



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) Regarding Pet Care Facilities and Kennels
Presenter:	Matthew O'Rourke

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – (4/14/14)		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

**Background**

Robin Massey, the applicant and owner of Fydoland, has submitted an application for a General Amendment to the Zoning Ordinance to permit Pet Care Facilities in the BL- Local Business District. The applicant has also submitted a Special Use Application for the property located at 1317 E. Main Street to permit a Pet Care Facility if this General Amendment is approved. (Separate Agenda Item)

Staff has worked with the applicant to determine how this proposed business fits into the current standards of Title 17 (Zoning Ordinance). Based on this review, staff determined that due to the overnight stays, this type of business is currently defined as a Kennel.

**Proposal**

Staff has determined that Fydoland represents a business model that is different from commercial kennels (offering other services in addition overnight boarding). Staff, in conjunction with the applicant, is proposing to accommodate the applicant's proposal by creating a new use category that more accurately reflects the proposed business. The details of the proposed amendments are as follows:

- Establish a new use category for Pet Care Facilities.
- This new use category is proposed as a special use in the BL, BC, and BR Zoning Districts.
- Remove Kennel as a Special Use in the BC & BR Zoning Districts.
- Create use/location standards specific to this use.
- Create parking standards for the proposed use.

**Plan Commission Comments and Recommendation**

The Plan Commission held a public hearing on 3/4/2014 to discuss this General Amendment. The Commission discussed the need for additional screening requirements around outside exercise areas. The Commission was concerned that pets not be able to see outside the exercise areas to minimize any barking.

The Plan Commission recommended approval of the proposed General Amendment on 3/4/2014 with the condition that an additional use standard that requires opaque (non-see-through) screening around outside exercise areas that abut or face residentially zoned properties, commercially zoned properties, and any public right-of-way. The Plan Commission vote was 8-aye to 0-nay.

**Attachments:** *(please list)*

Application for General Amendment

**Recommendation / Suggested Action** *(briefly explain):*

Recommend approval of the proposed application for a General Amendment to Title 17 of the City Code (Zoning Ordinance) Regarding Pet Care Facilities and Kennels

<i>For office use only:</i>	<i>Agenda Item Number: 5a</i>
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# Community & Economic Development

## Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



### **STAFF REPORT**

**TO:** Chairman Daniel P. Stellato  
And Members of the Planning & Development Committee

**FROM:** Matthew O'Rourke, AICP, Planner

**RE:** General Amendments to Title 17 (Zoning Ordinance) Requirements for Pet Care Facilities and Kennels.

**DATE:** April 4, 2014

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### **I. GENERAL INFORMATION**

**Project Name:** General Amendments to Title 17 (Zoning Ordinance) - Requirements for Pet Care Facilities and Kennels

**Applicant:** Robyn Massy and Dalores Morrison

**Purpose:** Create regulations for a new use category "Pet Care Facilities" and to remove Kennels from the business Zoning Districts as a Special Use.

### **II. BACKGROUND**

Robin Massey, the applicant and owner of Fydoland, has submitted an application for a General Amendment to the Zoning Ordinance to permit Pet Care Facilities in the BL - Local Business District. The applicant has also submitted a Special Use Application for the property located at 1317 E. Main Street to permit a Pet Care Facility if this General Amendment is approved. Fydoland is a business that offers the following services:

- Sale of pet products
- Pet grooming
- Pet birthday parties
- Pet daycare
- Overnight boarding

#### **A. STAFF COMMENTS**

Staff has worked with the applicant to determine how this proposed business fits into the current standards of Title 17 (Zoning Ordinance). Based on this review, staff determined that due to the overnight stays, this type of business is defined as a Kennel.

Kennels are defined in **Section 17.030.020** of the Zoning Ordinance as follows:

*“Any lot or premises, or portion thereof, where more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept, or where more than two (2) such animals are boarded for compensation. This use includes animal day care establishments, but does not include the retail sale of household domestic animals unless animals are kept or exercised out of doors.”*

Kennels are currently listed as special uses in the BC, BR, and M-2 Zoning Districts.

**B. PROPOSAL**

Based on the above analysis, staff has determined that Fydoland represents a business model that is different from commercial kennels (offering other services in addition overnight boarding). Staff, in conjunction with the applicant, is proposing to accommodate the applicant’s proposal by creating a new use category that more accurately reflects the proposed business. The details of the proposed amendments are as follows:

- Establish a new use category for Pet Care Facilities.
  - This new use category is proposed as a special use in the BL, BC, and BR Zoning Districts.
- Remove Kennel as a Special Use from the BC & BR Zoning districts.
- Create use/location standards specific to this use.
- Create parking standards for the proposed use.

**III. STAFF ANALYSIS**

**A. USE RESEARCH**

Staff examined the different aspects of the proposed business and determined it represents a different type of business than a traditional kennel. Staff inquired to the American Planning Association (APA) Planners Advisory Service (PAS) to determine if other communities also consider this type of business different from a “kennel” operation. The PAS staff responded and confirmed that other communities are creating standards for these types of facilities. They supplied staff with information regarding how other Illinois communities regulate businesses similar to Fydoland. The following table summarized this information:

<b>Comparable Communities Pet Care Requirements</b>	
<b>City</b>	<b>Requirements</b>
<b>Forest Park</b>	<ul style="list-style-type: none"> <li>• Animal boarding, daycare, and grooming, when associated with a related retail use are a conditional (Special) use in the Downtown Business District.</li> <li>• <b>Definitions:</b> <ul style="list-style-type: none"> <li>○ ANIMAL BOARDING: A nonresidential facility offering care for four (4) or more domestic pet animals for more than twelve (12) hours per day.</li> <li>○ ANIMAL DAYCARE: A nonresidential facility offering care for four (4) or more domestic pet animals for up to fourteen (14) hours per day between the hours of six thirty o'clock (6:30) A.M. and eight thirty o'clock (8:30) P.M.</li> <li>○ ANIMAL GROOMING: Services provided to domestic pet animals including, but not limited to, clipping, bathing and related services, and excluding veterinary services.</li> </ul> </li> </ul>

<p><b>Mundelein</b></p>	<ul style="list-style-type: none"> <li>• Pet day care service is permitted in mixed use districts and C-1 through C-4 districts; is a special use in downtown districts (versus "kennel", which is permitted in C-3 and is a special use in in C-2, and is not permitted in downtown districts). Both are permitted in O-R and M-MU districts.</li> <li>• <b>Definitions:</b> <ul style="list-style-type: none"> <li>○ KENNEL means an establishment where pet animals owned by another person are temporarily boarded overnight for a fee. "Kennel" shall not apply to animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.</li> <li>○ PET DAY CARE SERVICE means an establishment where domestic animals owned by another person are temporarily boarded for pay or remuneration of any sort. "Pet "day care" service" is distinguished from a "kennel" as pets are typically boarded for the day, though overnight boarding may be available, and the establishment may offer accessory services, such as retail sales of pet care supplies, and services such as dog-walking and animal grooming.</li> </ul> </li> </ul>
<p><b>Naperville</b></p>	<ul style="list-style-type: none"> <li>• In the B2 district, pet care establishments accessory to a principal use are permitted by right if they do not exceed 25% of the gross floor area and are conditional uses if they do exceed 25%. All activity must be indoors.</li> <li>• In the B3 district, both accessory and principal use pet care establishments are permitted by right; all activity must be indoors. With outdoor areas, requires a conditional use permit.</li> <li>• In the industrial district, principal use pet care establishments with indoor activity only are permitted by right. With outdoor areas, requires a conditional use permit.</li> <li>• No new pet care facilities are allowed in the office district.</li> <li>• <b>Definition:</b> <ul style="list-style-type: none"> <li>○ PET CARE ESTABLISHMENT: A building, structure or portion thereof designed or used for the boarding, training, daycare or kenneling of dogs, cats or other household domestic animals. Pet care establishments as an accessory use shall be defined as any pet care establishment which is subordinate and incidental to the principal permitted use of the building, structure or premises.</li> </ul> </li> </ul>
<p><b>Wilmette</b></p>	<ul style="list-style-type: none"> <li>• Domestic pet service (daytime animal boarding, grooming, and training (not including overnight boarding) is considered a personal service establishment.</li> <li>• Overnight boarding kennels allowed as a special use in Village Center district according to standards (must be licensed by the state, and be 1,320' from another such use, and not exceed 12 animals boarded overnight).</li> </ul>

Based on this information, staff confirmed that Illinois communities have created standards for uses similar to Fydoland in their commercial and downtown districts. These communities typically create additional standards to address potential impacts of the use. These standards vary from not locating any pet facilities with a certain distance to residential properties to how many animals can be boarded overnight.

Based on this review of other community’s regulations, and the details of the Fydoland business, staff is proposing the following amendments to the Zoning Ordinance:

B. AMENDMENTS TO TABLE 17.14-2 BUSINESS AND MIXED USE PERMITTED AND SPECIAL USES

Staff is proposing to amend **Table 17.14-2 Business and Mixed Use Permitted and Special Uses** to add the a new Pet Care Facility use as a special use in the BL-Local Business, BC-Community Business, and BR- Regional Business Zoning Districts. The new use category fits within the framework of the City’s business districts since Pet Care Facility will only permit overnight boarding in conjunction with other services such as retail sale of products.

Staff is also proposing that Kennels be removed as a Special Use in the BC and BR Zoning Districts where they are currently listed. Kennel uses will be only listed as Special Uses in the M-2 Limited Manufacturing district, as they are not as consistent with the commercial character of the City’s business districts.

C. AMENDMENTS TO CHAPTER 17.20 USE STANDARDS

Staff is proposing to amend section **17.20.030 Standards for Specific Uses** of the Zoning Ordinance. Staff is proposing the following use standards based on the review of the Fydoland proposal, existing standards for Kennels, and research of other community’s regulations.

**Pet Care Facilities:**

Pet Care Facilities shall comply with the following:

1. Outdoor exercise areas shall not be located on a property that abuts a residentially zoned property.
2. Outdoor exercise areas that directly abut or face any residentially zoned properties, commercially zoned properties, and any public right-of-way shall be screened with a 100% opaque non-see-through fence or wall.
3. All animals shall be kept either within completely enclosed structures or under direct control of the kennel operator or staff at all times, and shall be indoors between the hours of 7:00 PM and 7:00 AM.
4. The operation of the daycare and/or overnight boarding of the Pet Care Facility shall not allow the creation of noise by any animal or animals under its care which can be heard by any person at or beyond the property line of the lot on which the kennel is located, which occurs a) repeatedly over at least a seven-minute period of time at an average of at least twelve animal noises per minute, or b) repeatedly over at least a fifteen minute period of time, with one minute or less lapse of time between each animal noise during the fifteen-minute period.

D. AMENDMENTS TO CHAPTER 17.24 OFF-STREET PARKING, LOADING & ACCESS

Staff is proposing to amend **Table 17.24-3 Required Off-Street Parking** to create new parking categories for Pet Care Facilities. Staff is proposing that Pet Care Facilities have the same parking requirement as Personal Service uses. Personal Service currently permits dog grooming and other similar uses for pets that do not involve daycare or overnight boarding of animals.

TABLE 17.24-3 REQUIRED OFF-STREET PARKING	
USE	PARKING REQUIREMENT
RETAIL AND SERVICE USES	
Pet Care Facilities	3 per 1,000 of GFA

E. AMENDMENTS TO CHAPTER 17.30 “DEFINITIONS”

Staff is proposing to amend Section 17.30.020 “Use Definitions” to create the following new use definition for Pet Care Facilities:

**Pet Care Facilities** – A building, structure or portion thereof designed or used for the retail sale of pet products and food, grooming, boarding, training, daycare or overnight boarding of dogs, cats or other household domestic animals. The overnight boarding area of the establishment shall not exceed 50% of the total Gross Floor Area of the business. Establishments that only provide daycare and overnight boarding services, or establishments where these services exceed 50% of the Gross Floor Area, shall be considered a Kennel, not a Pet Care Facility.

**VIII. PLAN COMMISSION MEETING**

The Plan Commission held a public hearing on 3/4/2014 to discuss this General Amendment. The Commission discussed the need for additional screening requirements around outside exercise areas. The Commission is concerned that pets not be able to see outside the exercise areas to minimize any barking.

**IX. PLAN COMMISSION RECOMMENDATION**

The Plan Commission recommended approval of the proposed General Amendment on 3/4/2014 with the condition that an additional use standard requiring opaque (non-see-through) screening around outside exercise areas that abut or face residentially zoned properties, commercially zoned properties, and any public right-of-way. **This use standard has been added to the proposed General Amendment explained in Section III Subsection C, of this staff report.** The Plan Commission vote was 8-aye to 0-nay.

**X. STAFF RECOMMENDATION**

Staff recommends approval of the proposed General Amendment and has provided draft Findings of Fact to support that recommendation.

**VII. ATTACHMENTS**

1. Application for General Amendment

**FINDINGS OF FACT**  
**GENERAL AMENDMENT**

**(Amendments to Requirements for Pet Care Facilities and Kennels)**

**1. The consistency of the proposed amendment with the City’s Comprehensive Plan.**

This use is not directly addressed in the Comprehensive Plan. The proposed amendment is consistent with the following Commercial Area Policy stated on page 48 of the Comprehensive Plan.

*“Promote a mix of attractive commercial uses along the Main Street Corridor that provide a range of goods and services to the St. Charles community.”*

The proposed use category creates opportunities for a new business model to occupy vacant buildings in the BL-Local Business, BC- Community Business, and BR- Regional Business Zoning Districts. The majority of the properties zoned BL, BC, and BR are located along the main street corridor and this amendment will provide an avenue to bring a new kind of service business to this corridor.

**2. The consistency of the proposed amendment with the intent and general regulations of this Title.**

The proposed amendments fit within the structure of the Zoning Ordinance and do not change the intent of the existing ordinance requirements. The changes to **Table 17.14-1 Business and Mixed Use Permitted and Special Uses, Section 17.20.030 Specific Use Standards, Table 17.24-3 Required Off-Street Parking, and 17.30.020 “Use Definitions”** create regulations for the new Special Use Category Pet Care Facility. These amendments are consistent with the framework created in Title 17(the Zoning Ordinance) for all Special Uses and the use standards are similar to the existing standards for Kennels.

**3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.**

The proposed amendments will establish a new Special Use category Pet Care Facility. The proposed amendments reflect a change in policy to adapt to a new business model that incorporates the sale of pet related services and products, with overnight boarding as a portion of the business.

**4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**

This amendment is not solely in the interest of the applicant. The proposed amendments will impact all properties in the BL, BC, and BR Zoning Districts. Any pet care or pet service businesses will be able to apply for a Special Use on any eligible property and will be subject to all the standards of the proposed amendments.

**5. The extent to which the proposed amendment creates nonconformities.**

The proposed amendments will not create any new nonconformities. The proposed Special Use category of Pet Care Facility does not currently exist in the City of St. Charles. Therefore, any new Pet Care Facilities will have to meet the standards proposed in these amendments.

There are currently no Special Uses established for a Kennel in the BC or BR Districts; therefore, the proposed amendments to remove Kennel as a Special Use from the City's business districts will not create any nonconformities.

**6. The implications of the proposed amendment on all similarly zoned property in the City.**

These amendments will apply to any proposed Pet Care Facility on any property in the BL- Local Business, BC – Community Business, and BR – Regional Business Zoning Districts, subject to the proposed use standards.



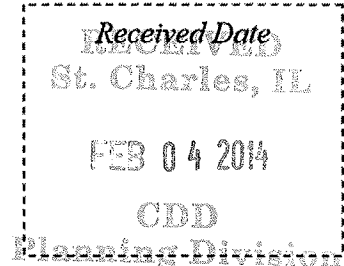
**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**GENERAL AMENDMENT APPLICATION**



<b>CITYVIEW</b>	
Project Name:	1317 E. Main St. Morrison - Property
Project Number:	2014 -PR-005
Application Number:	2014 -AP-008

*Instructions:*

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Applicant:</b>	Name	Robin Massey	Phone	847-669-9300
	Address	1999 Larkin Ave. Elgin, IL 60123	Fax	
			Email	robinmassey@att.net
<b>2. Billing:</b> <i>Who is responsible for paying application fees and reimbursements?</i>	Name	Robin Massey	Phone	847-669-9300
	Address	1999 Larkin Ave. Elgin, IL 60123	Fax	
			Email	robinmassey@att.net

**Attachment Checklist**

- APPLICATION:** Completed application form
- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- WORDING OF THE REQUESTED TEXT AMENDMENT**  
One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM



**Chapter 17.14 “Business and Mixed Use Districts”**

**Chapter 17.16 “Office/Research, Manufacturing, and Public Land Districts”**

**Chapter 17.20 “Use Standards”**

**Chapter 17.24 “Off-Street Parking, Loading & Access”**

**Chapter 17.30 “Definitions”**

Pertaining to requirements for Pet Care Facilities and Kennels.

# FINDINGS OF FACT SHEET – GENERAL AMENDMENT

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.



As an applicant, the "burden of proof" is on you to show why the proposed amendment is appropriate. Therefore, you need to "make your case" by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate "not applicable" and explain why it does not apply.

See Attachment

Amendment Description/Ordinance Section Number

2/4/14

Date

## From the Charles Zoning Ordinance, Section 17.04.320.C:

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

1. The consistency of the proposed amendment with the City's Comprehensive Plan.  
The proposed amendment will facilitate implementation of the City's Comprehensive Plan for East Main Street, allow opportunities for use of this vacant building and property, and provide for economic development.
2. The consistency of the proposed amendment with the intent and general regulations of this Title.  
The proposed amendment clarifies and provides for additional specific uses that are consistent with similar permitted uses in the BL district.
3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.  
The proposed amendment clarifies existing requirements, it expands existing text by specifying other similar permitted uses, and reflects a policy of expanding economic development opportunities for underutilized properties on East Main Street.
4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.  
The amendment, as proposed, will provide for expanded job opportunities, increased sales tax, and more potential business traffic and exposure for other commercial land uses on East Main Street, in addition to this specific business plan for FYDOLAND.

5. The extent to which the proposed amendment creates nonconformities.

**None**

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6. The implications of the proposed amendment on all similarly zoned property in the City.

**Provides expanded opportunities for other properties in St. Charles.**

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**Chapter 17.14 “Business and Mixed Use Districts”**

**Chapter 17.16 “Office/Research, Manufacturing, and Public Land Districts”**

**Chapter 17.20 “Use Standards”**

**Chapter 17.24 “Off-Street Parking, Loading & Access”**

**Chapter 17.30 “Definitions”**

Pertaining to requirements for Pet Care Facilities and Kennels.