

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
REGULAR SESSION**

Thursday, December 18, 2008

4:00 p.m.

City Council Chamber, Historic Federal Building  
360 W. 6<sup>th</sup> Street, Dubuque, Iowa

**Board Members Present:** Chairperson Mike Ruden; Board Members Randy Klauer, Jeff Cremer and Bill Gibbs.

**Board Members Excused:** None.

**Staff Members Present:** Laura Carstens, Wally Wernimont, and Guy Hemenway.

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

**CALL TO ORDER:** The meeting was called to by Chairperson Ruden at 4:00 p.m.

**MINUTES & NOTICES OF DECISION:** Motion by Cremer, seconded by Gibbs, to approve the minutes of the November 20, 2008 meeting and Notices of Decision for Dockets 72-08, 73-08, 74-08 and 75-08. Motion carried by the following vote: Aye – Cremer, Gibbs, Lauer and Ruden; Nay - None.

**WORK SESSION**

**Unified Development Code: Article 1 through Article 6 and Articles 14 and 15:** Staff Member Carstens discussed the Unified Development Code history and process. She said the intent of the work session was to facilitate Board review of the attached articles and gather commentary. She briefly discussed Articles 1-6 and 14 & 15 of the proposed UDC.

Chairperson Ruden questioned the protocol for conflicting ordinance regulations. He recommended that the ordinance make clear which codes take precedence and resolve any conflicts between state, federal and local ordinances. He recommended that definitions in the Unified Development Code match those definitions in the International Building Code. He illustrated this by noting the definitions of "basement", "cellar" and "story" as they related to building height.

Staff noted that the Building Code and Zoning Code address different requirements and, therefore, it may not be necessary for those definitions to match. After discussion,

Board and staff agreed that the terms "basement" and "cellar" could possibly be removed from the definitions section of the Ordinance.

Chairperson Ruden recommended that the definition of the front of a building be tied to the street address. He also recommended that where "home" was used in the definition of residences, that it be changed to "building" to match the remainder of the Ordinance.

The Board discussed the definition of "green roofs" and Board Member Klauer recommended that the name be changed to "sustainable roof." Board Members recommended that staff re-evaluate the definition of "green roof". Staff noted that they would provide this information to Staff Member Kritz.

Staff Member Wernimont discussed the change to how front yard setbacks were determined, noting the average setback requirement. Board Members agreed that adjusting the setback to the average of the two structures on either side of the property was appropriate.

Chairperson Ruden questioned the wisdom of requiring permeable paving in the downtown area next to the river, stating that the soils in the downtown area were already permeable.

Chairperson Ruden left at 4:50 p.m.

Staff discussed non-conforming section of the Ordinance, and Board Member Cremer expressed concern noting that large multi-family structures could be rebuilt under the proposed changes to the non-conformities. He said that this change places no limits on redevelopment of non-conforming residences.

Board and staff agreed that the ability to rebuild residential non-conforming structures should be limited to six units or less as permitted in an R-3 District.

Staff Member Carstens discussed the zoning district regulation changes, noting the addition of the C-2A and RROD Districts. She also discussed changes to the conditional use section of the Ordinance.

Staff Member Carstens discussed the changes to the Sign Ordinance and Staff Member Hemenway showed a short video, noting the recommended changes to the electronic message signs. He illustrated both the recommended timing changes for both on and off-premise electronic signage. Board Members agreed that the changes were appropriate and recommended that staff explore regulating light levels for electronic signage.

Staff briefly discussed the parking section. Staff Member Carstens noted possible changes for parking in the C-4 District.

**ITEMS FROM STAFF:** Staff Member Hemenway discussed the proposal to move review and approval of the minutes from the end of the meeting to the beginning of the meeting as recommended by citizen. He noted staff reviewed the proposal and felt that it was appropriate. Board Members stated they felt it was appropriate.

Motion by Cremer, seconded by Klauer, to approve the change to the By-Laws shifting the review and approval of minutes and notices to the beginning of the meeting. Motion was approved by the following vote: Aye – Cremer, Klauer, Gibbs and Ruden; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 6:00 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

3.3.09  
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Adopted