Agenda Item: Zoning Motion 2012-6, Text Changes for Commercial Vehicles, Recreational Vehicles, and Animal Care Facilities

DATE: November 5, 2012

FROM: Jim King

Background/Issue:
Following the Public Hearing, the Planning Board reviewed and made a recommendation to approve these text changes with the following further revisions:
1. In the definitions for commercial vehicles, include the vehicle have a business name sign or commercial vehicle license plate; and
2. Leave the bed length at 14’ as currently drafted, but add the word "horizontal".

The Planning Board also discussed but did not include changes to the proposed permit requirement for moving vans and trucks, as the Town Board members offered at the Public Hearing. The proposed text as revised per the planning Board recommendation is attached.

Discussion at both the Public Hearing and the Planning Board meeting showed a variety of opinions on what cargo / work platform length of a commercial vehicle would be appropriate for a residential area, and what provisions to grant for moving vans and trucks. Planning staff has provided revised language which eliminates any permit for moving vans and trucks.

Proposal/Solution:
Council may choose to further discuss their level of comfort on total length of commercial vehicles cargo / work platform area that would be allowed overnight in residential districts. Options include the revision with the word “horizontal” as recommended by the Planning Board, a change in the overall dimension of 14 ft., or addition of a provision for a dovetail or step bumper separate from the cargo area/work platform. Upon consensus, text can be revised as necessary.

Related Town Goal:
Economic Development/Land Use Planning

Recommended Motion:
Determine if any further language changes are needed, and then adopt the text as desired.
Appendix

14 ft horizontal bed and over all height is 7 ft. tall

Would be allowed overnight in residential areas
16 ft horizontal bed, 9 ft cab, and 9 ft to top of equipment cage.

Would NOT be allowed overnight in residential areas.
2ft 3 inch extended deck with a 10 inch step bumper, boom is approximately 10 ft high

Would NOT be allowed overnight in residential areas
Crew cab truck with a 6 ft. bed and 10 inch step bumper. The height of the hoist in the bed of the truck is just over 7 ft.

Would be allowed overnight in residential areas
Proposed Text Revisions for Commercial and Recreational Vehicle Parking within Residential Districts in the Zoning Ordinance

§153.007 Definitions

(New) Recreational vehicle (RV) - A vehicle for non-commercial, recreational use, either self-propelled or able to be mobile on land when towed by a separate vehicle or when placed on a separate trailer, including a motor home, travel trailer, camper shell, cab-over-camper, fifth wheel, horse trailer, or a trailer which transports a recreational vehicle such as a boat, water craft or off-road vehicle.

(Revise) TRAILER, OVERNIGHT CAMPING. For purposes of this chapter the following shall be considered an overnight camping trailer: A vehicle or structure designed to be transported and intended for occasional recreational use for living and sleeping accommodations, which may include:

1. CAMPING TRAILER. A canvas, temporary, folding structure mounted on wheels and designed for travel, recreation, and vacation use.

2. MOTOR HOME. A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

3. PICK-UP COACH. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

4. TRAVEL TRAILER. A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation, having its body width not to exceed eight feet and its body length not to exceed 32 feet.

§153.116 Definitions (within Parking Chapter)

(New) (F) Mid-range Commercial Vehicle—Any vehicle (Planning Board Recommendation) that is marked with a sign or carries a commercial vehicle license plate, that is designed or used for business purposes that has a gross vehicle weight rating (GVWR) of less than 13,000 pounds and a cargo area/work platform (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc.) that does not exceed eight (8) ft. in height. Cargo area/work platforms separate from the cab shall not exceed 14 feet in (Planning Board Recommendation) horizontal length. A camper shell, toolbox within the bed, and similar accessory equipment or a conversion van that is clearly intended and being used for regular personal or household use, but not for any business or commercial activity, will not qualify the vehicle as a commercial vehicle. However, ladder racks, cranes, compressors, hose reels, welders and similar equipment make the vehicle a commercial vehicle.

(New) (G) Large Commercial Vehicle—Any vehicle (Planning Board Recommendation) that is marked with a sign or carries a commercial vehicle license plate, that is designed or used for business purposes that has a GVWR of 13,000 pounds or more. Large commercial vehicles also include vehicles with a GVWR of less than 13,000 pounds if the height of any portion of the vehicle exceeds 8 feet.
(including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc), or the length of the cargo area/work platform exceeds 14 feet. (Planning Board Recommendation) in horizontal length.

§ 153.054 Single-Family Residential Districts (Permitted Uses)
(Delete)(B)(7) Trailer, recreational, and overnight camping vehicles (stored unoccupied on a lot behind a line established by front of house).

§ 153.054 Single-Family Residential Districts (Accessory Uses)
(New)(D)(7) Mid-range commercial vehicle parking, as prescribed in §153.128 (C).
(New)(D)(8) Recreational vehicle and overnight camping trailer parking, when stored unoccupied on a lot behind a line established by the front of house.

§ 153.055 Multi-Family Residential Districts (Permitted Uses)
(Delete)(B)(11) Trailer, recreational, and overnight camping vehicles (stored unoccupied on a lot behind a line established by the front of house).

§ 153.055 Multi-Family Residential Districts (Accessory Uses)
(New)(D)(8) Mid-range commercial vehicle parking, as prescribed in §153.128 (C).
(New)(D)(9) Recreational vehicle and overnight camping trailer parking, when stored unoccupied on a lot behind the required minimum setback line.

§ 153.057 Manufactured Home District (Permitted Uses)
(Delete)(B)(10) Trailer, recreational, and overnight camping vehicles (stored unoccupied on a lot and not within the required setback).

§ 153.057 Manufactured Home District (Accessory Uses)
(New)(D)(10) Mid-range commercial vehicle parking, as prescribed in §153.128 (C).
(New)(D)(11) Recreational vehicle and overnight camping trailer parking, when stored unoccupied on a lot behind a line established by the front of house.

§ 153.166 Customary Home Occupations

Customary home occupations may be established in a dwelling in single-family or multi-family residential districts, the R-MH district, or office districts. In office districts, these uses are subject to all requirements of that district.

A. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.

B. Use of the dwelling for this purpose must be limited to 25% of one floor of the principal building or 50% of one floor of an accessory building.

C. No outside storage may be used in connection with the home occupation.

D. Machinery that causes noises or other interference in radio or television reception is prohibited. Additionally, no equipment or process shall be employed that will cause noise, vibration, odor,
glare, or electrical or communication interference detectable to the normal senses off the lot, in
the case of detached dwelling units, or outside the dwelling unit, in the case of attached
dwelling units.
E. Internal or external alterations inconsistent with the residential use of the building will not be
permitted.
F. Only residents of the dwelling may be engaged in the home occupation.
G. No display of products may be visible from the street.
H. Permitted customary home occupations include, but are not limited to: home based businesses
such as offices for professionals such as architects, brokers, counselors, clergy, dentists, doctors,
cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors,
publishers, journalists, psychologists, contract management, graphic design, landscape design,
surveyors, cleaning services, alterations, certified massage therapists, travel agents,
telemessaging, gift baskets, flower arrangements, home craft businesses (such as artists,
quilters, sculptors, musicians, weavers, jewelry making, photographers), instructional services
(such as teaching music, dance, art, yoga, tutoring) and other similar uses.
I. (Revise) Vehicles used primarily as passenger vehicles only will be permitted in connection with
the conduct of the customary home occupation. Only one mid-range commercial vehicle as
defined in §153.116 may be used in conjunction with a home occupation and must comply with
§ 153.128 (C).
J. Services provided for any of the permitted home occupations must be limited to no more than
two clients at a time. In the event of a time overlap between scheduled appointments,
additional clients may be permitted on the premises.
K. Prohibited customary home occupations include, but are not limited to: caterers, food vendors,
equipment and vehicle repair shops, appliance repair shops, small mechanical repair shops,
barber shops, beauty shops, kennels, commercial bakeries, veterinary clinics, funeral homes,
cabinetry making, welding, trucking, adult oriented businesses, warehousing, on-site vehicular
sales, and other similar uses. ('72 Code, § 3102) (Ord. 477, passed 2-8-88; Am. Ord. 875, passed
5-9-94; Am. Ord. 877, passed 5-9-94) Ord No. 1532; passed 1-8-07) Penalty, see § 153.999

§ 153.128   LOCATIONAL PROHIBITIONS.

(A) Parking in the setback is not permitted for any multi-family use or for any use in the office or
distribution business districts except for single-family or duplex dwellings. Above ground, multi-
level parking structures are not permitted in the setback, side yard, or rear yard of any multi-family
use or for any use in the office or distribution business district.

(B) In residential districts, parking in the setback or side or rear yard is not permitted for

(New) (C) In the single-family, multi-family, and manufactured home districts, parking of
commercial vehicles is not allowed, except under the following provisions.
(1) One mid-range commercial vehicle may be parked overnight (9 PM to 7 AM) on the same lot as an occupied dwelling unit. It shall only be parked on a clearly delineated parking pad or driveway, and shall not be within the required front setback.

(2) Vehicles intended and regularly used to transport people to and from institutional uses as listed at § 153.054(E)(2) and (3), or 153.055(E)(5) and (6) may be parked overnight (9 PM to 7 AM) on the same lot as the institutional use. They shall only be parked on a clearly delineated parking pad.

(3) A rental or moving van or truck may only park overnight (9 PM to 7 AM) in these zoning districts for the purposes of loading or unloading personal belongings for the lot at which it is parked. (Staff Recommendation Revision) A temporary parking permit issued by the Matthews Police Department shall be posted in the front windshield of the truck or van indicating the date(s) it is allowed to be parked overnight. Such vehicles parked in residential areas shall not exceed three (3) consecutive nights.

(4) Emergency response vehicles, road and utility repair and maintenance vehicles, delivery trucks, and similar vehicles used for emergency situations, repair of public infrastructure, or for the delivery of goods and services are exempt from this parking limitation while they are needed on the site.

(5) Commercial and construction vehicles and equipment at an active development site or active construction staging area are exempt from this parking limitation.
Text Amendment - Animal Care Facilities

§153.007 Definitions

(New) Animal Grooming Facility – An establishment where domesticated animals may be bathed, brushed and combed; hair or fur coats and nails may be clipped; flea dips or other methods of removing dirt, odors, and parasites from skin, fur or feathers may be provided; or related animal treatments and services may be offered that will enhance animal health, aesthetic value, or appeal.

(Revised) Kennel, Commercial. Any persons, or groups of persons or corporations engaged in the commercial business of breeding, buying, selling or boarding five or more dogs, or any person who owns five or more “show dogs”, each of whom is shown at an official dog show at least once each year. A building, along with any combination of other buildings, structures and land designed and used for the boarding, breeding, and care of five or more domesticated animals for profit.

(New) Kennel, Daycare – A self contained building that provides partial-day supervision for domesticated animals during typical business hours, not to exceed 10 consecutive hours during a 24 hour day, and does not include overnight boarding. Outdoor play and exercise areas or runs shall be fenced or securely enclosed on all sides and located in the rear yard.

Veterinary Clinic. A veterinary clinic is a facility where small animals or pets are given medical or surgical treatment and are cared for only while they are there for treatment.

(New) Veterinary Hospital – An establishment for the diagnosis, treatment, and prevention of animal diseases and injuries which may include medical and surgical services and 24 hour surveillance of recuperating animals.

§153.060 (C) Business Districts (Uses under prescribed conditions)
(Revised) (20) Veterinary Clinics, animal grooming facilities, and daycare kennels (no outside kennels). B-1 and B-2 only. See §153.185
(Revised) (30) Veterinary Hospital and commercial kennel. B-2 and B-D only. See §153.185

§153.062 (C) Industrial Districts (Uses under prescribed conditions)
(Revised) (9) Veterinary hospitals, animal grooming facilities, daycare kennels, and commercial kennels. See §153.185.

(Revised) §153.185 Veterinary Clinics, Veterinary Hospital, Daycare Kennels, Commercial Kennels, and Animal Grooming Facilities.

A. Veterinary clinics, daycare kennels, and animal grooming facilities are allowed in the B-1, B-2, and Industrial districts subject to the area, yard and height regulations of the district, any other applicable requirements and the ordinance and the following limitations:

1. # Each use, either individually or in a shared use setting must be within a completely enclosed building with no outside storage or animal areas. Outside storage of materials, feed or waste shall not be permitted.

2. The boarding of animals is not permitted for daycare kennels or animal grooming facilities. At veterinary clinics, however, restricted boarding only shall be limited to occasional
overnight observation, emergency and/or surgery recovery and those animals with special needs (medical or geriatric care).

3. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this section.

4. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.) allowed only at animal clinics or animal grooming facilities.

5. The drainage of all liquid by-products from a veterinary clinic shall be discharged by a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.

6. All building plans submitted for a veterinary clinic, daycare kennel, or animal grooming facility, whether for a new or existing structure, must be accompanied by a certification by a registered architect or acoustical engineer that no sounds emitted through the outside walls or roof of the building will exceed 45 decibels.

7. Animal grooming may be done either in a retail pet specialty store, veterinary clinic or hospital, or in an establishment existing solely for the purposes of animal grooming.

B. Veterinary hospitals and commercial kennels are allowed in the B-2, B-D, and Industrial Districts subject to the area, yard and height requirements of the ordinance and the following limitations.

1. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this section.

2. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.).

3. The drainage of all liquid by-products from a veterinary hospital shall be discharged into a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.

4. All building plans submitted for a veterinary hospital or commercial kennel, whether for a new or existing structure must be accompanied by a certification by a registered architect or acoustical engineer that no sounds emitted through the outside walls or roof of the building will exceed 45 decibels.

5. Outside storage of materials, feed, or waste shall not be permitted.

(Delete)

C.—Commercial kennels are allowed in the Industrial districts subject to the area, yard and height regulations of the district, any other applicable requirements of the ordinance and the following limitations:

1. Outside storage of materials, feed, or waste shall not be permitted.

2. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this section.

3. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.)

4. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.

D.—Animal grooming may be done either in a veterinary clinic or hospital, or in an establishment existing solely for the purposes of animal grooming. When a separate establishment it may be located in the B-1, B-2, B-D and Industrial districts, subject to the area, yard and height
regulations of the district, any other applicable requirements of the ordinance and the following limitations:

1. It must be within a completely enclosed building with no outside storage or animal areas. Outside storage of materials, feed or waste shall not be permitted.

2. The boarding of animals shall not be permitted.

3. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this ordinance.

4. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.).

5. The drainage of all liquid by-products from an animal grooming establishment shall be discharged into a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.

6. All building plans submitted for an animal grooming establishment, whether for a new or existing structure, must be accompanied by a certification by a registered architect or acoustical engineer that no sounds emitted through the outside walls or roof of the building will exceed 45 decibels. (’72 Code, § 3127) (Ord. 477, passed 2-8-88; Am. Ord. 875, passed 5-9-94) Penalty, see § 153.999