

PLANNING AND ZONING COMMITTEE

SEPTEMBER 20, 2017

The meeting was called to order at 5:30 p.m. by Chairman Tim McCarthy. Committee members present were Tim McCarthy, Jonathan Smith and Becky Williams. Also present was Brody Walters, Planning and Zoning Administrator.

CODE AMENDMENT REGARDING ACCESSORY BUILDINGS

Mr. Walters explained that about a year ago the Code language regarding the permitted size of accessory structures was changed from a relationship between the size of the main structure and the accessory structure to a relationship between the size of the lot and the accessory structure. Prior to this change, you were permitted to have accessory structures with total square footage up to 75% of the square footage of the primary structure. The current Code language permits the total square footage of accessory structures up to 5% of the square footage of the lot, up to a maximum of 4,000 square feet.

John Conley, 854 Mulberry Street, has requested that language be added to the Code to allow the Board of Zoning Appeals to grant variances for up to an additional 3% of the square footage of the lot. Mr. Walters said that he took Mr. Conley's request one step further and recommended that the Code be changed to allow an additional 1% - 3% by right, without going to the Board of Zoning Appeals. He explained that his recommendation was an attempt to reduce the caseload of the Board of Zoning Appeals. Mr. McCarthy noted that the Planning Commission recommended against both proposals, and he asked if they gave any feedback on why. Mr. Walters said that they felt that 5% was enough and that no variance process was needed, and, if the City extended it by 3%, there would be people who want 8.1%. Mr. McCarthy pointed out that a lot of zoning dimensional requirements are subject to the variance process.

Mr. Conley said that he understands the need for rules, but he feels that there should be a process to request a variance. Mr. Smith asked what the average lot size is in the city, and Mr. Walters said that he does not know that number, but the majority of lots are zoned R3. Currently R3 lots have a minimum size requirement of 11,600 square feet, but many lots are smaller than that because they were platted before that requirement. Ms. Williams said that she likes the idea of it going to the Board of Zoning Appeals. Mr. McCarthy agreed and said that if we have multiple applications for 6 or 7% and they get approved, then maybe we can look at changing it, but by going to the Board of Zoning Appeals neighbors are given notice and have an opportunity to object. Mr. Smith said that he is okay with 8%, and he thinks it would be better to avoid headaches for residents by not having to go to the Board of Zoning Appeals.

The Committee agreed 3-0 to recommend a Code Amendment to allow variance requests to the Board of Zoning Appeals for an additional 1-3% on the size of accessory structures. The Committee agreed 1-2 to recommend that an additional 3% be added to the permitted size of accessory structures without going to the Board of Zoning Appeals.

Mr. Conley asked if there is anything to protect people who currently have accessory structures greater than 5% in case the structure is destroyed. He recommended that

these structures be grandfathered. Mr. Walters explained that the Code's non-conforming use language states if more than 60% of a structure is destroyed, it must be brought up to Code. This is standard language used across the country and is used as a trigger for development to match the Code. He added that he could not recommend changing that language.

Andrew Black, 325 West Indiana Avenue, has a 24' x 40' garage of which half is used for his tenants, and he said it needs to be addressed so it is grandfathered. He said that existing structures that are not impacting neighborhoods should be grandfathered.

Mr. McCarthy said that they will leave it to Mr. Walters to ponder the non-conforming language.

FOOD TRUCKS

Ms. Williams said that the ordinance that was recently approved regarding food trucks does not say where they are allowed to go. She asked if they are allowed in residential and commercial districts. Mr. Walters said that the food trucks can be divided into two categories – those at the Farmers' Market that are in the right of way and those that operate on private property. He said that as far as zoning regulations, it could be appropriate to talk about the ones operating on private property, but not those in the right of way.

Ms. Williams asked if there is anything that would prevent a food truck from parking on Seventh Street and selling food. Mr. McCarthy said that there is nothing prohibiting this. Mr. Walters added that he doesn't know what could be added to the Code to address that. Mr. Smith suggested that an overlay district could be used. Ms. Williams said that she is not trying to prevent them in commercial areas. Ms. Williams asked if the food trucks would be allowed in the parks, and Mr. McCarthy replied that they would be permitted. John Conley said that he has seen more ice cream trucks in the parks and he is uncomfortable with them being there. The Committee noted that ice cream trucks are exempt from the recent legislation passed regarding food trucks. Mr. McCarthy said that perhaps we need more time and experience regarding the food truck operations in town before considering any further regulation.

There being no further business, the meeting adjourned at 6:27 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairman
Planning and Zoning Committee

Next meeting: Wednesday, October 18, 2017 at 5:30 p.m.