

MAY 05 2008

ORDINANCE NO. 2653

AN ORDINANCE TO ALLOW PET BOARDING IN A C-3
(HIGHWAY BUSINESS ZONED DISTRICT) AS A SPECIAL
USE IN THE CITY OF COLUMBIA, ILLINOIS

Wiley Joffner
City Clerk

WHEREAS, Section 17.02.050 of the City of Columbia, Illinois (the "City") Zoning Code allows amendments of regulations in zoned districts in the City by the City's City Council, on motion of the City's City Council or on petition of a property owner, after the request is reviewed by the City's Planning Commission and there is a public hearing regarding the requested amendment conducted by the City's Zoning Board of Appeals, following publication of notice of the hearing in a newspaper published in the City;

WHEREAS, Michelle C. Gaither, as the owner and operator of Groomingdales, Ltd, an Illinois corporation doing business at 117 Southwoods Court in the Southwoods Center Subdivision in the City, has petitioned the City to amend its Zoning Code to allow pet boarding ancillary to a pet grooming business in a C-3 (Highway Business Zoned District) in the City;

WHEREAS, the request was referred to the City's Planning Commission for their consideration and recommendation and on the 24th day of March, 2008 the City's Planning Commission recommended to the City Council that the Council approve the Zoning Code amendment request of the petitioner;

WHEREAS, the request was referred to the City's Zoning Board of Appeals for public hearing and a public hearing was held on the request on 2nd day of April, 2008, following publication of notice of the hearing as required by law, and the City's Zoning Board of Appeals has recommended that the City Council amend the City's Zoning Code to allow pet boarding ancillary to a pet grooming business in a C-3 (Highway Business Zoned District) in the City;

WHEREAS, the City Council of the City of Columbia, Illinois, after considering the recommendations of the City's Planning Commission and Zoning Board of Appeals, has found and determined and does hereby declare that it is necessary and appropriate that the Zoning Code of the City be changed and amended to allow and provide that a pet boarding business ancillary to a pet grooming business shall be permitted as a Special Use in a C-3 (Highway Business Zoned District) in the City, and that that use not be allowed in any other zoned district in the City, as is more particularly made and provided for in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Subsection "B" of Section 17.30.020 (Uses permitted only by a special use permit), of Chapter 17.30, C-3 (Highway Business Zoned District), of Title 17 (ZONING) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to add thereto, pet boarding business ancillary to pet grooming business, to read as follows:

"B. Uses permitted only by a special use permit.

The following uses shall be permitted in a C-3 (Highway Business Zoned District) in the city by special use permit only in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Auto repairs and sales as an ancillary use;
2. Boat sales and service – retail;
3. Contractor businesses;
4. Day care centers or day nursery for infant, child, and adult;
5. Drug store drive through facility;
6. Employment agencies;
7. Hospitals;
8. Mini-storage businesses;
9. Pet Boarding business ancillary to pet grooming business;
10. Pet grooming business;
11. Recreational vehicles, campers and trailer dealers – sales and service;
12. Used car and truck sales on retail lots."

Section 3. Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (SPECIAL USES) of Title 17 (ZONING) of the Municipal Code of the City of Columbia, Illinois is changed and amended to add thereto "Pet boarding business ancillary to pet grooming business", to read as follows:

**"FIGURE 1
SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

District(s) in Which Use May Be Permitted	Requirement Designation
Pet Boarding businesses	Such of the Figure 1 requirements as the City Council shall reasonably require; and in addition thereto, such other land use and activity restrictions as the City Council shall reasonably

require, including but not limited to: (1) that the building and premises and all the pet containment areas in the building and on the premises be kept in a sanitary condition free and clear from decaying food and filth of any kind; (2) that all kennels, pens and other pet containment areas shall be cleaned and disinfected on a regular schedule and shall be kept in a sanitary condition satisfactory to the city's building inspector and health officer; (3) that the city's building inspector and health officer shall have the right to inspect or cause an inspection of the building and premises at reasonable times as they shall determine is necessary and appropriate on a minimum of four (4) hours advanced notice; (4) that the pets that are boarded shall be so controlled as to not allow them to disturb the off premises peace by loud noises during the day or night; and, (5) if the inspections of the City's Building Inspector and/or Health Officer indicates that the person conducting the pet boarding business is not complying with the special use conditions contained in the ordinance granting the special use exception and the zoning certificate issued by the building inspector pursuant to said ordinance, the city council may suspend or revoke the special use exception granted by the city council to allow pet boarding on the subject business premises.

Section 4. That Subsection "hh" of the "Requirement Designation Requirements" of Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) of Section 17.40.010 (Special use exceptions, requirements

and procedures) of Chapter 17.40 (SPECIAL USES) of Title 17 (ZONING) of the City of Columbia, Illinois municipal code is changed and amended to read as follows:

"Hours of operation not to exceed from 7:00 A.M. to 9:00 P.M. Monday through Sunday of each week, except with respect to pet boarding."

Section 5. That Subsection "ii" of the "Requirement Designation Requirements" of Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (SPECIAL USES) of Title 17 (ZONING), which reads "No animal boarding allowed", is hereby struck and deleted.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

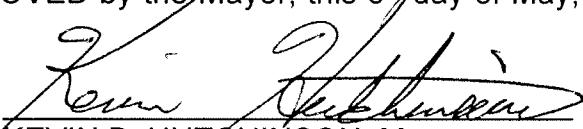
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 5th day of May, 2008.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)