

MINUTES
CITY PLANNING AND ZONING COMMISSION
PUBLIC HEARING
April 8, 2015
7:00PM

MEMBERS PRESENT: Chairman Jim Earl, Robert Cope, Paul Smith, Steve Harris & Kathy Brown

STAFF PRESENT: Gary Goodman

GUEST PRESENT: Teri Ottens

MEETING CALLED TO ORDER:

APPROVAL OF AGENDA: April 8, 2015 agenda was approved

MINUTES OF PREVIOUS MEETING: Minutes of March 11, 2015 were approved. Motioned Paul and seconded by Cope.

Workshop Draft Development Code

Teri begins with addressing the need for 3 commercial zones which the current draft proposes. She explains the research she had done to comparable cities and couldn't find any that had 3 commercial zones. She presents the board with numerous options she had come up with, leaving it how the draft currently reads, change to only have two commercial zones and having one commercial zone. Katherine believes that the 3 zones as currently written would be appropriate. Robert Cope believes 1 zone would be adequate and simpler for new developments. Richard Pape believes the downside of having multiple zoning may discourage development. Steve Harris is in favor of keeping things as simple as possible and points out the three zones have worked in the past. Richard would like one zone as it seems simpler and would conform to other areas around the state. Terri reviews the current chart and doesn't seem like a ton of difference between light and heavy commercial and those differences could be addressed by requiring a special use permit. The board further discusses the current uses and zones in the draft and possible future development. The board would like to go with the option with 2 commercial zones, commercial core and commercial zoning district and would like to review the uses in those areas once it gets put together to determine if they are in the right zones. Kathy suggests having a joint meeting with the City Council before any public hearing. Steve brings up the point that there are multiple people living in basements in the downtown area and the code currently only addresses upstairs. Terri suggests changing it to allowing residential uses as long as the primary purpose of the building is commercial.

Teri goes over the changes requested from the last meeting starting with Chapter one, she indicates that she has gone with a different numbering system as requested from the last meeting. No changes in

Chapter one. Jim asks about the references and Teri indicates she tried to correct all of those but will double check. Chapter 2 added floodplain administration to the duties. Chapter 3, sections were missing and those were added back in. Robert Cope indicates a reference of BOCC and Teri indicates that is an error. Gary informs about an update in the building code on fences and thinks that the Development Code should conform. Gary indicates a few grammar changes within Chapter 3. Some sections in Chapter 3 were moved to their own section as requested in the previous meeting. Gary has a question on violations and the requirement for certified mail; he suggests first class mail or certificate of mailing. The board agrees to require only first class mail. Language was removed as requested concerning temporary certificate of compliance. Chapter 4 zoning districts will be changed to reflect the changes requested tonight. Gary indicates some grammar changes that could be made. Jim questions a section in 4.4 and suggests it be looked into. Chapter 5 Gary has question on allowable projections allowed, and that it references the building code and Gary suggests removing the reference and use it generically as codes change. The setbacks were addressed and Teri indicates she hasn't worked on them yet as she wanted to make sure the zones was figured out first. Gary questions the zero lot line setbacks in Ag and PUD and believes these tables need to be simplified. Gary informs the board of contradiction on setbacks that is in the current code. Gary suggested one measurement and a ratio. In Chapter 6 Teri indicates she got rid of Temporary Use permits as suggested by the board and reviews development agreements as discussed at the last meeting. Gary questions whether or not they should allow people to extend the extension of an extra 180 days which would allow someone essentially a year and a half to start there project and get there permit. The board agrees that they should only be allowed 180 days and if they don't then they need to go through the process again. They discuss if the section is actually meaning the special use permit or the actual building permit. The board agrees that it needs clarification and possibly strike the conflicting section. The board would like to see 6.7.2 struck in its entirety. Teri reviews allowing subdivisions within subdivisions and she has reviewed state law and is not sure how else to deal with it. Gary suggests it being labeled as an amended subdivision. Teri suggests changing the language. Gary reviews numerous sections in Chapter 7 that need to be clarified and not so subjective. Gary also addresses the need to have all street lights hooded and downward directed, he also suggests a dark sky ordinance. The board agrees and would like to see a dark sky ordinance added or further addressed within the code. Gary addresses 7.13.2 concerning requirements for preliminary plats and would like a section struck and a later section clarified as it contradicts. Gary references numerous sections that essentially repeat themselves and conflicts with other sections and feels it is unnecessary to repeat the same thing over and over again. The board doesn't have a problem with repeating items as long as they don't contradict other sections. Teri indicates she will work on the language and present it at a later date. Teri questions why the code requires the developer provide 6 paper copies of the proposal and one electronic. The board is unclear as to why so many are required and feel it is unnecessary. The board suggests only requiring one reproducible copy and one electronic copy. On section 8.11.4.4 concerning setbacks and fire code, Gary would prefer not to make those agencies listed responsible for approving the separation as it could perceive to be subjective if all agencies don't agree. It also could be considered granting a variance if approved without going through due process. The code also doesn't say if one

agency can override another or if all agencies have to agree and believes it needs to be clearer. The board questions whether or not it would be considered a variance and whether or not this statement is needed and or necessary. Teri reminds the board that this specific section is concerning PUD's and believes the officials should be giving a recommendation on the whole project not just limited to certain things. The board agrees on the intent of the section but would like to see the verbiage changed for clarification.

Teri explains that in Chapter 9 she took the indication of "termination" out because it was already described in the chapter and was simply a duplicate. Gary indicates concern on nonconforming lots. Teri further explains the state law concerning this. Gary further indicates concern on the allowance of dividing property and developing more nonconforming lots as the draft currently states. The board discusses the matter of allowing dividing and created more nonconforming lots. Teri informs the board that the current nonconforming chapter is the most liberal she has ever seen. She believes the way the code is written it appears the City wants to allow nonconforming uses last forever when essentially communities try and eventually wean these uses out. Teri will look through the chapter and make some changes and review these with the board at the next meeting. Changes in Chapter 10 consisted of grammar changes and a few changes made as requested at the last meeting. Richard suggests changing some verbiage concerning fences. The board reviews sections concerning fencing and would like to see some work done to it. Teri further reviews the changes that the board had requested at the previous meeting.

Teri indicates she will make the changes as talked about but at the next meeting she would like to continue with the rest of the code. She will send out the revised Chapter 1-10 for review.

Teri will be back on May 13th for the regular meeting

Kathy moves to adjourn and Richard sections the motion to adjourn

Respectfully Submitted

Teresa L. Morton