



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE

APPLICATION NUMBERS: 18-PZ-01-01

APPLICATION NAME: AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE

APPLICANT NAME: City of Collinsville

APPLICANT'S REQUEST(S):

A city-initiated request to modify regulations contained in the Title 18 Land Development as it relates to soil excavation and erosion control.

PUBLIC HEARING OPENED: February 8, 2018

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



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BACKGROUND

Title 18, *Land Development*, of the Municipal Code of Ordinances was adopted by the City Council on November 25, 2002 per Ordinance Number 3314. A number of amendments have been approved since that time with the most recent being on September 24, 2014. Even the best ordinances become out of date. Periodic revision is essential if the ordinances are to be consistent with Federal and State requirements and that “best practices” are being utilized. Changes, however, should not be made in an arbitrary or capricious manner. Significant updates to the Land Development Ordinance are best undertaken contemporaneously with regional agencies and peer communities and/or following an update of the Comprehensive Plan. The rationale for this approach is that the Land Development Ordinance is a regulatory document necessary for the City to comply with Federal and State requirements and an implementation tool of the Comprehensive Plan. Nevertheless, clarification of information contained in the Land Development Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis.

A major update to the Comprehensive Plan is anticipated to be completed this year, and that may include policy statements that may lead to regulatory changes. Likewise, as Federal and State requirements change, the City will implement any required changes contemporaneously with regional agencies and peer communities. However, the purpose of this request is to provide clarification and consistency with respect to the City’s requirement for *grading permits* (major and minor).

DISCUSSION/ANALYSIS

PURPOSE OF SOIL EXCAVATION AND EROSION CONTROL REQUIREMENTS CONTAINED IN THE LAND DEVELOPMENT ORDINANCE

Sec. 18.04.010. - Purpose.

The purpose of this chapter is to promote the public safety, health, convenience, general welfare, and protection of property, lands and water within the City to the extent possible. This is to be achieved by alleviating the harmful and damaging effects of on-site erosion, silt deposition on neighboring down-hill and downstream properties, and pollution of streams and bodies of water during and after development through adequate temporary and permanent erosion and sedimentation controls. Such controls to be provided by the property owner and/or developer during all phases of any clearing, stripping, excavating, filling, grading, construction or other activity involving the disturbance of the natural terrain or vegetative ground cover.

ANALYSIS OF CURRENT REGULATIONS

Title 4, *Fees*, of the Municipal Code of Ordinances establishes fees for a “minor grading permit” and a “major grading permit”. However, Section 18.04, *Soil Excavation and Erosion Control*, which establishes when a grading permit is required, makes no reference to there being a “major” or “minor” permit, i.e. all permits are subject to the same requirements regardless of scale of project, whether the work is related to a residential lot or commercial development, etc. Therefore, the purpose of this amendment is to provide clarification to the development community and staff to that end. The proposed language is similar to language used by other agencies and peer communities in the region.

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PROPOSED TEXT AMENDMENTS

Black Text = Existing language (No changes)

~~Red Crossed-Out Text~~ = Deleted language

Blue Underscored Text = Added language

Title 18 - LAND DEVELOPMENT

Chapter 18.04 - SOIL EXCAVATION AND EROSION CONTROL

Sec. 18.04.040. - Regulations.

- A. *Permit—Required.* No grading, tree removal, or disturbance or removal of dirt or material in an amount to exceed four (4) cubic yards shall be commenced in the City, except as hereinafter provided, without first obtaining a grading permit from the Building and Zoning Administrator.
- B. *Same—Exceptions.* No grading permit shall be required for the following cases of grading operations:
1. ~~Reserved.~~ Grading work covered under an “R” Permit or “U” Permit not meeting the requirements for a major grading permit, hereinafter provided.
 2. Roadway construction and maintenance, but only as it pertains to the installation of signing, lighting, traffic signals, or guardrails, weekly spraying, pavement marking, seal coating, resurfacing, and pavement landscaping.
 3. Individual private on-site sewage systems which do not alter the natural terrain.
 4. The stockpiling, with slopes at or greater than the natural angle of repose, of raw or processed sand, stone and gravel at quarries, concrete, asphalt and material processing plants and storage yards, provided sediment and erosion control measures have been employed to protect against off-site damages.
 5. Grading and trenching for utility installation within highway rights-of-way, or in the space or abutting lot needed to accommodate the respective house connections, provided, however, that all contract documents contain erosion and sediment control provision, and that if during the course of utility operations any erosion and sediment control measures previously in place are disturbed or destroyed, the utility company shall restore or repair such measures to their original condition.
 6. Accepted agricultural land management practices included but not limited to gardening and landscaping within incorporated areas and approved subdivision plats, and accepted agricultural, horticultural and forestry activities in all other areas. All agricultural and



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management practices shall comply with the measures and guidelines approved by the Madison County Soil and Water Conservation Service.

C. Same – Major. A major grading permit shall be required for the following cases:

1. Any new development or re-development that contains an area ten thousand (10,000) or more square feet of total impervious surface (i.e., streets, roof, patio or parking area or any combination thereof).
2. Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that affects an area of ten thousand (10,000) or more square feet, or that will exceed 100 cubic yards.
3. Any land disturbing activity if the activity is within 25 feet of a river, lake, pond, stream, sinkhole, or wetland; and is done in conjunction with this section.
4. Any land disturbing activity on the sloping side of the slope disturbance line and is in conjunction with this section.

D. Same – Minor. A minor grading permit shall be required when a permit is required, but does not meet the requirements for a major grading permit. Every minor grading permit shall be accompanied by an erosion and sediment control plan.

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FINDINGS AND RECOMMENDATION

CONSISTENT WITH THE PURPOSE AND INTENT OF THE LAND DEVELOPMENT ORDINANCE

The Director of Community Development, with the counsel of the City Engineer, finds that the text amendments contained within application number 18-PZ-01-01 will have no substantial adverse impact on the intent and purpose of the Land Development Ordinance, and further provides clarification to ensure that the ordinance is enforced in a fair, firm, and consistent manner.

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 their non-geographic applicability and their added value of clarification and efficiency.

ARE THE CHANGES WARRANTED

The Director of Community Development finds that the text amendments are warranted by the need to provide clarity to existing review procedures and consistency with language utilized elsewhere in the Municipal Code of Ordinance.

RECOMMENDATION

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

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

David B. Bookless, AICP

Director of Community Development



ATTACHMENTS



EXHIBIT A: IMPORTANCE OF PROPER EROSION CONTROL MEASURES



Street needs cleaning

Perimeter silt fence needed

Gravel access mat needed



Clean street
(no dirt tracking)

Silt fence
installed properly