



Planning and Zoning Commission Meeting

May 11, 2021

7:00 p.m. – City Hall and Via Videoconference

NOTICE: *Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's YouTube page through YouTube Live.

- 1. Call to Order**
- 2. Approve the March 9, 2021 Planning Commission Minutes**
- 3. Staff Report**
- 4. Public Hearing (four separate public hearings)**
 - **Set Initial Zoning for 2416 NE 157th Terr.;**
 - **Set Initial Zoning for 15719 N. Chestnut St.;**
 - **Set Initial Zoning for 2224 NE 158th St.;**
 - **Set Initial Zoning for 2402 NE 158th St.**
- 5. Zoning four lots in Lakeside Crossing to R-1B (one ordinance recommendation)**
- 6. Public Hearing:**

An ordinance amending Sections 400.090 to 400.150 of the zoning code pertaining to dwelling unit sizes and lot sizes in the agricultural and residential districts.
- 7. Amending Sections 400.090 to 400.150 of the zoning code**
- 8. Adjourn**



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

March 9, 2021

7:00 P.M.

Council Chambers

Due to the COVID-19 pandemic this meeting was held via the Zoom meeting app. City staff were at City Hall for the meeting.

Planning and Zoning Commission members attended via the Zoom meeting app. The meeting was streamed live on the city's YouTube page through YouTube Live.

Those attending the meeting: Deb Dotson, Alderwoman Melissa Wilson, Dennis Kathcart, Carmen Xavier, Connor Samenus, Mayor Damien Boley, Chairman Rand Smith, and Development Director Jack Hendrix.

1. CALL TO ORDER

Chairman Rand Smith called the meeting to order at 6:59 p.m.

2. MINUTES

The February 9, 2021 Meeting Minutes were moved for approval by SAMENUS, Seconded by MAYOR BOLEY.

Ayes 7, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

We have issued a tenant finish permit for a Domino's Pizza carry out in the strip mall at the Smithville Marketplace.

We have also issued a permit for Burger King which will be built on the lot just north of the Smithville Marketplace entrance.

We are about ready to go to the Board of Alderman with the final plat approval for the Eagle Ridge subdivision up by the high school. They will be paving the roads soon.

Next month they are hoping to bring in a new conceptual plan for the Eagle Heights subdivision on the north end of town. They are changing it substantially by taking out all the R-2 zoning and making in all single family homes and changing the lot sizes. They will also be changing the name of the subdivision.

For the May P & Z meeting we will have a few more initial zonings to set due to annexations at the Lakeside Crossing subdivision.

We had our in person meeting with the building code auditor who rates us on how well we are doing. We anticipate hearing back from them in the next couple of months indicating if we went up or down in our building code enforcement rating which is part of the ISO system.

SMITH asked when the estimated completion date for Burger King will be?

HENDRIX stated that he estimates a 6-7 month construction window. It's a small facility with not a lot of seating. Primarily drive thru.

XAVIER asked if there is a saturation level on fast food restaurants? Are we going to turn into a town full of fast food restaurants?

HENDRIX stated that this will be left up to the market. The market is pushing that real hard right now. Keep in mind that we have 9 or 10 gas stations. He believes that the new census data that will be coming out soon will change how people see Smithville. He estimated that our population is around 11,000 which will bump us up into another category. He believes this is why we are seeing all of these new places coming.

MAYOR BOLEY stated that local restaurants still out number fast food chains. Alderman Chevalier and Alderwoman Wilson both have addressed this well on this on Facebook. We provide the infrastructure. We provide our comprehensive plan. There are plenty of survey numbers out there that says what our restaurant numbers should be. We would love to see more local business plans submitted but at the end of the day we can't really restrict it.

HENDRIX stated that if we try and restrict this and word gets out that we are trying to restrict businesses then everyone will be leery of coming here. What we need to have is an environment that invites those folks. He thinks that with the comprehensive plan discussion later in the meeting you will see that we are getting ready to start down that path.

MAYOR BOLEY also stated that he likes to remind people that we did just pass a 1 cent sales tax so any business generating sales tax helps support our parks and storm water. As a city our focus is on healthy lifestyles and outdoor activities. If a business did the research and wants to buy the land and pull the permit there is nothing we can do about that.

ALDERWOMAN WILSON stated that she reached out to Mr. Hendrix to address the storage units on the south end of town. What we had approved through the Planning and Zoning commission and Board of Alderman were enclosed units and that is not what is happening right now. Her understanding is that they have ran into some additional costs so that is delaying them on building what they originally submitted. This frustrated her because this is not what we originally approved, and it didn't come back to us or even let us know of that change. She stated Mr. Hendrix explained to her that their current zoning allows them to have open storage. She is wondering if we need to look at the ordinance for open storage going forward to make sure it has solid fencing or something to enhance the look when you drive by? She wanted to leave this concern with the Planning Commission and ask that they discuss it and see what can be done. This will be one of her last meetings and thinks that it's something the committee needs to address moving forward.

MAYOR BOLEY stated that he agrees with Alderwoman Wilson. Just like what we did with fencing downtown there are a lot of things we can look at.

MR. HENDRIX stated that it is open storage for right now, but they are anticipating on performing the landscaping along the east side and the south side that was required for the buildings. They still have plans to do all the buildings. The waterline crossing increased construction costs by a couple hundred grand. They had anticipated hooking to the water line that runs along the same side of the road, but it is not big enough for fire. The site plan that we approved was for a building and if they can't get that done in 18 months they will have to come back to us anyway because site plans without construction lapse.

4. PUBLIC HEARING: REZONING 319 E. MAIN ST. FROM R-1B TO R-3

Public Hearing:

Dan Hartman stated that he is present along with Clayton and Lindsay Cox. He will let Todd Polk speak about the project since he is the engineer. We will be available for any questions.

TODD POLK---CFS ENGINEERING---Stated that he read through the staff report that Mr. Hendrix put together and it's precise. The important thing to note is that the adjoining properties along Main Street are also zoned R-3 and it follows the guide of the Comprehensive Plan.

ALDERWOMAN WILSON stated that she drove by this property and she will be glad to see it cleaned up.

Public Hearing closed

5. REZONING 319 E. MAIN ST.

MAYOR BOLEY motioned to approve the Finding of Facts as stated for the rezoning of 319 E Main Street from R-1B to R-3. Seconded by ALDERWOMAN WILSON.

DISCUSSION:

MAYOR BOLEY stated that he likes this and agreed with Alderwoman Wilson that that it will be good to see something done with it and we are in need for a little density downtown.

THE VOTE: DOTSON-AYE, SAMENUS-AYE, MAYOR BOLEY-AYE, ALDERWOMAN WILSON-AYE, KATHCART-AYE, XAVIER-AYE, SMITH-AYE.

AYES-7, NOES-0. MOTION PASSED

6. PUBLIC HEARING: REZONING 15901 N. 169 HWY FROM R-1B AND B-2 TO R-3 AND B-3

Public Hearing:

ANGELINA CHITTUM---105 W SUMMIT ST---Stated that she is speaking on behalf of her property as well as 101 & 103 W Summit. They have looked through the notes for the meeting and the main concern is based upon the general description of the property and an easement that we assumed was a right of way from the City that we use and is showing up as ownership of this property. We are concerned about the right of way to our properties.

HENDRIX stated that his guess is that this driveway for these 3 houses has been there for more that 20 years. A descriptive easement at a minimum would have been created so it can't go away under the law. That would be up to the owner of the property to describe what his intent is in that area.

MS. CHITTUM stated that this was their understanding as well. This was really their main concern this evening and wanted to make sure that this was a known issue of the 3 residences that access off that road.

DIRK TALLEY---APPLICANT---17270 169 HWY SMITHVILLE, MO 64089---Stated that he is the owner of the project that is being proposed. He did hear Ms. Chittam's comment and that was noted in the survey that the easement had never been perfected. We have no reason to obstruct that and will be happy to clear that up with the project and perfect that easement. He stated that this property has sat vacant for what feels like forever and feels like what they are proposing fits the area. There will obviously be a little bit of commercial use but mainly multi-family. I think we are fitting the guidelines.

ALDERWOMAN WILSON asked Mr. Talley what the structures would look like going up in the R-3 zoned section?

MR. TALLEY stated that it's so early in the project and he is not sure if he is the eventual developer of a project like this. It may end up being a bigger project than he would take on. Apartment type housing is what we are focusing on.

Public Hearing closed

7. REZONING 15901 N. 169 HWY

MAYOR BOLEY motioned to approve the Finding of Facts as stated for the rezoning of 15901 N. 169 Hwy to R-3 and B-3. Seconded by KATHCART.

DISCUSSION: NONE

THE VOTE: MAYOR BOLEY-AYE, ALDERWOMAN WILSON-AYE, KATHCART-AYE, SAMENUS-AYE, DOTSON-AYE, XAVIER-AYE, SMITH-AYE.

AYES-7, NOES-0. MOTION PASSED

7. DISCUSSION OF COMPREHENSIVE PLAN RECOMMENDATIONS

- **DISCUSS R-3 DWELLING UNIT SIZES FOR APARTMENTS**
- **ADJUST LOT SIZES IN R-1 DISTRICTS**

HENDRIX informed that Commission that if they have had a chance to look at our Comprehensive plan since November 2020 you would have noticed in the back there are 2 tables that identify actions recommended as a city that we take care of. One of the items that we need to consider is listed as a high priority and first 3 year plan and that would be to look at the dwelling unit size in the R-3 district. Currently the minimum dwelling unit size for a 20 unit apartment building is 900 square feet. The Comprehensive plan recommends adjusting that. When you look at our ordinances associated with dwelling unit sizes they are all over the place. The first thing we need to look at is dwelling unit size in all our districts so that we are clarified on what we are doing. It will also allow us to eventually consider the tiny home concept and how that would potentially work here in Smithville. The other aspect we need to consider is lot sizes in the single family districts. We currently have a 100 foot wide single family district and a 75 foot wide single family district and that's it. If anyone wants to have any other sized front yard than those they must go through the planned development process with a conceptual plan overlay which is generally a cumbersome process. After speaking with the Mayor, he asked what all the other cities in the area do? He asked the commission to take a look at their packet specifically Table 1 which gives comparison of local cities districts and lot sizes. This gives a comparison of Kearney, Excelsior Springs, Liberty, Gladstone and Raymore. He included Raymore because they are also booming with construction and they are on the other side of Kansas City.

You will see that there is a large array of lot dimensions. You will see in most of the growing communities there is a large option available. He then asked that they look at Table 2 in the packet that explains dwelling unit sizes by districts in Smithville and what is required. The last spreadsheet included in the packet is Table 3 and is a sample of area market apartment sizes. So, the discussion point in the Comprehensive plan is should that not be something the developer in an apartment complex considers? They usually don't want all 3 bedrooms and they also usually don't want a single bedroom. In order to give them options like you see in the spreadsheets the consideration is should we dismiss the 900 foot requirement? Should there be a minimum requirement? He explained that his intent is to have a general discussion and then if there is a consensus he will draft an ordinance, advertise it and bring it back at the next meeting. Let's start with 900 square foot dwelling unit size in multifamily. What are your thoughts, options or opinions on what would be best for us?

MAYOR BOLEY stated that his opinion is that we don't need a minimum. Developers won't build it if it's not going to rent.

MR. TALLEY stated that one of the projects that they really like is Copper Ridge in Liberty. They have a mix of studios, one bedrooms and two bedrooms. That developer decided to mix what sizes would rent best. Having a 900 square foot studio is going to be pretty limiting on how they can design those buildings.

MAYOR BOLEY stated that he kids who go to high school here graduate and leave and don't really have an option to rent something here. If you look around at our restaurants. They can't staff right now. If you look around at our housing I don't know that we have housing for the folks who want to work there.

HENDRIX stated that even if we were able to get them built at that size the price will go up because the developer can't get the density they need in a building without making it massive. If they wanted to come down to varying sizes like Copper Ridge they would have to go through a conceptual plan process, every building would have to be laid out and designed so that this board could approve it through a conceptual plan process if they were going to vary that much from all of those items. In an R-3 district it's just so onerous I don't think they will want to do it that much.

ALDERWOMAN WILSON asked if we were to set a minimum what would it be? 350 or 400 square feet for a studio or what is the average size for a studio?

HENDRIX stated that the average appears to be 557 square feet, but some have been down to as low as 490 square feet. He doesn't believe we will have a whole lot of interest for 3 bedroom apartments because of the cost associated with them. He thinks that the mayor said it well as far as someone who just graduates high school and wants to live alone, they only way they will be able to afford it is if it's fairly small. The housing affordability really sets the tone on that.

MAYOR BOLEY stated that he thought Mr. Talley or Mr. Hartman had at one time stated that it costs about \$100 a foot to build right now. Maybe even more.

MR. TALLEY stated that he believes there is reason to put a minimum in there. I would probably say a minimum of 400 square feet. It's extremely expensive for a developer to even start the process of engineering architectural drawing and then not even know if the city will allow it. We may be the first project to make use of the new ordinance. I would highly encourage you all to get the minimums set so that developers are not just working foolishly on something that might not get approved.

MAYOR BOLEY stated that he is fine with setting the minimum at 400 square feet. Based off current construction costs that we be about \$50,000 a unit at that point.

SMITH also things 400 square feet is a good number.

ALDERWOMAN WILSON stated that she is ok with that number as well.

HENDRIX stated that this makes sense. He asked that the commission also look at the statement at the bottom of Table 2 in their packet. It states:

It is important to note that there are differences between the zoning code definitions and the building code definitions of what constitutes a dwelling. Single Family Attached Units are generally townhomes with not less than two sides of the building open to the street or a yard from the foundation to the roof. If that is not met, then it is considered multifamily under the building codes and must be constructed under the International Business

Code, not the Residential Code. Our zoning requires both multi-family and single-family attached (townhomes) be constructed in the R-3 District.

He stated that all of the units in Ashmont, Harborview Townhomes and Clay Creek are all considered single family dwelling units under the building code. They had to meet that 1100 square feet minimum. If someone is wanting to build a lot of 900 square foot townhomes with the same concept of an apartment it would be simply a vagary of the building codes and would trigger them having a bigger unit even though it's a multi-family rental or whatever else than if they did a 4 story building with all kinds of stuff in it. You may want to consider the 1100 square foot size if you are in the R-3 district anyway. One of the base assumptions of the R-3 districts is that they will have more density. If we are looking at dwelling unit sizes you have to consider what the purpose of them and where are they most appropriate?

SMITH asked if Mr. Hendrix has a recommendation?

HENDRIX stated that he hasn't drafted anything yet and wanted to get a feel from this commission first. His perspective is to at least consider that A-1, A-R, R-1A & R-1B districts all have at least a minimum of 1000 to 1100 square feet dwelling size. If we do a smaller lot size, which we will get into that discussion here in a little bit, he suggested that they consider a smaller dwelling size. Smaller than 1100 square feet.

MAYOR BOLEY stated that he agrees with Mr. Hendrix. On R-3 he thinks we should go with 800 square feet minimum and do something similar on the smaller lots when we get to that discussion later.

XAVIER asked that with all of this discussion about density. Our decision reflects a consideration for traffic and the ability for infrastructure to hold?

HENDRIX stated that this is one of the benefits of our structure. They can do whatever they want on their land but when they come in to divide it we require a traffic impact study and sewer impact. The developer has to pay for all of these infrastructure improvements so that their development will fit and work on our system. Single family development will be the preferred development on the north end of town. Currently we only have room in our sewer system for 605 new houses that could attach to that force main before we have to do a \$7.9 million project.

ALDERWOMAN WILSON stated that she understood that through the Comprehensive plan the north section would not be high density. From that standpoint she would prefer to see the single family dwelling minimum size for R-1A & R-1B stay where it is at right now. She is ok with R-3 minimum dwelling size going down to 800 square feet.

HENDRIX stated that in the R-2 district he suggests we consider a dwelling unit size that is a little smaller as well. Something under 1100 square feet. Does anyone have a thought?

ALDERWOMAN WILSON stated she though 900 square feet might work.

SMITH asked Mr. Talley or Mr. Hartman what their thoughts were.

MR. HARTMAN stated that this is something that the National Association of Realtors has talked about at great lengths across the country. Especially for the places that have more density and housing. He thinks there is beginning to be a popularity in the sense that there are people who don't need a larger square footage of homes, so they are ok with smaller living quarters because they want to be outside more or traveling. He believes some demand will come forward in the future if it's not already here.

MAYOR BOLEY asked Mr. Hartman what the cost of building is per square foot right now?

MR. HARTMAN stated that last year's number was \$145 per square foot for Smithville. We are probably closer to \$160-\$165 per square foot right now.

HENDRIX stated that if we have an 800 or 900 square foot minimum it doesn't mean that every unit in R-2 is going to be 900 square feet. If they want to build that small they can but if they want to build bigger they can. What they can't do is build smaller a smaller size. What he is hearing from the Commission is 1100 square foot in single family and 900 square foot in R-2. In R-3, 800 square foot if it's an independent single family unit or 400 square foot if it's a multi-family storied building. This is easy enough for him to draft something up if you think this is the direction to go in. Any thoughts on this?

SMITH stated that he thinks it sounds good.

HENDRIX stated that they now need to discuss lot sizes. He stated that the commission was supplied information about this via email. He explained that the below information is what we currently allow in the R-1A and R-1B districts:

SECTION 400.100: R-1A SINGLE-FAMILY SUBURBAN DWELLING DISTRICT:

Lot Area – 10,000 ft², lot width – 100', habitable floor space – 1,100 ft², side yard – 10'

SECTION 400.110: R-1B SINGLE-FAMILY DWELLING DISTRICT:

Lot Area – 7,500 ft², lot width – 75', habitable floor space – 1,100 ft², side yard – 7.5'

We are proposing to add another district, R-1C. That would be suggesting that the minimum lot width (road frontage) be 60 feet, minimum lot area of 6,000 square feet, side yard area not less than 6 feet, and single family dwellings have a minimum of 880 square feet of habitable floor area, excluding basements, garages, attics, and other areas not designed for living space. You could certainly keep the dwelling unit size at 1100 square feet to match the other R-1 districts, but it would change the look of the building to get it to fit. Land cost in Smithville is very expensive and adding this district would mean less land cost.

MAYOR BOLEY stated that he is ok with 50 foot wide lots and maybe even a little bit less and possibly dropping the dwelling square footage requirements on this. You are responsible for maintaining everything on your property, sidewalks, mowing the yard, etc. Some places have code issued because people can't get out to mow the big yard or the sidewalk is cracking, and you can't fix it because you have a lot of responsibility there. When it comes to overall home responsibility we need to do something better than a 75 foot lot width for a minimum.

HENDRIX asked the Commission to have a discussion on this.

MAYOR BOLEY asked Samenus what his thoughts were on this since recently moved here and he is part of the younger demographic.

SAMENUS stated that he likes what Jack has proposed. When he moved here he would have leaned towards a larger lot if he were able to afford it but based on where he ended up buying in Smithville he was pleased with the size of the lot. He lives by Maple Elementary school and it fits their needs.

HENDRIX stated that a lot of the lots in Mr. Samenus' neighborhood are 90 feet wide lots, so they are bigger than the standard subdivisions today which are at 75 feet wide.

MAYOR BOLEY asked what the size of the lots are downtown near Heritage Park.

HENDRIX stated that those lot sizes are all over the place. Some are 60 feet wide but there are blocks that have 40 to 50 foot wide lots in the downtown area. He stated that the real question for this commission is if you would like to consider adding a R-1C zoning district to give more options.

SMITH & XAVIER expressed interest in what Mr. Talley and Mr. Hartman both had to say about this.

MR. TALLEY asked Mr. Hendrix his opinion on Liberty's use of these guidelines? He likes to follow areas that have developed well and look well after they are developed.

HENDRIX stated that Kearney looks at it slightly different. They actually have a density in their design. They have options depending on what the district is. They really focused on the density of units per acre and the setbacks from the road. Liberty has all kinds of options, but they also have some dwelling unit per acre in theirs. In ours, density is addressed through our Comprehensive plan not through our zoning codes. In areas of Kansas City and Liberty they give themselves options and then regulate it through the zoning hearing.

MR. TALLEY stated that getting a better path forward so that when a developer comes in and starts spending money conceptual wise he knows where it fits so he can pursue the land in that area.

MR. HARTMAN agreed with Mr. Talley. He stated that they are always keeping an eye out as land developers and for our builders as to what makes sense based on the Comprehensive plan that is before them. Anything that can help compliment the Comprehensive plan specific to what you're working on as a Planning and Zoning Board can't hurt.

SMITH stated that is sounds like Jack has a pretty sound plan.

MR. HENDRIX stated that we currently have R-1A with 100' lot width & R-1B with 75' lot width in place now. I can propose that we add an R-1C with 60' lot width and R-1D at 50' lot width. The current R-1D that we have in our zoning code now will change to R-1M for manufactured housing so that we won't have any confusion. This will still give developers the option to go through the conceptual plan process. He stated that he can certainly draft this and have it ready for the

April Planning and Zoning Commission meeting. At that meeting it would be required to have a public hearing on the actual zoning code change. This will give all of you and the public a little more time to think about it and come back with more specific questions, concerns or issues.

SMITH stated that this sounds good.

ALDERWOMAN WILSON stated that she really like how ours is set up currently. When requests come in it's pretty cut and dry. I think the changes make it more challenging with what could come forward. She is trying to wrap her head around this and decide if this is the route we really want to go. She asked if what she is saying makes sense?

HENDRIX stated absolutely. From his perspective, what this does is provides more power to the Planning Commission to differentiate which size houses and which size lots can go where. It lessens the cost to the developer which ultimately means the end product will be cheaper since not as much cost will go into engineering and then be added on in the end.

ALDERWOMAN WILSON asked if this gives them a wider area to say no instead of yes?

HENDRIX stated that it gives you an opportunity to say no. For example, if someone wants to put an R-1B subdivision next to an existing R-1B subdivision in our current code it's really difficult to say no to that since because it's exactly the same. If some one is wanting to put a 50' wide lot next to a 100' wide lot subdivision that may cause a little bit of concern. That is where the developer could get creative and say how they would want it.

DOTSON stated that it sounds like there is more planning to the zoning.

HENDRIX said absolutely. More thought.

SMITH asked if the commission is good with Jack drafting this proposal to bring forward later?

The consensus was yes.

HENDRIX stated that he will have a draft of all of the changes we have discussed ready for the April meeting. This will also be advertised in the

paper for a public hearing. This doesn't mean that it has to be voted on and approved at the next meeting, but we will start the discussion at a more robust level, and it can go to the Board of Alderman following the April meeting if you all are fine with it.

8. ADJOURN

MAYOR BOLEY made a motion to adjourn. DOTSON seconded the motion.

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 8:37 p.m.

NOT YET APPROVED



STAFF REPORT

May 11, 2021

Rezoning of Parcel Id #'s 05908000200400; 05908000303400; 05908000600100;
05908000500200

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 15719 N. Chestnut (Lot 4)

Owner: Gary and Lisa Duddy

Address: 2416 NE 157th Ter. (Lot 12)

Owner: Alan and Nicole Bibler

Address: 2224 NE 158th St. (Lot 34)

Owner: Russell and Betty Woollums

Address: 2402 NE. 158th St. (Lot 36)

Owner: Kevin and Regina O'Brien Trust

Current Zoning: New annexation

Proposed Zoning: R-1B

Public Notice Dates:

1st Publication in Newspaper: April 22, 2021

Letters to Property Owners w/in 185': April 26, 2021

GENERAL DESCRIPTION:

The applicants recently annexed their homes in the Lakeside Crossing subdivision into the City Limits. The initial zoning needs to be set by the City. These homes were four of 11 homes that were not annexed into the city when the subdivision annexed over 15 years ago. The area is a single-family residential subdivision with adjacent R-1B zoning.

EXISTING ZONING:

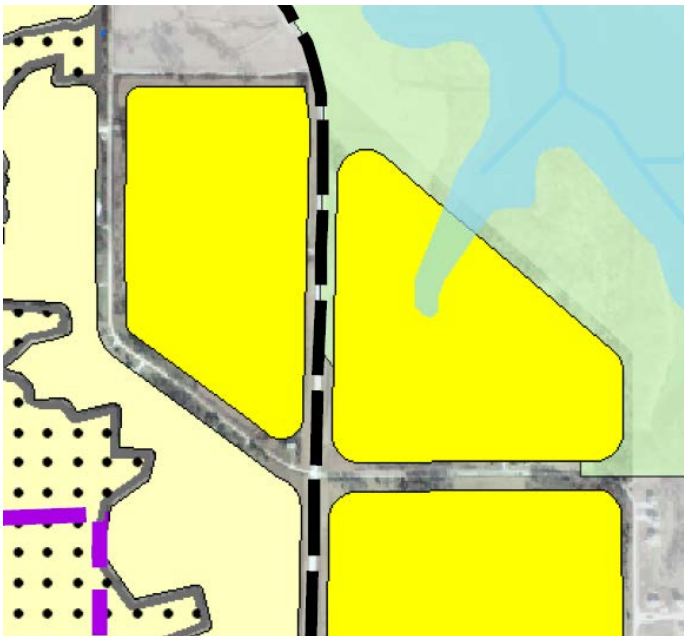
The existing zoning predates the annexation into the city limits.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is single family residential housing in a standard subdivision.

CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The previous Comprehensive Plan was approved on October 6, 2005, and called for low density housing. It is in compliance with the plan in place at the time of construction. The current Plan adopted in in November 2020 calls for annexations to clear up the city boundaries.



ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

The lot is in a fully completed subdivision with all utilities and public services.
Streets and Sidewalks:

SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4*

The current use is single family residential formerly outside the city limits.

TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The proposed district is the same as the existing adjacent uses.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY
400.560C.7

No detrimental effects are known.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING
PROPERTY OWNERS RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

With no detrimental effects known, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change meets the Comprehensive Plan recommendations.

Respectfully Submitted,

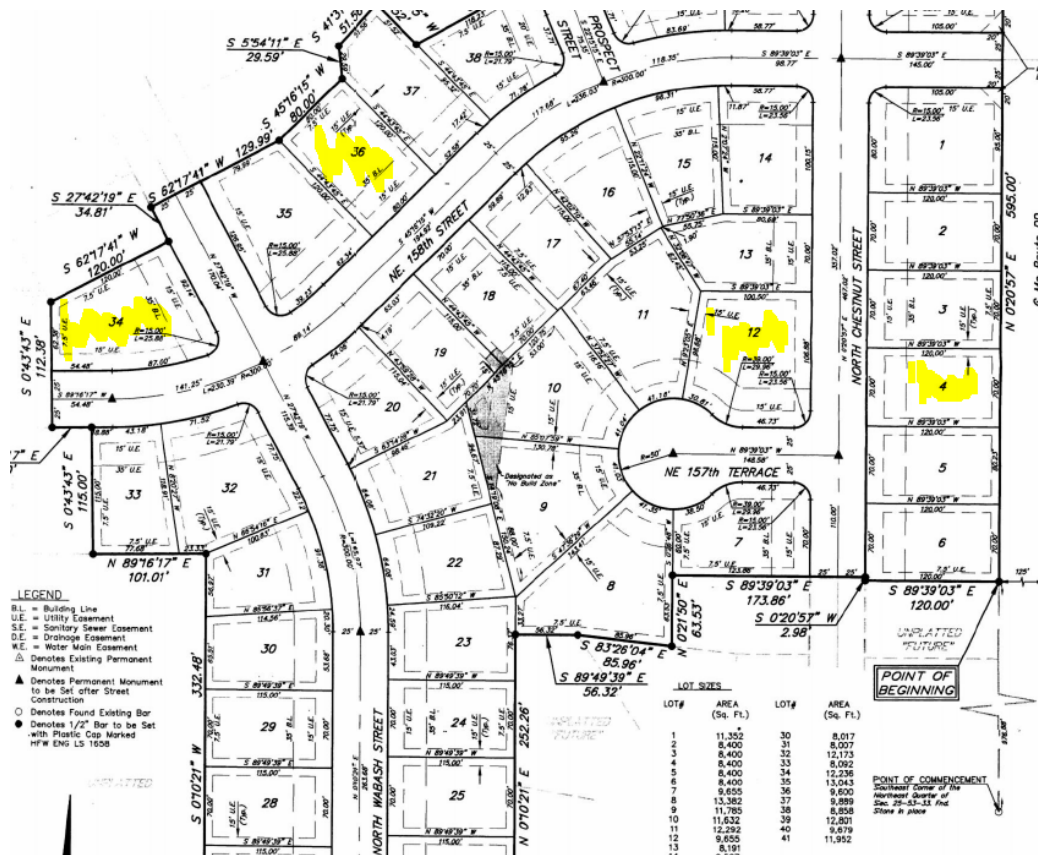
Zoning Administrator

OFFICIAL NOTICE

To whom it may concern and to all parties interested, notice is hereby given that at 7:00 PM on May 11, 2021, the Smithville Planning Commission will conduct virtual public hearings (online via Zoom) and consider the following:

An Application for setting the initial zoning of recently annexed property to R-1B located in the Lakeside Crossing Subdivision and legally described as follows:

Lots 4, 12, 34 and 36, Lakeside Crossing First Plat and as depicted below.



As provided in the Zoning Ordinances of Smithville, Mo. the above item will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as provided by law.

NOTICE: *Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this

commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's Facebook page through Facebook Live.

For Public Comment, please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom to access the meeting via internet or phone.

Publish in the April 22nd Edition of the CT

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicants: Gary and Lisa Duddy; Alan and Nicole Bibler; Russell and Betty Woollums; Kevin and Regina O'Brien

Land Use Proposed: R-1B

Zoning: County Single Family

Property Locations: 15719 N. Chestnut St.; 2416 NE 157th Ter.; 2224 NE 158th St.; 2402 NE 158th St..

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in four public hearings of the Planning and Zoning Commission of the City of Smithville, held on May 11, 2021, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. Character of the neighborhood.
The surrounding area is single family residential housing in a standard subdivision.
2. Consistency with the City's Comprehensive Plan and ordinances.
The Comprehensive Plan in effect when the homes were built was approved on October 6, 2005 and calls for low density housing. The current plan adopted in November 2020 recommends that annexations occur to clean up the borders of the city limits. It complies with the plan.
3. Adequacy of public utilities and other needed public services.
The lot is in a fully completed subdivision with all utilities and public services.
4. Suitability of the uses to which the property has been restricted under its existing zoning.
The current use is single family residential formerly outside the city limits.
5. Length of time the property has remained vacant as zoned.
The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.
6. Compatibility of the proposed district classification with nearby properties.
The proposed district matches the adjacent existing uses.
7. The extent to which the zoning amendment may detrimentally affect nearby property.

No detriment is anticipated.

8. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.
No loss to landowners is expected.
9. That in rendering this Finding of Fact, testimony at the public hearings on May 11, 2021 has been taken into consideration as well as the documents provided.

Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

- A. This application and the Zoning of these properties from County Single Family Residential to R-1B is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of zoning the properties to R-1B.

BILL NO. 2905-21

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI.

WHEREAS, The City of Smithville received an application for annexation of each of the properties identified as 15719 N. Chestnut St.; 2416 NE 157th Ter.; 2224 NE 158th St.; 2402 NE 158th St.; and

WHEREAS, after the properties were annexed, the City is required to designate the initial zoning of newly annexed property, so a Public Hearing for each lot was conducted before the Planning Commission on May 11, 2021; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the initial zoning for the property as R-1B.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, THAT:

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority board vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as: Lot 4, Lot 12, Lot 34 and Lot 36, Lakeside Crossing 1st Plat, a subdivision in Clay County Missouri

is hereby set as R-1B.

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS _____ DAY OF _____, 20_____

Mayor

ATTEST:

City Clerk

First Reading: / /

Second Reading / /

OFFICIAL NOTICE

To whom it may concern and to all parties interested, notice is hereby given that at 7:00 PM on May 11, 2021, the Smithville Planning Commission will conduct a Public Hearing via Zoom Videoconference at City Hall, 107 W. Main St., Smithville, Mo. to consider the following:

Amending Sections 400.090 to 400.150 of the zoning code pertaining to dwelling unit sizes and lot sizes in the agricultural and residential districts.

As provided in the Zoning Ordinances of Smithville, Mo. the above item will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as provided by law.

NOTICE: *Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's Facebook page through Facebook Live.

For Public Comment, please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom to access the meeting via internet or phone.

Publish in the April 22nd Edition of the CT

Date: May 7, 2021
Prepared By: Jack Hendrix
Subject: Dwelling Unit and Lot Sizes Ordinance

The draft ordinance in the May 11th packet for the P & Z meeting is the culmination of the original discussions held at the regular Commission meeting of March 9, 2021. You were provided the draft language in advance of the April meeting, which was cancelled. The current draft uses that original language but is presented in the final format required for the Board of Aldermen. The areas of change are as listed below:

The Single Family (R-1) districts have two new sub-classifications (R-1C and R-1D) that further delineate the available housing densities. In single family districts, current provisions are only for 100- and 75-foot wide lots. The proposed changes will create four different sub-classifications of 100 ft., 75 ft., 60 ft., and 50 ft. wide lots.

The dwelling unit sizes in the current ordinances are inconsistent as it relates to the different districts. Generally, single family detached housing has an 1,100 ft² minimum in most districts and in multi-family districts, the minimum dwelling unit size is such that apartment units are not likely to be developed. That current minimum is 900 ft² in multifamily, and no minimum in two family. The changes in the draft ordinance will equalize the single family detached minimum dwelling unit size to 1,100 ft² on individual zoning districts (A-1 through R-1D) lots. Two family units have a new minimum dwelling size of 900 ft². In the new R-3 districts, dwelling unit sizes are adjusted to incorporate denser housing. A single-family (attached or detached) unit constructed on R-3 land must have a minimum dwelling unit size of 800 ft²; all multiple family units must have a minimum of 400 ft².

AN ORDINANCE REPEALING SECTIONS 400.090 THRU 400.150 OF THE SMITHVILLE MUNICIPAL CODE AND RE-ENACTING NEW SECTIONS 400.090 TO 400.150

WHEREAS, on March 9, 2021, the Planning and Zoning Commission discussed potential changes to the dwelling unit and lot size changes recommended in the 2030 Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission held a Public Hearing on a draft of the new Zoning Code on May 11, 2021 and recommended the approval of this ordinance; and

WHEREAS, the Planning Commission believes that these changes are consistent with the intent and purpose of the zoning regulations; and

WHEREAS, the Planning Commission believes that these changes are necessary due to changed and changing conditions of the real estate market and the specific provision of the 2030 Comprehensive Plan; and

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said code.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

Section 1. Sections 400.090 to 400.150 of the Smithville Municipal Code of Ordinances are hereby repealed in their entirety and new sections to be read and numbered as follows are enacted:

SECTION 400.090: A-1 AGRICULTURAL DISTRICT

USE REGULATIONS

A. Intent. It is the intent of this district to preserve and protect agricultural resources. The district is not intended to serve the homeowner who lives on a small suburban lot but is designed to accommodate agricultural operations on substantial acreages. Uses that might have nuisance characteristics, if intermingled in developed residential areas, are permitted on the premise that they are no more offensive than normal agricultural uses. In A-1 districts, no

building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses. The following uses shall be permitted in A-1 districts:

1. Agricultural operations, including, livestock farms; apiary farms; chicken and poultry farms; dairies and dairy farms; nursery and forestry farms; grain, hay, fiber, fruit, nut, and vegetable farms; vineyards and wineries; pastures for grassland and livestock grazing. Nothing contained herein should be construed to authorize the use of land for Confined Animal Feeding Operations as defined by the State of Missouri or at a density that generates animal waste in an amount that requires waste containment structures to comply with any state regulation.

2. Single-family dwellings.

3. Public parks, playgrounds, tot lots or play lots.

4. In-home daycares with 5 or fewer children.

5. Signs, as provided in Sections 400.470 – 400.520 of this Code.

6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Recreational and entertainment uses, including amphitheaters, athletic fields, campgrounds, country clubs, golf courses and driving ranges, fairgrounds, recreation centers, resorts, riding stables, swimming clubs, tennis clubs and zoos.

2. Residential uses, including beds and breakfast; childcare centers for more than five (5) children.

3. Religious, educational and social facilities, including museums; charities; houses of worship; colleges and universities (public and private); educational and scientific research services; libraries; schools for primary, secondary, vocation and higher education.

4. Public health and safety facilities, including armed forces installations, armories, clinics, firehouses, health centers, hospitals and police stations.

5. Transportation, communication and utility facilities, including electrical power stations and substations; railroad stations, depots and maintenance facilities, so long as adjacent to an existing railroad line; postal services; sewage treatment plants; telephone exchange stations and relay towers; and towers for communications transmission.

6. Other service uses including cemeteries, pet cemeteries, funeral houses; sawmills and planing mills; storage units for indoor storage rental.

D. Density regulations.

1. Minimum lot area is 10 acres.

2. Minimum lot width is three hundred (300) feet.

3. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.

E. Height regulations.

The Maximum structure height is thirty-five (35) feet for dwellings; farm structures have no height limitations.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than Ten (10) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.095: A-R AGRICULTURAL-RESIDENTIAL DISTRICT

USE REGULATIONS

A. Intent. The intent of the A-R district is to permit a combination of rural residential living with animal husbandry as defined in this section. In A-R districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses. The following uses shall be permitted in A-R districts:

- 1. Pastures for grassland and livestock grazing.
- 2. Single-family dwellings.
- 3. Animal Husbandry in conjunction with a single-family dwelling and with the following limitations:

a. Animal husbandry in conjunction with a dwelling shall include the maintenance of no more than the following number of animals per acre: one horse or one cow; or five hogs; or seven sheep; or one hundred poultry, rabbits, chinchillas, guinea pigs, or pigeons. For purposes of this calculation, only the acreage above and beyond one acre for any residence shall be included.

b. The slaughter of animals, such as poultry, rabbits, or beef cattle is permitted only where intended for consumption by the resident family or to be gifted.

c. Animals other than household pets shall not be kept within a residence, or within one hundred (100) feet of a residence or within sixty (60) feet of the front property line of the building site.

d. Housing or caging of animals shall be adequate and sanitary, and subject to all State health requirements for health and sanitation. All animal food except for hay and straw shall be stored in rodent-proof containers.

Should any A-R property rezoned to another use where animal husbandry is not a permitted use, any such use therein shall cease within one year from the effective date of the rezoning.

4. Public parks, playgrounds, tot lots or play lots.
5. In-home daycares with five (5) or fewer children.
6. Signs, as provided in Sections 400.470 – 400.520 of this Code.
7. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Recreational and entertainment uses, including athletic fields, campgrounds, golf courses and driving ranges, riding stables, and zoos.
2. Residential uses, including beds and breakfast; in-home daycare/childcare centers for not more than 10 children.
3. Religious, educational, and social facilities, including museums; charities; accessory buildings associated with houses of worship; colleges and universities (public and private); educational and scientific research services; libraries; schools for primary, secondary, vocational and higher education.
4. Public health and safety facilities, including armed forces installations, armories, clinics, firehouses, health centers, hospitals, and police stations.
5. Transportation, communication, and utility facilities, including electrical power stations and substations; railroad stations, depots and maintenance facilities, so long as adjacent to an existing railroad line; postal services; sewage treatment plants; telephone exchange stations and relay towers; and towers for communications transmission.
6. Other service uses including cemeteries, pet cemeteries, funeral houses;

D. Density regulations.

1. The minimum lot area shall be not less than two (2) acres, if public sanitary sewer services are available to serve the lot, otherwise, three (3) acres.
2. The minimum lot width shall be not less than two hundred (200) feet.
3. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.

E. Height regulations.

The maximum height for any structure is thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than Ten (10) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.100: R-1A SINGLE-FAMILY SUBURBAN DWELLING DISTRICT

USE REGULATIONS

A. Intent. The intent of this district is to provide for areas of single-family suburban residential development at a low density. In R-1A districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses. The following uses shall be permitted in the R-1A district:

1. Detached, single family dwellings.
2. Fire and Police Protection and related activities.
3. Historic sites and monuments.
4. Parks, Playgrounds, Primary and Secondary Schools.
5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Cemeteries and Mausoleums.

2. Museums, Libraries, accessory buildings associated with religious worship facilities, in home daycare/childcare centers with not more than ten (10) children.

3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be ten thousand (10,000) square feet.

2. The minimum lot width shall be one hundred (100) feet.

3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.

4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.

E. Height regulations. The maximum structure height shall be thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

i. Local: Fifty-five (55) feet measured from the centerline of the street.

ii. Collector: Sixty (60) feet measured from the centerline of the street.

iii. Arterial: Seventy (70) feet measured from the centerline of the street.

iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.110: R-1B SINGLE-FAMILY DWELLING DISTRICT

USE REGULATIONS

A. Intent. The intent of this district is to provide for areas of single-family suburban residential development at a moderate density. In R-1B districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses.

1. Detached, single family dwellings.
2. Fire and Police Protection and related activities.
3. Historic sites and monuments.
4. Parks, Playgrounds, Primary and Secondary Schools.
5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Cemeteries and Mausoleums.
2. Museums, Libraries, accessory buildings associated with religious worship facilities.
3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be seven thousand five hundred (7,500) square feet.
2. The minimum lot width shall be seventy-five (75) feet.
3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.

E. Height regulations. The maximum height shall be thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.115: R-1C SINGLE-FAMILY URBAN DWELLING DISTRICT

USE REGULATIONS

A. Intent. The intent of this district is to provide for areas of single-family residential development at a medium density. In R-1C districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses.

1. Detached, single family dwellings.
2. Fire and Police Protection and related activities.
3. Historic sites and monuments.
4. Parks, Playgrounds, Primary and Secondary Schools.
5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Cemeteries and Mausoleums.
2. Museums, Libraries, accessory buildings associated with religious worship facilities.
3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be six thousand (6,000) square feet.
2. The minimum lot width shall be sixty (60) feet.
3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics, and other areas not designed for living space.

E. Height regulations. The maximum height shall be thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street unless the subdivision plat indicates otherwise.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within

the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots' front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than six (6) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.120: R-1D SINGLE-FAMILY SMALL LOT DWELLING DISTRICT

USE REGULATIONS

A. Intent. The intent of this district is to provide for areas of single-family residential development at a medium density. In R-1C districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses.

1. Detached, single family dwellings.

2. Fire and Police Protection and related activities.

3. Historic sites and monuments.

4. Parks, Playgrounds, Primary and Secondary Schools.

5. Signs, as provided in Sections 400.470 – 400.520 of this Code.

6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Cemeteries and Mausoleums.

2. Museums, Libraries, accessory buildings associated with religious worship facilities.

3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be five thousand (5,000) square feet.

2. The minimum lot width shall be fifty (50) feet.

3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.

4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics, and other areas not designed for living space.

E. Height regulations. The maximum height shall be thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

i. Local: Fifty-five (55) feet measured from the centerline of the street.

- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street unless the subdivision plat indicates otherwise.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots' front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than five (5) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.125: R-1M MOBILE OR MANUFACTURED DWELLING DISTRICT USE REGULATIONS

A. Intent. The intent of this district is to provide low to moderate density developments for mobile and manufactured dwelling units which are compatible with the character of the surrounding neighborhood in which they are located. In R-1D districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses.

1. Mobile or Manufactured homes.

2. Fire and Police Protection and related activities.

3. Historic sites and monuments.

4. Parks, Playgrounds, Primary and Secondary Schools.

5. Signs, as provided in Sections 400.470 – 400.520 of this Code.

6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Cemeteries and Mausoleums.

2. Museums, Libraries, accessory buildings associated with religious worship facilities, daycares with less than ten (10) children.

3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be seven thousand five hundred (7,500) square feet, included within a zoning district of ten (10) acres or more.

2. The minimum lot width shall be seventy-five (75) feet.
3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
- E. Height regulations. The maximum building height shall be thirty-five (35) feet.
- F. Yard regulations.
 1. Front Yard Area:
 - a. The front yard area shall be in accordance with the following road classifications:
 - i. Local: Fifty-five (55) feet measured from the centerline of the street.
 - ii. Collector: Sixty (60) feet measured from the centerline of the street.
 - iii. Arterial: Seventy (70) feet measured from the centerline of the street.
 - iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.
 - b. Where lots have a double frontage, the required front yard shall be provided on each street.
 - c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.
 - d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.
 2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.
 3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.130: R-2 TWO-FAMILY DWELLING DISTRICT

USE REGULATIONS

- A. Intent. The intent of this district is to provide for areas of single-family and two-family development and related residential activities at a moderate density. In R-2A districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.
- B. Permitted uses.
 1. Detached single family and attached two family dwellings.
 2. Fire and Police Protection and related activities.
 3. Historic sites and monuments.
 4. Parks, Playgrounds, Primary and Secondary Schools, daycares with less than ten (10) children.
 5. Signs, as provided in Sections 400.470 – 400.520 of this Code.

6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Cemeteries and Mausoleums.
2. Museums, Libraries, accessory buildings associated with religious worship facilities, daycares with ten (10) or more children.
3. Amphitheaters, athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be seven thousand five hundred (7,500) square feet if the building constructed is for single family; three thousand seven hundred fifty (3,750) square feet for each unit in a two-family dwelling.

2. The minimum lot width shall be seventy-five (75) feet if the building constructed is for single family; thirty-seven and one-half (37.5) feet on each side of the common boundary line on lots with a two-family dwelling.

3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.

4. Each side of a Two-family dwelling or a Single-family dwelling shall have a minimum of nine hundred (900) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.

E. Height regulations. The maximum building height shall be thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than seven and one-half (7.5) feet.

2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

4. All existing R-2 district lots may be subdivided along the common boundary of the lot(s) so platted by the Lot Line adjustment process contained in Section 425,295; and all lots rezoned to this district shall be created to allow separate ownership of each unit on such lot.

SECTION 400.150: R-3 MULTIPLE-FAMILY DWELLING DISTRICT USE REGULATIONS

A. Intent. The intent of this district is to provide for areas of multiple-family or apartment development which is at a higher density, as well as single and two-family dwellings at a higher density. In R-3 districts, no building, structure, land, or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses.

1. Single, two and multi-family dwellings.

2. Fire and Police Protection and related activities.

3. Historic sites and monuments.

4. Parks, Playgrounds, Primary and Secondary Schools.

5. Retirement, convalescent, nursing, and rest homes; convents, monasteries, orphanages, dormitories, fraternity, and sorority houses; boarding and rooming houses.

6. Signs, as provided in Sections 400.470 – 400.520 of this Code.

7. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Recreational and entertainment uses, including amphitheatres, athletic fields, campgrounds, country clubs, golf courses and driving ranges, fairgrounds, recreation centers, resorts, riding stables, swimming clubs, tennis clubs and zoos.

2. Religious, educational, and social facilities, including museums; charities; accessory uses associated with houses of worship; colleges and universities (public and private); educational and scientific research services; libraries; schools for primary, secondary, vocation and higher education, daycares with more than five (5) children.

3. Public health and safety facilities, including, clinics, health centers, hospitals and counseling, treatment, and correctional centers.

5. Transportation, communication, and utility facilities, including electrical power stations and substations; railroad stations, depots and maintenance facilities, so long as adjacent to an existing railroad line; postal services; sewage treatment plants; telephone exchange stations and relay towers; and towers for communications transmission.

D. Density regulations.

1. The minimum lot area shall be not less than five thousand (5,000) square feet for a single-family detached dwelling; two thousand five hundred (2,500) square feet for each one-

half of a two-family dwelling or each single family attached dwelling; one thousand (1,000) square feet for each dwelling unit in multifamily dwellings. Other uses shall have not less than ten thousand (10,000) square feet of lot area.

2. The minimum lot width shall be fifty (50) feet.

3. The maximum lot coverage area shall be thirty percent (30%).

4. The minimum floor area for single-family attached and detached dwellings shall be eight hundred (800) square feet and four hundred (400) square feet for each dwelling unit in multifamily dwellings.

E. Height regulations. The maximum structure height shall be five (5) stories.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

i. Local: Fifty-five (55) feet measured from the centerline of the street.

ii. Collector: Sixty (60) feet measured from the centerline of the street.

iii. Arterial: Seventy (70) feet measured from the centerline of the street.

iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

4. All Single-family attached dwelling units so created shall be subdivided so that each unit may be sold separately without further subdivision and shall include pro-rata yard areas in accordance with this section, unless such individual units are to be sold as a part of a maintenance provided complex, and then only if such common areas are to be perpetually maintained by an association or the developer.

Section 2. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS _____ DAY OF _____, 20_____

Mayor

ATTEST:

City Clerk

First Reading: / /

Second Reading / /