



Approved

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.

Wednesday, July 2, 2014
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Patrick Norton; Commissioners Martha Christ, Tom Henschel and Michael Belmont; Staff Members Crenna Brumwell, Guy Hemenway and Kyle Kritz.

ABSENT: Commissioner Stephen Hardie.

CALL TO ORDER: The meeting was called to order at 6:00 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying that the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: The minutes of the May 7, 2014 Zoning Advisory Commission meeting were approved unanimously as submitted.

ELECTION OF OFFICERS: The Commission unanimously elected Patrick Norton as Chairperson, Tom Henschel as Vice Chairperson, and Martha Christ as Secretary-Treasurer.

PUBLIC HEARING\TEXT AMENDMENT: Application of the City of Dubuque to amend the Unified Development Code to allow the keeping of Hens for Egg Production as an accessory use in residential districts.

Staff Member Hemenway reviewed the proposed amendment noting the history of zoning regulations regarding the keeping of chickens. He discussed the conditional use permit process implemented in 2009 under the Unified Development Code (UDC) regarding the keeping of chickens. He said that there have been three conditional use permit applications filed of which two have been approved and one denied.

He discussed the rationale for regulating chickens and said that up to this point, City staff has received very few complaints from neighbors of the approved conditional use permits. He said that some citizens may not be aware of the regulations and may be currently keeping chickens on their property without the required Conditional Use Permit. He reviewed the proposed amendment to the UDC, noting that the intent is to not require a

conditional use permit, but to allow the keeping of chickens or ducks as an accessory to residential use. He said that chickens or ducks would have to be hens, and used for egg production only.

Commissioners discussed the request. Commissioner Henschel said that he used to keep chickens on his farm and noted the increased interest regarding raising chickens in the community. Commissioner Norton asked why regulations regarding the keeping of chickens were developed. Staff Member Hemenway noted that the intent was to help mitigate the potential negative impacts regarding noise and sanitation that chickens may create. He said that animal control personnel would regulate chickens similar to how they currently regulate other pets such as dogs.

Commissioners discussed the request and felt it was appropriate.

Motion by Christ, seconded by Belmont, to amend the Unified Development Code to allow the keeping of hens for egg production as an accessory use in residential districts. Motion carried by the following vote: Aye – Christ, Henschel, Belmont, and Norton; Nay – None.

PUBLIC HEARING\TEXT AMENDMENT: Application of the City of Dubuque to amend Section 16-7, Supplemental Use Regulations, by adding a new Section 16-7.5 Pay Day Lending Establishments and adding siting requirements.

Staff Member Kritz, representing the City of Dubuque, outlined the request. He read the proposed definition of the payday lending establishment. He noted that the decision to further regulate payday lending establishments arose at a City Council work session after input from concerned citizens. He discussed each of the maps provided, noting various proposed separation distances from residential districts and from other payday lending establishments. He referenced the separation requirements that were implemented by other communities in the state of Iowa. He said that City staff is recommending that the separation requirements for payday lending establishments mirror those for adult entertainment establishes at 1,200 feet from a residentially zoned district and 2,500 feet from each other.

Terry Stewart, 460 Summit Street, said that if the City, along with other communities, adopts stricter regulations for payday lenders, the state will have to take notice. He said that increased public pressure would make it more likely that the state would draft legislation regulating payday lenders and interest rates.

Marion Klosterman, 3398 Windsor Avenue, said that she agreed with the new regulations proposed for payday lenders.

Mickey Nelson, East Dubuque, IL, said she works with people who have been caught in the vicious circle created by the high interest rates payday lenders charge. She said that the

banking industry is attempting to provide standard loans for these people, and that payday lending regulations are warranted.

Commissioners discussed the request and felt that it was appropriate.

Motion by Christ, seconded by Henschel, to amend Section 16-7 Supplemental Use Regulations, by adding a new Section 16-7.5 Payday Lending Establishments and adding siting requirements. Motion carried by the following vote: Aye – Christ, Henschel, Belmont, and Norton; Nay – None.

PUBLIC HEARING\TEXT AMENDMENT: Application of City of Dubuque to section 16-2-3 of the Unified Development Code to remove the definition of disability and to redefine the definition of family to include a reference to City Code Chapter 8-1.1 defining disability.

Staff Member Hemenway, representing the City of Dubuque, reviewed the proposed text amendment, noting that the existing language in the Unified Development Code regarding disability does not agree with the language in both the federal regulations and in Chapter 8 of the City Code. He said that, in an effort to be more consistent and to ensure that the City's regulations follow federal requirements, staff proposes to remove the definition of disability from the UDC and to reference the definition of disability in City Code Chapter 8-1.1 in the UDC's definition of family. The Commission agreed that this was logical.

Motion by Henschel, seconded by Christ, to amend Section 16-2.3 of the UDC to remove the definition of disability and to redefine the definition of family to include a reference to City Code Chapter 8-1.1 defining disability. Motion carried by the following vote: Aye – Christ, Henschel, Belmont, and Norton; Nay – None.

ITEMS FROM STAFF:

Housing and Community Development Voluntary Compliance Agreement: Staff Member Crenna Brumwell reviewed the terms of the Voluntary Compliance Agreement (VCA) with the Commission, noting that the City has entered into an agreement with Housing and Urban Development. She noted the Civil Rights Compliance Affidavit findings regarding regulation of Section 8 housing. She said that the City has already re-written the terms of the Section 8 Program in an effort to make it a model for other communities. She said that the Consolidated Plan will also address these issues. She said that Commissioners could contact her at any time regarding questions regarding the VCA.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted