

PLANNING AND ZONING

SEPTEMBER 7, 2010

The meeting was called to order at 7: 05 p.m. Members present were Barb Griffith, John Howey and Sandi Goetz.

In order to have a quorum, Chapter 16-104 MEETINGS, OFFICERS AND RECORDS

(b) The chairperson shall be a non-voting member except in the case of a tie vote. The chairperson may also be acknowledged as a voting member in order that a quorum (three out of five voting members) may be met. , was used.

There were three meetings held in the month of August. The minutes of these three meetings were approved as following:

August 2, 2010. John Howey made the motion to approve the minutes with the deletion of paragraph 6. Barb Griffith seconded the motion. John Howey, Barb Griffith and Sandi Goetz voted aye. There were no Nays or Abstentions.

August 8, 2010. Barb Griffith made the motion to accept the minutes as presented. John Howey seconded the motion. Motion carried with all voting in favor.

August 19, 2010, Barb Griffith made the motion to accept the minutes as presented. John Howey seconded the motion. All attending members voted aye.

On August 19, 2010, the committee met at the home of Mr. and Mrs. Ray Downing. The purpose was to review a replacement fence. While at the residence Mr. Downing asked if the committee could do anything about the property that adjoins his on the south. The property has a lot overgrowth and is unkempt. Vegetation hangs over on the Downing property. Poison Ivy is prevalent in the area and Mr. Downing has had to go to emergency care due to contact with the plant while mowing. With permission of committee, the chairperson will take pictures and address this concern at the next City Council meeting.

A letter was read at regular meeting from Mr. and Mrs. Downing stating that they would not be building a privacy fence but would instead just repair the damaged sections of the fence. The building application and letter will be kept on file as official records for the city.

The committee, once again, would like to ask the Ozawkie City Council if they would approve the definition of structure that is used in **8-2A05: DEFINITIONS: (11) Structure** – anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including any appurtenances belonging on the ground instead of the definition in R-**101**. , which reads as follows: **DEFINITIONS: (34) STRUCTURE: “Anything constructed or erected.”** This definition is insufficient.

The issue of fencing or barriers around swimming pools was discussed once again. While our ordinances do not specifically address issues concerning fencing or barriers around pools, the IBC (International Building Code) does. Chapter 31, Section 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES. Sections 3109.4 and subsections address residential swimming pools. Our ordinance 4-202 states that as **recommended by the International Conference of Building Officials,**

Such code being made as *a part of the ordinances and code of the city as if the same Had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto.* It is important that all safety measures be taken to protect our children from unsecured areas. If no fencing is in place on or around above ground pools, the stairs should be removed every time the pool is unattended. The stairs should not be easily accessible to others. The committee would like the council to consider incorporating safety measures into the existing ordinance. These measures should be spelled out in full without having to reference the IBC rules.

The next two topics related to the Agenda of the Ozawkie City Council.

The committee addressed the issue of the procedure for Building permits which is on the City Council Agenda as #7. Our ordinances are very specific about the procedures to be followed and should not be altered. We are a volunteer committee and if we become the granting authority, it would open the City to possible law suits. We should keep our existing status as a recommending committee.

Item #9 on the City of Ozawkie's City Council Agenda brings into question our yard light ordinance. Barb Griffith stated that the stand alone yard lights are a unique feature of Ozawkie. John stated that most of the people that do not have yard lights or if they do have them, do not turn them on. More than likely these very people will not use their porch lights or security lights. Using porch lights will attract insects which make it an annoyance factor. John Howey made the motion to keep our stand alone yard light ordinance and enforce it, as was originally intended. Barb Griffith seconded the motion. John Howey, Barb Griffith and Sandi Goetz voted aye. There were no nays or abstentions.

We discussed our regulations and restrictions on acceptable businesses. We need to think about tightening some of our regulations and restrictions. Regulation and Restrictions 4.B-1 Business District list (d) food and beverage sales as an acceptable business. It would be better to state that no adult entertainment businesses would be allowed. In light of what the City of Meriden is going through with a business that was granted permission to operate as a bar and grill. It is purported to be an "adult" entertainment operation. Ozawkie would like our businesses to be family oriented. John Howey and Barb Griffith would like a legal opinion on how restrictive the City of Ozawkie could be on the type of businesses allowed. John Howey made the motion to ask City Council to have the City Clerk contact the City's lawyer Mr. John Kurth for information on just how restrictive can we legally be. Barb Griffith seconded the motion. The motion carried with all attending members voting aye.

The meeting adjourned 7:45 p.m.

According to ordinances, October being an even month the committee will not meet, unless there is business.

Submitted by Sandi Goetz ☺