**PLANNING AND ZONING COMMISSION**

**REGULAR MEETING**

**TUESDAY, APRIL 14, 2015**

**3:00 P.M.**

The Grove Planning and Zoning Commission met in regular session on Tuesday, April 14, 2015 at 3:00 PM with Chairman, Dave Claggett presiding. Members present were Jim Simmons, Judith Read and Ruth Ann Barnhart. Member, Doug Hulse was absent. Also present was Assistant City Manager, Debbie Bottoroff and City Clerk, Bonnie Buzzard. Code Enforcement Officer / Building Inspector, Calvin Igney was absent.

Simmons made the motion to approve the minutes of the February 10, 2015 regular meeting. Seconded by Read. AYE: Simmons, Read, Barnhart and Claggett. NAY: None. Motion carried.

Claggett opened the floor for discussion on recommendation to the Mayor and City Council regarding an Ordinance amending Chapter 1, Section 6-Interpretation of Words and Terms by adding definition of Vacation Rental Homes, amending Chapter 3 by adding Special Use Permit Requirements, amending Chapter 3 Permitted Use Table prohibiting Vacation Rental Homes in Residential Estates Districts (RE-1), and Single Family Residential Districts (R-1) (R-1s) unless the City Council Approves a Special Use Permit Standards; amending Chapter 5 Special Conditions by adding Section 5-13 Vacation Rental Homes; all amendments being made a part of the Zoning Ordinances of the City of Grove, and Declaring an Emergency. Bottoroff reported that the Planning and Zoning Board met and approved upon recommendation to the City Council an Ordinance creating the use of Vacation Rental Properties. The Council met and discussed with the Staff in detail the proposed Ordinance, and entertained the concept of allowing a property to be used as a vacation rental if granted a specific use permit. The Staff and Council discussed the process to acquire a specific use permit would include public hearings and approval from both the Planning Commission and the City Council. If a specific use permit is granted, the property would be subject to compliance with the regulations that has been previously identified including but not limited to:

1. density of VRH’s in community
2. maintaining a license
3. having a local contact person
4. maximum occupancy limits
5. parking restrictions
6. noise regulations
7. sewer regulations, and
8. signage restrictions

Bottoroff added that the Council authorize the Staff to proceed with the specific use permit as discussed for recommendation back to the Planning and Zoning Board. Therefore, the proposed Ordinance has been modified only to address the Special Use Permit by adding a new section in its entirety Chapter 3, which is indicated as the highlighted areas:

**PROPOSED ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 1, SECTION 6-INTERPRETATION OF WORDS AND TERMS BY ADDING DEFINTION OF VACATION RENTAL HOMES AMENDING CHAPTER 3 BY ADDING SPECIAL USE PERMIT REQUIRMENTS, AMENDING CHAPTER 3 PERMITTED USE TABLE PROHIBITING VACATION RENTAL HOMES IN RESIDENTIAL ESTATES DISTRICTS (RE-1), AND SINGLE FAMILY RESIDENTIAL DISTRICTS (R-1) (R-1S) UNLESS THE CITY COUNCIL APPROVES A SPECIAL USE PERMIT ; AMENDING CHAPTER 5 SPECIAL CONDITIONS BY ADDING SECTION 5-13 VACATION RENTAL HOMES; ALL AMENDMENTS BEING MADE A PART OF THE ZONING ORDINANCES OF THE CITY OF GROVE, AND DECLARING AN EMERGENCY.

*Chapter 3 – Uses Permitted in Districts is hereby amended as follows:*

The following section is hereby added:

SECTION 3-1 SPECIAL USE PERMIT

1. PURPOSE:

Uses identified as a Use that requires a Special Use Permit (SUP) are more intense or have a greater impact that those permitted by right. The provisions of this Section are hereby established to regulate Uses in a manner that will prevent negative impacts on the community and residential neighborhoods.

2. REQUIREMENT:

A Special Use Permit is required for any Use that is not a Use allowed by right and is not identified as a Permitted Use in a particular zoning district as indicated on the Permitted Use Table.

Approval of a Special Use Permit shall not be a matter of right but shall only be granted when the proposed use is in harmony with the character of the zone where it shall be located.

A Special Use Permit will be issued *only* when the City Council determines the Use may be integrated with other adjacent land uses and the Use meets the evaluation criteria hereby established by the terms of this Chapter.

3. NON-TRANSFERRABLE

Once a Special Use Permit is approved, that Use may continue as long as the property owner abides by the requirements of the Ordinances and any special conditions placed upon the Use by the City Council.

The Special Use Permit is granted to the property owner for a Special Use at the Special property and is not transferable.

4. APPLICATION

The Special Use Permit process is commenced by the property owner submitting an application, supporting documentation and a non-refundable application fee ($200.00) to the Community Development Department.

The application will be provided by the City and shall include the following information:

a. Name, address and telephone number of the property owner, a warranty deed;

b. Physical address, general description of location of the subject property;

c. Brief statement describing the intended Use, and the affect the proposed the Special Use will have of the character of adjacent properties, the community and neighborhood;

d. Provide a list of names and mailing addresses of all property owners within a three-hundred foot (300’) radius of the boundaries of the subject property;

e. Eight copies of a Special Use Permit plan drawn to an appropriate scale and containing the following:

* Dimensions of the subject property, including easements and rights-of-ways, and location with respect to streets and adjacent properties;
* Dimensions of buildings and located with respect to property boundaries;
* Location and type of existing and proposed outdoor features such as signs, fences, pools, hot tubs, fences, landscaping or outdoor light fixtures;
* Location of off-street parking, loading spaces and access drives;
* Number of residential dwelling unit, if any, per structure;
* Any other physical features or characteristics which may be unique to the subject property or particular use proposed;
* Existing use of abutting/adjoining properties;
* Existing Zoning of the subject property and the abutting/adjoining properties;
* Location of existing and proposed public utilities;
* Location of existing easements;
* Building elevation drawings and construction materials when abutting a residential district.

5. CONSIDERATION CRITERIA

Prior to a Special Use Permit being approved, the following criteria shall be considered:

1. Impact on and opinion of adjacent property owners;
2. Property values or living conditions in residential districts;
3. Population density;
4. Impact on Infrastructure
5. Public safety;
6. Storm Water Drainage
7. Reduction in light and air to adjacent areas;
8. Deterrent to improvements or development of adjacent property in accord with existing regulations;
9. Substantial reasons why the property cannot be used in accordance with existing zoning without the Special Use being granted;
10. Harm to any historic, aesthetic or other intrinsic value of the structure to house the use;
11. Adequacy of parking, and whether providing parking for the Use would damage existing scenic areas, including front yards, gardens and grounds;
12. Traffic congestion near the proposed site, including ingress and egress, two-way traffic, danger from curves or other terrain conditions; prevention of smooth flowing traffic for residents, visitors, customers, and motorists;
13. Adequacy of utilities serving the site;
14. Adequacy of refuse and service areas;
15. Screening and buffering from adjacent properties;
16. Environmental impact of the proposed Use, including but not limited to odors, noise, smoke or signs;
17. The temporal nature of the Use, with allowances for temporary activities only in extreme cases where effort is already underway to construct a permanent facility.

6. REVIEW AND NOTICE REQUIREMENT

Upon receipt of a Special Use Permit application, Staff will review and determine if application is complete and all required documentation has been provided. Upon review by Staff, the Planning & Zoning Commission shall hold a Public Hearing to consider the application.

A Notice of the Public Hearings shall be published in a newspaper of general circulation in the City of Grove. Such Notice shall also be given in writing by mail to all property owners within a three-hundred foot (300’) radius of the boundaries of the subject property. Required Notices shall be published and mailed at least twenty (20) days prior to the date of said public hearing and shall contain the following:

* The legal description of the subject property, the street address (if any) and a general description of where the property is located within the City;
* The current zoning of the property;
* The date, time and place of the Public Hearing

The City shall place a sign on the subject property a minimum of ten (10) days prior to the Public Hearing. The sign shall contain the following:

* Notice of Public Hearing for consideration of Special Use Permit;
* The date, time and place of the Public Hearings

7. HEARING PROCEDURE

The applicant or representative must be present at the Public Hearing for the matter to be considered. If the applicant is unable to attend, written authorization from the applicant authorizing representation must be submitted to the Planning & Zoning Commission prior to the Public Hearing.

The Planning & Zoning Commission shall hear the applicant’s request for a Special Use Permit at the Public Hearing and shall hear public comments regarding the Special Use Permit request. Any person affected by a proposed use may express approval or disapproval in writing or in person at the Public Hearing. Any lack of response by surrounding property owners shall not be interpreted as approval or disapproval. Following the public hearing, the Planning & Zoning Commission shall consider comments received and take action to make a recommendation to the City Council to approve, approve with conditions or deny the Special Use Permit.

The City Council shall consider the Planning Commission’s recommendation, comments received and take action to approve, approve with conditions or deny the Special Use Permit.

When a Special Use Permit is opposed in writing by more than twenty (20) percent of the property owners located within a three-hundred foot (300’) radius of the boundaries of the subject property, such Special Use Permit shall not become effective except by a favorable vote of four fifths (4/5) of all members of the City Council.

If the Special Use Permit is denied, said application shall not be eligible for reconsideration for one year subsequent to such denial.

A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the City Council, to be eligible for consideration within less than one year of the denial of the original application.

8. REVOCATION

The City may revoke a Special Use Permit for violation of any condition of the permit. In the event that the City learns of any such violation, it shall notify the property owner of the violation. The property owner may be heard at the meeting of the Planning & Zoning Commission scheduled for consideration of the revocation and show cause why the permit should not be revoked. If the property owner fails to appear or fails to show good cause why the permit should not be revoked, the permit shall be revoked and the Use shall cease; any continuation of the Use shall be a violation of the Ordinances, and is subject to a Fine up to $500 plus court costs.

9. INSPECTION

Inspection by City Staff will occur annually to verify continual compliance with the conditions approved of the Special Use Permit. If a complaint is received, the property owner shall allow City Staff the right of entry to perform inspections to verify compliance with the conditions of approval.

*Chapter 3 – Permitted Use Table of the Zoning Ordinances of the City of Grove is hereby amended as follows:*

The following Permitted Use is hereby added:

DWELLING, VACATION RENTAL HOMES shall be a Permitted Use in A-1 Agriculture District, R-2 Two-Family Residential District, R-3 Multi-Family Residential Districts and RMH – Residential Manufactured Home Districts. VRH shall be prohibited in Residential Estate Districts (RE-1), and Single Family Residential Districts (R-1), (R-1S) unless the City Council has approved a Special Use Permit.

*Chapter 5 - Special Conditions of the Zoning Ordinances of the City of Grove is hereby amended as follows:*

The following Section is hereby added:

SPECIAL USE PERMITS REQUIRED

Prior to using a residence as a VRH in a Residential Estates District (RE-1), or Single Family Residential District (R-1), (R-1S) the property owner must submit an application for a Special Use Permit, and only upon approval by the City Council shall such a Use be allowed. (See Chapter 3 USES PERMITTED IN DISTRICTS)…

Submit an application for a Special Use Permit if the proposed VRH is located in a Residential Estates District (RE-1), or Single Family Residential District (R-1), (R-1S).

The Board entertained questions, comments and concerns from the following individuals:

* John Martin, and
* Bob Huggins

Simmons made the motion to approve the proposed Ordinance upon recommendation to the Mayor and City Council as presented. Seconded by Barnhart. AYE: Simmons, Read, Barnhart and Claggett. NAY: None. Motion carried.

Claggett opened the floor for discussion on recommendation to the Mayor and City Council regarding an Ordinance amending Chapter 5 Special Conditions, Section 5-5.3 Designated Location of Commercial Vehicles and Temporary Mobile Structures, and adding Section 5-5.4 Mobile Storage Containers of the City of Grove Zoning Regulations. Bottoroff reported that Calvin Igney is in training and could not attend the meeting. Therefore, Bottoroff asked to table this item for the next meeting. No action was taken.

At 3:35 PM Read made the motion to adjourn. Seconded by Simmons. AYE: Simmons, Read, Barnhart and Claggett. NAY: None. Motion carried.