

AGENDA

**The City of Rolla
Planning & Zoning Commission
Rolla City Council Chambers, 901 North Elm Street
Tuesday, December 13, 2022 at 5:30 PM**

Commission Members:

Vice-Chairperson Russell Schmidt (presiding), Secretary-Treasurer Robert Anderson, Lister Florence, Jr., Kevin Crider, Janece Martin, Monte Shields, Monty Jordan, Vacant, Vacant

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, November 15, 2022.
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:**
- 1. ZON22-04:** Rezoning from the R-R, Rural Residential district to the C-3, Highway Commercial district at property addressed as 821 Hwy O; SE corner of Hwy O/Lions Club Dr
 - 2. PUD22-01:** Rezoning from the R-2, Two-family district; C-1, Neighborhood Commercial district; and M-1, Light Manufacturing district to a PUD, Planned Unit Development district at properties addressed as 1000 and 1006 N Oak St; and 204-208 E 11th St, Final Development Plan review, and associated Final Plat
- III. OLD BUSINESS:** **NONE**
- IV. NEW BUSINESS:** **NONE**
- V. PUBLIC HEARING:**
- 1. TXT22-03:** Re-adoption and revisions to Chapter 42 (Planning and Zoning) of the City of Rolla Ordinances for a complete overhaul of the zoning and subdivision codes; Re-adoption of the Zoning Map with necessary revisions for corrections and to account for changes to the zoning codes and zoning districts; and Amendments to sections pertaining to land use and zoning in Chapters 15, 20, 28, 29, 39, 40, and 41 of the City of Rolla Ordinances
- VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:** **NONE**
- VII. CITIZEN COMMENTS:**

NEXT MEETING DATE:

Tuesday, January 10, 2023

MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, NOVEMBER 15, 2022

Presiding: Don Brown, Chairperson

Commission Members Present: Robert Anderson, Monty Jordan, Janece Martin, Russell Schmidt, Kevin Crider, Nathan Chirban

Commission Members Absent: Monte Shields

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, October 11, 2022. **Chairperson Don Brown approved the minutes as printed and distributed.**

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. **SUB22-08 – Frueh Addition:** A Minor Subdivision to combine two residential lots at 3 Lewis Lane.
2. **VAC22-03 – Vacation of Alley:** Vacation of a portion of the alley between 10th, 11th, Cedar, and Maple Streets.

III. OLD BUSINESS: NONE

IV. NEW BUSINESS: NONE

V. PUBLIC HEARING:

1. **ZON22-04:** Rezoning from the R-R, Rural Residential district to the C-3, Highway Commercial district at property addressed as 821 Hwy O; SE corner of Hwy O/Lions Club Dr

Tom Coots presents the staff report. **Brown** mentioned there is residential property adjacent to RMU's office at 811 Highway O. **Nathan Chirban** asks if the proposed warehouse will be used only for storage. **Coots** states it would be best to let the applicant answer.

Brown opens the public hearing.

Doug Lane, at 102 Maple Avenue in Licking, is the CEO of Intercounty Electric. He states there will be about 15 employees but will all work in the field, and the proposed warehouse will only be used for storage. They plan to leave a 300 foot buffer between the project and Highway O as well as plan for landscaping.

There is only one proposed entrance off Lions Club Drive to minimize traffic concerns for the adjacent neighborhood. On peak days, the traffic flow will be about 125 residential vehicles. The applicant intends to leave at least a 50 foot buffer from the south side of the property near Huntleigh Drive.

Lane states all lighting will be faced away from the existing neighborhood and there will be no construction work going on in the warehouse so little to no noise will be made. If they needed to expand, he states they would extend westward and not south toward the neighborhood.

Russell Schmidt asks why this location was chosen for the warehouse and pole yard. **Lane** states that area of the property is fairly level. **Schmidt** asks if those buildings can be moved north to be further from Huntleigh Drive. **Lane** mentions it could be possible. **Janece Martin** asks about the proposed fence. **Lane** states it is a privacy fence that will be 6 ½ feet tall. He mentions there will be little noise coming from the site, except for the trucks loading up in the mornings for about 30 to 40 minutes.

Brown mentions there is a hill between the proposed storage yard and the houses on Huntleigh Drive. **Lane** states the proposed fence will be placed where the hill begins, and have no intention of removing the existing trees and landscaping.

Amber Garcia, located at 1505 Huntleigh Drive, presents a letter to the Commission. It states concerns about the noise and for the wildlife in the area. She comments that the line of trees mentioned earlier are not fully developed.

John Boeringa, is located at 1417 Huntleigh Drive. He states he purchased his house because of the surrounding residential areas. He comments if the property gets rezoned and Intercounty does not need the property, he is concerned for what now can go into a commercially zoned property next door. He expressed concerns about the noise and seeing a warehouse area.

Melissa Dillon, located at 1423 Huntleigh, states she is working on a protest petition. She mentions the second story rooms of her house would see over the fence and be exposed to the lights.

David Reynolds, located at 1511 Huntleigh, spoke in opposition to the rezoning. He mentioned concerns with environmental issues.

Mack Henley, is located at 1416 Huntleigh. He states that the Commission voted down this case three years ago. He comments that the projected amount of traffic flow will be loud in their quiet neighborhood. He is concerned about what the property could be used for if rezoned and not used by Intercounty.

Bryce Crowley, located at 1510 Huntleigh, states the previous body voted against this rezoning. He expresses concern about a heavy commercial zone affecting the property values of the neighborhood. He mentions that Mr. Woessner has commercial properties for sale at other locations.

Rob Cummings, located at 1414 Huntleigh, spoke in opposition to the rezoning. He mentioned traffic and noise concerns.

Becky Hoffman is located at 1422 Huntleigh. She expresses concern about the traffic flow with young drivers.

Brown closes the public hearing.

Chirban asks if anything has changed since the last application for the Commission to take into consideration. **Coots** states he is unsure, but the applicant could provide that information.

Brown asks what could be developed on the lot. **Coots** states a developer would have to get access to public sewer. In general, lots adjacent to arterial roads can have an amount of commercial use make sense. A residential subdivision would fit with the area and be about the limits of the expected use of this lot. **Brown** asks if the City had plans to extend Iverness road to meet Lions Club Drive. **Coots** says the City would not build the road, but a developer could extend the road to give Huntleigh Drive another point of egress/ingress.

Schmidt asks if the Commission can make a condition to keep the south side of the lot residential. **Coots** confirms this and states 150 feet would be the minimum length that would allow for a row of residential lots. **Schmidt** asks if this would still be enough area for the applicant. **Lane** comments it would be close, but it might be possible. **Schmidt** comments this would help move lighting and noise issues away from the neighborhood.

Chirban asks if there was a precedent for a C-3 zoning being adjacent to R-1. **Coots** confirms this occurs all over town. He states with proper screening and landscaping the two zones can fit together. The applicant is proposing a greater buffer than what the code requires.

Lane mentions they purchase transformers with environmentally friendly oil. **Schmidt** asks if Intercounty sells their properties. **Lane** states once Intercounty purchases a property, they do not sell. **Schmidt** asks about keeping a portion of the lot residential. **Lane** confirms it could be possible.

Chirban expresses concern with the applicant not needing the property once it has been rezoned and now being open to a C-3 development adjacent to this neighborhood. **Coots** confirms if the property is rezoned and the applicant does not get the property, it could be sold to anyone for any use that is allowed in the C-3 district.

A motion was made by Russell Schmidt, seconded by Monty Jordan, to add a condition that the south side of the lot be kept as R-R from 150 feet of the south property line. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, Martin, and Schmidt. Nays: None. The motion passes unanimously.

A motion was made by Monty Jordan, seconded by Robert Anderson, to recommend approval to the City Council to rezone the subject property from R-R to C-3 with the condition that the southern 150 feet stays zoned R-R. A roll call vote on the motion showed the following: Ayes: Anderson and Schmidt. Nays: Chirban, Crider, Jordan, and Martin. The motion does not pass.

A motion was made by Monty Jordan, seconded by Kevin Crider, to recommend denial to the City Council to rezone the subject property from R-R to C-3. A roll call vote on the motion showed the following: Ayes: Chirban, Crider, Jordan, and Martin. Nays: Anderson and Schmidt. The motion passes.

2. **PUD22-01:** Rezoning from the R-2, Two-family district; C-1, Neighborhood Commercial district; and M-1, Light Manufacturing district to a PUD, Planned Unit Development district at properties addressed as 1000 and 1006 N Oak St; and 204-208 E 11th St, Final Development Plan review, and associated Final Plat

Coots presents the staff report. **Brown** asks about the current buildings on the lot. **Coots** states the houses will be demolished and the storage building will be remodeled.

Brown opens the public hearing.

Cameron Schweiss, with Archer Elgin, presents the project. **Chirban** asks about outreach to the public for this type of development. **Coots** states letters were sent out to property owners within 300 feet, a sign was posted on site, and an ad was published in the newspaper.

Brown closes the public hearing.

A motion was made by Nathan Chirban, seconded by Russell Schmidt, to recommend approval to the City Council to rezone the subject property from R-2, C-1 and M-1, to a PUD, planned Unit Development. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, Martin, and Schmidt. Nays: None. The motion passes unanimously.

3. **PUD22-02:** PUD, Planned Unit Development Preliminary Development Plan review for a potential development at property addressed as 550 and 650 Joan Dr.; west of Blue's Lake Parkway on Bridge School Rd

Coots presents the staff report. **Anderson** asks about the site having gravel. **Coots** states at bare minimum the space between Bridge School Road and the property line has to be paved. The rest of the site is proposed to be gravel, but the Commission could make a condition to change that.

Brown asks about access. **Coots** states there are two driveways off Bridge School Road. **Schmidt** asks if the lots were hooked up to City utilities. **Coots** confirms this. **Schmidt** asks about the sidewalk around Blues Lake. **Coots** confirms the public aren't prevented from using

the sidewalk. **Chirban** expresses concern about the gravel spilling onto the roadway. **Coots** may be appropriate to extend the length of pavement into the site.

Brown asks if Joann Drive will be vacated. **Coots** confirms this, but it will need to be a separate application.

Brown asks if the Fire Department or Environmental Services had any issues. **Coots** comments those departments were comfortable with the gravel roads, but fire hydrants would need to be added. **Chirban** asks if the code prohibits large recreational vehicles. **Coots** states it would be best for the applicant to answer.

Brown comments that the project comes close to Columbia College's back parking lot, and asks if a buffer is required. **Coots** states there is no buffer required since it is adjacent to another commercial lot, but the Commission could impose one. **Chirban** asks if any surrounding properties reached out in concern. **Coots** says only Royal Canin reached out with questions.

Brown asks if the pull in sites are allowed right up to the lot line. **Coots** states there is nothing that prohibits this, but conditions could be imposed.

Brown opens the public hearing.

Jaden Gurney, located in Utah, is the developer and summarizes his project. He states the staff would clean off Bridge School Road, and that the gravel would not be an issue. He is willing to extend pavement further into the site, but would still want a majority of the site to be gravel. He mentions the sites would be 30 feet wide and the roads would be wide enough for emergency vehicles. The site itself has two entrances and exits and multiple amenities and recreational places.

Brown asks if each site will have utilities. **Gurney** confirms this. **Brown** asks about lighting. **Gurney** states he intends to have adequate lighting throughout the park. **Chirban** asks if the amenities provided will be open to the public. **Gurney** states these will only be open to park guests for liability reasons.

Chirban asks about the code having a maximum length for the recreational vehicles. **Gurney** states he is unsure about the length of the vehicles themselves, but the length of stay is only 7 days, and he is proposing that to be changed to 6 months.

Brown closes the public hearing.

Coots clarifies the code concern brought up by Chirban. He states the code being referenced mentions the definition for a travel trailer can be no longer than 42 feet. He comments this is not relevant to this case.

A motion was made by Russell Schmidt, seconded by Monty Jordan, to approve the preliminary development plan at 550 and 650 Joan Drive off Bridge School Road. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, Martin, and Schmidt. Nays: None. The motion passes unanimously.

VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF:

- 1. Update on Zoning Code Rewrite: Presentation of proposed Zoning Map and public outreach**
- 2. Don Brown announces his retirement from the Commission after 18 years of service.**

VII. CITIZEN COMMENTS:

NONE

**Meeting adjourned: 7:56 p.m.
Minutes prepared by: Sarah West**

NEXT MEETING:

Tuesday, December 13, 2022



Report to:

**Planning and Zoning
Commission**

Case No.: TXT22-03

Meeting Date: November 13, 2022

Subject: Zoning Code Update: Public Hearing and Discussion

Background: The proposed changes to the zoning code have been preliminarily presented at the September, October, and November Planning and Zoning Commission meetings to give the Commission ample time to review the proposed changes. As a part of the zoning code update, there will also be a need to re-adopt the Zoning Map based on the new proposed zoning districts, removed zoning districts, and to address errors on the current map. At this time, the latest draft of the proposed Zoning Map is presented.

Since the last meeting, public notice has been provided as required by state law in the local newspaper. Information regarding the meeting is available on the city website. Additional stakeholders have been informed. Finally, letters were sent to about 730 property owners who are most impacted by the proposed rezoning for the zoning map re-adoption. A total of about 2300 total properties were impacted by some kind of rezoning, either by changing districts, zoning a portion of the property for consistency, to rezone properties purchased by public entities, or to address errors.

The current zoning code was adopted in 1988. The 1988 code included much language from the previous code, which was adopted in 1978, which also included language from the first code, adopted in the 1940's. The first code included language that originated in the model codes that were adopted across the country and first written decades earlier.

Since the 1988 code was adopted, there have been many revisions and additions. However, the revisions and additions have created issues with organization, duplication, and conflict with other areas of the code. Some provisions have become unenforceable or are not desired to be enforced. The current code lacks some provisions which may have caused an uneven application of the requirements.

The City Council established the Zoning Code Ad-hoc Committee in February 2022 to review the zoning codes, subdivision codes, and any other land use regulations to make recommendations for changes to the city codes. The ad-hoc committee included members of the Planning and Zoning Commission, Board of Adjustment, City Council, citizen representatives, and city administration. The ad-hoc committee met over seven months earlier this year.

The text of the proposed Zoning and Subdivision Regulations is attached. Also included is the "markup" version with strikethrough and underlining to more easily compare the proposed text with the existing text. A Quick Guide explains some of the key points. Finally, the attached proposed zoning map shows how the city is proposed to be zoned, based on the new and eliminated zoning districts.

Application and Notice:

Applicant - City of Rolla
Public Notice - Phelps County Focus; Letters mailed to many impacted property owners;
<https://www.rollacity.org/agenda.shtml>
City Council Date - Scheduled for December 19, 2022; To be postponed if Commission does not make recommendations at the Dec 13 meeting.

Discussion:

The Zoning and Subdivision Code should periodically be reviewed and revised. Since the current ordinance was adopted more than 30 years ago, a major review and update is long overdue. Most work to revise the code was intended to organize, clarify, simplify, and correct errors. Some work was done to try to make processes and applications easier for applicants and reviewers. The zoning districts section is proposed to be significantly different from the current system, with three new districts and the elimination of seven districts.

Additional discussion and public input is needed before the proposed updates are presented to the City Council. Based on conversations with property owners and input received at the public hearing, the proposed zoning map will be revised for the future meetings.

Generally, most proposed changes are not expected to be controversial. If an issue does arise that is too controversial to include with the proposed update, removing the issue from consideration at this time would be the best way to allow for the remainder of the proposals to move forward.

The Commission is asked to make any suggestions for revisions to the proposed codes and map. After the Commission is comfortable with the proposed text and map, the Commission will need to send recommendations to the City Council for their review and potential adoption.

Prepared by:

Tom Coots, City Planner

Attachments:

Quick Guide of the proposed changes; Draft of proposed Zoning and Subdivision Regulations; "Markup" version of proposed Zoning and Subdivision Regulations; Proposed Zoning Map

Zoning and Subdivision Code Update

Quick Guide

Introduction

The City of Rolla has had zoning and subdivision regulations for almost 80 years. The latest ordinance was adopted in 1988, and included many sections which were copied from the previous ordinances, and has been amended many times over the years since 1988.

The effort to revise the zoning and subdivision regulations (and any other ordinances related to land use and zoning) is intended to bring more order to the ordinance, correct errors, address issues which have caused the need for repeated variances or unnecessary approvals, ease the processes for gaining approvals, achieve compliance with state laws, and address deficiencies in the ordinance which have caused issues in the community. Most of the revisions are housekeeping/administrative corrections. Some proposed changes, especially to the zoning district regulations themselves, are more visible.

Section 100 – Administration

This section details some of the basic foundations of the code, including the rules for the Planning and Zoning Commission and Board of Adjustment, types of applications and related processes for review and approval, how to handle pre-existing uses, and how to enforce the ordinance.

Of note, some application types are clarified to indicate what is required to be submitted for a complete application, some application processes which were not in the code are added to clarify the process, and the fee schedule for applications has been updated with fees for all application types and based on an estimated 50% recapture rate of the cost to process the applications.

Section 200 – Zoning Districts

This section details how land uses are categorized and defined and how uses are separated into zoning districts. The section addresses many problems in the current code by referencing the North American Industry Classification System (NAICS) to assist in defining and categorizing every land use, adding additional definitions needed to personalize for Rolla, grouping similar uses into groups for easier consideration, and adding flexibility by allowing more uses to be approved by Conditional Use Permit.

Many changes to the zoning districts themselves is also proposed. Some districts, which have been rarely used or are found to be unnecessary, are proposed to be removed and existing properties rezoned. A few new districts are proposed to be added to bring additional usability to properties. Seven districts are proposed to be removed; three new districts are proposed to be added, making a total of 9 zoning districts to be used.

Details about the proposed zoning districts is found in the Zoning District section, later in this guide.

Section 300 – General Provisions

This section covers general land use issues, such as parking, encroachments, landscaping, signage, design, and development requirements.

Of note, the parking requirements are proposed to include certain reductions in required parking, requiring parking for residential uses in the C-C, Center City District, allowing gravel parking in certain situations, and requiring bicycle parking in certain zoning districts. The height requirements for fences is proposed to be revised to allow fences over 4 feet in more locations, such as for back yards on corner lots. Standards for driveway locations and traffic studies is also proposed.

Section 400 – Special Regulations

This section covers special land uses which require tailored requirements, such as Home Occupations, Adult Uses, Telecommunications, Manufactured Home Parks, Accessory Structures and Uses, Medical Marijuana Uses, and other uses.

Of note, the Home Occupations Uses is proposed to be modified to adhere to recent state law changes to allow for additional potential uses and fewer restrictions. Accessory Structure setbacks are proposed to be reduced for the front setbacks to match the primary structure. Accessory dwelling units are proposed to be allowed for most uses, which should allow for additional housing.

Section 500 – Subdivision Regulations

This section details how properties in the city may be subdivided and any requirements related to subdivision of property.

Of note, the ordinance is proposed to ease the processes for minor subdivisions and lot combinations/lot line adjustments. Changes and clarifications are proposed to the subdivision design requirements, such that flag lots would be more permissible, street widths could be reduced in certain circumstances, and development would be required to connect to adjacent development or stub streets to large undeveloped properties to allow for future connections.

Section 700 – Appendix

This section includes the definitions that are generally applicable throughout the ordinance and includes a use table to easily see each land use and what zoning districts the use is allowed.

Other City Ordinances

Changes to other chapters of the city ordinances are also proposed for issues which are related to land use. In particular, the sections pertaining to the Rolla Historic Preservation Commission are proposed to be removed from the city ordinances because the commission has not been active for many years. An ordinance related to bow hunting is proposed to be revised to allow hunting on larger lots, rather than being related to the property

zoning. The chapter regarding property nuisances and property maintenance is proposed to be revised redundant and unnecessary language and adhere to state laws. A portion of the chapter pertaining to Stormwater Control is proposed to be revised to remove a reference to a zoning district.

Zoning Districts

The R-R, Rural Residential District is proposed to be removed because the district required large lot sizes, which were not practical for development and did not allow for efficient use of infrastructure. All properties currently zoned R-R are proposed to be rezoned to the R-1, Suburban Residence District.

The R-3b, Multi-family District is proposed to be removed because the district has only been applied to one property. The setbacks, density, and uses were not practical for most properties compared to other options. The property currently zoned R-3b is proposed to be rezoned to the R-3, Multi-family District.

The RMH, Mobile Home District is proposed to be removed because, despite being available for almost 40 years, the district has only been used for one property. Manufactured Home Parks are proposed to be added as a Conditional Use in the R-3, Multi-family District. The one RMH zoned property and all existing Manufactured Home Parks are proposed to be rezoned to the R-3, Multi-family District.

The C-O, Office District is proposed to be removed because the district has only been applied to a small number of properties. The C-1, Neighborhood Commercial District has been modified to be more useful for commercial properties adjacent to residential areas. All properties currently zoned C-O are proposed to be rezoned to the C-1, Neighborhood Commercial District.

The C-3, Highway Commercial District is proposed to be removed because the district has been historically used interchangeably with the C-2, General Retail District. Often highway corridors and commercial areas are a checkerboard of C-2 and C-3 zoning. The C-2, (to be renamed to) General Commercial District is proposed to be modified to allow for more uses and require a Conditional Use Permit for some of the uses previously allowed in C-3 zoning. The change should bring more control for certain uses, predictability, and flexibility without the need for rezoning. All properties currently zoned C-3 are proposed to be rezoned to the C-2, General Commercial District.

The M-1, Light Manufacturing District is proposed to be removed because the district has been used in only a few locations in the city. Many of the locations are more appropriate for commercial uses than industrial uses. Some properties could be retained with industrial zoning, but most are proposed to be rezoned to the C-2, General Commercial District to allow for commercial uses.

The PUD, Planned Unit Development District is proposed to be removed as a zoning district. PUD's are proposed to be changed to be an overlay zone over a zoning district, rather than a separate district. Each property which is zoned PUD is proposed to be rezoned to a zoning district which most closely fits the current use of the property, with a PUD overlay. In addition, PUD's over 10 years old and fully developed are proposed to be rezoned, but without the PUD overlay, to allow for easier redevelopment of the properties without the need to amend the approved PUD. Several changes are also proposed to the process for approving a PUD for a project.

A new U-R, Urban Residential District is proposed to be used in the older areas of the city with smaller existing lots and potential for redevelopment. The district is proposed in areas generally just south of the downtown and near Ber Juan Park. The U-R district is intended to allow for the development of existing lots, rather than requiring multiple lots and/or variances. The district only allows smaller multi-family uses to allow for redevelopment to better fit with the existing neighborhoods.

A new R-4, Urban District is proposed to be used in the areas near the university campus to allow for higher density multi-family uses. In general, the district allows smaller setbacks and unlimited density, as long as setbacks and parking requirements are met. The district should create dense, walkable areas.

A new U, University District is proposed for properties which are owned by the university. The district is intended simply to identify those properties for orientation and to identify the campus on the map. The university is exempt from zoning requirements by state law.

The requirements and allowed uses for each zoning district are listed below:

District	Minimum Lot Size (Sq. Ft.)	Minimum Frontage (Feet)	Front Setback (Feet)	Side Setback (Interior) (Feet)	Side Yard (Corner) (Feet)	Rear Setback (Feet)	Max. Bld. Height (Stories/ Feet)	Maximum Lot Coverage
R-1	6,000 SF *	25	20	5	10	10	2 Story/50	40%
R-2	5,000 SF	40	20	5	10	10	2 Story/50	40%
U-R	4,000 SF	25	10	5	10	10 *	3 Story/50	N/A
R-3	4,000 SF	40	25	5	15	10 *	4 Story/64	60%
R-4	4,000 SF	25	5	N/A *	5	10 *	5 Story/75	N/A
C-1	6,000 SF	60	10	5 *	10	10 *	2 Story/50	40%
C-2	5,000 SF	N/A	10	N/A *	10	10 *	4 Story/64	N/A
C-C	N/A	15	N/A	N/A	N/A	N/A *	N/A	N/A
M-1	25,000 SF	25	35	10 *	25	20 *	N/A	N/A

Sec 42.211 R-1, Suburban Residential District

1. The following uses are permitted “by-right” in the R-1, Suburban Residential District:
 - a. Single-family detached dwellings.
 - b. Churches and other places of worship on lots less than one acre in size.
 - c. Residential group homes.
 - d. Family child care homes.
 - e. Adult day care home.
 - f. Community Center.

2. The following uses are permitted with approval of a Conditional Use Permit in the R-1, Suburban Residential District:
 - a. Churches and other places of worship on lots of one acre or greater.
 - b. Agriculture Use.
 - c. Residential-scale Medical Use.
 - d. Temporary Use.

3. The following minimum requirements for subdivision and building applies in the R-1, Suburban Residential District:
 - a. The minimum lot size to subdivide a property: 6,000 square feet; 3 acres if not served by public water and sewer services.
 - b. Minimum Lot frontage: 25 feet at front lot line.
 - c. Minimum Lot Width: 60 feet at building line.
 - d. Maximum percentage of lot that may be occupied by buildings: 40 percent.
 - e. Maximum height of buildings/structures: Two stories and fifty feet
 - f. Minimum setback dimensions:
 - 1) Front yard: 20 feet
 - 2) Side yard: 5 feet
 - 3) Side yard-Corner lot: 10 feet
 - 4) Rear yard: 10 feet from the rear lot line.

4. Exceptions:
 - a. The minimum side yard setback for interior lots shall be increased by three (3) feet for buildings with more than one story adjacent to the side yard. The increased setback does not apply to the first story.

 - b. The front setback may be reduced to 10 feet for up to 50% of the width of a detached single-family structure to allow for building additions, covered porches, and attached carports if all required off-street parking is provided.

Sec 42.212 R-2, One and Two-family Residential District

1. The following uses are permitted “by-right” in the R-2, One and Two-family Residential District:
 - a. Detached Single-family Dwellings
 - b. Two-family (Duplex) dwellings
 - c. Residential-design Two-family Dwellings
 - d. Churches and other places of worship
 - e. Residential group homes
 - f. Family child care homes
 - g. Adult day care home
 - h. Community Center

2. The following uses are permitted with approval of a Conditional Use Permit in the R-2, One and Two-family Residential District:
 - a. Fraternity/sorority houses.
 - b. Townhouses
 - c. Residential-design Multi-family Dwelling
 - d. Residential-scale Medical Use

3. The following minimum requirements for subdivision and building applies in the R-2, One and Two-family Residential District:
 - a. The minimum lot size to subdivide a property: 5,000 square feet;
in addition, the Minimum size of lot based on the use of the property applies when the property is developed:
 - 1) 5,000 square feet for single-family detached uses;
 - 2) 9,000 square feet for two-family uses;
 - 3) 4,000 square feet for townhouse uses;
 - 4) 12,000 square feet for all other uses.
 - b. Minimum Lot frontage: 40 feet at front lot line.
 - c. Minimum Lot Width: 60 feet at building line.
 - d. Maximum percentage of lot that may be occupied by buildings: 40 percent.
 - e. Maximum height of buildings/structures: Two stories and fifty feet
 - f. Minimum setback dimensions:
 - 1) Front yard: 20 feet
 - 2) Side yard: 5 feet
 - 3) Side yard-Corner lot: 10 feet
 - 4) Rear yard: 10 feet from the rear lot line.

4. Exceptions:
 - a. Townhouse development is exempt from the minimum lot width, lot coverage, open space, and side yard setbacks (interior lot lines only).

 - b. A 15 foot side yard is required when located adjacent to a lot in the R-1 district.

Sec 42.213 U-R, Urban-Residential District

1. The following uses are permitted “by-right” in the U-R, Urban-Residential District:
 - a. Detached Single-family Dwellings
 - b. Residential-design two-family dwellings
 - c. Townhouses
 - d. Churches and other places of worship
 - e. Residential group homes
 - f. Family child care homes
 - g. Adult day care home
 - h. Community Center

2. The following uses are permitted with approval of a Conditional Use Permit in the U-R, Urban-Residential District:
 - a. Small-scale Commercial Uses
 - b. Residential-design Multi-family dwelling
 - c. Residential-scale Medical Uses

3. The following minimum requirements for subdivision and building applies in the U-R, Urban-Residential District:
 - a. The minimum lot size to subdivide a property: 4,000 square feet;
in addition, the Minimum size of lot based on the use of the property applies when the property is developed:
 - 1) 4,000 square feet for one dwelling unit;
 - 2) An additional 2,500 square feet is required for each additional dwelling unit;
 - 3) 12,000 square feet for all other uses.
 - b. Minimum Lot frontage: 25 feet at front lot line.
 - c. Maximum height of buildings/structures: Three stories and fifty feet
 - d. Minimum setback dimensions:
 - 1) Front yard: 10 feet
 - 2) Side yard: 5 feet
 - 3) Side yard-Corner lot: 10 feet
 - 4) Rear yard: 10 feet; 20 feet if adjacent to an alley

4. Exceptions:
 - a. Townhouse development is exempt from the side yard setbacks (interior lot lines only).
 - b. Townhouses are subject to a minimum lot size of 2,500 square feet.

Sec 42.214 R-3, Multi-family Residential District

1. The following uses are permitted “by-right” in the R-3, Multi-family Residential District:
 - a. Detached Single-family Dwellings
 - b. Two-family (Duplex) dwellings
 - c. Townhouses
 - d. Rooming/Boarding Houses
 - e. Multi-Family up to 26 units per acre
 - f. Residential-design Multi-family Dwelling
 - g. Churches and other places of worship
 - h. Community Center
 - i. Residential group homes
 - j. Family child care homes
 - k. Adult day care home
 - l. Fraternity/sorority houses
 - m. Child care centers
 - n. Parking lots and Garages

2. The following uses are permitted with approval of a Conditional Use Permit in the R-3, Multi-family Residential District:
 - a. Small-scale Commercial Use
 - b. Mixed-residential Use
 - c. Residential-scale Medical Use
 - d. Ambulatory healthcare services
 - e. Civic and Social Organizations
 - f. Educational Services
 - g. Traveler Accommodations
 - h. Manufactured Home Park

3. The following minimum requirements for subdivision and building applies in the R-3, Multi-family Residential District:
 - a. The minimum lot size to subdivide a property: 4,000 square feet;
in addition, the minimum size of lot based on the use of the property applies when the property is developed:
 - 1) 4,000 square feet for single-family detached uses;
 - 2) 6,000 square feet for two-family uses and Residential-design Multi-family Dwellings;
 - 3) 7,500 square feet for multi-family uses;
 - 4) 12,000 square feet for all other uses.

 - b. Minimum Lot frontage: 40 feet at front lot line.
 - c. Minimum Lot Width: 75 feet at building line.
 - d. Maximum percentage of lot that may be occupied by buildings: 60 percent.
 - e. Minimum open space per lot: twenty five (25) percent of the total lot area
 - f. Maximum height of buildings/structures: Four stories and sixty-four feet.
 - g. Minimum setback dimensions:

- 1) Front yard: 25 feet
- 2) Side yard: 5 feet; 10 feet when adjacent to any other district.
- 3) Side yard – Corner lot: 15 feet
- 4) Rear yard: 10 feet; 20 feet when adjacent to any other district.

4. Exceptions:

- a. Townhouse development is exempt from the side yard setbacks (interior lot lines only).
- b. Not more than 8 bedrooms are allowed per unit for residential uses except Fraternity/Sorority Houses and Rooming/Boarding Houses.
- c. The maximum height of buildings is limited to two stories for buildings located within 50 feet of the R-1 district.

Sec 42.215 R-4, Urban District

1. The following uses are permitted “by-right” in the R-4, Urban District:
 - a. Detached Single-family Dwellings
 - b. Two-family (Duplex) dwellings
 - c. Townhouses
 - d. Rooming/Boarding Houses
 - e. Multi-Family (no maximum density)
 - f. Churches and other places of worship
 - g. Community Center
 - h. Residential group homes
 - i. Family child care homes
 - j. Adult day care home
 - k. Fraternity/sorority houses
 - l. Child care centers
 - m. Parking lots and Garages
 - n. Neighborhood Commercial Uses when part of a mixed-use building
 - o. Traveler Accommodations
 - p. Mixed-residential Use

2. The following uses are permitted with approval of a Conditional Use Permit in the R-4, Urban District:
 - a. Small-scale Commercial Use
 - b. Residential-scale Medical Use
 - c. Ambulatory healthcare services
 - d. Civic and Social Organizations
 - e. Educational Services
 - f. Seasonal Sales

3. The following minimum requirements for subdivision and building applies in the R-4, Urban District:
 - a. Minimum size of lot: 4,000 sq. ft.
 - b. Minimum Lot frontage: 25 feet at front lot line.
 - c. Minimum Lot Width: 25 feet at building line.
 - d. Maximum height of buildings/structures: Five stories and 75 feet;
Ten stories and 120 feet with a Conditional Use Permit.
 - e. Minimum setback dimensions:
 - 1) Front yard: 5 feet
 - 2) Side yard: No minimum setback; 10 feet when adjacent to any other district; 20 feet when adjacent to an alley.
 - 3) Side yard – Corner lot: 5 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to an alley or any other district.

4. Exceptions:
 - a. Townhouse development is exempt from the minimum lot size and side yard setbacks (interior lot lines only).
 - b. Not more than 8 bedrooms are allowed per unit for residential uses except Fraternity/Sorority Houses.

Sec 42.221 C-1, Neighborhood Commercial District

1. The following uses are permitted “by-right” in the C-1, Neighborhood Commercial District:
 - a. Child care centers.
 - b. Churches and other places of worship.
 - c. Tier 1 Commercial Use up to 10,000 square feet
 - d. Tier 2 Commercial Use up to 10,000 square feet
 - e. Ambulatory Health Care Services
 - f. Educational Services
 - g. Museums, Historical Sites, and Similar Institutions
 - h. Mixed-residential Use up to two units per lot

2. The following uses are permitted with approval of a Conditional Use Permit in the C-1, Neighborhood Commercial District:
 - a. All other Tier 1 and 2 Commercial Uses
 - b. Seasonal Sales
 - c. Temporary Use

3. The following minimum requirements for subdivision and building applies in the C-1, Neighborhood Commercial District:
 - a. Minimum size of lot: 6,000 sq. ft.
 - b. Minimum Lot frontage: 60 feet at front lot line.
 - c. Minimum Lot Width: 60 feet at building line.
 - d. Maximum percentage of lot that may be occupied by buildings: 40 percent
 - e. Maximum height of buildings/structures: Two stories and 50 feet
 - f. Minimum setback dimensions:
 - 1) Front yard: 10 feet
 - 2) Side yard: 5 feet; 10 feet when adjacent to a residential district
 - 3) Side yard – Corner lot: 10 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to a residential district.

Sec 42.222 C-2, General Commercial District

1. The following uses are permitted “by-right” in the C-2, General Commercial District:
 - a. Tier 1 Commercial Use
 - b. Tier 2 Commercial Use
 - c. Tier 3 Commercial Use if property has frontage or access to an arterial road
 - d. Churches and other places of worship
 - e. Seasonal Sales
 - f. Temporary Use
 - g. Mixed-residential Use up to two units per lot
 - h. Medical Marijuana Dispensary Facility

2. The following uses are permitted with approval of a Conditional Use Permit in the C-2, General Commercial District:
 - a. Medical Marijuana Testing Facility.
 - b. Tier 3 Commercial Uses in all other locations
 - c. Tier 1 or 2 Industrial Use if the scale and intensity can be demonstrated to be compatible with surrounding uses
 - d. Medical Marijuana-Infused Products Facility
 - e. Multi-family up to 26 units per acre
 - f. Mixed-residential Use (more than two units per lot)
 - g. Wind and Solar Generation
 - h. Any other use not listed in any district

3. The following minimum requirements for subdivision and building applies in the C-2, General Commercial District:
 - a. Minimum size of lot: 5,000 sq. ft.
 - b. Minimum Lot Width: 50 feet at building line.
 - c. Maximum height of buildings/structures: Four stories and 64 feet
 - d. Minimum setback dimensions:
 - 1) Front yard: 10 feet
 - 2) Side yard: 0 feet; 20 feet when adjacent to a residential district
 - 3) Side yard – Corner lot: 10 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to a residential district.

Sec 42.223 C-C, Center-City Commercial District

1. The following uses are permitted “by-right” in the C-C, Center-City Commercial District:
 - a. Medical Marijuana Dispensary Facility.
 - b. Churches and religious institutions
 - c. Tier 1 Commercial Use
 - d. Tier 2 Commercial Use
 - e. Tier 3 Commercial Use if conducted within a building
 - f. Townhouses
 - g. Detached Single-family Dwelling
 - h. Two-family (Duplex) Dwelling
 - i. Mixed-residential Use

2. The following uses are permitted with approval of a Conditional Use Permit in the C-C, Center-City Commercial District:
 - a. All other Tier 3 Commercial Uses
 - b. Tier 1 and Tier 2 Industrial Use if the scale and intensity can be demonstrated to be compatible with surrounding uses
 - c. Multi-family
 - d. Fraternity/Sorority House
 - e. Temporary Use
 - f. Medical Marijuana Testing Facility
 - g. Medical Marijuana Infused Products Facility

3. The following minimum requirements for subdivision and building applies in the C-C, Center-City Commercial District:
 - a. There are no lot size, building height, or lot coverage requirements.
 - b. Minimum Lot frontage: 15 feet
 - c. Building setback requirements:
 - 1) Front yard: No minimum setback; 10 feet maximum setback
 - 2) Side yard: 0 feet
 - 3) Side yard – Corner lot: 0 feet
 - 4) Rear yard: 0 feet; 20 feet if adjacent to an alley

4. Exceptions:
 - a. Minimum parking requirements: None for commercial uses.

Sec 42.224 M-1, Manufacturing District

1. The following uses are permitted “by-right” in the M-1, Manufacturing District:
 - a. Medical Marijuana Cultivation Facility.
 - b. Medical Marijuana-Infused Products Facility.
 - c. Medical Marijuana Testing Facility
 - d. Tier 1 Industrial Uses
 - e. Tier 2 Industrial Uses
 - f. Tier 3 Industrial Uses up to 5,000 square feet
 - g. Tier 1 Commercial Uses
 - h. Tier 2 Commercial Uses
 - i. Tier 3 Commercial Uses
 - j. Temporary Use

2. The following uses are permitted with approval of a Conditional Use Permit in the M-2, Heavy Manufacturing District:
 - a. Tier 3 Industrial Uses
 - b. Storage of dangerous, poisonous, explosive, or flammable materials

3. The following minimum requirements for subdivision and building applies in the M-2, Heavy Manufacturing District:
 - a. Minimum size of lot: 25,000 sq. ft.
 - b. Minimum Lot Frontage: 25 feet at front lot line.
 - c. Minimum Lot Width: 100 feet at building line.
 - d. Maximum height of buildings/structures: No maximum
 - e. Minimum setback dimensions:
 - 1) Front yard: 35 feet
 - 2) Side yard: 10 feet; 20 feet when adjacent to any other non-residential district; 100 feet when adjacent to any residential district
 - 3) Side yard – Corner lot: 25 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to any other non-residential district; 100 feet when adjacent to a residential district