



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Executive Officer

FROM: Elizabeth H. Tyler, AICP, City Planner/Director

DATE: December 5, 2006

SUBJECT: Plan Case No. 2013-T-06: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with regard to screening of outdoor storage.

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to require screening of outdoor storage areas. The requirements will apply to parcels used as a construction yard, warehouse, automobile repair business, or any industrial use described in Table V-1, found in the Urbana Zoning Ordinance, when such storage areas are visible from a public right-of-way and/or from a residential area. Screening for outdoor storage in these areas is a standard zoning practice required by most communities, including the City of Champaign and Champaign County. Screening of outdoor storage is important to prevent a blighted appearance, to ensure compatibility between land uses, for safety reasons, and to help beautify our commercial and industrial corridors. Preventing blight and improving urban aesthetics can lead to higher property values and an improved quality of life.

Background

In industrial and commercial areas of Urbana, property owners are permitted to store materials and equipment outdoors as an accessory use. Unless properly maintained and screened, such areas can pose a nuisance and become a source of visual blight. Some businesses do not voluntarily screen their storage items, nor do they store the materials in a neat or safe manner. The appearance of such areas can be a deterrent for new businesses and or residents. Currently, many of the properties containing outdoor storage are in industrial areas, some of which are along Urbana's entryway corridors. The proposed screening requirements for stored materials, equipment, and inoperable vehicles will improve the visual quality of Urbana.

In addition to being a source of blight, outdoor storage materials can be a safety hazard without proper containment. At one location in Urbana, materials are kept close to power lines (see

Exhibit A). In other areas, large construction materials or other storage items are visible from the right-of-way and accessible to people passing by. In some cases, materials spill onto the right-of-way and interfere with vehicular and pedestrian access. Requiring all storage items to be kept behind a fence or other method of screening can prevent potential injuries by limiting access.

The Urbana Comprehensive Plan gives direction to “Amend the Urbana Zoning Ordinance related to landscaping and screening to create more effective standards for commercial uses adjacent to residential structures and along roadways” (Implementation Program, pg 88). Concerning the beautification of Urbana’s corridors and industrial areas, the goals and objectives of the Plan state the following:

- ◆ “Encourage the beautification of entryway corridors and major transportation corridors in Urbana.” (Goal 24.2, pg. 43)
- ◆ “Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue, and Philo Road.” (Goal 26.2, pg. 43)
- ◆ “Seek private as well as public investments to enhance the city’s commercial and industrial areas.” (Goal 26.3, pg. 43)

Urbana’s current zoning regulations do not effectively regulate outdoor storage areas. Section VI-6. B. of the Urbana Zoning Ordinance regulates loading areas and non-refuse storage areas, but the regulations do not adequately address the issues of overall land use compatibility or the prevention of blight.

Loading areas and non-refuse storage areas which adjoin a residential district or use, or which are separated by a public right-of-way from a residential district or use, must be provided with screening which meets the requirements for the screening of off-street parking areas, as specified in Section VII-2.F.

The screening standards referred to in Section VI-6.B. are designed to block the headlights of vehicles in parking lots next to residential uses. The minimum height of the required screening or landscaping is three feet, which would not block visibility of the storage materials from the adjacent residential properties or from the right of way.

It is important to note that Urbana does have screening regulations for outdoor storage in the Urbana Property Maintenance Code.

PM-301.9 Storage Areas: *All approved open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than six (6) feet in height. Storage of debris, junk, or construction materials, which are not associated with an approved use, permitted by the Urbana Zoning Ordinance, or approved construction at that site, shall be prohibited.*

The proposed text amendment is consistent with the above language from the property maintenance code, and includes more specific language for screening standards. Because open salvage and storage areas are to be screened according to the Property Maintenance Code, the regulations for outdoor storage should also be included in the zoning regulations. It is standard

practice to include such screening requirements as part of a zoning ordinance to ensure their application at the time of site plan review. The proposed amendment will help to bridge this gap between the two regulations.

Most municipalities in Illinois have zoning regulations for screening of outdoor storage. The City of Champaign requires screening for “utilitarian and outdoor storage areas” in every district. Because the City of Champaign regulates existing sites on a complaint basis, the regulations are primarily enforced for new development:

***Sec. 37-559. Screening for utilitarian and outdoor storage areas.** Utility areas accessory to a building, including but not limited to loading docks, mechanical equipment, trash enclosures, and storage yards for construction materials, machinery, or inoperable vehicles which are visible from public rights-of-way or adjacent property, shall be screened with a one hundred (100) percent opaque masonry or wood fence, earthen berms, landscaping or any combination which provides a minimum height of six (6) feet and ensures that such locations are not visible from adjacent property.*
Secs. 37-560--37-564. Reserved.

Champaign County also has regulations pertaining to outdoor storage. The County requires outdoor storage to be screened if it is visible from and located within 1000 feet of the following:

- A. any point within the BUILDING RESTRICTION LINE of any lot located in any R district or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; recreational business use with outdoor facilities; or*
- B. Any designated urban arterial street or MAJOR STREET.*

Champaign County defines four types of screens. Outdoor storage screening requires a Type D screen.

Sec. 4.3.3 H. SCREEN

1. SCREEN Standards and Types of SCREENS

- a. Type A: Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.*
- b. Type B: An opaque fence or wall with a minimum HEIGHT of four feet as measured from the highest adjacent grade.*
- c. Type C: A landscaped berm or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of six feet as measured from the highest adjacent grade.*
- d. Type D: A landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.*

Proposed Amendment for Outdoor Storage Screening

The proposed amendment is based on examples from other communities, including the City of Champaign and Champaign County, and is tailored to fit the specific needs in Urbana.

Add to Section II-3. Definitions:

Force Majeure: Any acts of God; acts of public enemies; compelling orders from the government of the United States or of the State of Illinois or any of their departments, agencies, or officials, or any civil or military authority; insurrections; riots; epidemics; landslides; lightning; earthquake; fire; storms; floods; washouts; droughts; restraint of government and utilities; or any similar cause or event not reasonably within the control of the affected parties.

Outdoor Storage: The placing, maintaining, or keeping of items outside of an enclosed building for a continuous period longer than 72 hours. Outdoor storage areas include, but are not limited to: raw materials, junk or salvage; vehicles that remain inoperable for more than 72 hours; wholesale commercial products not for display for sale; mechanical equipment and machinery; or construction materials.

Add Section VI-6.F to read as follows:

F. Outdoor Storage Screening.

1. The requirements of this section apply to outdoor storage areas (as defined in Article II) existing on any parcel in use as a construction yard, warehouse, automobile salvage yard, automobile-truck repair, towing services, or any other industrial use as listed in Table V-1. Outdoor storage in these areas shall be screened from view of all public rights-of-way and adjacent properties that are in residential use or are zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, or MOR.
2. Areas subject to this section shall be effectively screened through any combination of fences, walls, berming, or landscaping, as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator and in conformance with the following standards:
 - a) The screen shall be at least six feet but not more than eight feet in height and shall provide a permanent, opaque, year-round visual barrier to ensure that outdoor storage areas are not visible from public rights-of-way or adjacent residential property as identified above. Additional height and/or security measures shall be approved if security provisions are warranted and subject to the review and approval of the Zoning Administrator.
 - b) Materials and colors of fences and walls shall be compatible with surrounding development and shall be durable and intended for outdoor usage.

- c) Acceptable fencing materials include wood, masonry, pre-cast decorative concrete panel, aluminum and vinyl. Corrugated sheet metal and “Jersey” style concrete barriers shall be prohibited as fencing or screening materials. Alternative materials may be allowed upon review and approval by the Zoning Administrator.
- d) Any wall or fence extending more than forty feet in length shall be landscaped on its exterior in accordance with the planting species, spacing, and care requirements set forth in Section VI-6.A.2.h, i, j, and o.
- e) Masonry or concrete walls shall have a column or other design variation every twenty feet.
- f) When the height of items to be stored is greater than eight feet, trees of a minimum three-inch caliper shall be planted in addition to the eight-foot high maximum screening required by this section. Plantings shall be in accordance with the species, spacing, and care requirements set forth in Section VI-6.A.2.h, i, j, and o.
- g) If landscaping is to be used as the primary screen, it shall be no less than four feet in height at time of planting and upon maturity shall be maintained at a minimum of six feet. Planting species, spacing, and care shall be in accordance with the requirements set forth in Section VI-6.A.2.h, I, j, and o.
- h) Fence construction is also subject to the requirements set forth in Chapter 7 of the City of Urbana Code of Ordinances.
- i) Parking lot screening requirements are as set forth in Section VI-6.A-E and Section VIII-3.F.

3. All existing outdoor storage areas made non-conforming by the adoption of Section VI-6-F shall be brought into conformance with this section within twenty-four months from the effective date of the amending ordinance unless an extension is approved in writing by the Urbana Zoning Administrator, or unless a special use, conditional use, or other specific site plan approval has been previously granted by the City which incorporates an alternate screening treatment under which the property remains in compliance.

Add Section VI-6.G to read as follows:

- G. Screening shall be well maintained and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair; walls and fences shall be maintained in an upright condition; deteriorated or damaged masonry and wood fences shall be replaced within a period of thirty days, or as soon as weather permits; plant material shall be maintained in accordance with Section VI-6.A.o. If the screen is destroyed by any *force majeure*, the replacement period may be extended by the Zoning Administrator upon written application.

Issues and Discussion

The proposed text amendment will provide improved consistency between the Zoning Ordinance, Property Maintenance Code, and the desired regulations according to the comprehensive plan. It will also provide for improved consistency with the regulations currently in place in the City of Champaign and Champaign County.

The proposed amendment will help to promote improved compatibility between land uses and the beautification of Urbana's commercial and industrial corridors by targeting outdoor storage areas that are the most visually obtrusive and objectionable. Industrial, wholesale, or construction establishments are prone to the generation of large quantities of outdoor storage, which can be a source of blight unless properly contained and screened. The storage materials and quantities in these areas must be regulated differently from the incidental outdoor storage that may occur with other land uses, such as multi-family or small commercial retail.

The proposed amendment would screen storage materials from the public rights of way and adjacent residential property. Rather than screening outdoor storage from all adjacent properties, as is done in some communities, this approach recognizes that screening is only necessary between potentially conflicting uses and as visible from the public right-of-way. The Zoning Ordinance requires properties that are zoned IN provide a rear yard setback of 10 feet and landscape buffer when adjoining residential zones. The proposed regulations would require that industrial land uses also screen outdoor storage areas from adjacent residential zones and uses. Screening outdoor storage from the public rights-of-way and neighboring residential property is necessary to prevent visual blight, promote land use compatibility, beautify corridors, and to protect the public safety. Limiting access to outdoor storage materials and equipment can prevent possible injuries and will help ensure that outdoor storage remains securely within the boundaries of the owner's private property.

The proposed new regulations will be enforced retroactively on existing sites within 24 months, unless a site plan or zoning use permit has been previously approved for the property which involved a screening treatment and which is currently being maintained in good condition. This will allow property owners enough time to consider how they would like to screen their site. Landowners will need to submit a screening plan for approval by the Zoning Administrator prior to construction. The plan must demonstrate the criteria set forth in the Ordinance. Requiring a plan prior to construction is intended to ensure that the screening will be sufficient before the landowner makes any financial investment. It is estimated that fewer than ten properties will be subject to retroactive enforcement under the proposed Ordinance.

Cost Associated with Proposed Amendment

The cost to property owners will vary depending on the size of the area and the type of screening that they choose. Many of the locations surveyed for this text amendment have chain link fences already constructed around the property. Adding aluminum or vinyl slats to the fence would likely meet the requirements, so long as the materials are consistent with surrounding development. However, at the same cost, they may be able to install a solid vinyl fence that would provide an improved appearance.

Summary of Findings

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment is consistent with goals and objectives of the Comprehensive Plan calling for development and improvement of commercial and industrial areas.
3. The proposed amendment is consistent with standard zoning practice of other communities, including the City of Champaign and Champaign County.
4. The proposed amendment will provide for improved consistency between the City's Property Maintenance Code and Zoning Ordinance.
5. The proposed amendment will help to promote improved land use compatibility between industrial/commercial uses and residential areas.
6. The proposed amendment would help to beautify commercial/industrial corridors by screening outdoor storage items that would otherwise contribute to visual blight.
7. The proposed amendment would help to prevent stored items from encroaching into the public right-of-way and creating safety and access problems.
8. The proposed amendment would promote safety by limiting public access to potentially dangerous materials and equipment.
9. The proposed amendment would help to promote security of private property.
10. The Urbana Plan Commission voted 8 ayes and 0 nays to recommend approval of the proposed text amendment, as presented herein.

Options

The City Council has the following options in Plan Case 2013-T-06:

- a. Approve the proposed text amendment to the Zoning Ordinance, as presented;
- b. Approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. Deny the proposed text amendment to the Zoning Ordinance.

Recommendation

At their November 30, 2006 meeting, the Plan Commission voted 8 ayes to 0 nays to forward a recommendation of approval to the City Council. Based on the evidence presented in the discussion above, staff concurs with the Plan Commission recommendation that the City Council **APPROVE** the proposed text amendment to the Zoning Ordinance.

Prepared by:

Rebecca K. Bicksler
Community Development Associate

Attachments: Exhibit A: Photo exhibits of outdoor storage
 Exhibit B: Petition for Zoning Text Amendment
 Exhibit C: Ordinance No. XXX (Plan Case 2013-T-06)

Exhibit A: Outdoor Storage Photos







Examples of Adequate Screening



ORDINANCE NO. 2006-12-145

AN ORDINANCE APPROVING AN AMENDMENT TO THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS

(To Amend Section VI-6 of the Urbana Zoning Ordinance with Regard to Outdoor
Storage Screening - Plan Case No. 2013-T-06)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 2006-04-040 on April 17, 2006 consisting of a Comprehensive Amendment to the 1993 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend section VI-6 of the Urbana Zoning Ordinance to require screening of certain types of outdoor storage; and,

WHEREAS, the amendment is consistent with the regulations of communities surrounding Urbana; and,

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #2013-T-06; and,

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on November 30, 2006; and,

WHEREAS, the Urbana Plan Commission voted 8 ayes to 0 nays on November 30, 2006 to forward Plan Case#2013-T-06 to the Urbana City Council with a recommendation for approval of the proposed amendment; and,

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and,

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to require the

screening of outdoor storage from rights-of-way and residential areas by amending the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section II-3, Definitions, is hereby amended to *add* the following definitions:

Force Majeure: Any acts of God; acts of public enemies; compelling orders from the government of the United States or of the State of Illinois or any of their departments, agencies, or officials, or any civil or military authority; insurrections; riots; epidemics; landslides; lightning; earthquake; fire; storms; floods; washouts; droughts; restraint of government and utilities; or any similar cause or event not reasonably within the control of the affected parties.

Outdoor Storage: The placing, maintaining, or keeping of items outside of an enclosed building for a continuous period longer than 72 hours. Outdoor storage areas include, but are not limited to: raw materials, junk or salvage; vehicles that remain inoperable for more than 72 hours; wholesale commercial products not on display; mechanical equipment and machinery; or construction materials.

Section 2. Section VI-6, Screening, is hereby amended to *add* screening requirements for outdoor storage areas as follows:

F. Outdoor Storage Screening.

1. The requirements of this section apply to outdoor storage areas (as defined in Article II) existing on any parcel in use as a construction yard, warehouse, automobile salvage yard, automobile-truck repair, towing services, or any other industrial use as listed in Table V-1. Outdoor storage in these areas shall be screened from view of all public rights-of-way and adjacent properties that are in residential use or are zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, or MOR.

2. Areas subject to this section shall be effectively screened through any combination of fences, walls, berming, or landscaping, as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator and in conformance with the following standards:

- a) The screen shall be at least six feet but not more than eight feet in height and shall provide a permanent, opaque, year-round visual barrier to ensure that outdoor storage areas are not visible from public rights-of-way or adjacent residential property as identified above. Additional height and/or security measures shall be approved if security provisions are warranted and subject to the review and approval of the Zoning Administrator.
- b) Materials and colors of fences and walls shall be compatible with surrounding development and shall be durable and intended for outdoor usage.
- c) Acceptable fencing materials include wood, masonry, pre-cast decorative concrete panel, aluminum and vinyl. Corrugated sheet metal and "Jersey" style concrete barriers shall be prohibited as fencing or screening materials. Alternative materials may be allowed upon review and approval by the Zoning Administrator.
- d) Any wall or fence extending more than forty feet in length shall be landscaped on its exterior in accordance with the planting species, spacing, and care requirements set forth in Section VI-6.A.2.h, i, j, and o.
- e) Masonry or concrete walls shall have a column or other design variation every twenty feet.
- f) When the height of items to be stored is greater than eight feet, trees of a minimum three-inch caliper shall be planted in addition to the eight-foot high maximum screening required by this section. Plantings shall be in accordance with the species, spacing, and care requirements set forth in Section VI-6.A.2.h, i, j, and o.

g) If landscaping is to be used as the primary screen, it shall be no less than four feet in height at time of planting and upon maturity shall be maintained at a minimum of six feet. Planting species, spacing, and care shall be in accordance with the requirements set forth in Section VI-6.A.2.h, I, j, and o.

h) Fence construction is also subject to the requirements set forth in Chapter 7 of the City of Urbana Code of Ordinances.

i) Parking lot screening requirements are as set forth in Section VI-6.A-E and Section VIII-3.F.

3. All existing outdoor storage areas made non-conforming by the adoption of Section VI-6-F shall be brought into conformance with this section within twenty-four months from the effective date of the amending ordinance unless an extension is approved in writing by the Urbana Zoning Administrator, or unless a special use, conditional use, or other specific site plan approval has been previously granted by the City which incorporates an alternate screening treatment under which the property remains in compliance.

Add Section VI-6.G to read as follows:

G. Screening shall be well maintained and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair; walls and fences shall be maintained in an upright condition; deteriorated or damaged masonry and wood fences shall be replaced within a period of thirty days, or as soon as weather permits; plant material shall be maintained in accordance with Section VI-6.A.o. If the screen is destroyed by any *force majeure*, the replacement period may be extended by the Zoning Administrator upon written application.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the ____ day of _____, 2006.

PASSED by the City Council this ____ day of _____, 2006.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2006.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2006, the corporate authorities of the City of Urbana passed and approved an Ordinance to Amend the Zoning Ordinance (To Amend Section VI-6 of the Urbana Zoning Ordinance with Regard to Outdoor Storage Screening - Plan Case No. 2013-T-06)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2006, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2006.

MINUTES OF A RESCHEDULED REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: November 30, 2006

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: None

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Robert Myers, Planning Manager; Matt Wempe, Planner II; Jeff Engstrom, Planner I; Rebecca Bicksler, Community Development Associate; Teri Andel, Planning Secretary

OTHERS PRESENT: Fred Coleman, III; Kurt Salmon; Susan Taylor; Blake Weaver

NEW PUBLIC HEARINGS

Plan Case No. 2013-T-06: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with regard to screening of outdoor storage.

Rebecca Bicksler, Community Development Associate, gave the staff presentation for this case. She began with a brief introduction and background on outdoor storage requirements in the City of Champaign and in Champaign County. She mentioned that the City's Zoning Ordinance currently does not have regulations for screening of outdoor storage. She summarized the proposed amendment as adding the following: 1) definitions for "force majeure" and "outdoor storage", 2) screening requirements for outdoor storage, 3) screening of storage items from public rights-of-way and from neighboring residential properties, 4) screening requirements being consistent with regulations of surrounding communities, and 5) handling existing outdoor storage which would become nonconforming. She concluded that the proposed amendment would help beautify the City of Urbana. It would be consistent with our neighboring community's codes. Requiring that outdoor storage be screened is a state of the art practice that the City of Urbana has never had.

Ms. Stake wondered if twenty-four months seemed excessive to allow existing outdoor storage areas to come into conformance if the proposed amendment is passed. Would not a year be long enough? Ms. Bicksler stated that because of the cost of screening and because landscaping can take some time to grow, City staff felt that two years would be sufficient. Mr. Myers added that it might take some businesses longer to provide the screening depending on how their annual budget cycle fall.

Mr. Ward questioned whether “*raw materials*” and “*junk*” is defined in the Zoning Ordinance. It seems to him that these terms could be terribly vague. These terms should be defined and be specific to avoid problems down the road.

Mr. Ward felt that the language, “*Materials and colors of fences and walls shall be compatible with surrounding development...*” to be an extremely subjective statement as well. One person’s judgment might be that something is compatible, and another person’s judgment might think that it is terribly incompatible. Mr. Pollock stated that the determination of what is compatible and the determination of “*junk*” would fall upon the Zoning Administrator. Mr. Ward pointed out that the Zoning Administrator’s judgment can be challenged.

Mr. Ward personally felt that a chain-linked fence with added aluminum or vinyl slats comprises and defines “*blight*” rather than corrects blight. He looked at some of these types of fences around town, and he would rather see what is behind the fence than to see these types of fences. Mr. Myers responded by saying that this is easy when what is being stored outdoors is kept neat and tidy. But for businesses which choose or need to pile materials it can be really unsightly. And frankly sometimes businesses like scrap yards need the freedom to be able to store things in piles. A screen would be the right thing to provide.

Mr. Myers noted that there is a definition in the Zoning Ordinance for “*junk*” or “*salvage yard*”. It is a lot, land, building, or structure, or part thereof, used primarily for the collecting, storage, and/or sale of scrap metal, or the collecting, dismantling, storage and salvaging of machinery, appliances, or vehicles not in running condition and for the sale of parts there from. Mr. Ward commented that this defines “*yard*” and one could infer from this a definition of “*junk*”; however, he suggested that City staff define “*junk*” if we are going to use the term.

Mr. Pollock asked if the proposed amendment is for residential zones. Ms. Bicksler replied that the proposed amendment is for any industrial uses that are adjacent to residential zones or uses.

Mr. Pollock inquired if when the City staff talks about vehicles, they are not talking about vehicles on public property. Ms. Bicksler said that is correct.

Ms. Burris wondered if the proposed amendment would apply to the Muffler Shop on the corner of University and Broadway Avenues. Would the owner have to enclose it? On one hand, she would not want a six-foot fence there, but on the other hand she does not believe that all the cars sitting there do anything to upgrade the community. Ms. Bicksler replied by saying that if it is an automotive repair shop it would not be allowed to display vehicles inoperable for more than 72 hours on the property. If the repair shop owner kept cars for longer than 72 hours, then they would have to screen them. Mr. White commented that the operative word is “*inoperable*”.

Most of the cars at this particular location are probably licensed and can be driven. Ms. Tyler added that City staff gets some complaints on this particular property. Although they might not be subject to the proposed amendment, City staff might be able to use the amendment as a tool to encourage the repair shop owner to not use storage so they do not have to screen.

Ms. Stake moved that the Plan Commission forward this case to the City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance. Ms. Burris seconded the motion. Upon a roll call vote was taken as follows:

Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes	Mr. Grosser	-	Yes

The motion was passed by unanimous vote. Mr. Myers mentioned that this case would be forwarded to City Council with the Plan Commission's recommendation to be reviewed on December 11, 2006.