

Jefferson City
Planning & Zoning Commission

October 8, 2015

Case No. P15017
City Staff

Zoning Code Text Amendment

1. Establishment of asphalt plants as a conditional use of the RU district.
2. Establishment of heavy machinery and equipment sales, rental, and service as a permitted use of the C-2, M-1, and M-2 districts.
3. Establishment of Landfill as a special exception use of the M-1 district.
4. Establishment of composting site as a permitted use in the M-2 district and a special exception use of the C-2 and M-1 districts.
5. Establishment of specific use standards for composting sites.

PLANNING STAFF REPORT
JEFFERSON CITY PLANNING AND ZONING COMMISSION
August 13, 2015

Case No. P15017 – Zoning Code Text Amendment. Request filed by planning division staff to amend the text of Chapter 35, Zoning, Section 35-28 Land Use Matrix and Section 35-41 Specific Use Standards, with respect to the following:

1. Establishment of asphalt plants as a conditional use of the RU district.
2. Establishment of heavy machinery and equipment sales, rental, and service as a permitted use of the C-2, M-1, and M-2 districts.
3. Establishment of Landfill as a special exception use of the M-1 district.
4. Establishment of composting site as a permitted use in the M-2 district and a special exception use of the C-2 and M-1 districts.
5. Establishment of specific use standards for composting sites.

The complete text of the amendment is available for review at the Department of Planning and Protective Services, 320 E. McCarty Street, or may be viewed at the Planning and Zoning Commission webpage at: www.jeffersoncitymo.gov.

1. Establish Asphalt Plants as a Conditional Use of the RU District

Asphalt plants are typically operated on the same site as a quarry. A Quarry is a conditional use of the RU district, although asphalt plants are currently not permitted in the RU district. Asphalt plants and quarry uses are often temporary in nature, and are usually moved after the useable rock on the property has been removed and the property leveled for development of a more permanent use. Establishing asphalt plants as a conditional use of the RU district should have minimal impact considering their temporary nature, the relatively large size of most RU zoned property, and the ability of the Board of Adjustment to establish conditions to address any specific concerns.

2. Heavy Equipment Sales

Heavy equipment sales, rental and services is a use that is not listed within the land use matrix (exhibit 35-28) of the Zoning Code. In response to the pending development of a new Fabick site in 2007, A directors determination, as permitted by Section 35-28.B, was done in order to establish which zoning districts the use would be permitted in. The director determined that such uses are appropriate and expected uses in the C-2, M-1 and M-2 districts. The proposed amendment would incorporate the directors determination into the Zoning Code. See attached directors determination.

3. Landfill

Landfills are currently a special exception use of the M-2 district, and prohibited in all other districts. The existing Allied Waste landfill is on property zoned M-1. In order to eliminate the non-conforming situation of the landfill being on property where it is not a permitted use, staff recommend that landfills be established as a special exception use of the M-1 district.

4 and 5. Composting sites

Composting sites are not listed within the land use matrix (exhibit 35-28) of the Zoning Code. In 2010, a directors determination, as permitted by Section 35-28.B, was conducted in order to establish which districts the use would be permitted in. The director determined that such uses should be a permitted use of the M-2 district and a special exception use of the M-1 and C-2 districts, with specific use standards involving storage of material close to property lines, minimum property size, and minimization of noise, dust, odor, etc. The proposed amendment would incorporate the directors determination into the Zoning Code. See attached directors determination.

Staff Recommendation

Staff recommends approval of the proposed Zoning Code amendments.

Form of Motion

Motion for approval of the proposed amendments to the Zoning Code.

**DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DETERMINATION No. 2007-01**

Subject/Problem: Classification of "Heavy Machinery and Equipment Sales, Rental and Service. This use is not specifically listed on the Land Use Matrix.

Analysis: Heavy equipment and machinery sales, rental and service are not specifically listed as a Permitted, Conditional or Special Exception uses in any zoning district. However, sales of farm implements are permitted in C-2 and M-1; mobile home sales are permitted in C-2 and motor vehicle sales are permitted in M-1. Furthermore, outdoor storage of heavy equipment and vehicles is "Permitted" in M-1 and M-2 districts if part of a contractor or trade shop.

Exhibit 35-28: Land Uses Authorized in Zoning Districts																	
Use Category	Specific Use Type	Zoning Districts															
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	C-O	C-1	C-2	C-3	M-1	M-2
3. COMMERCIAL USE																	
G. Retail Sales and Service	12. Contractors and Trade Shops-Indoor Operations and Outdoor Storage (including storage of heavy equipment and vehicles)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
	17. Farm Implement Sales & Service	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	C
	31. Manufactured Home Sales	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
K. Vehicle Sales and Leasing	1. Motor Vehicle Sales, including Leasing and Rental of New, & Used Autos, Trucks RVs. Trailers, Boats	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-
L. Vehicle Storage	1. Impoundment Lot, RV, Boat, Bus and Camper Storage Lot, Wrecked Vehicle Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
K. Vehicle Sales and Leasing, Heavy Equipment	#2 Heavy Machinery and Equipment Sales, Rental and Service	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P

Determination: Heavy machinery and equipment sales, rental and service are appropriate and expected uses in the C-2 General Commercial, M-1 Light Industrial District and M-2 Heavy Industrial District and shall be classified as a "P" Permitted Use in such districts.

Recommended by: Janice McMillan 6/20/07
Janice McMillan, AICP Date

Approved by: Patrick E. Sullivan 6/20/07
Patrick E. Sullivan, P.E. Director Date

Authority: Section 35-28.B provides that where a use is not specifically listed, the Director shall determine the appropriate zone based a comparison of other uses which most closely resemble the unlisted use and shall allow the use in the designated district. A conditional use is not needed, only a determination by the director. In the event of a dispute over the director's decision, the Board of Adjustment shall make the determination upon appeal.

Department of Community Development
Jefferson City, Missouri

Director's Zoning Determination
Classification of Composting Site

Problem: Operation of a composting site is not listed as a permitted, conditional or special exception use in any zoning district, although definition for this use is included in the code. Currently, one site in a C-2 General Commercial District is being used as a composting site under a city contract. Small scale composting operations are operated as accessory uses at several landscaping and plant nurseries in Jefferson City. A *composting site* is defined within the zoning code as "a place where the public may bring compostable material which is then recycled into useable compost. Compostable materials include leaves, grass clippings, yard and garden vegetation but not stumps, roots or vegetation with intact root balls." Composting is an outdoor activity that involves the collection, processing and storage of yard waste. Machinery is typically used in the processing of yard waste and in turning of compost.

Analysis: To date, the City has had a single compost processing facility operated under a City contract as a public service to city residents, as approved by the City Council. Composting sites are similar to recycling centers in some respects. Both recycling centers and composting sites involve customers hauling materials to the site, with collection and processing being the primary activities on the site. Composting is an outdoor activity and many recycling centers involve outdoor operations. Recycling centers with outdoor operations are permitted uses within the M-2 district and are conditional uses of the M-1 and C-2 districts. As an outdoor operation, composting sites would be an appropriate and expected use in the M-2 General Industrial District. Composting sites could also be compatible with land uses in the C-2 General Commercial District and the M-1 Light Industrial District, but site specific review regarding access, design, and conditions should be undertaken in order to ensure the appropriateness of the use at a given location. The final decision regarding the location of compost sites in other than the M-2 district should be undertaken as a Special Exception Use, authorized by the City Council. In order to diminish potential negative effects to neighboring properties, composting sites should be subject to performance standards, including a minimum acreage, and similar specific use requirements.

Determination: Composting Sites on Private Property, shall be classified as "P" Permitted Use in the M-2 General Industrial District, and "SE" Special Exception Uses in the C-2 General Commercial and M-1 Light Industrial districts. Composting sites shall be subject to the following performance standards, similar to those for recycling centers as outlined in Section 35-41.B.21:

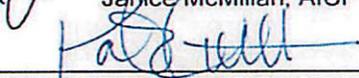
- No materials or compost shall be stored within 25 feet of any property line;
- No excessive dust, noise, vibration, smoke, fumes, odors or glare shall be detected beyond the property lines.
- Minimum parcel size of four (4) acres is required.
- Subject to other applicable local, state and federal permits as required.

Recommended


Janice McMillan, AICP

January 12, 2010

Approved


Patrick E. Sullivan, P.E.
Director of Community Development

January 12, 2010

Date

Authority: Section 35-28.B provides that where a use is not specifically listed, the Director shall determine the appropriate zone based a comparison of other uses which most closely resemble the unlisted use and shall allow the use in the designated district. In the event of a dispute over the director's decision, the Board of Adjustment shall make the determination upon appeal.

BILL NO.

SPONSORED BY COUNCILMAN GRAHAM

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING CHAPTER 35, THE ZONING CODE, PERTAINING TO ASPHALT PLANTS, HEAVY EQUIPMENT SALES, LANDFILLS AND COMPOSTING SITES.

WHEREAS, It appears that the procedures set forth in the zoning code relating to zoning code text amendments have in all matters been complied with.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:

Section 1. Exhibit 35-28.(Land Uses Authorized in Zoning Districts) Section 4.A.4 Concrete Mixing Plant, Asphalt Plant, Cement Batch Plant, is amended as follows to establish said use as a conditional use of the RU district:

Exhibit 35-28: Land Uses Authorized in Zoning Districts																	
Use Category	Specific Use Type	Zoning Districts															
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	C-O	C-1	C-2	C-3	M-1	M-2
4. Industrial																	
A. Industrial Service, Manufacturing and Production, Assembly, Distribution, Manufacturing, Processing, Production, Wholesale Sales	4. Concrete Mixing Plant, Asphalt Plant, Cement Batch Plant	C	-	-	-	-	-	-	-	-	-	-	-	C	-	C	P

Section 2. Exhibit 35-28.(Land Uses Authorized in Zoning Districts) Section 3.K, is amended as follows to establish a new use, Heavy Machinery and Equipment Sales, Rental and Service, and to permit said use in the C-2, M-1 and M-2 districts:

Exhibit 35-28: Land Uses Authorized in Zoning Districts																	
Use Category	Specific Use Type	Zoning Districts															
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	C-O	C-1	C-2	C-3	M-1	M-2
3. Commercial Use																	
K. Vehicle Sales and Leasing	2. Heavy Machinery and Equipment Sales, Rental and Service	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P

Section 3. Exhibit 35-28.(Land Uses Authorized in Zoning Districts) Section 4.C.2 Solid Waste Disposal Sites, including Landfill, is amended as follows to establish said use as a special exception use of the M-1 district:

Exhibit 35-28: Land Uses Authorized in Zoning Districts																	
Use Category	Specific Use Type	Zoning Districts															
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	C-O	C-1	C-2	C-3	M-1	M-2
4. Industrial																	
C. Waste-Related Use	2. Solid Waste Disposal Sites, including Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE

Drafters Note: Deleted text shown as ~~thus~~. Inserted text shown as thus

Section 4. Exhibit 35-28.(Land Uses Authorized in Zoning Districts) Section 4.C, is amended as follows to establish a new use, Composting Site, and to establish said use as a special exception in the C-2 and M-1 districts and a permitted use in the M-2 district:

Exhibit 35-28: Land Uses Authorized in Zoning Districts																		
Use Category	Specific Use Type	Zoning Districts																
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	C-O	C-1	C-2	C-3	M-1	M-2	
4. Industrial																		
C. Waste-Related Use	<u>7. Composting Site</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>SE</u>	-	<u>SE</u>	<u>P</u>

Section 5. Section 35-41 (Specific use standards) is hereby amended with the addition of a new sub-section pertaining to specific use standards for composting site, as follows:

33. Composting Site

a. Location. A composting facility may be authorized in the districts specified by Exhibit 35-28 Land Use Matrix.

b. Performance Standards.

i. No materials or compost shall be stored within 25 feet of any property line.

ii. No excessive dust, noise, vibration, smoke, fumes, odors or glare shall be detected beyond the property lines.

iii. Minimum parcel size of four (4) acres is required.

iv. Subject to other applicable local, state and federal permits as required.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

Passed: _____

Approved: _____

Presiding Officer

Carrie Tergin, Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Counselor