
CITY OF MOTLEY

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
November 29, 2016



CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA
November 29, 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. Request to rezone property from “Public Use (PU)” to either “Medium Density Residential (R2)” or “High Density Residential (R3)”. Property Owner: Artesian Homes, LLC. Legal Description: Lots 5 and 6, Block Two, LP White’s Second Addition. Parcel IDs: 41.0238.000.
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. September 27, 2016
7. Planning and Zoning Administrator’s Report
8. Other Business
 - a. Discussion – Regulation of land uses within zoning districts
 - b. Use of land within Industrial Park
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

Application: Rezone property from Public Use (PU) to Residential - High Density (R-3).

Applicant: Artesian Homes LLC

Agenda Item: 3(a)

Background Information:

) **Proposal:** The applicants are proposing to rezone an existing parcel that was initially zoned (at the time the City established its zoning ordinance and zoning map in 2002) as Public Use. At that time, it was anticipated that this property was going to be sold (by a previous landowner) to the School District. That sale never occurred and the property continues to have a single-family home on it.

) **Location:**

- o Property address: 297 Ash Street East
- o Legal Description: Lots 5 and 6, Block Two, LP White's Second Addition.
- o Parcel number(s): 41.0238.000

) **Existing Zoning:** Public Use (PU)

) **Proposed Zoning:** Residential - High Density (R-3)

) **Lot size** (according to Beacon website): 100' x 150' (15,000 sq ft)

) **Impervious/Building Coverage:** Maximum allowed in R-3 zoning district - 50%.

- o **Existing:** About 1,900-2,100 sq ft (about 13%)
- o **Proposed:** No additional proposed at this time.

) **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The lot does not contain a bluff or any steep slopes.

Wetlands: There do not appear to be any wetlands on the property.

Applicable Statutes/ Ordinances: This application is subject to the following regulations:

City of Motley Zoning Ordinance

11.4 Amendment.

The City Council may adopt amendments by 4/5 vote to either the Zoning Ordinance or Zoning map in relation to the land uses within a District or the boundaries of the District(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the City.

1. Procedure.

- D. The City Council shall review the recommendations and shall make a timely decision. An amendment requires a 4/5 vote to be enacted.

City of Motley Comprehensive Plan

The City's Comprehensive Plan (last updated in 2014) does not directly address rezoning requests.

Staff Findings: Staff proposes the following findings for consideration by the Planning Commission, based on the criteria for making zoning amendments in Section 504 of the Corinna Township Zoning Ordinance:

1. The property was originally zoned Public Use (PU) around 2002. It was understood by the City Council at that time that the property owner of this parcel was working to sell the property to the school district. That sale never occurred.
2. The property has had a single family home on it since prior to the City adopting a zoning ordinance in 2002.
3. The zoning of properties adjacent to this lot is Public Use (PU) to the north and west, Residential - High Density (R-3) to the south and Residential - Low Density (R-2) to the east.
4. If the school were not where it was, it would most likely be zoned R-3 as that is the pattern of zoning consistent with the rest of the map.
5. The parcel meets the minimum size standard for the R-3 zoning district.
6. The parcel contains a single-family home, which is a permitted use in the R-3 zoning district.
7. The R-3 zoning district would allow for conversion of the home to a two-family dwelling, which is the applicant's stated intention at this time (the applicant could make use of the property for any permitted use in the R-3 district).
8. The property is served with city sewer and water.
9. The rezoning of the property would not appear to create any significant land use conflicts.
10. The proposed rezoning would not conflict with the Comprehensive Plan, which does not directly address a rezoning such as this.

Planning Commission Direction: The Planning Commission can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

Staff Recommendation: Based on the above findings of fact, staff recommends approval of the proposed rezoning, as requested.

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 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>								