



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE

APPLICATION NUMBER

16-PZ-11-007

APPLICATION NAME:

AMENDMENTS TO THE ZONING ORDINANCE

APPLICANT NAME:

City of Collinsville

APPLICANT'S REQUEST:

A City-initiated request to amend multiple sections of the City of Collinsville Zoning Ordinance (Ord. 3333), to modify definitions and regulations related to Outdoor Storage (as defined in the Zoning Ordinance) and Kennels (as defined in the Zoning Ordinance).

PUBLIC HEARING OPENED:

November 10, 2016

CASE MANAGER:

David B. Bookless, AICP

RECOMMENDATION:

APPROVAL



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE

BACKGROUND

The City's Zoning Ordinance (Ord. #3333) was adopted by the City Council on January 27, 2003. A number of amendments have been approved since that time with the most recent being on November 23, 2015. Even the best zoning ordinances become out of date. Periodic revision is essential if the ordinance is to establish and maintain a rational land use pattern. Changes, however, should not be made in an arbitrary manner. Significant updates to the Zoning Ordinance are best undertaken following an update of the Comprehensive Plan. The rationale for this approach is that the Zoning Ordinance is one of the implementation tools of the Plan and should reflect its goals and policies. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis (e.g. regulation of contentious uses).

A major update to the Comprehensive Plan is anticipated to be completed next year, and a significant update of the Zoning Ordinance that may include significant policy or regulatory changes would likely follow. However, the purpose of this request is to provide clarification and consistency in interpretations of the Zoning Ordinance.

DISCUSSION/ANALYSIS

PURPOSE AND INTENT OF THE ZONING ORDINANCE

Sec. 17.010.020. - Intent.

These regulations, which are an update to the City of Collinsville Zoning Ordinance, are intended to serve the following purposes:

- 1. To promote the health, safety, quality of life, comfort and general welfare of the City and its planning area, which includes the area within the City corporate limits and unincorporated territory lying outside the City forming the total community of which Collinsville is a part;*
- 2. To preserve and protect property values throughout the City and its planning area;*
- 3. To restrict and regulate the height, number of stories, and size of structures; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population;*
- 4. To divide the City and its planning area into zones and districts;*
- 5. To regulate and restrict the location and use of structures and land within each district or zone;*
- 6. To provide adequate light, air, privacy and safe convenient access to property;*
- 7. To lessen or avoid congestion in public streets and rights-of-way;*

REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE



8. To provide for the elimination of incompatible and nonconforming uses of land, buildings and structures which are adversely affecting the character of desirable development in each district; and

9. To serve as a tool in the implementation of the Comprehensive Plan.

(Ord. No. 3333, 1-27-2003)

PROPOSED AMENDMENTS

OUTDOOR STORAGE (AS ACCESSORY USE ONLY)

The Zoning Ordinance authorizes accessory outdoor storage by establishments located within the BP-4 district as a "planned use" and within the M-1 district as a "permitted by-right" use. Further, it is explicitly prohibited within the HP-1, BP-1, BP-2, BP-3, BP-4, CP-1 and CP-2 zoning districts. Yet, as a matter of practice, outdoor storage as an accessory use has been granted as a special or planned use at various times by the City (See *Exhibit A* for an example). The purpose of this amendment is to provide clarity and consistency in the implementation of the Ordinance in such a way as to provide a standardized mechanism to the business community to seek authorization to store materials outdoors while minimizing substantial adverse impacts upon the community at large.

To this end, staff recommends revising the Use Table (Sec. 17.050.010.) and the Supplementary District Regulations as they pertain to *Outdoor Storage—Accessory Use* (Sec. 17.060.100.) in commercial districts by allowing the activity only as a "planned use" requiring Planning Commission review and City Council approval, as follows (**Underscored, bold blue text = Proposed Addition, Strikethrough, red text = deletion**):

LAND USE	NAICS CODE	B-2	B-3	B-4	HP-1	CP-1	CP-2	BP-1	BP-2	BP-3	BP-4	M-1	UCD
Outdoor Storage (as accessory use only)	494				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	X	

Sec. 17.060.100. - Outdoor storage—Accessory use.

Outdoor Material and Equipment Storage (Commercial). Within the HP1, BP1, BP2, BP3, BP4, CP1 and CP2 Districts, ~~outdoor storage of equipment or material is not allowed and~~ any refuse or dumpsters must be screened and totally enclosed prohibiting visibility from the street or neighboring property and be compatible in material and color with the principal structure on the lot. For all ~~other~~ commercial or industrial districts, the following regulations shall apply:

- A. *Except as otherwise permitted by these regulations or during permitted construction on any tract, all exterior storage of equipment, raw materials or finished products shall be fully screened from the view of adjacent parcels and streets by a sight proof fence at least six (6) feet in height.*



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE

PLANNING AND ZONING ANALYSIS

- B. Screening and enclosure required for permitted outdoor storage shall be by means of a fence, wall or berm, in combination with landscaping, designed to create a minimum of seventy-five (75) percent opacity. Crates, boxes, trailers or other temporary storage facilities shall not be considered appropriate screening materials. Outdoor storage shall not interfere with the required and/or approved operation of the site, including, but not limited to, traffic circulation, parking, open space or aesthetics.
- C. The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the area of either the front, side or rear yard exclusive of any area of required setback. In no case shall merchandise for sale be displayed in any required set back, or interfere with pedestrian or vehicular access or parking.
- D. Outdoor storage ~~shall be within a fully enclosed building or~~ in an open yard **shall be** screened so that the materials stored are not clearly visible within one thousand (1,000) feet of the property line ~~within any "M-1" or "B-5" Zoning District~~. Where topographic conditions make effective screening impractical, the Zoning Hearing Officer may make variances as they deem advisable.

PET CARE (EXCEPT VETERINARY) SERVICES AND KENNELS

The North American Industry Classification System (NAICS) categorizes "Pet Care (except Veterinary) Services" as including the following:

- Animal shelters
- Boarding services, pet
- Dog pounds
- Grooming services, animal
- Guard dog training services
- Guide dog training services
- Kennels, pet boarding
- Obedience training services, pet
- Pet boarding services
- Pet grooming services
- Pet sitting services
- Pet training services
- Sitting services, pet

The Zoning Ordinance authorizes "Pet Care (Except Veterinary) Services" (NAICS 812910) as a "permitted by-right use" within the B-2, B-3, B-4, M-1, and UCD zoning districts, while

REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE



specifically restricting "kennels" (NAICS 812911) as a "special use" within the B-2, B-3, B-4 districts and as a "permitted by-right" use within the M-1 district.

The Zoning Ordinance defines a "Kennel" as follows:

Kennel means the use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of four (4) or more dogs over four (4) months of age, or the keeping of six (6) or more cats over four (4) months of age, or the keeping of more than six (6) dogs and cats combined, neither component being permitted to exceed the four (4) dogs or six (6) cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined.

While the Zoning Ordinance narrowed the specific uses within the "Pet Care Services" group to exclude kennels, and by reference all boarding and training facilities, it maintains "pet sitting" services within the group. It is the professional opinion of staff that "pet sitting" is more akin to "boarding" than it is to "grooming" services, and, for clarity, should be included in the definition of "kennel."

The reasoning behind this opinion is that grooming services typically hold an animal for a few hours at a time and are limited to *indoor* pens or cages. This is in contrast to pet sitting services, which much like a kennel or boarding service, provide outdoor animal runs or walks as the animals may be kept for extended periods of time, while the pet owner is at work, out of area, etc. (See *Exhibit B*). The outdoor component, while necessary for the animal's health, is a critical issue of concern that could affect residential and commercial neighbors by way of noise, odors, visuals, etc.

To this end, staff recommends revising the definition of "Kennel", as follows (**Underscored, bold blue text = Proposed Addition**):

*Kennel means the use of land or buildings for the purpose of selling, breeding, boarding, **sitting**, or training dogs or cats or both, or the keeping of four (4) or more dogs over four (4) months of age, or the keeping of six (6) or more cats over four (4) months of age, or the keeping of more than six (6) dogs and cats combined, neither component being permitted to exceed the four (4) dogs or six (6) cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined.*



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE

FINDINGS AND RECOMMENDATION

CONSISTENT WITH THE PURPOSE AND INTENT OF THE ZONING ORDINANCE

The Director of Community Development finds that the text amendments will have no substantial adverse impact on the intent and purpose of the Zoning Ordinance, and further provides clarification for the consistent interpretation of the Ordinance.

HOW WILL CHANGE IMPACT AREAS MOST LIKELY TO BE AFFECTED

The Director of Community Development finds that the text amendments will have no substantial adverse impact on areas impacted by the proposed changes due to conditions contained herein.

WARRANTED BY CHANGING CONDITIONS

The Director of Community Development finds that the text amendments are warranted by changing conditions in the areas most impacted, i.e. the City's evolving industrial and commercial districts.

RECOMMENDATION

The Director of Community Development finds that the proposed text amendments meet or exceed the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. Based on this finding the Director of Community Development requests favorable consideration of the draft ordinance.

A handwritten signature in black ink, reading "David B. Bookless".

David B. Bookless, AICP

Director of Community Development

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ATTACHMENTS

SUPPLEMENTAL LETTERS, MAPS, PLANS, ETC.



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE



EXHIBIT A: EXISTING OUTDOOR STORAGE IN COLLINSVILLE

REPORT TO PLANNING COMMISSION
CITY OF COLLINSVILLE



EXHIBIT B: KENNELS, SITTING SERVICES, ETC.



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE



EXHIBIT B: KENNELS, SITTING SERVICES, ETC.