

PLANNING COMMISSION MEETING

AGENDA

Thursday, September 18, 2025 6:00pm

1 **CALL TO ORDER:** Matt Modlin, Chairman

2 **ROLL CALL:**

3 **CONSENT AGENDA:**

Approval of minutes

- August 21, 2025

4 **PUBLIC HEARING:**

- REZONING / RZ091825-01 / PARCEL # 23-1.0-02-1-000-026.010 / 1.5 +/- ACRES**
PROPOSED ZONING CHANGE
CURRENT: SINGLE FAMILY DWELLING DISTRICT (R1)
PROPOSED: TWO-FAMILY DWELLING DISTRICT (R2) AND MULTI-FAMILY DWELLING DISTRICT (R3)
- AMEND CHAPTER 50, ARTICLE II, DIVISION 19, ACCESSORY USES AND STRUCTURES OF THE CITY CODE OF ORDINANCES TO PROHIBIT THE INSTALLATION OF NEW OUTDOOR WOOD BOILERS**

5 PUBLIC COMMENT:

6 OLD BUSINESS: None

7 NEW BUSINESS:

- a) **REZONING** / RZ091825-01 / PARCEL #23-1.0-02-1-000-026.010 / 1.5 +/- ACRES
PROPOSED ZONING CHANGE
CURRENT: SINGLE FAMILY DWELLING DISTRICT (R-1)
PROPOSED: TWO FAMILY DWELLING DISTRICT (R-2) AND TO MULTI-FAMILY DWELLING DISTRICT (R-3)
- b) **AMEND CHAPTER 50, ARTICLE II, DIVISION 19, ACCESSORY USES AND STRUCTURES OF THE CITY CODE OF ORDINANCES TO PROHIBIT THE INSTALLATION OF NEW OUTDOOR WOOD BOILERS**

8 DISCUSSIONS:

- a) Zoning Workshop

9 NEXT MEETING: October 16, 2025

10 ADJOURN:

Agenda posted at the following locations:
City Hall, 228 S Second Street City's
Website
https://www.city_ofodessamo.com
Emailed to The Odessan
September 12, 2025

A quorum of the Board of Alderman may be in attendance however, no Board votes will be taken.



City of Odessa
Planning and Zoning Commission
Minutes – August 21, 2025

The City of Odessa Planning and Zoning Commission met to hold regular business August 21, 2025 at the Odessa Community Building.

Roll Call: Present were, Matt Modlin chair, Mary Bertram co-chair, Steve Nance secretary, JoAnn Quigley, Seth Howerton, Bill Hunt. Absent: Shannon Dupree City staff present was Christi Dickey, Planning and Development support staff. Shawna Davis, City Administrator, also present were, Mike Plachte, Jade Rodell-Tipton, Adam Couch, Sam Couch and Hannah Spaar.

Consent Agenda:

Minutes - On motion by, JoAnn Quigley and seconded by Seth Howerton minutes of July 17, 2025 were approved as presented.

Public Hearing: Opened at 7:01p.m. and closed at 7:02p.m. with no public comment.

Old Business:

a) Preliminary Plat for Senior Living at 1912 revisions were addressed. The property owner added 15 additional parking spaces for a total of 110 parking spaces. The city engineers plan review comments have been addressed in the updated preliminary plat by Powell engineering. No variance required. With a motion by JoAnn Quigley and a second by Seth Howerton the board approved the preliminary plat. Plat approved 5 to 0. There was no vote from Shannon Dupree, she was absent from the meeting. Approved by majority.

Old Business: Continued

b) (PUD) Planned Unit Development, redefined and clarification of chapter 50, by Shawna Davis was presented. A motion was made to make a recommendation to the Board of Alderman to approve the PUD by Seth Howerton and seconded by Joann Quigley.

New Business: None**Discussion:**

- a)** Continued Zoning Work Shop
- b)** to change the meeting time to 6:00pm on the third Thursday of every month. Approved 5-0 to change the time. **All meetings will start at 6:00 p.m. starting September 2025**

Adjournment: With a motion by JoAnn Quigley and seconded by Seth Howerton to adjourn, the meeting adjourned at 8:47 p.m.

Submitted by:

Steve Nance, Secretary

Affidavit of Publication

Date: August 28, 2025

STATE OF MISSOURI } ss
COUNTY OF LAFAYETTE }

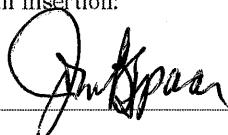
John B. Spaar, being duly sworn according to law, states that he is the co-publisher of The Odessan (a combination and continuation of The Missouri Ledger and The Odessa Democrat) a weekly newspaper located, printed and published in the City of Odessa in Lafayette County, Missouri; that said newspaper, for a period of three years and more prior to the date of the first insertion of the publication herein referred to, was, ever since said date has been, and now is published regularly and consecutively; that during all said time said newspaper has been, and now is a newspaper of general circulation in said County; that during all said time said newspaper has been and now is admitted to the post office as second class matter in said City of Odessa, Missouri, the City of publication; that during all said time said newspaper has had, and now has, a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription, for a definite period of time; that said newspaper, during all said time, has complied with and now complies with the provisions of an Act of the 62nd General Assembly of the State of Missouri, entitled "Public Advertisements," approved August 2, 1943, and known as Section 14968, and that said notice was in all respects published in compliance with the provisions of said Section; and that the said notice hereto attached was published in said newspaper once a week for one week(s) as follows:

First Insertion: August 28, 2025

Second Insertion:

Third Insertion:

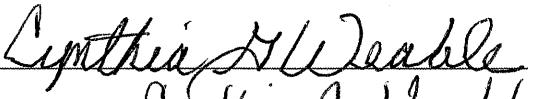
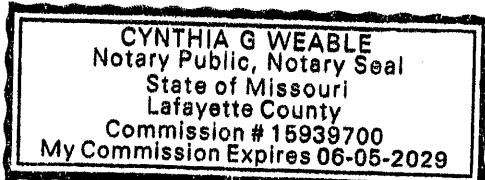
Fourth Insertion:



John B. Spaar, co-publisher

Subscribed and sworn to before me this day of August 28, 2025

Witness my hand and official seal.


Notary Public: Cynthia G. Weable
My commission expires: 05-39

PUBLIC NOTICE

City of Odessa
Rezoning / 091825-01
"R-1" (Single Family) to "R-2" (Two Family)
and "R-3" (Multi Family)
8th Street & Mason

Parcel # 23-1.0-02-1-000-026.010

Notice is hereby given that a public hearing will be held by the Planning & Zoning Board of the City of Odessa on Thursday, September 18, 2025, at 6:00 p.m. at the Dyer Park Community Bldg., located at 601 W Main Street, Odessa, Mo. for the purpose of hearing interested parties and citizens on the requests by the property owner, Jason Weatherman, for request of an approval to rezone from "R1" Single Family Dwelling District to "R2" Two Family Dwelling District and "R-3" for a Multi-Family Development, consisting of 1.5 +/- acres. Interested parties may view the application materials on file by contacting the Community Development Department via email at Christi.dickey@cityofodessamo.com or at City Hall, 228 S 2nd Street, Odessa, MO. The site is legally described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 8, BLOCK 3, COBBS ADDITION TO ODESSA, MISSOURI. THENCE NORTH PARALLELING 8TH STREET 168.7 FEET TO THE POINT OF BEGINNING. THENCE NORTH 261.3 FEET. THENCE NORTH 89°24'4" EAST 400.4 FEET TO A POINT ALONG THE WEST RIGHT OF WAY OF 8TH STREET. THENCE SOUTH ALONG SAID RIGHT OF WAY 50 FT, THENCE SOUTH 89°24'4" WEST 150 FEET. THENCE SOUTH 123.3 FEET, THENCE SOUTH 89°24'4" WEST 94.0 FEET, THENCE SOUTH 88.0 FEET. THENCE SOUTH 89°24'4" WEST 156.4 FEET TO THE POINT OF BEGINNING.

CITY OF ODESSA

Planning Commission

The Board of Aldermen of the City of Odessa will also hold a public hearing on the above noted rezoning of property from "R1" Single Family Dwelling District to "R2" Two Family Dwelling District and "R3" Multi Family Dwelling District on Monday, September 22, 2025 at 6:00 p.m. located at Dyer Park Community Bldg., located at 601 W Main Street, Odessa, Mo, to consider the application and the recommendation of the Planning & Zoning Commission.

Published in *The Odessan*, Odessa, Missouri,
Thursday, August 28, 2025

Affidavit of Publication

Date: August 28, 2025

STATE OF MISSOURI } ss
COUNTY OF LAFAYETTE }

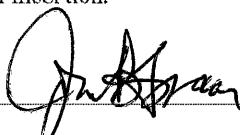
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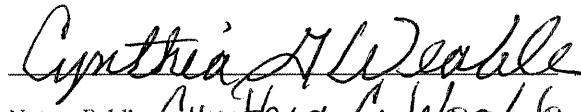
Fourth Insertion:



John B. Spaar, co-publisher

Subscribed and sworn to before me this day of
August 28, 2025

Witness my hand and official seal.


Notary Public: Cynthia G. Weable
My commission expires: 6-5-29

PUBLIC NOTICE

City of Odessa Code of Ordinances Chapter 50 Amendment

"Outdoor Wood Boilers"

Notice is hereby given that a public hearing will be held by the Planning & Zoning Commission of the City of Odessa on Thursday, September 18, 2025, at 6:00 p.m. at the Dyer Park Community Bldg., located at 601 W Main Street, Odessa, Mo for the purpose of hearing interested parties and citizens on the request by the City of Odessa to amend Chapter 50 of the City of Odessa Code of Ordinance to prohibit the installation of new outdoor wood boilers, while allowing existing units to continue as nonconforming uses, within the City of Odessa, Missouri.

CITY OF ODESSA

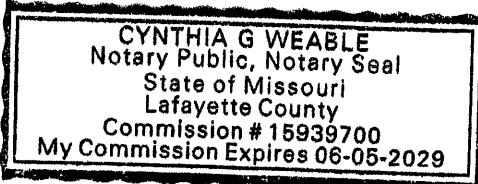
Planning & Zoning Commission

The Board of Aldermen of the City of Odessa will also hold a public hearing on the above noted amendment to Chapter 50 of the Code of Ordinances, on Monday, September 22, 2025, at 6:00 p.m. at Dyer Park Community Bldg., located at 601 W Main Street, Odessa, Mo to consider the ordinance and the recommendation of the Planning & Zoning Commission.

CITY OF ODESSA

Board of Aldermen

Published in *The Odessan*, Odessa, Missouri,
Thursday, August 28, 2025





STAFF REPORT
September 18, 2025
Planning & Zoning

Proposed Zoning Change

File No:	RZ091825-01
Property Owner:	Jason Weatherman (ibuildkc)
Site Location:	PT OF NE1/4 OF NE ¼; 2017DR2530, 2017DR2531, 2018DR3127, 2024DR12 Odessa, Missouri, Lafayette County
Project Request:	Proposed Zoning Change
Staff:	Christi Dickey, Community Development Coordinator

Project Description: Parcel # 23-1.0-02-1-000-026.010. 1.5 +/- acres, Vacant lot, located at 8th Street and Mason Street.

Legal description: in the North East ¼ of North East ¼; 2017DR2530, 2017DR2531, 2018DR3127, 2024DR1234, Section 2, Township, 48 Range 28, Odessa, Lafayette County, Missouri

The Preparation: Insight Building Solutions, Odessa, MO. Marshall Dupree, CAD Draftsman. Marshall@insight-building-solutions.com, 816-916-0883

City Ordinance: Chapter 50 Zoning: Sec. 50-55, R-1 Single Family Dwelling District, Sec. 50-220 R-2 Two Family Dwelling District, Sec. 50-244 R-3 Multi-Family Dwelling District

Request: Jason Weatherman property owner request a rezoning of the property located at 8th Street and Mason Street. The proposed zoning change from Single Family Dwelling District (R1) to a Two-Family Dwelling District (R2) and Multi-Family Dwelling District (R3).

Staff recommends the approval of the rezoning.



City of Odessa

Application for Rezoning

228 S Second St • PO Box 128 • Odessa, MO 64076
Phone: 816-230-5577 • cityofodessamo.com

PAID

Payment Validation Stamp

AUG 08 2025

City of Odessa

Fee: \$150.00 + publication
Odessa, MO
costs

For Office Use Only: Case No: 2025-0 Filing Date: 8-5-25
P&Z Date: 9-18-25 BOA Date: 9-22-25 Staff Initial: PN

Applicant/Owner Information

Applicant Name: Jason W. Catherman Company: iBuild KC
Street Address: 3552 E 65th Hwy 40 City: Bates City State: MO Zip: 64101
Phone: 816-456-8970 Cell: _____ Email: iBuildkansascity@gmail.com

Property Owner Name (if different than applicant): NA
Street Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

Firm Preparing the Plat (if different than applicant): _____

Street Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

*All correspondence on this application should be sent to (check one): Applicant Property Owner Firm

Rezoning Request

The applicant is hereby requesting a zoning change from R1 classification
to R3 classification.

Project Details

General Location or Address of Property: Corner of 8th St & West Mason St.

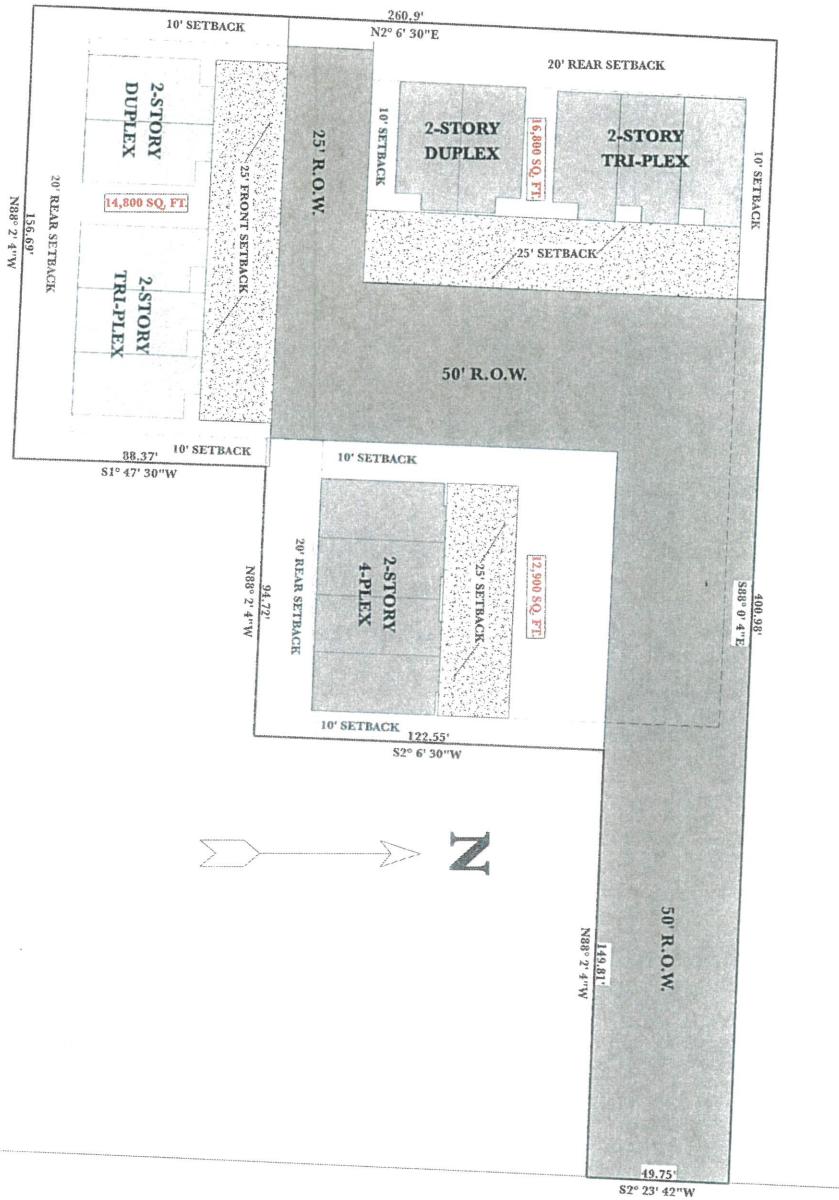
Property Area in Acres and/or Square Feet: 1.5 acres

Present Use of the Property: Vacant Land

Proposed Use of the Property: 5 Multi Family Buildings

LAYAFETTE COUNTY
ODESSA, MO

PARCEL # 23-1.0-02-1-000-026.010



SITE PLAN

SCALE: 1" = 20'-0"

DRAWINGS TO SCALE ON 24" x 36" PAPER ONLY

PROJECT DESCRIPTION:
JASON WEATHERMAN

DRAWN BY:
M. DUPREE

DATE:
7/17/2025

SHEET:
1 of 1

SHEET TITLE:

SITE PLAN CONCEPT

816-916-0683





PLANNING & ZONING COMMISSION ACTION REPORT

APPLICANT: City of Odessa, Missouri

REQUEST: Proposed Text Amendment to Chapter 50, Article II, Division 19, Accessory Uses And Structures

REQUEST TYPE: Amendment to City Code of Ordinances (Outdoor Wood Boilers)

BACKGROUND

The City of Odessa has received questions and concerns about outdoor wood boilers (OWBs). While these systems provide a source of home heating, they can sometimes create heavy smoke and air quality issues for nearby neighbors. To help protect public health while respecting residents who already own an OWB, the City is considering an update to Chapter 50, Article II, Division 19, Accessory Uses and Structures of the City Code of Ordinances.

Proposed Ordinance Summary

- Prohibits the installation of new outdoor wood boilers within the City limits after the ordinance's effective date.
- Defines "Outdoor Wood Boiler," "Clean Wood," and "Nonconforming Use."
- Allows existing, legally installed OWBs to continue operation under the following conditions:
 - Units must be registered with the City within 60 days.
 - Units must be operated in compliance with air quality, safety, and nuisance standards.
 - Prohibits the burning of trash, plastics, rubber, or any material other than clean, untreated wood.
 - Prohibits relocation or replacement with another OWB.
 - Repairs must comply with applicable codes and emission standards.

Staff Analysis

Staff finds that the amendment:

- Promotes the health, safety, and welfare of residents by limiting future OWB installations.
- Protects existing property owners by allowing continued use of legally installed units under clear conditions.
- Provides clarity in enforcement by requiring registration of existing units.
- Aligns with best practices in managing air quality and nuisance issues in residential communities.

Recommendation

Staff recommends **approval** of the proposed amendment to Chapter 50, Article II, Division 19, Accessory Uses and Structures of the Odessa Code of Ordinances to prohibit new outdoor wood boilers while permitting existing units as legal nonconforming uses under regulated conditions.

PLANNING COMMISSION ACTION:

To recommend approval of the amendment to Chapter 50, Article II, Division 19, Accessory Uses and Structures of the Odessa Code of Ordinances as presented.

PREPARED BY: *Karen Findora*
Karen Findora, City Clerk

DATED: September 18, 2025

BILL NUMBER: 2025-00

ORDINANCE NUMBER: 0000

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE II, DIVISION 19, ACCESSORY USES AND STRUCTURES OF THE CITY OF ODESSA CODE OF ORDINANCES TO PROHIBIT THE INSTALLATION OF NEW OUTDOOR WOOD BOILERS, WHILE ALLOWING EXISTING UNITS TO CONTINUE AS NONCONFORMING USES, WITHIN THE CITY OF ODESSA, MISSOURI

WHEREAS, the City of Odessa seeks to promote and protect the public health, safety, and general welfare of its residents; and

WHEREAS, the Board of Aldermen has the authority to regulate land use and protect public health, safety, and welfare; and

WHEREAS, the Board of Aldermen recognizes that outdoor wood boilers may pose risks relating to air quality, public health, and nuisance conditions if not appropriately regulated; and

WHEREAS, it is in the interest of the City to limit the expansion of outdoor wood boiler use while permitting existing units to remain in use under appropriate conditions.

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

Section 1: Section 50-495 of the City Code of Odessa shall be amended to read as follows:

Sec. 50-495. Outdoor Wood Boilers.

This ordinance shall be known and may be cited as the "Outdoor Wood Boiler Ordinance" of the City of Odessa, Missouri.

1. Purpose.

This section is intended to regulate the use of outdoor wood boilers in the City of Odessa, Missouri, by prohibiting the installation of new units while allowing continued use of existing units under specified conditions.

2. Definitions.

For purposes of this ordinance:

- *Outdoor Wood Boiler* means any fuel-burning device (a) designed to burn wood or other solid fuels, (b) specified by the manufacturer for outdoor installation or use in unoccupied structures, and (c) used to heat building space and/or water through the distribution of a fluid, typically water or a water-antifreeze mixture.
- *Clean Wood* means wood that has no paint, stain, or other coatings, and has not been treated with any chemical preservatives, including but not limited to copper chromium arsenate, creosote, or pentachlorophenol.
- *Nonconforming Use* means a use of land, building, or structure that was lawfully established before the adoption of this ordinance, but which is now prohibited.

3. Prohibition on New Units.

No person shall install or operate an outdoor wood boiler within the City of Odessa after the effective date of this ordinance.

4. Existing Units.

Outdoor wood boilers that were legally installed and in operation prior to the effective date

of this ordinance shall be considered legal nonconforming uses and may continue to operate, provided that:

- o The unit is registered with the City within **60 days** of the effective date of this ordinance.
- o The unit continues to be maintained in working order and used in compliance with all applicable nuisance, air quality, and safety regulations.
- o The burning of trash, plastics, rubber, construction debris, or any material other than clean, untreated wood is strictly prohibited.
- o The unit may not be relocated or replaced with another outdoor wood boiler.
- o Any repair or replacement of parts must comply with all applicable City codes, state boiler and safety regulations, and federal emission standards in effect at the time of repair or replacement of parts, and must be properly registered with the City.

Section 2: Secs. 50-495 – 50-511. – Reserved of the City Code shall be amended to read as follows:
Secs. 50-496 – 50-511. – Reserved.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: This ordinance applies to all land areas within the boundaries of the City of Odessa, Missouri.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk, may be corrected with the endorsement of the City Administrator without the need to come before the Board of Aldermen.

Section 7: The codifier is hereby authorized to make edits to formatting to conform with formatting of the City Code.

READ TWICE and passed by the Board of Aldermen of the City of Odessa, Missouri, and approved by the Mayor of Odessa this _____ day of _____, 2025.

(SEAL)

Bryan D. Barner, Mayor

ATTEST:

Karen Findora, City Clerk

Bryan D. Barner, Mayor

APPROVED:



COMMUNITY PLANNING & DEVELOPMENT

Planning ~ Zoning ~ Inspection

125 S. 2nd St. Odessa, MO 64076 - (816) 230-5577

Public Hearing ~ The Planning and Zoning Commission will hold a Public Hearing on Thursday, September 18, 2025 to hear comments from the public regarding a proposed zoning change for the 1.5 +/- acres, a vacant lot at 8th Street and Mason Street. The current zoning is R-1 ~ Single Family Dwelling District. The proposed zoning for the entire area will be R-2 ~ Two Family Dwelling District and R-3 ~ Multi-Family Dwelling District. The request is made by Jason Weatherman, owner of (I build KC).

Public Hearing ~ The Odessa Board of Aldermen will hold a Public Hearing on Monday, September 22, 2025 to hear comments from the public regarding a proposed zoning change for the 1.5 +/- acres, a vacant lot located at 8th Street and Mason Street. The current zoning is R-1 ~ Single Family Dwelling District. The proposed zoning for the entire area will be R-2 Two Family Dwelling District and R-3 ~ Multi-Family Dwelling District. The request is made by Jason Weatherman, owner of (I build KC).

Both meetings will start at 6:00 pm and will be held at the Odessa Community Building located at 601 W. Main Street, Odessa, MO 64076

Property owners within 185' of the proposed zoning change area have been notified by mail. A complete list of properties can be seen at Odessa City Hall, 125 S. 2nd St. Odessa MO 64076.

SENT TO OWNERS OF PROPERTIES LOCATED WITHIN 185' OF 8th STREET & MASON STREET

203 S 8th ST ~ JAMES & KELLIE TOWNSEND
205 S 8th ST ~ MICHAEL & BRITTANY POGGEMEYER
207 S 8th ST ~ KOLBY & HAILEE WILLIAMS
209 S 8th ST ~ VINCENT BARKER
805 W DRYDEN ~ LUKE HERRING
805 W DRYDEN. ~ TERRY SICKLER
809 W DRYDEN. ~ KAILEY & MASON HALL
811 W DRYDEN. ~ LARRY & KISHA TRIPP
815 W DRYDEN ~ JANEL & ROBERT LEVY
901 W DRYDEN ~ NORTH PARK RENTAL LLC
WEST MAIN ~ THOMAS & CAROLYN ANDERSON TRUST
111 S 8th ST ~ ZACHERY RAINES
721 W MASON ~ DAVID BRESNAK
720 W MASON ~ NORTH PARK RENTAL LLC

DIVISION 2. - R-1 SINGLE-FAMILY DWELLING DISTRICT

Sec. 50-55. - General description.

The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. It has been sub-divided based on minimum lot size and allowable uses. Larger minimum lot requirements and prohibited uses have been established to protect existing and proposed low-density residential developments from the potentially adverse land use impacts associated with other forms of development, promoting and preserving an open, rural environment on larger parcels of land. All R-1 areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness order and efficiency is encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(Ord. No. 2838, § 1(8.200-1), 1-9-2012)

State Law reference— Authority for municipal regulation, RSMo 89.020.

Sec. 50-56. - Uses permitted.

Property and buildings in any R-1 Single-Family Dwelling District shall be used only for the following purposes:

- (1) One detached single-family dwelling.
- (2) Attached or detached accessory buildings, including a private garage or storage building.
- (3) Home occupation.
- (4) Day care, limited.
- (5) Personal garden, serving a single-family dwelling on the same lot.

(Ord. No. 2838, § 1(8.200-2), 1-9-2012)

Sec. 50-57. - Uses permitted on review.

The following uses may be permitted in all R-1 districts upon review by the city planning and zoning commission:

- (1) Municipal use, public building and public utility.
- (2) Plant nursery in which no building or structure is maintained in connection therewith.
- (3) General purpose farm or garden but not the raising of livestock.

- (4) Public park or playground.
- (5) Golf course.
- (6) Private club not conducted for profit.
- (7) Bed and breakfast.
- (8) Public or private school (elementary, middle or high) or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing or sleeping.
- (9) Church/religious assembly.
- (10) Group home (eight or fewer residents plus two additional individuals acting as house parents per RSMo 89.020.2 and 89.020.6).
- (11) Library.

(Ord. No. 2838, § 1(8.200-2.1), 1-9-2012)

Secs. 50-58—50-87. - Reserved.

DIVISION 8. - R-2 TWO-FAMILY DWELLING DISTRICT

Sec. 50-220. - General description.

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness order and efficiency are encouraged by providing for adequate light, air and open space for dwelling and related facilities and through the consideration of the proper functional relationship and arrangement of each element.

(Ord. No. 2429, § 1(8.201-1), 11-13-2000)

Sec. 50-221. - Uses permitted.

Property and buildings in a R-2 Two-Family Dwelling District shall be used only for the following purposes:

- (1) Any uses permitted in a R-1 Single-Family Dwelling District.
- (2) Two-family dwellings or a single-family dwelling and a garage apartment.
- (3) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

Sec. 50-222. - Uses permitted on review.

Any use permitted on review in a R-1 Single-Family Dwelling District may be permitted on review by the city planning and zoning commission.

(Ord. No. 2429, § 1(8.201-3), 11-13-2000)

Sec. 50-223. - Area regulations.

- (a) *Front yard.* All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements:
 - (1) The minimum depth of the front yard shall be 25 feet.
 - (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than 25 feet and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing building; but this regulation shall not require a front yard of greater depth than 40 feet.
 - (3) When a yard has double frontage the front yard requirements shall be provided on both streets.
- (b) *Side yard.*
 - (1) For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than ten feet; provided, however, that for lots of record prior to the effective date of the ordinance from which this division is derived there shall be a side yard for dwellings on each side of the main building of not less than ten percent of the lot width, except as herein provided in section 50-490. For unattached buildings of accessory use there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not more than 50 feet from the rear property line.
 - (2) For dwellings and accessory buildings located on corner lots there shall be side yard set back from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot and 20 feet in every other case. The interior side yard is the same as for dwellings and accessory buildings as for an interior lot.
 - (3)

Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall be set back from all exterior and interior lot lines a distance of not less than 35 feet.

- (c) *Rear yard.* For main buildings, other than garage apartments, there shall be a rear yard of not less than 20 feet or 20 percent of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of a single-family dwelling but shall not be located closer than ten feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building; but no accessory building shall be located within five feet of the rear lot line.
- (d) *Lot width.* For single-family dwellings, two-family dwellings or single-family dwellings and garage apartments, there shall be a minimum lot width of 80 feet at the front building line, except for lots of record prior to the effective date of the ordinance from which this division is derived for which there shall be a minimum lot width of 50 feet at the front building line and such lot shall abut on a street for a distance of not less than 35 feet.
- (e) *Intensity of use.*
 - (1) For each single-family dwelling and accessory buildings there shall be a lot of not less than 8,400 square feet.
 - (2) For each two-family dwelling and accessory buildings there shall be lot area of not less than 8,400 square feet. A garage apartment located on the same lot with a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases, a garage apartment shall be provided with the same lot area required by a single-family dwelling.
 - (3) Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this division is derived, that lot may be used for any use, except churches, permitted in the R-1 single-family district.
 - (4) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the required off-street parking area.
- (f) *Coverage.* Main and accessory buildings shall not cover more than 30 percent of the lot area. Accessory buildings shall not cover more than 20 percent of the rear yard.

(Ord. No. 2429, § 1(8.201-4), 11-13-2000; Ord. No. 2721, § 2, 7-28-2008)

Sec. 50-224. - Height regulations.

No building shall exceed 2.5 stories or 35 feet in height, except as provided in section 50-491.

(Ord. No. 2429, § 1(8.201-5), 11-13-2000)

Sec. 50-225. - Off-street parking.

Off-street parking shall be provided in this district in accordance with the following schedule and article III of this chapter:

- (1) Dwelling: two parking spaces for each dwelling unit.
- (2) Garage apartments: two parking spaces for each dwelling unit.
- (3) Guest rooms: one parking space for each lodging room.
- (4) Parking and driveway size, location and configurations:
 - a. Individual parking spaces, regardless of shape, shall provide a clear rectangular parking area of not less than nine feet in width and a length of not less than 20 feet (plus required accessibility space as required for disabled parking where applicable).
 - b. Parking space shall be provided at a location off public right-of-way and outside of the sight clearance triangle at right-of-way intersections as prescribed elsewhere in this Code.
 - c. Driveway widths, locations and approach configurations shall be constructed in accordance with this Code.
 - d. Driveway and parking areas shall be constructed and maintained with asphalt, concrete or other approved paving materials capable of supporting all vehicles used thereon, in all weather conditions, without emitting dust or mud onto an adjacent street or adjoining property during normal and customary use.

(Ord. No. 2429, § 1(8.201-6), 11-13-2000)

Secs. 50-226—50-243. - Reserved.

DIVISION 9. - R-3 MULTIPLE-FAMILY DWELLING DISTRICT

Sec. 50-244. - General description.

This is a residential district to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness order and efficiency are encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

(Ord. No. 2429, § 1(8.202-1), 11-13-2000)

Sec. 50-245. - Uses permitted.

The following uses are permitted:

- (1) Any use permitted in an R-2 residential district.
- (2) Multiple-family dwelling, apartment house.
- (3) Roominghouse or boardinghouse.
- (4) Bed and breakfast.
- (5) Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

(Ord. No. 2429, § 1(8.202-2), 11-13-2000)

Sec. 50-246. - Uses permitted on review.

The following uses may be permitted on review by the city planning and zoning commission:

- (1) Any use permitted on review in an R-1 or R-2 residential district.
- (2) Child care center.
- (3) Medical facility.
- (4) Mobile home park.

(Ord. No. 2429, § 1(8.202-3), 11-13-2000)

Sec. 50-247. - Area regulations.

- (a) *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
 - (1) The minimum depth of the front yard shall be 25 feet.
 - (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than 25 feet and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 40 feet.
 - (3) When a yard has double frontage the front yard requirements shall be provided on both streets.
- (b) *Side yard.*
 - (1) For dwellings located on an interior lot, a side yard of not less than ten feet shall be provided on both sides of the main dwelling for the first story and an additional three feet of side yard shall be provided for each additional story or part thereof; provided, however, that for single-

family and two-family dwellings on lots of record prior to the effective date of the ordinance from which this division is derived, there shall be provided on both sides of the main building a side yard of not less than ten percent of the lot width. For unattached buildings of accessory use there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not more than 50 feet from the rear property line.

- (2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot and 20 feet in every other case. The interior side yard is the same as for dwellings and accessory buildings on an interior lot.
- (3) Churches and main and accessory buildings, other than dwellings and mobile homes, shall be set back from all exterior and interior side lot lines a distance of not less than 35 feet.
- (c) *Rear yard.* For main buildings, other than garage apartments, there shall be a rear yard of not less than 20 feet or 20 percent of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of another dwelling but shall not be located closer than ten feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building; but no accessory building shall be located within five feet of the rear lot line.
- (d) *Lot width.* There shall be a minimum lot width of 80 feet at the front building line for single-family and two-family dwellings and ten feet additional width at the front building line for each family, more than two, occupying a dwelling; provided, however, that a lot width at the front building line shall not be required to exceed 150 feet, except that for lots of record prior to the effective date of the ordinance from which this division is derived there shall be a minimum lot width of 50 feet at the front building line if such lot is used for single-family or two-family dwellings. A lot shall abut on a street for a distance of not less than 35 feet.
- (e) *Intensity of use.*
 - (1) There shall be a lot area of not less than 8,400 square feet for a single-family dwelling or two-family dwelling and not less than 8,400 square feet plus an additional area of not less than 2,000 square feet for each family, more than two, occupying a dwelling.
 - (2) There shall be a lot area of not less than 8,400 square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located on the same lot with a two-family or multiple-family dwelling, the lot area shall provide not less than 2,000 square feet more than is required for the two-family or multiple-family dwelling.
 - (3) Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this division is derived that lot may be used for any use, except churches, permitted in the R-1 Single-Family Dwelling District.

(4) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the required off-street parking area.

(f) *Coverage.* Main and accessory buildings shall not cover more than 35 percent of the lot area. Accessory buildings shall not cover more than 30 percent of the rear yard.

(Ord. No. 2429, § 1(8.202-4), 11-13-2000; Ord. No. 2721, § 3, 7-28-2008)

Sec. 50-248. - Height regulations.

No buildings shall exceed 3.5 stories or 45 feet in height, except as provided in section 50-491.

(Ord. No. 2429, § 1(8.202-5), 11-13-2000)

Sec. 50-249. - Off-street parking.

(a) *Generally.* Off-street parking shall be provided in this district in accordance with the following schedule and article III of this chapter:

(1) Dwelling: two parking spaces for each dwelling unit.

(2) Garage apartments: two parking spaces for each dwelling unit.

(3) Guest rooms: one parking space for each lodging room.

(b) *Parking and driveway specifications.* Parking and driveway size, location and configurations shall be as follows:

(1) Individual parking spaces, regardless of shape, shall provide a clear rectangular parking space of not less than nine feet in width and a length of not less than 20 feet (plus required accessibility space as required for disabled parking where applicable).

(2) Parking space shall be provided at a location off public right-of-way and outside of the sight clearance triangle at right-of-way intersections as prescribed elsewhere in this Code.

(3) Driveway widths, locations and approach configurations shall be constructed in accordance with this Code.

(4) Off-street driveway and parking areas shall be constructed and maintained with asphalt, concrete or other approved paving materials capable of supporting all vehicles used thereon, in all weather conditions, without emitting dust or mud onto adjacent street or adjoining property during normal and customary use.

(Ord. No. 2429, § 1(8.202-6), 11-13-2000)

Sec. 50-250. - Discrimination in housing prohibited.

It is a discriminatory practice and a violation of this chapter for any person to discriminate in the sale or rental of housing on the basis of a disability of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or any person associated with that buyer or renter. The design and construction of new multifamily dwellings containing four or more units is required to meet certain adaptability and accessibility requirements in accordance with 42 USC 3604.

Secs. 50-251—50-276. - Reserved.