

**CITY OF RIVERSIDE**  
**PLANNING AND ZONING COMMISSION MEETING**  
**RIVERBOAT ROOM-CITY HALL**  
**60 N GREENE ST**

**Tuesday, December 20, 2022, at 6:00 pm**

1. Call meeting to order
2. Roll Call
3. Approval of the agenda
4. Approval of August 30, 2022, Minutes
5. Review of Preliminary Drawing from Mike Lombard for Lot 3B Commercial Drive, Recommendation to City Council
6. Adjourn meeting

The Riverside Planning and Zoning Commission met on Tuesday, August 30, 2022, at 6:00 p.m. in the Riverboat Room of City Hall with the following members present: Phil Richman, Doug Havel, Bob Yoder, Bob Schneider. Rob Weber and Kris Westfall were absent. In the absence of the chair, City Administrator Yancey called the meeting to order at 6:00 p.m. Members of the Commission selected Bob Yoder to be acting chair.

Motion made by Yoder, second by Richman to approve the agenda. Motion carried 5-0.

Motion made by Richman, second by Schneider to approve the June 28, 2022, minutes. Motion carried 5-0.

Kris Westfall arrived at 6:02 p.m.

Consensus of the Commission members to table to review of the Plat of Survey for Chad Freeman, with recommendation to the City Council, until clarification of R-2 zero lot line requirements by the city attorney and the building inspector.

Scott Kerkhoff, representing Midwest Surplus, Inc., addressed the commission on his request to have most of the lot gravel, except for having concrete around the shop and office. Bob Schneider mentioned that the building could be moved closer to the driveway access to lessen the amount of concrete needed. Bob Schneider made a motion to make a recommendation to the city council on the discussed changes and then rescinded his motion. To recap, the lot was rezoned from C-3 to C-2 to allow for outdoor storage. The rear yard setback needs to be 20 feet. The developer would be responsible for the curb cut of 30 feet to provide enough access for semi traffic, and there would need to be a hard surface driveway from the street to the building, as required by the site plan ordinance. Mr. Kerkhoff was asked to present a new site plan to the group that would meet these conditions, and a new meeting to review could be set. Motion made by Schneider, second by Richman to table review until a new site plan was presented. Motion carried 5-0.

Motion made by Richman, second by Westfall to adjourn the meeting Motion carried 5-0. Meeting adjourned at 7:15 p.m.

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Bob Yoder, Acting Chair

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Christine Yancey, City Administrator







tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

56. **Setback** - The required distance between every structure and lot line on the lot in which it is located. All applicable building setbacks as established by this ordinance shall be measured from the property line to the building foundation line. Roof overhangs and normal architectural features extending up to three feet beyond the exterior wall of the foundation of the structure shall not be considered in computing the distance between the structure and the lot line. All roof overhangs and other architectural features extending more than three feet beyond the exterior wall of the foundation of the structure shall be considered for purposes of measuring the setback requirements to the extent those roof overhangs and architectural features exceed three feet in length.
57. **Sexually Oriented Business** - An adult arcade, adult book store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center or any other commercial establishment which offers products, services or experiences appropriate only for adults by reason of their emphasis on sexual activities, female mammarys and/or human reproductive organs.
58. **Signs** - Any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification. Signs shall include both display area and attached support devices.
- A. Signs, On-Premises - An advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.
  - B. Signs, Off-Premises - An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)
59. **Site-built Home** - A residential unit constructed at the building location using traditional construction techniques and few prefabricated components. Also called a stick-built house.
60. **Special Exception** - A use specified in these regulations identifying specific conditions, limitations or restrictions, and which is subject to review for approval, or denial by the Board of Adjustment according to the provisions set forth in this Ordinance.
61. **Statement of Intent** - A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.



## BOARD OF ADJUSTMENT

**165.24 BOARD OF ADJUSTMENT: POWERS AND DUTIES.** The Board of Adjustment shall have the following powers and duties:

1. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter.
  - A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Riverside affected by any decision of the administrative officer. Such appeal shall be taken within sixty (60) days of the rendering of the decision by filing with the Zoning/Building Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. The appeal shall be acted upon within 30 days of the filing.
  - B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in Riverside. At least 7 days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agent or by attorney.
  - C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.
2. **Special Exceptions: Conditions Governing Applications; Procedures.** To hear and decide on, such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:
  - A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

- B. The special exceptions to be acted by the Board shall be acted upon within 30 days of the filing. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in Riverside. At least seven (7) days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agency or by attorney.
  - C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
  - D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, that the granting of the special exception will not adversely affect the public interest.
3. **Variance, Conditions Governing Application; Procedures.** To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:
- A. A written application for a variance is submitted demonstrating:
    - (1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
    - (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
    - (3) That the special conditions and circumstances do not result from the actions of the applicant;
    - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

- B. The variance shall be acted upon within 30 days of the filing. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in Riverside. At least 7 days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and



J. Resubmittal of Site Plan Denied by Council and Commission. A site plan that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes ten (10) copies of the preliminary plat and filing fees. Resubmittal under these terms shall be considered a new site plan subject to fees and procedures outlined in Section 167.07.

**167.08 GOOD NEIGHBOR MEETING.** Good Neighbor meetings are intended to allow public comment on potential rezoning cases prior to the case being formally submitted to the City. Such comments will alert city staff and the owner to neighborhood issues and may lead the owner to modify the intended application for rezoning.

1. Application. Good Neighbor meetings may be required for all rezoning applications filed by private owners. The decision on whether a meeting should be held will be at the discretion of the Zoning Administrator. This decision will be made at the time of the Pre-Application Conference.
2. Arrangements for the meeting:
  - A. City staff will make the applicant aware of Good Neighbor meeting scheduling arrangements, and a date and location will be mutually agreed upon.
  - B. City staff will identify all property owners within two hundred (200) feet of the boundaries of the property proposed to be rezoned and prepare a mailing list of those property owners. The City is not required to be notified by mail of the Good Neighbor Meeting.
  - C. City staff will prepare two notices: one for mailing to owners identified above and one for publication. The notices will be made available to the applicant for review and comment prior to mailing.
  - D. City staff will complete the following notifications:
    - (1) Send by regular mail the notice to owners identified above.
    - (2) Post notification of the meeting on City website.
    - (3) Notify the Commission, Council and Mayor of the meeting.
  - E. The Good Neighbor meeting will be moderated by City staff.
3. Notification Content. The notifications will include the time, date, and location of the meeting, and a brief plain language description of the proposed rezoning. Other information or material such as a map of the area may be included to clarify the notice.
4. Timing.
  - A. The Good Neighbor meeting shall be held prior to submission of the rezoning application on the required submission deadline.
  - B. Notifications shall be sent, delivered and/or posted no later than ten (10) days prior to the Good Neighbor meeting.
5. In the event that a proposed subdivision is dependent upon the property first being rezoned, the requirements of this section may be fulfilled by the Good Neighbor meeting including a presentation on both the proposed rezoning and



subdivision requests.

6. Printing and mailing costs shall be reimbursed to the City by the applicant.

**167.09 FEES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for site plan approval and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Applicant shall be responsible for just and reasonable costs incurred by the City for review of preliminary and final site plans deemed necessary by the City to insure proper conformance with City ordinances and site plan regulations.

#### **167.10 VALIDITY OF APPROVAL**

1. A site plan shall become effective upon certification of approval by the City Council.
2. The City Council approval of any site plan required by this chapter shall remain valid for one (1) year allowing one (1) year extension with approval of City Council upon recommendation of the Commission after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this chapter "actual construction" shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction.

**167.11 SITE PLAN AMENDMENT.** Any site plan may be amended in accordance with the standards and procedures established herein, including payment of fees, provided that the Zoning Administrator may waive such procedures for those minor changes hereinafter listed. Such minor changes shall not be made unless the prior written approval for such changes is obtained from the Zoning Administrator. No fees shall be required for such minor changes.

1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, shortening of building canopies.
2. Changing to a more restrictive commercial or industrial use, provided the number of off-street parking spaces meets the requirement of the Riverside zoning ordinance. This does not apply to residential uses.
3. Changing angle of parking or aisle provided there is no reduction in the amount of off-street parking as originally approved.
4. Substituting plant species provided a landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effect.
5. Changing type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at property boundary.
6. Increasing peripheral yards.

M-2 Zoning District	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	None	None	35'	50	30 feet, unless bordering a railroad right-of-way, in which case it shall be 5 feet.	3 stories or 45 feet
Accessory uses	N/A	N/A	N/A	5	None	3 stories or 45 feet

\* Must still meet required sq. ft. lot area.

\*\* Corner lots 15 feet

\*\*\* Corner lots 20 feet

\*\*\*\* Unless abutting an alley, then it may be one (1) foot from the lot line

Any lot adjacent to State Highway 22, in any way, shall be required to have a twenty (20) foot setback in addition to the minimum yard requirements stated herein.

**165.08 AG - AGRICULTURAL DISTRICT.**

1. **Intent.** This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved.
2. **Permitted Uses.** The following uses are permitted in the A-1 District:
  - A. Agriculture and those uses and structures essential to farming operations, including the usual agricultural buildings and structures and excluding offensive uses.
  - B. Single-family dwellings.
  - C. Home occupations in compliance with Section 5.23 of this ordinance.
  - D. Parks, playgrounds and recreation areas.
3. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the A-1 District.
  - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - B. Private garages, barns and other farm buildings.



subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

- A. Animals housed at the shelter shall remain inside during the hours between 8:00 pm and 7:00 am.
  - B. Animals housed at the shelter shall not be allowed to run loose outside of the fenced enclosure.
  - C. The animal shelter shall be kept in a high state of cleanliness at all times.
7. **Commercial Kennels.** A commercial kennel proposal will be reviewed by the Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:
- A. In order to provide safety, to prevent disturbances and to avoid sanitary or health problems, kennels shall not be located within ½ mile (2,640 feet) of any residence, except for the residence located on the kennel premises.
  - B. The owner of the kennel shall be responsible for physically inspecting the dogs in the kennel every twelve (12) hours to assure that the dogs have sufficient water, food, shelter, restraint and medical care.
  - C. Dogs in the kennel shall not be allowed to run loose outside of the kennel's fenced enclosure.
  - D. Kennels shall be kept in a high state of cleanliness at all times.
  - E. No more than one dog shall be kept for each seventy-two (72) square feet of kennel ground or floor space.
  - F. Kennel floors shall be made of concrete or hard-packed gravel or crushed rock. Kennels shall be enclosed with a fence that is at least six (6) feet high. Kennels shall be provided with an overhead tarp or roof to protect the dogs from the sun and elements. Kennels shall be constructed to include insulated housing to protect dogs from severe weather. Kennel housing units shall be no less than twelve (12) square feet per dog. All kennel buildings must be able to be securely locked.
  - G. All training establishments where dogs are boarded or training occurs must have an external perimeter fence at least six (6) feet high to prevent the escape of the animals. In addition to the external security fence, a six (6) feet high chain mesh fence must enclose the immediate training area.
8. **Off-street Parking.** See Supplementary Regulations.
9. **Off-Street Loading.** See Supplementary Regulations.
10. **Signs.** See Supplementary Regulations.

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**165.09.a R-1 - RESIDENTIAL SINGLE-FAMILY DISTRICT.**