

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
PLANNING AND ZONING COMMISSION  
ON  
TUESDAY, MAY 24, 2016 AT 11:30 A.M.**

**I. CALL TO ORDER**

Chairman Purifoy called the Planning and Zoning Commission Meeting to order at 11:37 a.m. based on a quorum of members present:

**Present:**

William Purifoy, Chairman  
Catherine Wile  
Jean Krivan  
Jack Christiansen  
Andrew Newton

**Absent:**

Bill Going  
Monica Muschalik

***Also in Attendance:***

Karen Glynn, City Administrator  
Britique Williams, City Secretary/Dir of Finance  
Steve Smith, Dir of Public Works/Bldg Official  
Loren Smith, City Attorney  
Councilman Robert Lord  
Marc Pichon, Summer Intern

**II. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE APRIL 21, 2016 MINUTES**

A motion was made by Jean Krivan and seconded by Catherine Wile to approve the minutes of April 21, 2015 as submitted. The motion carried 5-0.

**III. CONSIDERATION AND POSSIBLE ACTION ON RECOMMENDATIONS TO THE CITY COUNCIL REGARDING THE FOLLOWING:**

**A. Nuisance Ordinance regarding Noise**

The Planning and Zoning Commission discussed a request by the Mayor and City Council to review the City's Noise Ordinance and make any recommendations for improvement. The City's original Noise Ordinance was established in 1993 and was amended in 2013 and 2014 regarding construction noise. These amendments set construction hours and days as well as defined holidays. Staff also provided the Commission with "Noise Ordinances" from the other Villages and other cities in the area for comparison purposes.

The meeting discussion also included time with Assistant Police Chief, Ray Schultz, Memorial Villages Police Department (MVPD) as the MVPD is the City's enforcement entity after regular business hours. This "after regular business hours" is typically the timeframe for noise complaints and concerns. After the discussion, the Commission concluded that adding decibel ranges is not recommended; however, it is recommended that reasonable timeframes be included in the Ordinance.

The Commission voted unanimously to recommend to the City Council that the City Council consider making amendments to the Noise Ordinance to include the following:

- Review and "update" the Ordinance to remove older terms and add the new, i.e. remove phonograph, jukebox, nickelodeon adding items such as electronic devices, i-pod systems, etc.
- Add "reasonable timeframes" to the Ordinance whereby a common understanding is provided for the City as a whole. This is currently shared by the MVPD verbally when they are dispatched to a noise complaint. Direction is requested on the following times to be included and considered as reasonable:
  - Sunday thru Thursday (evenings prior to work days) 9:00 - 10:00 p.m.
  - Friday thru Saturday 11:00 p.m.
- Consider establishing a "special event permit" should a homeowner/property owner desire to extend beyond the reasonable hours for a special occasion. The "special event permit" should include a process whereby the homeowner/property owner must contact all adjacent and affected neighbors to inform them of their special occasion and address concerns for potential noise and other nuisance concerns such as parking. This would be a no-cost permit for homeowners/property owners.
- Include a mediation provision to the Ordinance should any concerns arise between property owners and neighbors. This would require that a mediation process be required for resolution of noise concerns.

#### B. Building Permits - Compliance with All Applicable Previous Permits

Steve Smith, Building Official, presented this item. There have been discussions with staff regarding the ability for homeowners to make changes following the completion of work as authorized by a building permit and the need to ensure future compliance. It was recommended that a provision be added to the City's Ordinances that states that all structures must be in compliance with previously issued and approved building permits before any future permits will be issued. The goal is a safe and habitable structure in compliance with all building codes. The Building Official and the City's Contract Inspectors already have this ability and strive to ensure that all structures are in compliance with previous work permitted and approved for compliance; however, there are some complexities for this should we want to add to our ordinance. This includes the timeframe from the previous permit and any changes to the City's Ordinances and Building Codes since the previous work. In discussion with the City Attorney and Staff, it was recommended and the Planning and Zoning Commission concurred to continue to strive to address this item under the City's current ordinances. Therefore, no action for a recommendation to the City Council was considered.

#### **IV. PRESENTATION ON THE APRIL 18, 2016 STORM AND POSSIBLE ACTION ON RECOMMENDATIONS TO THE CITY'S DRAINAGE COMMITTEE AND CITY COUNCIL REGARDING SLAB ELEVATION REQUIREMENTS**

Karen Glynn shared a presentation on the April 18, 2016 storm.

The City currently has a provision in the Code of Ordinances allowing an exception to the minimum slab elevation for homes being reconstructed at more than 50%. This exception was allowed with an affidavit showing that the property owner was aware that the slab elevation does not meet the current requirements.

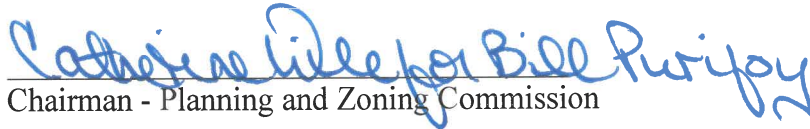
Following the recent extreme rain events and discussions with FEMA, staff and our City Attorney are recommending that this provision be removed utilizing the FEMA requirements.

A motion was made by Andrew Newton and seconded by Jack Christiansen to recommend to the City Council that this exception be removed and to refer property owners to the FEMA requirements.

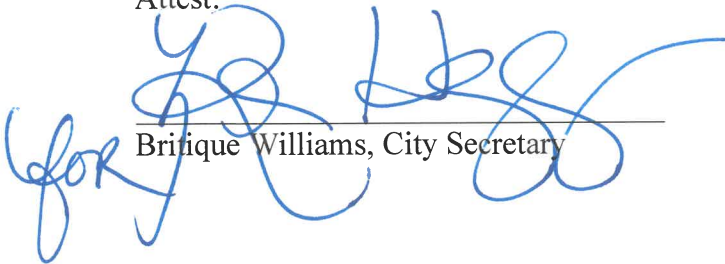
**V. ADJOURN**

A motion was made by Jack Christiansen and seconded by Andrew Newton to adjourn the meeting. Chairman Purifoy announced the closing of the Planning and Zoning Meeting at 1:23 p.m.

Approved and accepted on July 25, 2017.

  
Chairman - Planning and Zoning Commission

Attest:

  
Britique Williams, City Secretary