

**CITY OF CIRCLEVILLE
PLANNING AND ZONING COMMISSION
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

Wednesday April 6, 2022
City Council Chambers

MEETING MINUTES

Members Present

Jim Stanley
Dick Liston
Mike Combs
Beth Mason
Don McIlroy
Brenda Short, Clerk

Visitors

Holly Mattei
David Hodge
Dwight Imler
Rob Little
Tonya Thompson
Terry & Connie Campbell
Tom Spring
Caryn Koch Esterline

PUBLIC HEARING

Jim Stanley stated it is 6:00 p.m. and he would like to open the Public Hearing now on Zoning Code Updates.

Brenda Short did roll call. Kim Frericks and Dorcas Morrow were absent.

Mr. Stanley stated this meeting is for public comments. Each person addressing the Board will be given three minutes to speak after they state their name and address. Everyone wishing to speak, please stand and Brenda will swear everyone in as a group. All were sworn in.

Tom Spring, 335 Meadow Lane, Circleville, OH 43113. He provided handouts to the board. He stated he wanted to give a shout out to Terry Frazier who is no longer on the Planning and Zoning Commission. The Board of Zoning Appeals engaged the services of Holly Mattei to provide professional assistance with BZA. Terry thought so highly of her that he recommended her to be engaged in rewriting the zoning code. He commended the City for bringing her on board and hope you are happy with the results.

The first handout that has the pink tone to it is an excerpt from a book on Ohio Planning and Zoning and Holly wrote a chapter on the Introduction of Zoning. It states under the heading of Zoning Administration, a legislative body of a political jurisdiction is responsible for adopting and amending a zoning code. However, a zoning code cannot be properly executed without the Zoning Inspector, Planning (or Zoning) Commission, and the Board of Zoning Appeals. All of

these groups have very important roles in the administration of a zoning code. For many years, there was only a Planning Commission and that group was not trained in how to do their jobs properly. Especially with regards to the quasi-judicial functions, which is why Council separated that function from the Planning and Zoning Commission.

The second handout is part of an article from Don Brosius which was a zoning attorney. He passed away a few years ago. On the second page under "letter D" it says that in context of a variance, appeal or conditional use proceeding, a Board of Zoning Appeals acts in a quasi-judicial capacity. A Board of Zoning Appeals may deliberate privately, in that Ohio Revised Code Section 121.22 does not apply to such proceeding. He stated he wanted to share this information as to why the Board of Zoning Appeals has the right to go into private deliberations. It is not to hide anything from the public. It is to make sure they can consult with their legal council and render an opinion based on the facts, the evidence, the laws that they are required by law to apply. This is just background information for all. He wished everyone the best in their decisions tonight.

Holly Mattei stated since she was referenced in Tom's above comment, she would like to reply. She stated with all due respect for quoting the article she had written, but she wanted to make it clear that municipalities do have ability to utilize their Planning Commission as their Board of Zoning Appeals. It is taken a little out of context of what is written in here. It is stating you need all three of those functions to move forward with the zoning code, it doesn't necessarily indicate that it has to be a separate board.

Jim Stanley stated that currently the board exists as a separate board as Board of Zoning Appeals.

Don McIlroy stated that in "D" it states a Board of Zoning Appeals may deliberate privately, it does not say "shall". It does not have to go into private discussions.

Mr. Spring stated that BZA should be given the tools to do their jobs properly and one of those tools is a right to go into private deliberations when necessary so they can render a fair and just decision. No matter what they do, they have to come back and vote in public session.

Mr. Stanley stated that ends the Public Hearing Comment portion for tonight.

He asked for a motion to adjourn. Don McIlroy made a motion to adjourn and Dick Liston seconded the motion. All in favor. Motion passed. Public Hearing is adjourned.

We will move straight into the regular meeting now.

Open the City of Circleville Planning and Zoning Board Meeting for April 6, 2022 at 6:11 p.m.

Beth Mason made a motion to approve the March 2022 meeting minutes as recorded. and Dick Liston seconded. All in favor. Motion carried.

Jim Stanley introduced Hannah Wynne, who is going to be our new Zoning Inspector and Code Enforcement Officer. She will be starting early in May. She will be graduating from Ohio University. Her degree is in Geography and Environmental Studies. Her Geography specialty is Urban Planning and Sustainability.

Mr. Stanley stated the first item on the agenda is a **Preliminary PUD**, which this is really a preliminary-preliminary meeting with Planning and Zoning and **DR Horton**, Underhill and Hodge for property located up off of North Court Street, currently zoned R2 and looking to rezone to a Planned Unit Development designation.

David Hodge from Underhill & Hodge Law Firm. He stated he is a zoning and land use lawyer based in New Albany. He is here on behalf of DR Horton who has contract to purchase the Marshall Property on the north side of time. They filed a PUD Rezoning application to change the designation on Marshall property from it's current R2 zoning to PUD to allow redevelopment of the property with single family residential home and a southern portion of the property approximately 20 acres into a GB straight General Business designation. The property on the east side of the road is not in the city limits. The property to the south is. The southern property is proposed to be rezoned to General Business District. Much of the property to the south on Court Street is already in that GB district and hopefully will attract a mix of business, office, retail, grocery, etc. The remainder of the property is in Single Family Residential District. He handed out pictures of some of the proposed homes. DR Horton is one of the largest home builders in the country. There is a lot of growth in this region. DR Horton recently put a development in Commercial Point. There will be one- and two-story homes. Two story homes will be in the price range of \$350,000 and up. They have spoke with the neighbors in the area. They met with the Mayor and Administrative Office. He also handed out a paper that shows the streetscape. It has some mapping associated with it. There is a 50' perimeter along North Court Street. That was done to explore the option of putting trail system and buffer the traffic on North Court Street. This is a very nice landscape buffer along North Court Street. Last week they met with the Pickaway County Engineer and discussed some roadway access points and set back requirements for the property that is out of the city. All of the development has to abide by the development text. With a PUD the development has to abide and develop by the site plan and development text. The development is consistent with what the modern buyer wants. DR Horton is very excited to be in Circleville and be part of the positive growth here.

Rob Little from DR Horton and Dwight Imler who was born and raised here in Pickaway County are both here tonight.

Jim asked if there was anyone else that wanted to speak and there was no one.

He stated at this time for the Commission to give their input on what they think. He stated again this is a preliminary. This is the time for any comments. He stated he did receive an email from the County Engineer that did express that you were in to speak with him about the

stream corridor and his only comment was he thinks you need to do minor traffic study using some daily traffic counts. The ones we have from this year and covid year are not going to be good traffic counts on North Court Street with the closure of the road for the railroad project.

Mr. Hodge stated he would work with the City and the County to determine the scope of that study and what it needs to be.

Mr. Stanley stated that study will determine if deceleration lanes or turn lanes are needed into the proposed entrances. He stated he does not see a problem with the layout. Our code asks for 30% on the recreational or park area, not including right of way. There was discussion for using some one of those ponds for possible areas of multi-use paths or park benches. There is the opportunity for a neighborhood of this size to maybe have some type of recreational facilities for the neighborhood.

Mr. Hodge stated he agrees with Jim and they do have the basins and some setbacks on the property lines and will write this into the preliminary development plan. They will work to activate those spaces. They are also looking at an area south to reduce the number of lots by ten or so and create a central pocket park in the neighborhood with playground equipment.

Holly Mattei asked if there would be any pedestrian access between the residential and commercial area. Making residents have to walk all the way around or have easy access would make it difficult.

Mr. Hodge stated that is great thought. Maybe what needs to happen is a connection where there is a 6-foot setback in lieu of the landscaping or possibly the loss of that lot. They want to encourage people to go to the commercial side.

Holly stated she would encourage not leaving the landscaping and would look nice to have some kind of connection with the landscaping. She inquired what is the vehicular access to the commercial property off of Court Street.

Mr. Hodge stated it a 20-acre site so they will not have any issue locating an access. It may want to line up with that existing drive on the east side. There are some limitations. There is a gas easement out there. That utility is up above grade. We would have to work with the gas company to make sure that the appropriate crossing can be done.

Mrs. Mattei state she concurs with what Jim had already told in talking to that other property owner to fill in that missing gap. That would be an excellent addition to that. Jim previously said the piece of land you go around (the missing gap) that you don't own would be great to work with the owner to try to find a way to incorporate that into the overall development would be great.

Mr. Hodge stated they will continue to meet with those property owners.

Jim Stanley stated he had another comment. Initially when you showed the project, you had a road crossing that creek. I understand that is expensive and may not be necessary in this case because Court Street is so close to it. A bridge within 700 feet of another bridge doesn't necessarily mean we need one there. He stated he does want to see a way of tying the northern side of that to the southern side with a walk path or something of that nature.

Mr. Hodge state they had talked about this internally and he hopes that everyone can continue to work on that issue together. His hope is that the connection happens up somewhere in the right of way or in the set back up along Court Street because a pedestrian bridge crossing the creek involves all sort of different governmental oversight above and beyond the city and county. This could be very expensive and wants all to be condescendant of that and let's work together to a rational solution to providing that connection.

Dick Liston asked what the approximate square foot of living area would be.

Rob Little stated the two story range from 1800 square feet to about 2600 square feet. All are 3-4-bedroom homes. Many have bonus space upstairs (loft) and two car garage. Ranch are 1600 - 1850 square feet. Largest is 3 bedrooms with a den and it is 1850 square feet.

Mr. Liston also asked if all of the lots going to be 55' in frontage.

Mr. Little stated the lots are 50 feet. All are 39' wide. Very similar to Scioto Crossing in Commercial Point.

Don McIlroy stated this is a PUD and along with that comes retail. He inquired if they had thought about what retail would be there.

Mr. Hodge stated they are reserving the 20-acre site to the south and haven't started to actively market that site. What ultimately happens is they talk to the ones they work with in the Columbus market and talk about viability.

Caryn Koch Esterline, 1452 Stoutsville Pike, Circleville, OH inquired about sidewalks.

Mr. Hodge stated there will be sidewalks on both sides of street on internal roads.

Mr. Hodge asked what the process is moving forward. He believes he is here tonight to request a recommendation from P&Z to City Council to establish this PUD zoning on the property and then will come back through the process thereafter to develop a final development plan.

Jim Stanley stated that per the current zoning code, this is the preliminary preliminary. You will need to take comments from tonight's meeting, get plan more developed. There will be a public hearing that is required. After that public hearing, it goes back to Planning & Zoning to move forward to Council. You need tonight to move on to the next phase.

Mr. Hodge stated he will work together with everyone to get everything together and his goal is to be back at the Planning & Zoning meeting next month.

Dick Liston made a motion to move this forward and Beth Mason seconded. All in favor. Motion carried.

Next item on the agenda is discussion of comments from Public Hearing in reference to Zoning Code.

Don McIlroy stated he would like to make a suggestion. He asked Holly to describe briefly how we have gotten to this point.

Holly Mattei started with the background of where we started and what the next steps are from here. This contract was commenced in May 2021 and it slated for one year and we are right on track where we should be to get it through. She spent May through July doing stakeholder interviews with various individuals, business owners and other stake holders in the community as well as running a few drafts through a stakeholder group. Once a draft was developed to take to Council, which was in September, they then started process of revising and updating through the next few months through Council. An informal review was done in September by Council with public input. Then all of that came back in February for informal review and public input again. That process to initiate the amendment of the Zoning Code itself (the legal process) was initiated on February 15th. That starts the clock ticking on all of the difference review periods. That now pushes it to Planning and Zoning Commission and there are 60 days from this date to make your recommendation back to Council. This is a total code rewrite. The current code was not sufficient for the City, as there were a lot of things that needed to be revised and addressed. We started from scratch with this.

She stated she wanted to point out a couple things. First under Article V. It says subdivision procedures. This is a streamline for applicants to understand the two difference codes that are in affect. She stated she reorganized Articles VI through IX. They were all the different procedure sections and they were scattered through different sections. Now they are all in one section referred to as "Applications". Highlighted in bold are "Fees and Violations" and "Zoning Districts", as well as "Signs" and "Food Trucks". Those are major changes that were made. Zoning Code districts consisted of changing the names and combining a few things to make it easier and not have as many zoning districts scattered throughout. The sign code was a major overhaul. There were numerous variance requests for signs and she tried to address those in the overhaul. Food trucks is something the community and Council and stake holders felt was a concern that needed to be addressed. That has been added to the code as well.

Under the "Code Enforcement" section, there is a whole new option for food trucks. We have added a Land Use Infraction into the enforcement process. It is basically a ticket. We will be working the Police Chief and the City Law Director to set up a system so that when there is a violation with a food truck, it does not have to go through normal citation process which

includes different days you have to wait to issue a citation. By the, most times the food truck is gone. This would actually be where a Police Officer could issue a ticket for Land Use Violation and a fee must be paid with that. The Law Director has indicated this would be very similar to our parking code that we have currently. We would continue to include the criminal citation so if a food truck is ticketed, you cannot use the criminal violation or the civil procedure. You can only stick with the ticketing. Anything else can follow under the criminal citation. This where the Zoning Inspector goes out and realizes there is a violation, notice is sent to the owner, they are given so many days to fix and if they don't, then a citation is issued. We have added a very specific process in the code that outlines the number of days, what the notice should look like, every step is spelled out in the code. Also included is a gradation of violations. It ranges from a third degree to a first degree.

Jim Stanley asked if that would include if they get a violation and then they show back up again within the same calendar year.

Holly stated yes it would. Every day is a separate violation too like in our current code.

Holly explained that the Law Director wanted to make sure that "Civil Procedures" was not excluded. The Civil Procedure is where you actually go to the courts and ask that you put an injunction (stopping them from doing what they are doing) on them. There are all of these options available to the City for different types of violations and what the situation may be.

Zoning Districts were outlined. Spreadsheet showing the current district and what the new district name is called. The biggest change was to combine the R1 and R2 districts into the LDR, which is Low Density Residential. The only difference between those two districts was the lot sizes. Everything else was the same. There was not a need to have two separate districts. Now we do not create non-conforming lots but combine into LDR. The R3 becomes Medium Density Residential and R4&5 are the Historic Residential and Twin Unit Residentials. We eliminated the Residential Office District and rolled that into the R4 & R5. If you have residential office scattered throughout the residential areas, they are not non-conforming now. Most of those fall where the R4 and R5's are now, so they now become conforming and eliminate one of the biggest issues that exists now. AR is the same and is just called MUR and Manufactured Home is the same just a different abbreviation. The Commercial Districts have some slight name changes. Neighborhood Business is a more appropriate name since they are located next to a business. Actual design standards came up during Council hearings. A lot of the design standards were too suburban for where the neighborhood businesses are located. The development standards were adjusted. Even in the IE District the setbacks were also scaled backs because you have a lot of industrial uses on some small lots. Your Historic Overlay District was reviewed. Council did leave the Board of Zoning Appeals as a separate board and got a recommendation under the Strategic Planning Committee from Council on how to set that up. There were some things that were use concerns and a reasonable compromise was reached. The PUD is changing to Planned Mixed Use District. It has very specific requirements in it just so each individual PUD does not have to write its own zoning text. It will have some ranges and flexibility in it, but it gives them guidance on what to do so they don't have to come

in writing their own text. Some of the mixture of uses may be backed down after a discussion with Jim Stanley so that when you have just residential you can still utilize that district. One of the things that came out of Council there as well, the tract size. It was a larger tract and it was suggested that maybe we allow the Planning Commission to waive that minimal tract size to allow for infill development.

Signs required a lot of review. Categories were created to make it clear what each different type of sign is. There were a lot of signs not in the current code and caused confusion. Flow chart helps to clarify this. Sign types have a flow chart to better clarify. For example, there is Wall Displays. Anything that is painted, tiled, mounted, affixed to a building and is parallel to the plane of the building is what is referred to as a wall display. Mural, if painted or tiled to the way, then it is a mural. There are standards for these listed where they can be and cannot be. Wall signs is for mounted or affixed, if it is digitally printed and mounted, then it is a wall sign. If it is 125 square feet or less it is regulated as the wall sign. If it is more than 125 square feet then it is considered a wall scape and there are certain regulations and places they are permitted. She used the 125 square feet because if you look in the business districts that is the maximum size for sign for a business. If you get bigger than that you are beyond what you typically do for a business. Free standing signs is any kind of sign erected on a pole, pillar, post or other type of free-standing support. Pylon signs are pole signs. If less than 200 square feet then it is considered a typical business sign and are allowed in certain places like the GB District and have regulations on the size. If they go over 200 square feet then they are considered a billboard and those regulations are listed for billboards. Ground mounted signs are your monument signs. These are smaller to the ground and typically 8 feet in height and have a complete base to them. These have clearly defined the different types of signs. The maximum size of accumulative square footage has been increased from 100 square feet to 200 square feet. There was a constant need for variance to increase the business signage. Corner lots get more allowable square footage because they have two frontages.

Don McIlroy stated the City has always struggled with signage and this makes a lot of sense and now there is direction. He thanks Holly for this update.

Holly then went on to discuss "Food Trucks". She stated they have gone back and forth numerous times on food trucks. This where we finally landed when we came out of Council with a recommendation. Downtown businesses would be allowed to have food trucks by right but they would be limited to 7 consecutive days for up to three times per year with a total maximum of 21 days. This would be enforced through the Land Use Infraction ticketing process. In the Neighborhood, General Business, Innovation & Employment District and Community Service District they would be allowed for 30 consecutive days with a one-time extension which would allow them up to 60 consecutive days and would require a Conditional Use Permit. Food tents would be permitted by right up to 7 consecutive days to accommodate long weekends and we increased the number of times from 4 to 6. She stated this is where it was left with Council but may not be the final. A survey did go out with utility bills on this. The community overwhelmingly supports food trucks based on that survey. There way be adjustments based on that.

The Zoning Map shows where the different zoning classifications go. The existing classification were utilized. If it was R1 and R2, it is shown as LDR on the map. We did not do a comprehensive look at what should or should not be different land uses because you will doing a comprehensive plan and that will be done through that process. The districts were set up to be ready for that process. Some of the Special Use Districts were eliminated. They are now referred to as Community Service Districts. Anything that is under 5 acres that was SU did not go into the CS District. It was rolled into whatever the adjacent residential district was. That then became a permitted use within that residential district. If you had a church in an SU that was on a one or two-acre lot, it now may be LDR or an MDR and permitted in that district. The reason that was done was because you had all of these little CS's all over and it looks like spot zoning. This makes it more comprehensive and makes it a better approach for the community.

The time line was presented. This was the best-case scenario presented to Council and it is currently on tract. Here tonight for a recommendation to come out of this committee and go to Council. If that happens tonight, then it will go to Council on May 17th. If all goes well, the tentative adoption date would July 5, 2022.

Don McIlroy stated on Monday of this week, he appointed a new Safety Director. Her name is Tomi Dorris and he will have her reach out to Holly to have a conversation. For those in the audience that are not on City Council, this is the 4th draft. This is a lot of work that has been put in by steak holders and a lot of work by City Council. What we are here tonight to do is to review this and discuss any changes that Planning and Zoning Commission would recommend. It then will go to Council with recommendation for approval. Hannah Wynne is the new Code Enforcement Officer and she has been part of this process. She is one of the steak holders and is familiar this.

Jim Stanley asked if there were any other comments from the commission members and there were none. He asked if there were any comments from the audience.

Jeff Hallinan, 525 Northfield Dr., Circleville stated he sits on Judicial Committee and he will be responsible for this also. In reference to food tents, he has a question. Within his community, there are things that are done for fund raising and benefits. They have regular tents in front of The Eagles and The Elks. You have small food tents and large food tents and there is no description of what that mean.

Holly stated those are broken down in the definition. Large food tent would be greater than 400 square feet and small would be up to 400 square feet.

Mr. Hallinan stated he had requested by City Council to be allowed monthly and they may be doing more than monthly for these small fund raisers. We encroach upon some of the things that are already going on in this community and try to help them out, but at the same time we don't want everyone to have a tent on the corner every day. Please just keep eyes out from this stand point.

Jim Stanley asked if those tents are regulated based on a property owner.

Holly stated they would be based on a property owner coming in to get the permit.

Jeff Carruthers, Ridge Dr., Circleville stated he would like for everyone to look at allowing the 30 day/60 day food truck. That time would be appropriate for a food truck that could leave and be serviced with their water and sewage. He stated he cannot see a trailer sitting for 30 or 60 days at one location without a provision to have a water supply and sewage. Most cities do have ordinances to that actually prohibit them from using the sanitary sewer and the storm sewer and even electricity. He stated there is an existing trailer and they have a farm faucet and he does not believe that farm faucet is appropriate to handle drinking water. He stated there is no sewage connection and have seen pans being washed out of that faucet onto the gravel. He suggested looking at those long term 30 day/60 day might need to be food trucks that can vacate the property on a daily basis or every couple of days to be serviced. He stated he also noticed an imposition on the Zoning Inspector was to have the BZA approve a sight plan for a single unit when the Zoning Inspector can certainly tell whether that property already has the minimal parking requirements. They should be able to determine if it blocking traffic or driveways, etc. Sometimes the City is too liberal in what they expect out of volunteers. This is not a good use of time when you have a professional that can make that determination in reference to parking requirements. It is up to the Zoning Commission to discuss but he felt it merits some discussion on the Commission's part.

Holly asked for more clarification on the last item. She asked if he was referencing any site plan review or specifically food trucks.

Mr. Carruthers stated there was one in the code that was perhaps in the Historic District that had to go to the BZA to determine the actual parking.

Holly asked if he could find that and reach out to her for clarification and this was not something she was familiar with. The 30/60 day came about because there are situations that some hardware stores that food trucks do come and they tend to stay in those locations. The thought was to allow that to happen but it was made a Conditional Use so that there were some parameters and some oversight of that. One of the things that is under #9 on page 122 is that they have to have access to water (it can be a water tank or a connection to a city line) but it has to be approved by the BZA and it has to have electricity (it can be a generator or connection to a utility line) and it has to be approved by the BZA. If they are in violation of that, then whatever the BZA determines they are in violation of, then it is a violation that is enforceable through the code.

Jim Stanley stated he is in line with 30 – 60 days for the food trucks. He stated there does need to be a provision for those eliminating at least their waste. The water connection could be made but the sewer connections are more problematic. If it is going on the ground in any fashion, it is not legal – whether washing dishes or whatever. Health Department needs to be

involved in that and that is a violation of their health codes. This is not necessarily a zoning violation but it is a health code violation.

Mr. Stanley stated he had a few things to bring up with the Planning and Zoning Commission. Most of the code looks great. There are a few areas he would like the P&Z Commission to chime in on.

Page 65 E, which is the “length of time in which something considered a non-conforming use not to be considered legal any longer”. Our current code has two years, which is excessive, but 6 months may not be the best either.

Dick Liston inquired if this was speaking to the vacated non-conforming use.

Mr. Stanley stated yes. 6 months would then consider it to be an illegal use and no longer able to use that as non-conforming. Two years is a little long but 6 months may be too short.

Don McIlroy stated one year would be better and Holly Mattei agreed.

Dick Liston made a motion to extend the length of time in which something is considered a non-conforming use from 6 months to one year in order to allow a non-conforming to stay in place. Beth Mason seconded the motion. All in favor. Motion passed.

Jim Stanley stated under food trucks, page 123 as was just discussed by Mr. Carruthers, he struggles with this also. He stated he is looking at making a short-term permit that is good for three days in any district that food trucks are allowed. If you have a food truck, you have to re-apply after three days of use. That might cause some problems sometimes. You may need some separation between those days. Might need a few days between before you can ask for an extension.

Holly stated it is a good idea to have the trucks move around but not sure if you will get pushback from the existing ones. Maybe you don't want that to continue like she had given an example of Home Depot. I would not allow back-to-back as that is a lot of administrative burden on staff. She suggested three days and then wait some time before they apply for another one.

Beth Mason what time would Holly suggest to wait.

Holly stated she would suggest two weeks between.

Jim Stanley stated that it may be three days once a week or a weekly permit. He references the Schmidt's Truck that comes in to Ace Hardware one a week and leaves each time. That one would not need to wait two weeks, but that is one specific instance that he can think of. He stated he is looking a fairly simple permit as they come in. We do not want a long-term conditional use, but a short-term permit and then that would eliminate the conditional use.

Holly stated she agrees with the one week and they could come in every weekend.

Jim stated administratively, fifteen trucks a week come in for permit is not bad. We will have a full time Zoning Inspector that can take care of those.

Holly stated if we did three days once a week, they still have to meet requirements that staff would be reviewing and checking off to make sure they meet requirements.

Don McIlroy stated he felt that would be fair.

Jim Stanley stated the Zoning Code only affects the private lots when it comes to food trucks. This does not affect public right of way. That is a totally different permit and some regulations will need to be developed if we want to allow on the public right of ways but that is more administrative unless we want to pass some laws regulating that. That can be regulated administratively. This is strictly on private property.

Jeff Hallinan inquired if the 7 consecutive day that is already in the code if they do a three-day permit.

Jim Stanley stated yes. This would change that whole section. That section would go away and it would state you can only have a food truck in any district for three days during any one-week period. This would only affect Pumpkin Show and special legislation could be passed to allow for that event.

Dick Liston likes the three days.

Jeff Carruthers stated there is a potential collision. You have two licenses. The food truck operator has to have a license and the property owner has to have a permit. If this two don't jive, you will have a mess.

Jim Stanley stated the permit would be on the food truck operator even if it is on a private lot. The private lot owner would not be purchasing the permit, it would be the food truck operator. In order to get a permit, you would have to have the annual required license.

Michelle Blanton, 430 E Franklin Street, wanted to clarify on 123, suggesting to remove the time frame from DB and NB, GB and IE and CU District completely and just put three-day within one week. There are certain areas of the city that this would be a good idea, but in other areas of the city it might be detrimental for special events. She stated she could not think of a specific example but wanted to be sure not to limit the outside area rather than the downtown.

Holly stated if she cannot think of one in particular, then that would be an outlier that would be a variance process. They could come in and vary that time frame.

Don McIlroy made a motion to move forward with the three-day permit once a week permit process and Dick Liston seconded the motion. All in favor. Motion carried.

Jim Stanley stated he had one other comment on fences on Page 119. Current code allows for 6-foot privacy fence along the property lines in the rear yard of any residential area. New code is proposing that 6-foot fences are only allowed to be placed within the rear of the building to screen a patio or something of that nature. 4-foot decorative type fence would be allowed where the privacy fences are currently allowed. A lot of newer subdivisions carry these types of regulations and some do not even allow fences. Subdivisions can regulate that. We get a lot of 6-foot privacy fence permits and this would require that to be a variance if we allow that. What does the board want to do with this? Or do you want to allow 6-foot privacy fence on property lines as in the current code.

Dick Liston stated it should allow 6-foot privacy fence on property lines and Beth Liston agreed.

Caryn Koch Esterline asked if that would allow it in the front yard.

Jim stated it would be carried forward as the current code that does not allow a 6-foot fence in front yard.

Holly stated in the newer subdivisions, the back of the lots front like a "Court Street" as we seen in the DR Horton PUD. Do the same regulations go there also? She stated she can see a wall of 6-foot privacy fence and then things don't get maintained over time and this is lining your main road.

Jim Stanley stated that if the property backs up to another right-a-way, it would be considered a frontage in both directions. If you have a house in that situation, then it would be appropriate to prohibit it. It would be permitted if your yard backs up to another yard, then it is ok.

Don McIlroy made a motion to allow the 6-foot privacy fence in the back yard as long as it does not back up to another right-a-way. Dick Liston seconded the motion. All in favor. Motion carried.

Holly stated she would recommend that we do a motion to recommend approval of the zoning code with these three changes as discussed and that will make it official to move to Council.

Dick Liston made a motion to send to Council with the changes that were made this evening and recommend passage and Don McIlroy seconded the motion. Don stated he wanted Holly for all of the work she has put into this and more importantly he wanted to thank Council for their hard work in this. Mike Combs Yea; Don McIlroy Yea; Jim Stanley Yea; Beth Mason Yea; Dick Liston Yea. 5 Yeas 0 Nays. Motion carried.

No old business.

Don McIlroy made a motion to adjourn and that was seconded by Beth Mason. All in favor. Motion carried. Meeting was adjourned at 7:38 p.m.

Submitted by Brenda Short, Clerk