
CITY OF MOTLEY

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
September 12, 2016



CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA
September 12, 2016
6:35 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, 5.1 (Zoning Districts and District Provisions – General). The purpose of the amendment is to allow for the construction of an accessory building prior to a primary structure on lots 2.5 acres in size or larger.
4. 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: Amendment to Land Use/Subdivision Ordinance, Sections 3.2 (Definitions) and 5.1 (Zoning Districts and District Provisions – General). 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 and to clarify that recreational vehicles used as dwellings are not considered a primary structure.

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).

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.