

Revisions to 2009 Manhattan Beach Comprehensive Plan

Pages 5-6.

Part 2:

Changes to existing language are underlined.

Comprehensive Plan Update:

Through a series of meetings, it was determined there was a general consensus that the community goals established in the 1996 Comprehensive Plan were still very relevant in 2009. These community goals continue to be very relevant at the time this Comprehensive Plan was again updated in 2016.

Based on these discussions, the community goals were updated, but not significantly changed. As a result, the goals continue to the community's aim to preserve and protect water and land resources and the rural residential feeling of Manhattan Beach. The general goals are:

- a. Promote moderate amounts of residential development.
- b. Encourage additional housing.
- c. Consider tourist-type businesses in the south of the city.
- d. Improve city roads as funding allows.
- e. Preserve surface and ground water quality.
- f. Develop and enforce plans and ordinances that ensure compatible land use.

The comprehensive plan discussions also helped identify specific topics to be addressed in the zoning and subdivision ordinance updates. Examples of the topics included are:

- *Using more specific definitions.
- *Addressing accessory uses and structures.
- *Examining the limits of conditional uses, interim uses, and home occupations.
- *Considering the number and type of zoning districts for the city.
- *Addressing the limits on signs, temporary structures and exterior storage.
- *Looking at alternatives to the sketch plan review process.
- *Updating definitions and enforcement for nuisances: noise, light, odors, dust, etc.
- *Re-examining the city's performance standards.
- *Including state-mandated provisions for shoreland protection.

All of these topics and more were included in the updated zoning and subdivision ordinances drafted in late 2009, in anticipation of city council adoption in 2010.

Many, many hours were devoted to these efforts by the mayor and city councilmembers, planning commissioners and residents. All recognized that

community plans, residents' rights, and zoning enforcement are important, and must be periodically reviewed and updated to serve the desires and needs of Manhattan Beach.

Page 14, first full paragraph:

There is limited information on Manhattan Beach groundwater from the Crow Wing Well Index. According to the EQB study, most wells in the study area, which includes Manhattan Beach, had nitrogen levels of 0.4 to 7.6 milligrams per liter. Levels of nitrate of 2 to 3 milligrams per liter are due to human activity. Levels greater than 10 milligrams per liter are the maximum level allowed for human consumption.

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1. **Residential Development – Goal:** To encourage moderate growth in residential development and to provide for orderly and controlled development and limited and appropriate home-based commercial activity so as not to upset the balance of housing values and to make minimal impact on the natural environment, especially our open space and water resources.

Facts

- a. All of the lake shore has been developed.
- b. Only private septic systems exist.
- c. There are a minimum number of city roads that require city-funded maintenance.
- d. There are no building codes or inspection procedures.
- e. There is a relatively stable number of households, currently about 22.
- f. Most building is single-family on large tracts of land (10 to 200 acres).
- g. The median housing price is over \$325,000 and housing is relatively new Or updated.
- h. Residents are retirees or employed (little unemployment) with a Substantial number of household incomes over \$75,000.
- i. Some of the commercial activity within the city is home-based, with nearly one-half of workers being self-employed.
- j. The desire of Manhattan Beach residents is to maintain the wooded, Natural look of the community.

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Facts

- a. Four acres is generally allowed for each large animal (horses and steers, for example).
- b. The City's right to control animal density has been upheld by the courts.
- c. The "Hobby Farm" profile is typically 4-10 large animals on 40 acres.
- d. A majority of residents do not want feed lots, and support the city's past position on this issue.
- e. There are now very few properties in the city with large animals.

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Recommendations

- a. Create a small commercial district on CSAH 66 in the existing commercial area.
- b. Encourage new business ventures which provide resident or tourist related Products, services and activities, or office based businesses.
- c. Develop building, sign, and plat design standards for developments which Will complement the natural environment.
- d. Require conditional use permits or interim use permits for all commercial ventures which exceed City of Manhattan Beach Ordinance 5.07.02 which must adhere to the city approved design standards.
- e. Closely define the ordinances as they relate to home-based businesses in order To protect the residential feel of the non-commercial area but while also appropriately addressing the realty that there is some home-based commercial activity conducted within the city.
- f. Maintain a relationship with, and support agencies that stimulate economic growth.
- g. Create a second commercial classification for businesses located on CSAH 1.

Planning and Zoning Committee
Findings Granting Proposal to Amend Comprehensive Plan

1). Purpose and Findings.

The purpose and findings of the City of Manhattan Beach's Comprehensive Plan are as follows:

- a) Purpose: the City of Manhattan Beach's Comprehensive Plan is intended to set forth and identify community goals. The primary goal is to continue the community's aim to preserve and protect water and land resources and the rural residential feeling of Manhattan Beach. These general goals are the same now as they were in the 2009 Comprehensive Plan, which are as follows:
 - a. Promote moderate amounts of residential development
 - b. Encourage additional housing.
 - c. Consider tourist-type businesses in the south of the city.
 - d. Improve city roads as funding allows.
 - e. Preserve surface and ground water quality.
 - f. Develop and enforce plans and ordinances that ensure compatible land use.

With these goals in mind, it must also be a goal of the City to protect the individual rights of residents and to allow them to use their property in appropriate ways that do not unduly change or challenge the rural residential feeling of Manhattan Beach. It is also important to address the economic realities that nearly half of the City's workers being self-employed, that several of the City's residents operate businesses from their home, and to allow appropriate home-based commercial activity. Furthermore, it is important to have in place a comprehensive series of ordinances to issue permits for the operation of these businesses, and to ensure that appropriate conditions may be imposed upon home-based businesses to ensure the preservation of the rural residential feeling of Manhattan Beach.

- b) Findings: the City of Manhattan Beach Planning and Zoning Commission (the "Commission") finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the City's Comprehensive Plan be amended to create a mechanism to regulate home-based businesses and to ensure that appropriate conditions may be imposed upon home-based businesses to preserve the rural residential feeling of Manhattan Beach. Further, the Commission finds:
 - a. The City's Ordinance 5.07.02 provides conditions under which a home-based business may be operated from residents' homes. Prior to March 2016, if a home-based business did not meet the requirements set forth in Ordinance 5.07.02, the home-based business owner could apply for a Home Occupation Permit pursuant to Ordinance 5.07.03 that could allow that business owner to operate the home-based business from his or her home so long as the business/home owner followed conditions set by the City Council.

- b. City Ordinance 5.07.03 was declared null and void and of no legal force or effect pursuant to an Order of the Crow Wing County District Court that was entered on March 4, 2016.
- c. Due to the entry of the Crow Wing County District Court's Order on March 4, 2016, there is currently no licensing structure for home-based businesses that do not meet the conditions set forth in City Ordinance 5.07.02.
- d. All Home Occupation Permits previously issued pursuant to City Ordinance 5.07.03 are now null, void and of no legal force or effect.
- e. Home-based businesses will continue to operate within the City. It is significantly likely that there will be more home-based business that will wish to operate within the City of Manhattan Beach that do not meet the conditions set forth in City Ordinance 5.07.02.
- f. It is necessary to have a Comprehensive Plan that allows for a method to address and possibly issue permits for business that do not meet the conditions set forth in City Ordinance 5.07.02. The current Comprehensive Plan, as written, does not provide a means for the City to issue any license or permit for such businesses to operate except for a Conditional Use Permit.
- g. Once Conditional Use Permits are issued, they "run with the land" so that future purchasers of that land have the right to operate the business previously operated or maintained by previous owners pursuant to the Conditional Use Permit.
- h. The Planning and Zoning Commission finds that Conditional Use Permits are troubling because they will run with the land, and uses approved by those Conditional Use Permits may destroy the rural residential feeling of Manhattan Beach in the future, and may contradict the goals set forth in the City's Comprehensive Plan.
- i. The City is aware that it could also issue Interim Use Permits pursuant to Minnesota Statutes. Interim Use Permits require public hearings and allow the City to impose conditions on the issuance of such permits, just like with Conditional Use Permits. The advantage of using Interim Use Permits is that Interim Use Permits do not "run with the land" and future purchasers of property do not have the right to operate any previously operated business that was previously operated at that premises.
- j. The attached proposed modifications to the Comprehensive Plan sufficiently alter the City's Comprehensive Plan to allow the Planning and Zoning Commission and the City Council to possibly amend its current zoning ordinances in a way that could allow the City to create a series of ordinances allowing for the issuance of Interim Use Permits.
- k. The Commission hereby adopts the proposed modifications to the Comprehensive Plan. The Commission finds that creating an avenue to possibly create ordinances that allow for the issuance of an Interim Use Permit helps to promote and preserve public health, safety, welfare and aesthetics of the community.