



**PLANNING AND ZONING COMMISSION
MEETING
AT 7:00 P.M. ON SEPTEMBER 20, 2021
VALLEY PARK CITY HALL, 320 BENTON
STREET, VALLEY PARK, MISSOURI 63088**

****** TENTATIVE AGENDA******

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES – AUGUST 9, 2021**
5. **PUBLIC HEARING**
 - a. Proposed Text Amendment to add regulations to the City’s Land Use Code.
6. **NEW BUSINESS**
 - a. Proposed Text Amendment to add regulations to the City’s Land Use Code.
7. **ADJOURNMENT**

MEMORANDUM

Re: Outdoor Storage Regulations
Date: September 16, 2021

To: Dusty Hosna
From: Anna Krane, AICP

Update

On February 8, 2021, the Planning and Zoning Commission hosted a Public Hearing for the proposed Text Amendment to add regulations to the City's Land Use Code for outdoor storage operations. After hearing from the public, staff, and having a discussion, the Planning and Zoning Commission voted to recommend approval of the Text Amendment with four conditions to be addressed by staff prior to the Board of Aldermen meeting.

Conditions of Recommended Approval:

1. Clarify that the provisions apply to primary and accessory outdoor storage uses.
2. Expand the location provisions to prevent storage in a front yard or beyond the front line of a building.
3. Add a provision to address gas or oil spillage.
4. Revise the provisions to cover any powered equipment instead of fuel powered equipment.

The Public Hearing before the Board of Aldermen was tabled. Significant time has passed and staff has decided to re-present the proposed text amendment to the Planning and Zoning Commission prior to rescheduling the Public Hearing before the Board of Aldermen. The four conditions of approval previously recommended by the Planning and Zoning Commission have been addressed in the proposed regulations.

Introduction

The City has seen an increase in questions about outdoor storage options in commercial and industrial zoning districts from existing businesses and from potential property developers. Based on some of the existing conditions of outdoor storage in the City and the operations proposed recently, PGAV has been approached by staff to draft a new set of regulations specifically geared toward outdoor or open storage.

Background

PGAV began with an analysis of the existing regulations pertaining to storage. The existing regulations that cover open or outdoor storage include the Land Use Definitions and provisions from the Light Industrial District Performance Standards.

MEMORANDUM

The City Code includes a definition of open storage as the “storage of materials or goods on the ground or platforms outside of a building.” Open storage is not listed as a Land Use Category in **Appendix A Listing of Permitted and Conditional Zoning District Uses**. “Storage and warehousing of non-hazardous products” and “Storage and warehousing of household goods” are both listed in Appendix A as permitted land uses in the I-1, PD-I, and PD-MX zoning districts. While specific definitions for the listed permitted uses are not listed in the Definitions Section of the City Code, **Appendix A** does provide a NAICS Code for both uses.

Land Use Category	NAICS Code	NAICS Definition
Storage and warehousing of non-hazardous products	493190	This industry comprises establishments primarily engaged in operating warehousing and storage facilities (except general merchandise, refrigerated, and farm product warehousing and storage).
Storage and warehousing of household goods	493110	This industry comprises establishments primarily engaged in operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks. They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products.

Section 405.170.D.10 “I-1” Light Industrial District – Performance Standards states the following regarding businesses in the I-1 District:

- a. All industrial operations shall be conducted within a fully enclosed building.
- b. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, wooden fences, or brick or decorative masonry walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at the grade of the nearest adjacent street, or at the nearest property lines.

The existing regulations are not very clear when addressing open storage as a primary use versus as an accessory use. In both cases, open storage facilities can have negative impacts on adjacent property and surrounding communities based on the items being stored and the associated operations. Since the adoption of the existing code, there have also been changes in the storage industry. Self-storage operations in different forms have become a more popular business practice, which has been a source of the increased inquiries fielded by the City. The self-storage operations, like open storage facilities, are also not clearly addressed in the existing code.

MEMORANDUM

Overview of Recommendations

Based on our evaluation of the City's existing regulations and the type of storage operations that have inquired about locations in the City, we have made several recommendations for text amendments to the City's Land Use Code. Below is an overview of the main recommendations.

1. *Modify Appendix A Listing of Permitted and Conditional Zoning District Uses.*

Both storage related uses currently listed in Appendix A relate to warehouse type facilities, which are most frequently housed completely inside of a structure, and which do not include the self-storage variation as specified in NAICS. We recommend adding "lessors of mini-warehouses and self-storage units" as a land use category listed in Appendix A. This category covers more of the storage operations that the City is currently fielding questions about. We also recommend differentiating the open storage from indoor storage on the table.

2. *Require a Conditional Use Permit for storage uses.*

We recommend modifying Appendix A to show the storage uses ("storage and warehousing of non-hazardous products," "storage and warehousing of household goods," and "lessors of mini-warehouses and self-storage units") as allowed with a Conditional Use Permit when the business operation includes open or outdoor storage. Given the many ways that sites can be arranged and used for indoor and outdoor storage, it is important for the City to have control and a firm understanding of each specific case proposed. The Conditional Use Permit process allows the City to analyze a proposed business more in-depth and understand potential impacts given the context, scope and plan for the specific business. This process also allows the City an opportunity to place conditions on the operation and maintenance of the specific business.

Separating indoor and open storage and warehousing uses allows the standard indoor warehousing facilities to continue to operate inside of building without the additional process of a Conditional Use Permit. This recommended modification also eliminates some of the past confusion on indoor versus outdoor facilities.

3. *Modify the definition of open storage.*

Edit the definition to say "outdoor/open storage." This definition will come into play when understanding the new designations in the land use category of Appendix A. In the land use table, specifying "indoor" and "outdoor" is more intuitive than "indoor" and "open." Adding "outdoor" will then link the existing definition of "open storage" to the modification made to Appendix A.

MEMORANDUM

4. *Add Regulations to Chapter 405, Article X Special Procedures and Regulations.*

Article X contains special regulations pertaining to uses that “require particular consideration in each case because of the nature of the use and its effect on its surroundings...” In the case of open storage uses, adding special regulations will allow the City to set a minimum standard for operation guidelines. Through these special regulations, the City can pre-emptively mitigate potential impacts and call attention to areas of concern for the business to address prior to obtaining a Conditional Use Permit. We propose referencing the new regulations placed in Article X in the zoning district code sections to ensure that readers see the additional regulations.

The proposed regulations cover site design and layout, the types of storage operations allowed, and operations standards. Currently, the regulations only allow for exterior storage as an accessory use. The City Code definition of accessory use is “a use incidental and subordinate to the principal use of the premises.” The proposed regulations go further to state that the principal use must be primarily operated from inside of a structure. The intention of these regulations is to limit the amount of exterior storage and therefore, mitigate some of the potential negative impacts including, but not limited to, environmental, visual, noise, and odor.

Conclusion

Adopting the proposed regulations and modifications requires a Text Amendment following the procedures as required by **Chapter 405, Article XII Amendments**. The Planning and Zoning Commission should make a recommendation to the Board of Aldermen.

Chapter 405 Zoning Regulations

Appendix A Listing of Permitted and Conditional Zoning District Uses

Land Use Category	NAICS Code	I-1	PD-C	PD-I	PD-MX
Storage: Lessors of mini-warehouses and self-storage units – indoor	531130	C	C	C	C
Storage: Lessors of mini-warehouses and self-storage units - outdoor	531130	C		C	C
Storage and warehousing of non-hazardous products - indoor	493190	P		P	P
Storage and warehousing of non-hazardous products - outdoor	493190	C		C	C
Storage and warehousing of household goods - indoor	493110	P		P	P
Storage and warehousing of household goods – outdoor	493110	C		C	C

Article II Rules and Definitions

Section 405.050 Definitions

OPEN/~~OUTDOOR~~ STORAGE

Storage of materials or goods on the ground or platforms outside of a building.

Section 405.170 “I-1” Light Industrial District.

D. Regulations and Performance Standards. The following regulations shall apply in all “I-1” Light Industrial Districts:

10. Performance Standards.

- a. All industrial operations shall be conducted within a fully enclosed building.
- b. All storage of materials and equipment shall be within a fully enclosed building or ~~in a side or rear yard so screened by berms, dense vegetative plantings, wooden fences, or brick or decorative masonry walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at the grade of the nearest adjacent street, or at the nearest property lines~~ shall conform to the regulations set forth in **Chapter 405, Article X, Division 5 Open and Outdoor Storage.**

Article X Special Procedures and Regulations

Division 5 Open and Outdoor Storage

A. Intent.

1. The intent of this Division is to establish regulations for storage operations that will be maintained outside of a building or structure, that have the potential to result in additional impacts to adjacent properties and the surrounding community.
2. These regulations shall apply to open and outdoor storage facilities in addition to any regulations of the zoning district in which the use/facility is located.

B. Definitions.

STORAGE AND WAREHOUSING OF NON-HAZARDOUS PRODUCTS

This industry comprises establishments primarily engaged in operating warehousing and storage facilities (except general merchandise, refrigerated, and farm product warehousing and storage).

STORAGE AND WAREHOUSING OF HOUSEHOLD GOODS

This industry comprises establishments primarily engaged in operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks. They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products.

LESSORS OF MINIWAREHOUSES AND SELF-STORAGE UNITS

This industry comprises establishments primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e. rooms, compartments, lockers, containers, or outdoor spaces) where clients can store and retrieve their goods.

OPEN/OUTDOOR STORAGE

See **Section 405.050 Definitions.**

TEMPORARY USE

See **Section 405.260 Temporary Uses.**

ACCESSORY USE

See **Section 405.050 Definitions.**

C. General Provisions.

1. Applicability. These regulations shall apply to primary, accessory, and temporary open or outdoor storage uses/facilities.
2. *Conditional Use Permit.*
 - a. Open or outdoor storage facilities shall only be permitted as a primary use with a Conditional Use Permit as outlined in **Appendix A Listing of Permitted and Conditional Zoning District Uses.**
 - b. An accessory use of open or outdoor storage shall only be permitted with a Conditional Use Permit. If the accessory open or outdoor storage occupies less than twenty-five percent (25%) of the lot area and the primary use is operated inside of a building or structure, then a Conditional Use Permit is not required.

- c. Through the Conditional Use Permit process, the Planning Commission and/or the Board of Aldermen may add conditions or regulations to govern a specific business based on the intent to mitigate potential negative impacts due to the operations or location of the proposed business.
 - 3. *Business License.*
 - a. These regulations shall only modify and not replace City requirements or regulations for business licenses.
 - b. Any business leasing a storage area shall obtain and maintain a business license with the City.
 - 4. *Application Requirements.*
 - a. The following information shall be provided to the City for review prior to operation of any outdoor storage as a primary or accessory use:
 - 1) A detailed site plan showing property lines and the location of any structures, parking areas, storage areas, light fixtures, landscaped areas, fences or screening, and additional information as requested by the City;
 - 2) A plan for facility amenities such as trash and recycling services or restroom facilities;
 - 3) Hours of operation;
 - 4) An access plan for first responders, emergency responders, and law enforcement;
 - 5) All application and submission requirements as required by **Article X Special Procedures and Regulations, Division 1 Generally.**
- D. Site Design Standards.**
- 1. *Layout.*
 - a. No open or outdoor storage shall be located within a front yard setback or beyond the front building line of a structure.
 - b. In order to avoid traffic congestion and damage to adjacent curbing, pavement, or property, entry or exit drives to such facilities shall be of proper width and length with appropriate curb or pavement radii to accommodate the types of vehicles with trailers or trucks that are expected to use the facility.
 - c. All vehicles, trucks, trailers, recreation vehicles, motorcycles, or powered equipment stored on the site shall be parked on pavement as defined in **Section 405.050 Definitions.**
 - d. All sites shall be designed in accordance with regulations of **Chapter 405**, including but not limited to, **Article VII Off-Street Parking and Loading Requirements.**
 - 2. *Screening.*
 - a. All open storage areas shall be screened from adjacent property by berms, dense vegetative plantings, solid fences, or brick or decorative masonry walls, or a combination of these materials measuring at least eight (8) feet in height.
 - 1) Open storage areas adjacent to residential zoning districts shall provide screening of at least ten (10) feet in height.
 - b. All open storage areas shall not be visible from adjacent property or public right-of-way at grade level.
 - c. All screening methods as described in 2.a above shall be maintained in good condition and shall include replacement of damaged areas or dead plant material within ninety (90) days of any such condition or upon notice by the Building Commissioner.
 - 3. *Height.*

- a. Shipping containers and storage pods may not be stacked more than two (2) high.
- b. Items stored on the site may not be stacked more than twenty (20) feet above grade.
- 4. *Lighting.*
 - a. There must be general area lighting sufficient along access roadways but without spillover to adjacent residential properties.
 - b. The lighting plan shall conform to regulations contained in **Section 405.305 Site Lighting Standards.**
- E. **Facility Operations Standards.**
 - 1. The storage of hazardous materials of any form or mass storage of controlled substances or chemicals shall be prohibited.
 - 2. All vehicles, trucks, trailers, recreation vehicles, or motorcycles stored on the site shall have current registration and license plates and be in operable or usable condition.
 - 3. Storage areas and vehicles stored, i.e. trailers, boats, recreation vehicles or similar, shall not be used for habitation for any duration of time when located on the property.
 - 4. Any site with storage of vehicles, boats, powered equipment or similar shall maintain a plan and appropriate mitigation materials on site to address the spill of any gas, oil, or similar fuel.
 - 5. No items shall be stored in the open that create a nuisance due to odor, vibration, noise, electrical interference or fluctuation in line voltage beyond the property line.
 - 6. The property and facility shall be maintained and operated so as not to cause any offenses pursuant to **Chapter 210** or any nuisances pursuant to **Chapter 215.**
- F. **Self-Storage or Storage Space Rental Facilities.**
 - 1. In addition to the regulations contained in the rest of this Division, facilities that provide storage space or pods for rent and access by lessees, shall comply to the additional regulations contained herein.
 - a. Storage areas and vehicles stored shall not be used for the operation of a business on the site (i.e. office space, purchasing of goods or services by patrons, construction or manipulation of materials, manufacturing of goods, or similar).
 - b. All open storage areas designated for vehicle, boat, or similar parking shall be designed similarly to a parking lot with striped spaces assigned to a designated lessee.
 - c. All open storage areas available for storage of multiple vehicles and/or storage containers by one lessee shall be enclosed with fencing to clearly establish the boundaries of the leased area.
 - d. All storage spaces shall be labeled or numbered to correspond with a lease agreement.
 - e. Visitor parking shall be provided in either a central parking lot or through parallel parking spaces along the driveway access to the storage areas.
 - f. The property owner or manager shall maintain lease agreements for each storage area on site including current and accurate contact information for each storage area lease holder.