
CITY OF MOTLEY

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
March 28, 2017



CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA
March 28, 2017
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. 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 28, 2017
7. Planning and Zoning Administrator’s Report
8. Other Business
 - a. Discussion – Regulation of land uses within zoning districts
 - b. Discussion - Use of land within Industrial Park
 - c. Online permit applications
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 28, 2017

1. Call to Order

O'Regan called the meeting to order at 6:30 p.m.

2. Roll Call

Planning Commission: Pat O'Regan (chair), Steve Johnson, Al Yoder, Nate Douglas

Absent: Amy Hutchison, Jace Carlson

Hometown Planning: Ben Oleson

Public: None

3. Public Hearings

None

4. Additions or Deletions to the Agenda

None

5. Open Forum

There were no persons present wishing to speak.

6. Approval of Minutes

Motion to approve minutes of the January 2017 Planning Commission meeting made and seconded.

Motion passed unanimously.

7. Planning and Zoning Administrator's Report

Oleson responded to miscellaneous questions from the Commission.

8. Other Business

a. Distribution of updated Planning & Zoning Handbooks

Oleson distributed copies of the updated P&Z handbooks to Commission members. Copies were left for those members not in attendance.

b. Discussion – Regulation of land uses within zoning districts

Oleson led the Commission through the draft amendments to the land use matrix regarding residential uses. Changes were made after discussion. No official action or recommendation was taken. Oleson noted that he will have draft changes regarding commercial uses for discussion at the next meeting.

c. Discussion – Recent amendments to state law affecting land use/zoning.

Oleson noted that the state Legislature had made two changes to state law that could potentially affect the city in regards to land use/zoning issues. These included the law passed regarding temporary family

health care dwellings and amendments to the 2015 “buffer law”. After discussion, the Commission felt that no changes were necessary to the city ordinances as the City already allows for use of RVs as temporary dwellings and the buffer law was unlikely to significantly affect city landowners.

d. Discussion - Use of land within Industrial Park

Tabled.

e. Online permit applications

Oleson noted he is working on completing the capability for applicants to apply for permits online.

f. Adjournment

A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 8:02 p.m.

Respectfully submitted,
Ben Oleson
Hometown Planning

STAFF REPORT

Issue: Regulation of land uses within zoning districts

Agenda Item: 8(a)

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 commercial uses. The section on residential uses was discussed at previous meetings.

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

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.

COMMERCIAL USES	NR	R1	R2	R3	DM U	PU	C2	I
<u>Adult Uses/Adult Oriented Business</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>
<u>Animal Boarding Facility/Kennel</u>	<u>E</u>	<u>E</u>	<u>C(2)</u>	<u>C(2)</u>	<u>C</u>	<u>E</u>	<u>C</u>	<u>A</u>
<u>Animal Feed Distribution</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Animal Grooming Facility</u>	<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>Appliance Repair</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Automobile accessory store with no outdoor storage</u>	<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>Automobile Repair (passenger vehicles) and Small Engine Repair, including body shops.</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Auto Sales, New or Used</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Banks and other financial service institutions</u>	<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>Boarding House</u>	<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>Bowling alley</u>	<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>Cabinet Shop</u>	<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>Carwash Facility</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Car Washing (Temporary Event)</u>	<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>Child Care Center</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>E</u>	<u>A</u>	<u>C</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>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>E</u>	<u>A</u>	<u>A</u>

<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>Contractors offices, shops and yards without outdoor storage</u>	<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>Contractors offices, shops and yards with outdoor storage</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>C</u>	<u>A</u>
<u>Drive-in Window Facilities</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>A</u>	<u>E</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>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>C</u>	<u>C</u>
<u>Gas and convenience store</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Health/athletic/fitness center, and roller rinks</u>	<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>Hospitals</u>	<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>Financial institutions</u>	<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>Laboratories/Testing Facilities</u>	<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>Laundromat/Dry Cleaning Services</u>	<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>Lumber/Building Materials Yard</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>C</u>	<u>A</u>
<u>Machinery, equipment sales, storage and service</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>C</u>	<u>A</u>
<u><i>Massage Therapy (as the principal use of a building or business where the practitioner is required to obtain a massage therapist or massage enterprise license from the City, or in any other manner not otherwise listed in this ordinance)</i></u>								<u>C</u>
	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>C</u>	

COMMERCIAL USES	NR	R1	R2	R3	DM U	PU	C2	I
<u>Massage Therapy (as a use accessory to an otherwise approved⁶⁷ business or medical practice whose practitioners/ employees are exempt from City requirements to obtain a massage therapist or massage enterprise license.)</u>	<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>Massage Therapy (as a home occupation).</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>Medical Clinic/Ethical Pharmacy</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>E</u>		
<u>Medical Marijuana Sales/Distribution</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>Mini-Storage</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>A</u>
<u>Motel/Hotel and other hospitality businesses, including convention/meeting facilities.</u>	<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>Nursery/garden store</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Nursing homes, assisted living and other similar group housing.</u>	<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>Offices – Medical</u>	<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>Offices – Personal Services</u>	<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>Offices - Professional</u>	<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>Offices of members of recognized professions, such as doctors of medicine, optometry, dentistry and chiropractors; engineers, lawyers and architects.</u>	<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>Pawn Shop</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>E</u>	<u>A</u>	<u>A</u>

⁶⁷ Approval of a medical, dental, or chiropractic clinic may require a conditional use permit or other approval procedure. Once such approval is received, a separate conditional use permit to add massage services is not necessary.

<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>Planned Unit Development (PUD), Commercial/Mixed Use</u>	<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>Repair Services – jewelry, electronics, household items, furniture, shoe, locksmith and other similar uses.</u>	<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>Retail sales, rental and/or service, with no outdoor storage</u>	<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>Retail sales, rental and/or service, with outdoor storage</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>A</u>	<u>A</u>
<u>Restaurant, on/off sale liquor sales; supper club and fast food establishments, greater than three (3) tables for outdoor seating.</u>	<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>Restaurant, on/off sale liquor sales; supper club and fast food establishments, up to three (3) tables of outdoor seating</u>	<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>Planned Unit Development – Commercial (RS/CS District)</u>	<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>Planned Unit Development – Non-Residential</u>	<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>Telecommunication services and utility towers including cellular phone/wireless internet towers and antennas and other wireless telecommunications towers.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Theater, Movie</u>	<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>Theater, Drive-In</u>	<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>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>Truck (semi) and other large vehicle repair, including body shops.</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>A</u>
<u>Veterinary Clinic</u>	<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>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>C or</u> <u>IU</u>	<u>E</u>	<u>C or</u> <u>IU</u>	<u>C or</u> <u>IU</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)⁶⁸</u>								
<u>Concrete/bituminous storage or recycling facilities related to a specific project lasting less than 12 months.⁶⁹</u>								
<u>Hot mix plant, Temporary</u>								
<u>Hot mix plant, Non-temporary</u>								
<u>Manufacturing, processing and assembly (heavy)</u>								
<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>								

⁶⁸ Added 12/15/08 (Resolution #08-16)

⁶⁹ Amended 12/15/08 (Resolution #08-16)