

## PLANNING & ZONING COMMISSION MEETING

February 25, 2014

7:30 p.m.

**Council/Commission Members Present:** John Stark (Chairman), Jesse Sharp, Shannon Rasmussen, Mike Norman, Alyssa Petersen (recorder)

**Approve Previous Meeting Minutes:** Mike made a motion to approve the minutes of the January 13, 2016 work meeting; Shannon seconded that motion, all in favor. Jesse made a motion to approve the minutes of January 28, 2015; Mike seconded that motion, all in favor.

**Townspeople Present:** Jen Zook, Vic Little (Paradise Town Council)

**New Home- Zook- 9500 S. 321 E.-** Jen Zook attended the meeting to answer any questions the Commission may have about the new home her and her husband Shaun will be building on 9500 S. They turned in a completed application and a check for their impact fees. There was discussion on how tall the home would be as the plans showed a two-story home. The Commission reminded her that the height limit is 35ft.

**Motion: Mike Norman**

**Seconded: Jesse Sharp seconded the motion**

**All in favor: All in favor, motion passes.**

**Paradise Town- Paradise Sports Park- Bathrooms-** The Commission tabled the restroom approval at the last meeting, until a septic plan could be submitted. A septic plan was submitted before this meeting and the Commission felt comfortable approving the bathrooms.

**Motion: Mike Norman**

**Second: Shannon seconded the motion**

**All in favor: All in favor, motion carries.**

**Ordinance Changes:** The Commission sent three Ordinance change suggestions/amendments to the Town Council.

- **RESTRICTED LOT:** The first Ordinance amended the definition of the “restricted” lot. The Town Council accepted the changes the Planning Commission made to the Ordinance. The original definition read: *A parcel of land severed or placed in separate ownership after July 13, 1983, and which does not meet all area, width, yard, and other requirements of this ordinance for a lot; but the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, setback, yard, or coverage requirements when such adjacent lot has a structure on it.* The amended definition that was written by the Commission and accepted by the Town Council now reads: *A parcel of land severed or placed in separate ownership after July*

13, 1983, and which does not meet all area, width, yard, and other requirements of this Ordinance for a lot; or the creation of which has caused an adjacent lot from which it was severed to be insufficient in area, width, setback, yard or coverage requirements.

- **BOUNDARY LINE ADJUSTMENT:** The Commission made an amendment to the fee specified in the Boundary Line Adjustment Ordinance. The Commission wrote: *The attached application is to be filled out, signed by all involved property owners in the subdivision (buyers/sellers), and returned to the Town with the appropriate fee and deposit (see fee schedule). The deposit is due at the time application is submitted, with any addition fees due before approval.*

The Commission sent their recommendation to the Town Council. The Town Council sent back their amendment that read: *The attached application is to be filled out, signed by all involved property owners in the subdivision (buyers/sellers), and returned to the Town with the required deposit. All billable fees due before final approval can be issued. Please see attached fee schedule.*

**Motion: Shannon made a motion to accept the amendments made by the Town Council**

**Seconded: Mike seconded that motion**

**All in favor: All in favor**

- **SETBACKS:** The Commission made amendments to Zoning Ordinance Chapter 3, #2 and sent their recommendation to the Town Council: The Planning Commission changed the Ordinance to read: *A building or structure nonconforming as to height, area, or yard regulation shall not be enlarged in any manner unless such enlargement conforms to all the regulations of the zone in which it's located. Exception: A dwelling that is nonconforming by virtue of having a front setback of between 20 and 30 ft.; may be enlarged in area by up to 50% of the original foundation area provided that 1) pre-existing obstacles make it impractical to meet current setback requirements with the enlargement, 2) the enlargement does not further diminish the front setback beyond that of the original dwelling, 3) the maximum height of the enlarged portion is equal to or less than the highest point of the original dwelling, and 4) the enlarged portion conforms to all other regulations.*

The Council made changes to the amendments sent to them and sent it back to the Commission. The Council wrote the Ordinance to read: *A building or structure nonconforming as to height, area, or yard regulation shall not be enlarged in any manner unless such enlargement conforms to all the regulations of the zone in which it's located. A nonconforming dwelling as to yard regulation may be allowed to enlarge as long as the set back is not closer to the nonconforming property line than any other part of the current nonconforming dwelling. The enlarged portion cannot exceed current height regulations and must conform to all other yard regulations.*

The Commission had a long discussion on if they needed to change the Ordinance or if it would be easier for applicants/residents who encounter the above-mentioned problem to apply for a variance. Mike would like to still see a restriction on the amount of area to be enlarged so that you could only add on up to double the amount of the existing home. If the applicant or resident wanted a larger addition, it would need to be conforming and meet the current ordinances. The Commission agrees that there does not need to be a height restriction in the Ordinance. John suggested tabling this to the next meeting and going over this at the next meeting.

**Motion: No motion at this time.**

**Second:**  
**All in favor:.**

- **BOUNDARY LINE ADJUSTMENT:** John worked on another amendment to the Lot Line Adjustment Ordinance and read those changes to the Commission. Mike suggested adding the new paragraph to the Boundary Line Adjustment Ordinance under the “required conditions.” There was discussion on if it would be better to add the wording to the Boundary Line Adjustment Ordinance, if it should replace any of the other wording in that Ordinance or if it would be better under the definition of a restricted lot with something saying “Exceptions: Refer to Zoning Ordinance Chapter 1 #49. They would like #6 of the Required Conditions in the Procedure for a Boundary Line Adjustment to read: *Final adjustments result in conforming or buildable lots.* (This just adds the word “or”) They would also like #7 to read: *Adjustment cannot result in the creation of restricted lots (see 1-7-49, definition of a restricted lot)*

**Motion: Jesse Sharp made a motion to send this recommendation to the Town Council.**

**Seconded: Mike Norman**

**All in favor: All in favor.**

- **DOGS:** The Commission discussed adding the location of the dog run to the Ordinance. The Commission feels that a dog run should be located closer to the owner’s home than to any neighbors home. They also would like to see something about noise/incessant dog barking consistently. John read a few definitions from other City’s Ordinances that included. John read some definitions about dog nuisances from other Cities that defined the dog barking nuisance. Some other City’s would allow a citation be issued by an animal control officer if there were one or two neighbors that witness the dog barking. The Commission discussed changing the Ordinance to say “animal” instead of just “dogs” and if it was something to add to the Noise Ordinance. Jesse suggested combining the two definitions that John had found so that if a dog was barking for at least 30 min a citation could be issued if the neighbor complained and signed a complaint and swear under perjury that the dog was barking and require one more person to sign the affidavit. The Commission will add the maximum number of dogs. The Commission discussed how to police the noise problem. John suggested spelling out the fines in the Ordinance so that people were aware of what fines could be issued if they have constant dog barking problems.

Alyssa will write up the Kennel Ordinance with the things that Mike would like removed from the Ordinance and add in the things that John, Shannon, and Jesse suggested. The Commission members can then read the Kennel Ordinance at home and make any changes they feel necessary. This can then be discussed at the next meeting. John will send some examples he found to all the Commission members and they can read them over and pick out the things they like that can be added to our Kennel Ordinance.

**Adjourn:** Mike made a motion to adjourn; Shannon seconded that motion, all in favor. Meeting adjourns at 9:26 p.m.