
CITY OF MOTLEY

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
September 27, 2016



CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA
September 27, 2016
6:30 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. Amendment to Land Use/Subdivision Ordinance, Sections 3.2 (Definitions), 5.1 (Zoning Districts and District Provisions – General), 5.11 (Land Use Matrix), and adding a new Section 7.8 (Fence Regulations). The purpose of the amendments are to allow for the construction of an accessory building prior to a primary structure on lots 2.5 acres in size or larger, to clarify that recreational vehicles used as dwellings are not considered a primary structure, to eliminate the listing of certain uses in the table of permitted uses, and to create regulations regarding the installation of fences in all zoning districts.
4. Additions or Deletions to Agenda
5. Open Forum
(NOTE: the open forum is an opportunity for members of the public to comment on any item not related to a specific agenda item, but relating to land use regulations or planning within the City)
6. Approval of Minutes
 - a. July 26, 2016
7. Planning and Zoning Administrator’s Report
8. Other Business
 - a. Use of land within Industrial Park
 - b. Discussion – Regulation of land uses within zoning districts
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

Issue: Interpretation/Discussion of Ordinances

Agenda Item: 3(a)

Background Information:

- **Issue:** At the direction of the Planning Commission after discussion at its July 26, 2016 meeting, Staff has prepared the attached amendments to the Motley Land Use and Subdivision Ordinances.

The proposed amendments can be summarized as follows:

1. A change to the definition of “Principal Structure or Use” to clarify that recreational vehicles used as dwellings shall not be considered a principal structure or use.
2. An amendment to Section 5.1.6.A that specifies that an accessory structure cannot be placed on a lot prior to a principle structure only if the lot is less than 2.5 acres in size (the current language prohibits it on lots of all sizes).
3. The elimination of “Parking Lot” from the listing of permitted and conditional uses so that it does not require any special approval via conditional use or permit (the current language requires a conditional use permit for parking lots in all residential districts (R1, R2 and R3) and the Downtown Mixed Use (DMU) district.
4. A new Section 7.8 (Fence Regulations) to specify requirements for fencing.

Planning Commission Direction: The Planning Commission may recommend approval of the proposed ordinance amendments to the City Council (with changes, as deemed necessary), recommend denial, or table the request(s) if the Commission should need additional information.

area, kitchen, laundry, sanitary facilities, heat, insulation, air conditioning, or considered in the opinion of the Planning Commission as a 3 season porch due to construction, it is an addition to the home, requiring a permit and subject to all bulk and density requirements applied to permanent structures.

- 171. Preliminary Plat or Plan.** A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.
- 172. Principal Structure or Use.** The single primary structure or use on a lot, as distinguished from accessory uses or structure. Recreational vehicles used as dwellings shall not be considered a principal structure or use.
- 173. Processing.** Preparing, treating or converting a raw material into a finished product.
- 174. Protective Covenants.** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to establish homeowners associations, restrict shoreline development and provide for common facilities.
- 175. Public Waters.** Any waters as defined in Minnesota Statutes Sec. 105.37, Subd. 14 & 15. However no lake, pond or flowage of less than 10 acres in size in municipalities need be regulated for the purposes of the shoreland management rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams should be made by the DNR Commissioner.
- 176. Recorder.** The County Recorder of Morrison and/or Cass County.
- 177. Recreational Vehicle.** Vehicles for recreational use that can be driven, towed or hauled. These vehicles may be designed to be temporary living space for camping or travel use. RV's shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.
- 178. Resort.** Any buildings, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreations, for periods of one day, one week or longer, and having for rent three or more cottages, rooms or enclosures along with any related facilities such as restaurants, bars, golf courses or other recreational amenities.
- 179. Restaurant.** An establishment where the principle business is the preparation, service and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises.
- 180. Right-of-Way.** A parcel of property dedicated to the public, connecting to other public right of ways, which affords primary access by pedestrians and vehicles to abutting properties.
- 181. Screening.** Fencing, an earthen berm or vegetative growth that visually separates one object from another.
- 182. Semi Public Use.** The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 183. Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, acceptability to flooding or occurrence flora or fauna in need of special protection.
- 184. Setback.** The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility. Three (3) feet of roof overhang,

5.1 General

1. The City of Motley is hereby divided into Zoning Districts as shown on the official Zoning District map, which may be subsequently amended by the procedures of Section 11.4.
2. The boundaries are generally on the center of the streets, on lot lines, on shorelines, on the center of streams or rivers, and following the contour of the land for the Natural Resource Zoning District.
3. The following Districts are hereby established:

Shoreline Residential.....	R-1
Residential - Medium Density	R-2
Residential – High Density	R-3
Urban Commercial.....	C-1
Commercial	C-2
Industrial.....	I
Public Use.....	PU
Natural Resource	NR

4. The rivers in the City have been classified as follows:
 - A. Forested: Crow Wing River and Long Prairie River
5. The jurisdiction of this Ordinance shall include the shorelands of all the public waters in the City listed in Sec. 5.1(4).
6. The following provisions apply to all zoning districts:
 - A. All accessory structures or uses require the establishment of a principle structure when placed on a lot less than 2.5 acres in size.
 - B. Agricultural use is prohibited within 100 feet of the OHW.
 - C. There shall be no impervious coverage within 100 feet of the OHW excepts walks and steps on grade less than four feet wide as provided for in this Ordinance.
 - D. Unless specifically allowed, no more than four leases per year, per dwelling are allowed.
 - E. Water orientated accessory structures, including boathouses, are prohibited.
7. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.
8. Criteria for land use categories:
 - A. Preservation of natural sensitive areas.
 - B. Present ownership and development.

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

A – Denotes Allowed without a Permit		AC – Denotes <i>Accessory use</i>							
P – Denotes <i>Permitted use</i>		E – Denotes Excluded Use							
C – Denotes <i>Conditional use</i>									
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>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
<i>Parking Lot</i>	E	E	E	E	E	P	P	P	P
<i>Parking Structure</i>						C		C	
<i>Parks, Playgrounds and Historic Sites</i>	C		P	P	P	P			C(3)
<i>Personal Service Buildings</i>						P			P
<i>Plumbing Shops</i>						C			C
<i>Police and Fire Facilities</i>						P	P		
<i>Post Office</i>						P		P	P
<i>Principal Structure</i>	E					P			
<i>Print and Copy Shops</i>						P		P	P
<i>Processing</i>						C		C	
<i>Professional Service Buildings</i>						P		C	P
<i>Public Buildings</i>						P		P	P
<i>Public Maintenance Facilities</i>						C		C	
<i>Public Utility Substation Buildings or Exchanges</i>						C			C
<i>PUD, Commercial</i>	E	E	E			P			
<i>PUD, Mixed Use</i>	E	E	E			P			
<i>PUD, Residential</i>	E	E	C			P			
<i>Residential Uses</i>						P	E	E	E
<i>Restaurant / Bar</i>						C		P	P
<i>Retail Sales</i>						P		P	P
<i>Schools</i>						C	P		
<i>Sign, Balloon</i>	E	E	E	E		P	P	P	P
<i>Sign, Banner</i>	E	E	E	E		A	A	A	A
<i>Sign, Canopy</i>	E	E	E	E		P	P	P	P
Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Sign, Digital Display</i>	E	E	E	E		C	C	C	C
<i>Sign, Directory</i>	E	C	C	C		A	A	A	A

7.8 Fence Regulations⁶⁵

1. The requirements of this subchapter shall apply to all new or replacement fences, walls, or shrubbery erected or installed from and after the effective date of this subchapter, but shall not apply to the mere repair of existing fences.

2. General Requirements:

- A. All fences of more than 84 inches (7 feet) in height shall require a building permit.
- B. No fence shall contain barbed wire or charged with electric current, except where specifically allowed in this ordinance.
- C. No fence, wall or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.
- D. Fences must be maintained so as not to endanger life or property and any fence which, through lack of repair, type of construction or otherwise, that imperils health, life or property or the well-being of a neighborhood shall be deemed a nuisance.
- E. All fences must be located on the private property of the person, firm or corporation constructing the fence.
- F. All fences must comply with all other requirements of law or this code as it applies to fence installation and materials.

3. Residential Regulations:

- A. *Prohibited material.* No fence or wall shall be constructed of any electrically charged element or barbed wire.
- B. *Approved material.* All fences in residential districts shall be constructed of stone, brick, finished wood, chained link or vinyl. The finished side of the fence, or that side of the fence without exposed support or posts, shall face the neighboring property or streets.
- C. *Maximum height.* Fences not exceeding 72 inches (6 feet) in height may be constructed, provided such fence meets all setback requirements.
- D. *Side and rear yard requirements.* No fence or wall located in a side or a rear yard shall be of height exceeding four feet, measured from its top edge to the ground at any point.
- E. *Front yards.* No fence or wall shall be located in a front yard.
- F. *Maintenance.* Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be prepared or replaced in a timely manner.
- G. *Setbacks.* No fence may be located less than six inches from a property line. No fence, wall, hedge or other screening device shall be permitted to encroach on any public right-of-way.

4. Downtown Mixed Use District:

- A. *Approved material.* 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.
- B. *Maximum height.* Fences not exceeding 72 inches (6 feet) in height may be

⁶⁵ Added September 2016

constructed.

C. *Setbacks.* 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.

5. Commercial and Industrial Districts:

A. *Approved material.* 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.

B. *Maximum height.* Fences not exceeding 84 inches (7 feet) in height may be constructed. Taller fences may be constructed only by conditional use permit.

C. *Setbacks.* 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.

SECTION VIII - IMPROVEMENTS

- 8.1** Prior to the City Council approving a Final Plat or a metes and bounds split, the sub divider shall provide for the construction of the required improvements at his expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in 9.3. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.
- 8.2** The required improvements shall conform to the standards of Sections VI of this Ordinance and shall include City street signs and lighting in conformance with City standards.
- 8.3** All costs of the City Engineer, City Attorney, Bond Council, financial experts and other professional costs borne by the City in writing and/or executing Development Contracts, estimates of cost, inspectors, financial arrangements, assessments and pursuing legal remedies in event of default by the sub divider, shall be borne by the sub divider.

SECTION IX - ADMINISTRATION

9.1 Zoning Administration.

~~4.6.~~ The Zoning Administrator shall be appointed by the City Council.

~~2.7.~~ Duties of the Zoning Administrator:

- A. Determine if applications are complete and comply with the terms of the Ordinance.
- B. Direct or conduct inspections of building, sewage systems and other uses of the land to determine compliance with the terms of the Ordinance.
- C. Maintain permanent and current records of the Ordinance including, but not limited to, maps, amendments, Zoning or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.
- D. Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments.

STAFF REPORT

Issue: Regulation of land uses within zoning districts

Agenda Item: 8(b)

Background Information:

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

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

We will plan to continue working through this section until completed, and then begin moving through the other sections in the coming months.

<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.

<u>RESIDENTIAL USES</u>	<u>NR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>DM</u> <u>U</u>	<u>PU</u>	<u>C2</u>	<u>I</u>
<u>Accessory Dwelling Unit</u>	<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>Bed and Breakfast Facilities</u>	<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>Dwelling</u>									
<u>Single Family</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Second single family on a parcel (permanent)⁶³</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>		<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Second single family on a parcel (temporary)⁶⁴</u>	<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>Multi-Family (2 units)</u>	<u>E</u>	<u>C</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Multi-Family (3-4 units)</u>	<u>E</u>	<u>E⁶⁵</u>	<u>C</u>	<u>P</u>		<u>P</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Multi-Family (5+ units), including rental offices and private recreational facilities for the enjoyment of residents.</u>	<u>E</u>	<u>E⁶⁶</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Guest Cottage (riparian lots only)</u>	<u>E</u>	<u>C</u>	<u>N/A</u>	<u>N/A</u>		<u>N/A</u>	<u>E</u>	<u>N/A</u>	<u>N/A</u>
<u>Mobile/Manufactured Home Park</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>

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

⁶⁴ Added 8/4/2014 (Resolution #14-02)

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

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

<u>Travel Trailers/ Campers/ Recreational Vehicles (1 per lot)</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>
<u>Keeping of Animals</u>	<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>Home Occupations, Low Activity</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>
<u>Home Occupations, Moderate Activity</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>
<u>Home Occupations, High Activity</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>		<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>
<u>Planned Unit Developments – Residential (R1 shoreland district)</u>	<u>E</u>	<u>C</u>	<u>N/A</u>	<u>N/A</u>		<u>N/A</u>	<u>E</u>	<u>N/A</u>	<u>N/A</u>
<u>Planned Unit Development – Single-Family</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Planned Unit Development – Multi-Family</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Solar Energy Systems and Structures, Individual</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>
<u>Solar Energy Systems and Structures, Neighborhood</u>	<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>Solar Energy Systems and Structures, Large Scale (Solar Farm)</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>		<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>
<u>Telecommunication antennas and towers, for personal use.</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>E</u>	<u>P</u>	<u>P</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>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</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>								