

# Naples Planning and Land Use Regular Meeting Minutes April 27, 2010

**Commission Present:** Chairman Dale Harrison, Vice Chairman Jim Richards, Walter Gale, Stanley Johnson, Lane Webb, and Kerry Kinney

**Commission Absent:** Cresta Slaugh and Mark Partridge

**Council Rep. Absent:** Kenneth Reynolds

**Others Present:** Chris Hoem

**Opening Ceremonies:** Chairman Dale Harrison welcomes the Commission members to the meeting and calls the meeting to order. Walter Gale led the pledge of allegiance and Chairman Dale Harrison offered the invocation.

**Verification of Quorum:** Chairman Dale Harrison verified a full quorum.

## Approval of Agenda April 27, 2010

Walter Gale moved to approve the agenda as amended for April 27, 2010 Chairman Dale Harrison seconded the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Richards</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>
<b>Lane Webb</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>

The motion passed with all voting Aye

## **Disclosures**

Chairman Dale Harrison and Vice Chairman Jim Richards have home occupations.

## Approval of Minutes April 13, 2010

Walter Gale moved to approve the Regular Meeting Minutes for April 13, 2010. Chairman Dale Harrison seconded the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Richards</b>	<b>Abstain</b>
<b>Walter Gale</b>	<b>Aye</b>
<b>Lane Webb</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>

The motion passed with all voting Aye

## Land Use Ordinance Discussion 02-13 Home Occupation

Chris Hoem: The red text represents added content. I added numbers and corrected spelling errors. Number 1 now reads, "A home occupation shall not be permitted that changes the outside appearance of the dwelling." Number 2 read, "The home occupation may include the sale of commodities, however, the direct sales form display shelves are not allowed at the dwelling and products should be delivered to customers. Retail sales of products and services are allowed at the home with a maximum of two customers per hour." Number 2 now reads, "The home occupation may include the sale of commodities." Number 5 read, "Advertising signs shall conform to the Sign Ordinance (02-16-001 Home Occupation Signs) and shall not be allowed, except a two square foot sign advertising the home occupation, is not allowed, except that which is customarily found in a residential zone." It now reads, "Advertising signs shall conform to the Sign Ordinance (02-16-001 Home Occupation Signs)." Number 6 read, "Only one vehicle may be used in association

with the home occupation and shall be garaged or stored entirely on private property and not within the front yard of the dwelling. Off street parking for the residents must be preserved in addition to the commercial vehicle. The vehicle used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. A maximum of four square feet of signage will be allowed on the vehicle.” After further discussion, the Commission agreed to move the vehicle weight requirements to the parking or transportation ordinance. Number 6 now reads, “Only one vehicle may be used in association with the home occupation and shall be garaged or stored entirely on private property and not within the front yard of the dwelling. Off street parking for the residents must be preserved in addition to the commercial vehicle.” Number 15c: Craft Sales have been removed from the list of permitted home occupations. 15d read: Dance Studio, Aerobic Exercise, Music Lessons, Tutoring and General Educational Instruction (provided the number of students is limited to two at a time).” It now reads: “Dance Studio, Aerobic Exercise, Music Lessons, Tutoring and General Educational Instruction.” Chris Hoem: There will be a public hearing held at the Planning Commission’s next meeting on May 13, 2010.

#### **02-29 Infill Development**

Chris Hoem read the current ordinance 02-29. Chris Hoem: I have made minor changes to this ordinance such as spelling corrections and punctuation. 02-29-003, I removed PUD because it is not a zone. The access to the home needs to be coordinated with the fire code as well as the hydrant requirements. 02-29-005 read, “The building official shall not issue any permits until final approval and the recording of the subdivision plat.” It now reads, “The building official shall not issue any permits until the City Council gives final approval and the infill development plat is recorded.” 02-29-006 read, “The approved subdivision plat shall be filed within 12 months of the final approval date of the City Council. If the 12 month period has expired, the process will have to go through the process again.” It now reads, “The approved infill development plat shall be filed within 12 months of the final approval date of the City Council. If the 12 month period has expired, the infill development proposal and plat shall require re-approval by the City Council.

#### **General Business**

Chairman Dale Harrison: There is a single wide trailer located on 2500 South that was never approved. The trailer is falling apart and needs to be removed due to being a fire hazard. I do not believe the trailer has been anchored or hooked to utilities.

Kerry Kinney: There are homes being built in Hunter Hollow Subdivision, the contractors are leaving scaffolding up during the week when no work is being done. Kids from the neighborhood are playing on the scaffolding and the neighborhood is seeing this as a safety issue. Also, we were told that the homes that are being put in this subdivision were pre-sold but there is a for sale sign in front of a foundation.

Lane Webb asked for a follow-up on the dust and prairie dog issue discussed in the last meeting. Chris Hoem: I have not heard any updates on this matter yet. Vice Chairman Jim Richards gave a name and a number for an exterminator for the prairie dogs.

#### **Items for Future Discussion**

##### **Possible Amendments to Nuisance Laws**

Chairman Dale Harrison: I have asked Chris to look at our Nuisance Ordinance. The City had a nuisance ordinance a while back that had become a heated issue so the City discarded the ordinance and talked about adopting the State Nuisance Ordinance. The City needs a type of nuisance ordinance. I don’t want the ordinance to dictate how people live but it has the ability to mandate corrections for possible hazards. Vice Chairman Jim Richards: I don’t think we need one unless we have the issues this ordinance can fix. Chairman Dale Harrison: Maybe there is a way to correct the nuisances without a nuisance ordinance by putting the necessary guidelines in the Land Use Ordinance. Chris Hoem: The Nuisance Ordinance would be added to the City Code, not necessarily the Land Use Ordinance.

##### **Future Discussion of the Bylaws With the City Council**

Chairman Dale Harrison asked for an update on the Bylaws recently adopted by the City Council. Chris Hoem: One Councilman suggested the Bylaws need to be changed completely to something that fits. Chairman Dale Harrison: I would really like for the Planning Commission Members and the City Council to sit down

together and discuss the bylaws. It would be more beneficial to have the discussion instead of having a middle man. Chris Hoem: I would suggest one of the Planning Commission Members call Nikki Kay to be put on the agenda. Chairman Dale Harrison: I will get with Nikki Kay and get this issue on the Agenda for the City Council to be able to discuss the Planning Commission Bylaws together with the City Council. Walter Gale asks for a reminder for the Council Meeting.

**Adjourn**

Walter Gale moved to adjourn. Chairman Dale Harrison seconded the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Richards</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Lane Webb</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>

**Next Planning and Land Use Meeting will be held on May 11, 2010 at 7:00 p.m.**