

ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTE
JULY 17, 2008 – 7:00 p.m.

Chairman Hay called the Ordinance Committee Meeting to order at 7 p.m. Committee members present: Aldermen Hay, Leyden, Logan and Szczap. Also present were Mayor Nolan, Alderman Marzahl, Administrator Nelson, Community Development Director Santeler and audience member Lavina Hunter.

Review Fence Ordinance

The Committee reviewed a memo from Administrator Nelson which includes a report from City Attorney Carlos Arévalo and a memo from Chief Kazy-Garey reference fence ordinance issues at 812 Rose Lane as well as the relevant portion of the fence ordinance. Part of the memo includes City Administrator Nelson's recommendation to state that solid fences on corner lots should match the open fence requirements for corner lots which would require both solid and open fences on a corner lot to line up with the house.

Other options discussed were:

- Amend the ordinance so that the restrictions on the side yard are the same as the current restrictions for the front yard which would allow a 42" open fence on the side yard on a corner lot.
- Amend the ordinance to prohibit fences in all front yards and to prohibit fences in side yards on a corner lot on the side facing the street. This would keep the sidewalks open and visible and would eliminate the need to have separate definitions for "open" and "solid" fences. A single definition for "fence" would be sufficient.

After further discussion, moved by Logan, seconded by Szczap to recommend to the City Council to conduct a public hearing in front of the Zoning Board of Appeals to petition for an amendment to the Zoning Ordinance to prohibit fences in front yards, to prohibit fences in side yards on a corner lot on the side facing the street and to apply the standard 50% rule for non-conforming structures whereby if 50% or more of the fence is damaged or destroyed, the entire fence must be removed and conform with the current code. All ayes. Motion carried.

Resale Shops

The Committee reviewed Administrator Nelson's memo and state statute as it pertains to the City's regulatory authority under state statute to license or regulate certain businesses.

Section 5/11-42-3, Second-hand and junk stores. Community Development Director Santeler addressed the Ayer Street streetscape project and the need to provide a diverse shopping opportunity by regulating resale shops downtown. License provisions could include limits on how many resale shops would be deemed appropriate for a community of our size. Ideas discussed were requiring a conditional use or just setting regulations through the City Council as part of a license process. The general consensus was to authorize staff to further research and present draft regulations to the committee regulating second hand and junk stores as defined by state statute.

Section 5/11-42-1, Licensing and taxation of certain occupations. The consensus was not to license any of the described occupations.

Section 5/11-42-5, Hawkers and peddlers; shows; places for eating and amusement. The City already regulates peddlers, itinerant merchants and transient vendors. The consensus was to prohibit pawn brokers. Alderman Hay inquired whether or not religious organizations that go door-to-door are required to file with the City. Administrator Nelson clarified that if you are not physically selling anything, you are not considered a peddler or solicitor.

Section 5/11-42-8, Breweries; garages; shops; house trailers, cabins, tents; laundries; bathing beaches. The City already regulates the construction of parking lots in the zoning code. The consensus was to look at regulations for laundromats.

Staff will proceed at the Committee's direction and report back in a couple weeks.

At 8:30 p.m., moved by Logan, seconded by Hay to adjourn the hearing. All ayes. Motion carried.

Submitted by:
Chairman Tom Hay