
**DOVER PLANNING AND ZONING COMMISSION MINUTES
JOINT MEETING WITH DOVER CITY COUNCIL
APRIL 25, 2023**

CITY OF DOVER COUNCIL & PLANNING AND ZONING COMMISSION SPECIAL MEETING

Dover Council Chambers
699 Lakeshore Ave., Dover, ID

CITY COUNCIL/MAYOR ATTENDANCE:

Mayor George Eskridge; Councilors Glass, Hoffman, Parkin, and Bledsoe

P&Z COMMISSIONERS IN ATTENDANCE:

Marilyn Becker Joe Gibbs Kyle Coleman (via Zoom) Susie Kubiak Rowdy MacDonald

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner City Clerk Michele Hutchings

CALL TO ORDER/ROLL CALL:

Mayor Eskridge called the special meeting to order at 3:00 p.m. and requested Contract Planner Marley summarize the purpose of the meeting.

Ms. Marley advised that the special meeting of the Council and Commission was called to allow the governing bodies to discuss legislative matters involving residential accessory structure standards, non-conforming standards for repair and replacement of structures, and wireless communication facilities permitting. The proposals would eventually require public hearings before the Planning and Zoning Commission and the Council. The workshop will provide direction to staff and the Commission to develop the code amendments.

Residential Accessory Structure Standards: The group discussed the purpose of the proposed residential accessory structure standards (carports, garages, etc.) and the legislative history leading up to the workshop. In summary, the reasons for seeking standards for the size of accessory structures were to: ensure housing development; avoid development of stand-alone garage and storage structures; protection of neighborhoods for residences; and preservation of the character of Dover. They reviewed the various scenarios for lot-to-garage ratios and garage-to-primary residence ratios and a flat maximum size limit. The members discussed using a percentage of house to garage size and discussed whether 50% or 100% of the home size would be best to meet the stated purposes for the zoning code amendment. The general consensus of the Council and Commission was to draft an amendment that set a size limit for residential accessory structures on a lot or parcel that would not exceed the size of the residence. Greenhouses, tool sheds, and other similar exempt structures that do not exceed 200 square feet of floor space would be exempt from the size calculations, they suggested. Floor space of the residence and accessory residential structure should be the basis of the measurement, they said. Councilors discussed whether lean-tos should count, and some suggested enclosed lean-tos would also count toward the total garage/accessory residential floor space. The group reviewed the effect of the standard on accessory dwelling units and affordable housing.

Non-conforming Structures, Repairs & Replacement: Ms. Marley reviewed current zoning codes regarding the repair or replacement of non-conforming or “grandfathered” structures and presented a specific example from a Dover landowner reconstruction request. If a structure is declared unsafe, current code does not allow the replacement of a non-conforming structure except in conformity with zoning standards. A non-conforming building destroyed by fire or other catastrophe may be replaced, with certain limitations, she explained. The Planning and Zoning Commission previously reviewed this section of code and suggested that only those structures destroyed by natural means such as flood or fire should be allowed to be replaced to its original non-conforming status. But any man-made removal would require compliance with current zoning standards. The group discussed the current laws and possible amendments and suggested to staff that this code section could be updated to confirm repairs to non-conforming structures are permissible. Entire replacement of a grandfathered structure should be only due to natural losses. Staff will provide a draft for review.

Wireless Communication/Cell Tower Amendment: Ms. Marley updated the Council and Commission on the emergency cell tower ordinance and the deadlines for consideration of a permanent ordinance. The emergency ordinance will expire September 7, 2023, by law, she said, meaning the P&Z would need to consider a permanent ordinance by June’s meeting. Council would then have time for a hearing in July and sufficient time in August for a second hearing if material changes are proposed, she said. The group discussed the elements of the emergency code and public comment. They considered the standards for tower height, setbacks, buffering and concealment, effects on air traffic, appropriate zones for cell towers, and changing technologies and effects on the community. Following the discussion, the group recommended keeping the allowance for wireless communication facilities in the Agriculture and Rural Residential due to the larger parcels. They also proposed towers be required to be a minimum of 200 feet tall, setbacks from the tower be double the height of the tower, and the “stealth” or camouflage standards be deleted. The group suggested there be a follow-up regarding cell tower air traffic hazard lightning and Sandpoint Airport traffic patterns.

MEETING ADJOURNED:

Mayor Eskridge adjourned the meeting at 5:37 p.m.



Susie Kubiak
Dover Planning and Zoning Commission Chair