



Meeting Date: July 11, 2022
Meeting Time: 6:00 P.M.
Meeting Location: City Hall, 118 Hillsboro Avenue

ORDINANCE COMMITTEE AGENDA

Committee Members

Kent Scheffel, Chairman
Mike Pierceall
David Gerber
Tim Harr

Andrea Miracle
Ashley Niebur Sharp
Blake Wagahoff
Bryson Baker

- I. CALL TO ORDER**
- II. PUBLIC COMMENT**
- III. APPROVAL OF MINUTES**
 - A. Approval of the minutes from the June 13, 2022 Meeting
- IV. STAFF PRESENTATION AND COMMITTEE DISCUSSION**
 - A. Short Term Rentals
- V. NEW BUSINESS**
- VI. OLD BUSINESS**
- VII. ADJOURNMENT**

If prospective attendees require an interpreter or other access accommodation, please contact the Edwardsville City Clerk's office at 618-692-7500 no later than 48 hours prior to the commencement of the meeting to arrange the accommodations.

ORDINANCE SUB-COMMITTEE
EDWARDSVILLE PLAN COMMISSION
June 13, 2022
6:00 PM

Approved: _____

Date: _____

I. CALL TO ORDER

PRESENT

Kent Scheffel, Chair
 David Gerber
 Mike Pierceall
 Tim Harr
 Andrea Miracle
 Blake Wagahoff
 Bryson Baker (*Arrived Late*)
 Mike Boline
 Emily Calderon, Staff
 Breana Buncher, Staff
 Tammy Kehrer, Staff
 Alan Vest

ABSENT

Ashley Niebur Sharp

A meeting of the Plan Commission's Ordinance Sub-Committee was held on Monday, June 13, 2022, and the following proposed ordinance amendments were discussed:

- II. PUBLIC COMMENT:** Alan Vest was present to speak about the violation notice he received for the property he owns on Troy Road. It is about the native plants that he allows to grow to their natural height.

III. APPROVAL OF MINUTES

- A. Approval of the minutes from the April 11, 2022 meeting.

MOTION: Harr

SECONDED: Miracle

ROLL CALL: 5 Ayes, 0 Nays, 2 Abstain (Wagahoff & Baker)

IV. STAFF PRESENTATION AND COMMITTEE DISCUSSION

- A. Electric Vehicle Charging Stations

Both Level 1 and Level 2 charging stations are now allowed in residential areas for personal use.

The requirement has been eliminated for charging stations for new Commercial businesses.

As long as the location requirements are abided by, some slight changes have been made to the standards for electric vehicle charging stations.

MOTION: Approve (Pierceall)

SECONDED: Harr

VOICE ROLL CALL: 7 Ayes, 0 Nays, 0 Abstain

B. Short Term Rentals

There was a change made to the Type B short-term rental non-owner occupied requirements.

They will be permitted 250 ft. within a B-1 buffer district and permitted within the LeClaire historic district.

David Gerber asked if these would be a part of the rental inspection process. Breana Buncher stated they would not.

The Committee stated they would like to see these types of rentals inspected.

The Committee discussed extending the boundaries of what's included in the short term rental area.

Another change to this ordinance would be removing Bed and Breakfast establishment from Home Occupations.

The definition of Boarding House is also being removed from selected definitions.

MOTION: Table with recommendation to make changes as discussed (Gerber)

SECONDED: Pierceall

VOICE ROLL CALL: 7 Ayes, 0 Nays, 0 Abstain

C. I-55 Development Code

A change that was made to this was allowing screening for drive-thrus on all sides in the Mixed Use District.

The parking example now shows walking paths within the parking lots.

There was a change to the height limit of hotels. The height of hotels located in the Gateway Subdistrict may be up to five stories, so long as they do not exceed an overall height of 75 feet.

The City has received some feedback asking that there be no height limit in place. After discussion from the Committee, they decided not to place a height limit on structures.

Another change noted was the addition of the street cross sections and transportation sections. Emily Calderon said they will let development dictate where these will go. She stated the Public Works Director will ultimately decide how this will be laid out once plans are submitted.

Tim Harr asked if everything in a right-of-way will be owned and maintained by the City. Emily Calderon stated that would be the case.

Mike Boline stated he noticed none of the cross sections had bike lanes. Emily Calderon responded saying every road in this area will have a shared use path.

Mike Boline said he believes the lot and bulk standards are too conservative. He would like to see less footprint.

MOTION: Approve with changes as discussed (Gerber)
 SECONDED: Pierceall

VOICE ROLL CALL: 7 Ayes, 0 Nays, 0 Abstain

D. Amendment to Section 1250.10 – Exterior Lighting Controls

Currently, there is one sentence in the zoning ordinance that regulates lighting controls. Staff has had conversations about the types of fixtures allowed in the City. There has been support to move to full cut-off fixtures.

This ordinance is an attempt to require full cut-off fixtures for parking lots and in commercial and multi-family areas.

Several things are exempt and are as follows: holiday lighting, special events lighting, architectural building lighting, public parks, public schools, and single-family homes.

We would still require lights to be directed away and not spill over the property line.

There would also be a height limit on the light standards of 20 feet in the Mixed Use, Multi-Family, and Commercial Districts and 30 feet in Manufacturing Districts.

Anything that exists now would be grandfathered in.

When a site is fully redeveloped, they would be required to come into compliance.

Tim Harr stated businesses with security cameras would require a certain amount of illumination.

Emily Calderon said there is not a limit on lumens or foot candles at this point.

MOTION: Approve with changes as discussed (Gerber)
 SECONDED: Harr

VOICE ROLL CALL: 7 Ayes, 0 Nays, 0 Abstain

E. Plan Commission By-Laws

As of now, the by-laws are tied to the zoning ordinance. Any changes made to it have to go through the Ordinance Committee and approval from City Council.

Staff is wanting to amend that and remove the by-laws from that process.

One of the biggest changes that has been discussed is the elimination of sub-committee's to the Plan Commission and having just two full Plan Commission meetings a month.

One recommendation Mike Boline suggested was to allow the Chairman to vote.

Committee discussed different options of how this would work.

Emily Calderon said they would bring back draft by-laws.

MOTION: Approve with the recommendation of removing by-laws from the zoning code (Gerber)

SECONDED: Miracle

VOICE ROLL CALL: 6 Ayes, 0 Nays, 0 Abstain

V. NEW BUSINESS: None

VI. OLD BUSINESS: None

VII. ADJOURNMENT

Meeting adjourned by Mr. Scheffel.

EXHIBIT A

Section 1248.02.31- SHORT-TERM RENTALS

PURPOSE & APPLICABILITY

It is the intent and purpose of this section to establish regulations regarding short-term rentals in order to safeguard the peace, safety, and general welfare of neighborhoods within the City of Edwardsville. This section intends to minimize negative secondary affects related to short-term rentals including excessive noise, disorderly conduct, and illegal parking. Such short-term rental shall comply with all requirements of the City and State building, fire, safety, and occupancy codes and limits as well as all regulations provided in this section and all other city codes.

(a) GENERAL PROVISIONS

~~The owner of any short term rental shall be required to apply for and obtain a short term rental license and business registration annually from the city before renting or advertising the availability of the short term rental unit.~~

~~(1) Every short term rental (type A, type B, and Bed and Breakfasts) shall be licensed and registered annually.~~

~~(2) The owner of any short term rental shall be required to annually apply for and obtain a short term rental license and business registration as well as receive a rental inspection prior to renting or advertised as available.~~ Every short term rental (type A, Type B, and Bed and Breakfasts) shall pass a city inspection prior to being available.

~~(1)(3) Any short term rental shall be for a period of less than ninety (90) days in a calendar year to any particular group.~~ All short-term rentals are limited to a maximum duration of shall be for a period of less than ninety (90) days in a calendar year to any particular group.

~~(2)(4)~~ (4) All short-term rental units must be rented on a daily basis.

~~(3)(5)~~ (5) All short-term rental properties must provide off-street parking on the premises in the approved driveway or garage.

~~(4)(6)~~ (6) The owner shall post the current short-term rental permit number on or in any advertisement appearing in any written publication or any website that promotes the availability or existence of a short-term rental unit.

~~(5)(7)~~ (7) Short-Term Rental licensee shall be required to keep financial records for at least three (3) years.

~~(6)(8)~~ (8) Short-Term Rental units shall be subject to and shall comply with all requirements of the city and state building, fire, safety, and occupancy codes and limits.

~~(7)(9)~~ (9) Any short-term rental shall be subject to the hotel and motel tax and associated requirements of Chapter 106 Article 12 Municipal Hotel/Motel Tax of the Codified Ordinances of the City of Edwardsville.

~~(8)(10)~~ (10) This ordinance shall not apply to lease-backs for real estate transactions.

(b) TYPE A SHORT TERM-RENTAL - OWNER OCCUPIED REQUIREMENTS

(1) "Type A" Short-Term Rentals are permitted in "B-1A", "B-1B", "B-1C", and "MU-1" Districts, and in "R-1", "R-EL", and "R-2" Districts.

(2) The owner of the dwelling shall maintain the short-term rental as their permanent residence and shall reside on the premises at the time that short-term rental guests are present.

(3) No more than one unit in any dwelling may be rented at the same time as a short-term rental unit.

(4) Only one group of patrons in a 24-hour period shall be allowed in a "Type A" short-term rental unit.

(5) Not more than thirty (30) "Type A" short-term rental units shall be permitted within city limits.

(c) TYPE B SHORT-TERM RENTAL - NON-OWNER OCCUPIED REQUIREMENTS

(1) The owner of the dwelling is not present on-site during the short-term rental.

(2) "Type B" Short-Term Rentals are permitted in "B-1A", "B-1B", "B-1C", and "MU-1" Districts. "Type B" Short-Term Rentals shall also be permitted within the LeClaire Historic District and any property which is located wholly or partially within 250' of any "B-1" District. and shall only be permitted by Special Use Permit in "R-1", "R-EL", and "R-2" and "NR" Districts.

(3) Only one group of patrons in a 24-hour period shall be allowed in a "Type B" short-term rental unit.

(4) Not more than thirty (30) "Type B" Short-Term Rental units shall be permitted within city limits.

(d) BED & BREAKFAST

- (1) A bed and breakfast is permitted by special use permit only in the “B-1A”, “B-1B”, “B-1C”, “MU-1”, “R-1”, “R-EL”, and “R-2” Districts.
- (2) A bed and breakfast shall meet the following regulations:
 - i. The property shall be owner-occupied and the owner shall be the operator of the establishment.
 - ii. The maximum length of stay for any guest for any consecutive period of time shall be seven (7) days.
 - iii. The maximum number of bedrooms for a bed and breakfast use shall not exceed five (5).
 - iv. No cooking facilities shall be permitted in any of the rented rooms.
 - v. Meals may be served to overnight guests only.
 - vi. Signs shall meet the requirements of Section 94.42.
 - vii. All bed and breakfast establishments shall meet all applicable Municipal, County, and State requirements.

(e) ENFORCEMENT

- (1) A short-term rental unit license application shall be denied if the owner has a short-term rental unit license revoked within the past 12 months for the same or other short-term rental unit. If the short-term rental license is revoked twice, no short-term rental license shall subsequently be issued for such owner or such short-term rental unit property.
- (2) In “Type-B” Short-Term rentals where the owner is not present, upon any notification that any transient, occupant or guest of the short term rental unit property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violation of any applicable law, rule or regulations pertaining to the use and occupancy of the short term rental unit property, the owner shall respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct. Failure of the owner to respond to such calls or complaints regarding the condition, operation or conduct of the occupants and/or guests of a short term rental unit in a timely and appropriate manner shall be grounds for revocation of the short term rental license and shall subject the owner to all administrative, legal and equitable remedies available to the city.
- (3) Must comply with Chapter 74 Article 2 Peace Disturbance of the Codified Ordinances of the City of Edwardsville.

Exhibit B

1248.02.7 Home occupations.

- (a) A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered as an economic enterprise. Such uses shall be clearly incidental or subordinate to the residential use of the dwelling.
- (b) Permitted home occupations. Such occupations shall have no visible exterior indication of business related activities occurring on the premises provided the number of client visits complies with subsection (n) herein.
- (c) Restricted home occupations. A restricted home occupation is an occupation that has patrons, students or business related individuals visiting the premises. Such uses require a special use permit, and may include the following:
 - (1) Music teacher;
 - (2) Tutoring or home instruction;
 - (3) Dressmaker, seamstress, tailor service;
 - (4) ~~Bed and breakfast establishment; and~~
 - (5) Other similar uses, as determined by the director of planning and zoning.
- (d) Prohibited home occupations. The following are prohibited in residential districts:
 - (1) Beauty and barber shops;
 - (2) Dog grooming and kennels;
 - (3) Retail or wholesale shops;
 - (4) Small engine shops;
 - (5) Automobile repair;
 - (6) Taxi or limousine services;
 - (7) Delivery service;
 - (8) Clinics, doctor, dentist offices;
 - (9) Restaurants;
 - (10) Animal hospitals;
 - (11) Dress shops;
 - (12) Millinery shops;
 - (13) Tea rooms;
 - (14) Other uses, as determined by the director of planning and zoning.
- (e) Home occupations do not include yard or garage sales and are permitted as an accessory use only when all of the following criteria are met:

- (1) *Area of use:* Home occupations shall be entirely located and contained within the residence and shall not be located in garages or other accessory structures on the lot. No visible evidence of the business shall be apparent from the street or surrounding lots or areas.
 - (2) *Percentage of floor area:* A home occupation shall use no more than 20 percent of the total dwelling unit floor area.
- (f) The home occupation shall be conducted only by family members residing on the premises with assistance from no more than one non-family member not residing on the premises. Regardless of the number of home occupations on site, there shall be no more than one non-resident employed on the premises.
 - (g) Commercial sales, exchange of goods or other items constituting a sale between the operator of the home occupation and members of the general public visiting the premises shall not be permitted on the premises of the home occupation. Sale of merchandise through internet or mail order catalog are permitted providing the general public are not physically visiting the residence of the individual offering the merchandise for sale for the sales transaction. Members of the general public shall not include persons in the home by prior individualized invitation.
 - (h) Repairs or leasing of items shall not be a permitted use of a home occupation.
 - (i) Deliveries by semi-tractor/trailer trucks are prohibited.
 - (j) No parking in the public right-of-way shall occur as a result of the home occupation.
 - (k) The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a commercial or business operation. Alterations as to the building area, or any other exterior change should not cause the structure to change the residential character nor should it detract from the residential character of the neighborhood.
 - (l) Home occupation shall not create excessive noise, dust, dirt, glare, heat, smoke, odors, vibration or bright lighting which would be over and above that of a single residential building. The activity shall not generate any solid waste or sewage discharge that exceeds the volume or type normally associated with residential use in the neighborhood. Production of toxic substances, dumping or outside storage shall not be permitted on the lot site. Interference with radio, television or computer systems transmissions shall not be permitted.
 - (m) No exterior storage of merchandise or equipment.
 - (n) A home occupation may attract patrons, students or any business related individuals only between the hours of 6:00 a.m. and 9:00 p.m. At any time during the day or evening, the parking standards in this chapter shall apply to the activity generated by the home occupation. A home occupation shall also not generate more than six business related visitations per day which shall constitute six arrivals and six departures by vehicles. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitations hours specified in this chapter.
 - (o) No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence.
 - (p) The home occupation does not involve any illegal activity.

Exhibit C

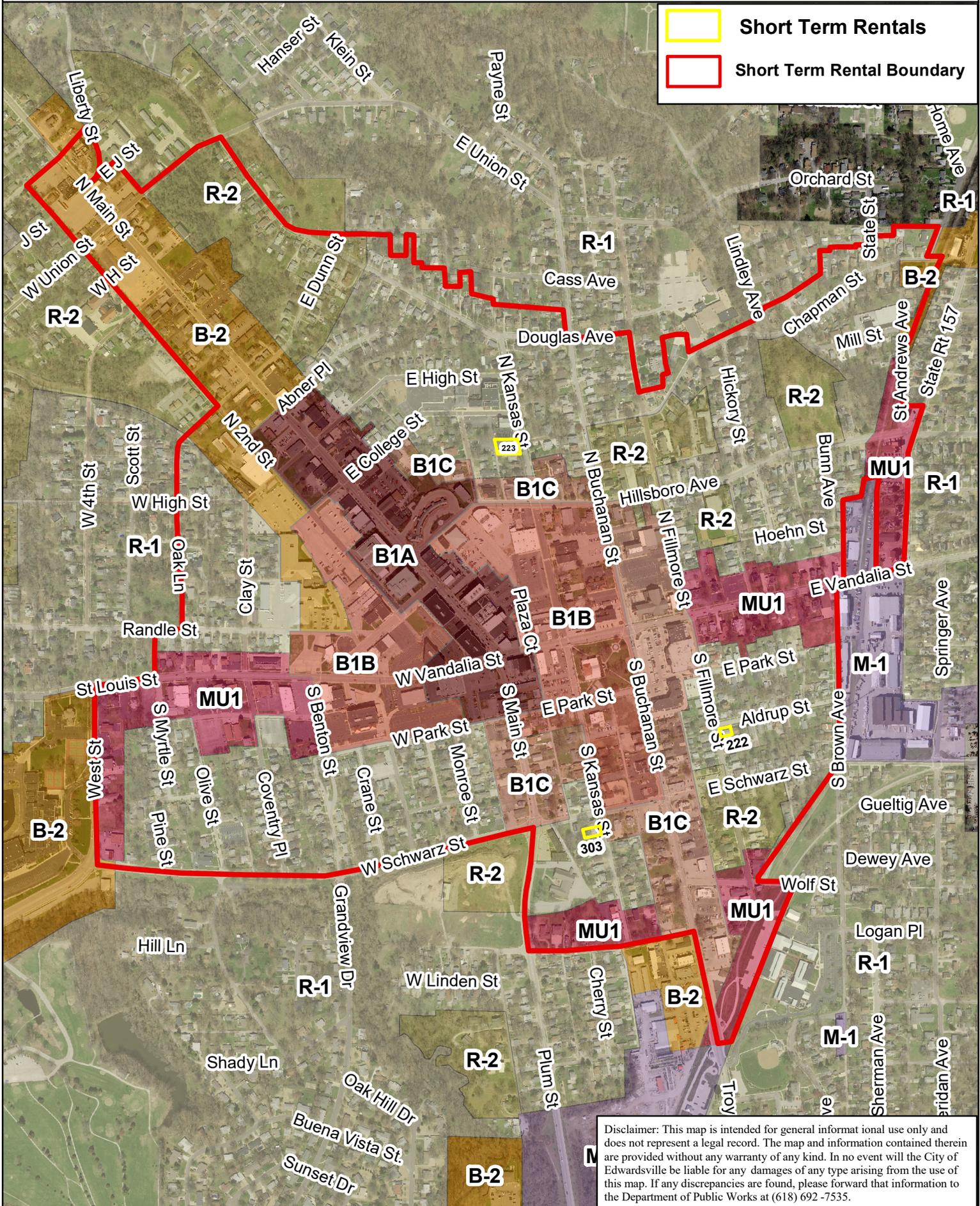
SECTION 1252.02 – SELECTED DEFINITIONS

~~Boarding house: A residential building or portion thereof, other than a motel or hotel, containing lodging rooms for accommodation of not more than ten persons who are not members of the keeper's family, and where lodging or meals or both are provided by pre-arrangement and for definite periods, but not on an overnight or per-meal basis to the transient public. See also Tourist homes.~~

Short Term Rentals

Short Term Rentals

Short Term Rental Boundary



Disclaimer: This map is intended for general informational use only and does not represent a legal record. The map and information contained herein are provided without any warranty of any kind. In no event will the City of Edwardsville be liable for any damages of any type arising from the use of this map. If any discrepancies are found, please forward that information to the Department of Public Works at (618) 692-7535.