



CITY OF MARSHALL AGENDA ITEM REPORT

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| Meeting Date: | Tuesday, November 26, 2019 |
| Category: | CONSENT AGENDA |
| Type: | INFO/ACTION |
| Subject: | Introduction of Ordinance amendment to add Interim Use Permit with associated changes and Call for Public Hearing |
| Background Information: | <p>Some time ago it was brought to staff's attention that the ordinance requiring a Conditional Use Permit renewal for home occupation contradicts the statutes that don't allow time limits to be attached to a Conditional Use Permit. To correct this, staff proposes to introduce an Interim Use Permit and make home occupation an interim use.</p> <p>The statutes allow using Interim Use Permit if time limit for a permit is desired. Many cities have provisions for Interim Use Permit, but many do not. Additionally, among cities that define them within their ordinances, some do not have any specific uses listed as interim uses. How each city approaches home occupations also varies among the cities with some listing them as accessory uses with limitations on what may be considered a home occupation, some allow them as Conditional Use Permit, similar to Marshall's past approach, and some have them as interim use. Staff believes that making home occupation an interim use and issuing a time limited Interim Use Permit offers the city the greatest amount of flexibility. It provides for public input through a public hearing and allows issuing those permits on a temporary basis.</p> <p>To accomplish this task, Conditional Use Permit Division was amended to describe Interim Use Permit parallel with Conditional Use Permit, while keeping most of the sections intact since procedures and standards for hearings are practically the same for both permits.</p> <p>A home occupation section has been updated to make home occupation and business an interim use and a few more conditions were also added, mostly copied from other cities. Sections 86 - 96 thru 86 – 102 were amended by removing home occupation from conditional uses.</p> <p>At the October 9, 2019, regular Planning Commission meeting Fox made a motion, second by Knieff to recommend to city council an approval as recommend by staff. All voted in favor of the motion.</p> <p>At the meeting on November 6, 2019, Legislative and Ordinance Committee voted to recommend to council the approval of revisions amending zoning ordinance by introducing Interim Use Permit, making home occupation a conditional use, and making associated changes as recommended by staff.</p> |
| Fiscal Impact: | None. |
| Alternative/ Variations: | None. |
| Recommendations: | Staff recommends that the Council introduce the Ordinance amending Article II Division 2 Conditional Use Permit, by adding Interim Use Permit provisions, and making related changes and call for Public Hearing to be held on December 10, 2019. |