Sign, Portable</del>	E	E	E	E	P	P	P	E
<del>Sign, Pylon</del>	E	E	E	E	€	€	P	P
<del>Sign, Scrolling</del>	E	E	E	E	€	€	€	€
<del>Sign, Shimmering</del>	E	E	E	E	€	€	€	€
<del>Swimming Pools</del>	E				C	C		
<del>Temporary Structure</del>	E	P	P	P	P	P		E
<del>Temporary Vehicle Storage Facilities</del>	-	-	-	-	€	-	€	-
<del>Tennis Sport Courts</del>	E				C	C		
<del>Vegetation Removal, Clear Cutting</del>	C				C	C		
<del>Vegetation Remocal, Open Cutting</del>	C	C	C	C	C	C		P
<del>Vegetation Removal, Select Cutting</del>	P	P	P	P	P	P		
<del>Vegetation Removal, Steep Slopes</del>	C	C	C	C	C	C		
<del>Vehicle Body Repair / Machine Shops</del>	E				E	E		C
<del>Warehousing</del>	E	E			E	E	C	C
<del>Welding Shops</del>	E				E	E		C

- (1) More than 100 feet from OHW
- (2) As Home Occupation
- (3) Only parks and playgrounds allowed as conditional use, historic sites not listed
- (4) Requires liquor license only, no land-use permit required