

AGENDA

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

Commission Members:

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

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, July 12, 2022.
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:**
- 1. ZON22-03, 1702/1704 E 10th Street:** A rezoning (map amendment) from the R-3, Multi-family district to the C-O, Commercial Office district.
- III. OLD BUSINESS:** **NONE**
- IV. NEW BUSINESS:**
- 1. SUB22-07 - Gracie Place 2:** A Minor Subdivision to combine lots and create an outlot at 2000 Hwy E
- V. PUBLIC HEARING:** **NONE**
- VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:**
- 1. Update on Zoning Code Rewrite:** Presentation of proposed Sections 100, 200, and 300
- VII. CITIZEN COMMENTS:**

NEXT MEETING DATE:

Tuesday, October 11, 2022

MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, JULY 12, 2022

Presiding: Don Brown, Chairperson

Commission Members Present: Robert Anderson, Monty Jordan, Janece Martin, Russell Schmidt, Monte Shields, Kevin Crider

Commission Members Absent: Lister Florence Jr.

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, June 14, 2022. **Chairperson Don Brown approved the minutes as printed and distributed.**

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. **SUB22-05, Wolfe's Corner:** Minor Subdivision to combine two residential lots into one lot in the R-1, Single-family Residential district at 1220 Devonshire Ln.
2. **SUB22-06, University Fraternity Subdivision No. 3:** Minor Subdivision to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district on Fraternity Drive.
3. **ZON22-02, Car Mart:** Rezoning (map amendment) from the C-1, Neighborhood Commercial district to the C-2, General Retail district at 1306 Hwy 72 East.
4. **VAC22-01, Curators of the University of Missouri:** Vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13th Street and University Dr.
5. **VAC22-02, Curators of the University of Missouri:** Vacation of State Street north of 11th Street.
6. **ZON22-01, Collective Solutions:** A rezoning (map amendment) from the C-3, Highway Commercial district to the M-1, Light Manufacturing district at 1898 Old Saint James Rd.

III. OLD BUSINESS: NONE

IV. NEW BUSINESS: NONE

V. PUBLIC HEARING:

1. **ZON22-03, 1702/1704 E 10th Street:** A rezoning (map amendment) from the R-3, Multi-family district to the C-O, Commercial Office district.

Tom Coots presents the staff report.

Don Brown opens the public hearing. Seeing no questions from the audience or commissioners, he closes the public hearing.

A motion was made by Monte Shields, seconded by Robert Anderson, to recommend approval to the City Council to rezone the subject property from the R-3, Multi-family district to the C-O, Commercial Office District. A roll call vote on the motion showed the following: Ayes: Anderson, Martin, Schmidt, Shields, Crider and Jordan. Nays: None. The motion passes unanimously.

VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF: NONE

VII. CITIZEN COMMENTS: NONE

**Meeting adjourned: 5:35 p.m.
Minutes prepared by: Sarah West**

**NEXT MEETING: Tuesday, August 9, 2022 (To Be Cancelled)
Tuesday, September 13, 2022**



Report to:

**Planning and Zoning
Commission**

Case No.: SUB 22-07

Meeting Date: September 13, 2022

Subject: Gracie Place 2: A Minor Subdivision to combine lots and create an outlot at 2000 Hwy E

Background: The applicant is under contract to sell an existing multi-family development. The plat would address a few issues that have been open for years. The development took in two platted common lots for access and parking. The development also includes an existing detention basin that serves a large area. The detention basin was intended to be owned by a homeowners association for common maintenance.

The plat would combine the two common lots that are used for the multi-family development and would create a new common lot for the existing detention basin.

Application and Notice:

Applicant/Owner - Jim Sowers of JRS Enterprises, Inc
Public Notice - <https://www.rollacity.org/agenda.shtml>
City Council Date - September 19, 2022

Property Details:

Current zoning - PUD, Planned Unit Development; and R-3, Multi-family
Current use - Multi-family Residential
Land area - Lot 1: 2.02 acres; Lot A: 0.77 acres

Public Facilities/Improvements:

Streets - The subject property has frontage on Lizzy Lane, a local street; and frontage on State Hwy E, a collector road.
Sidewalks - No sidewalks are located adjacent to the property.
Utilities - The subject property should have access to all needed utilities.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for Medium/High Density residential uses.

Discussion: The proposed plat appears to meet all zoning and subdivision requirements. A portion of the area is within a PUD, however, since no development of that area is proposed, there does not appear to be a need to amend the PUD or rezone that area.

Documents to demonstrate the common lot would be maintained and access easements for the detention basin will be provided prior to finalizing the plat.

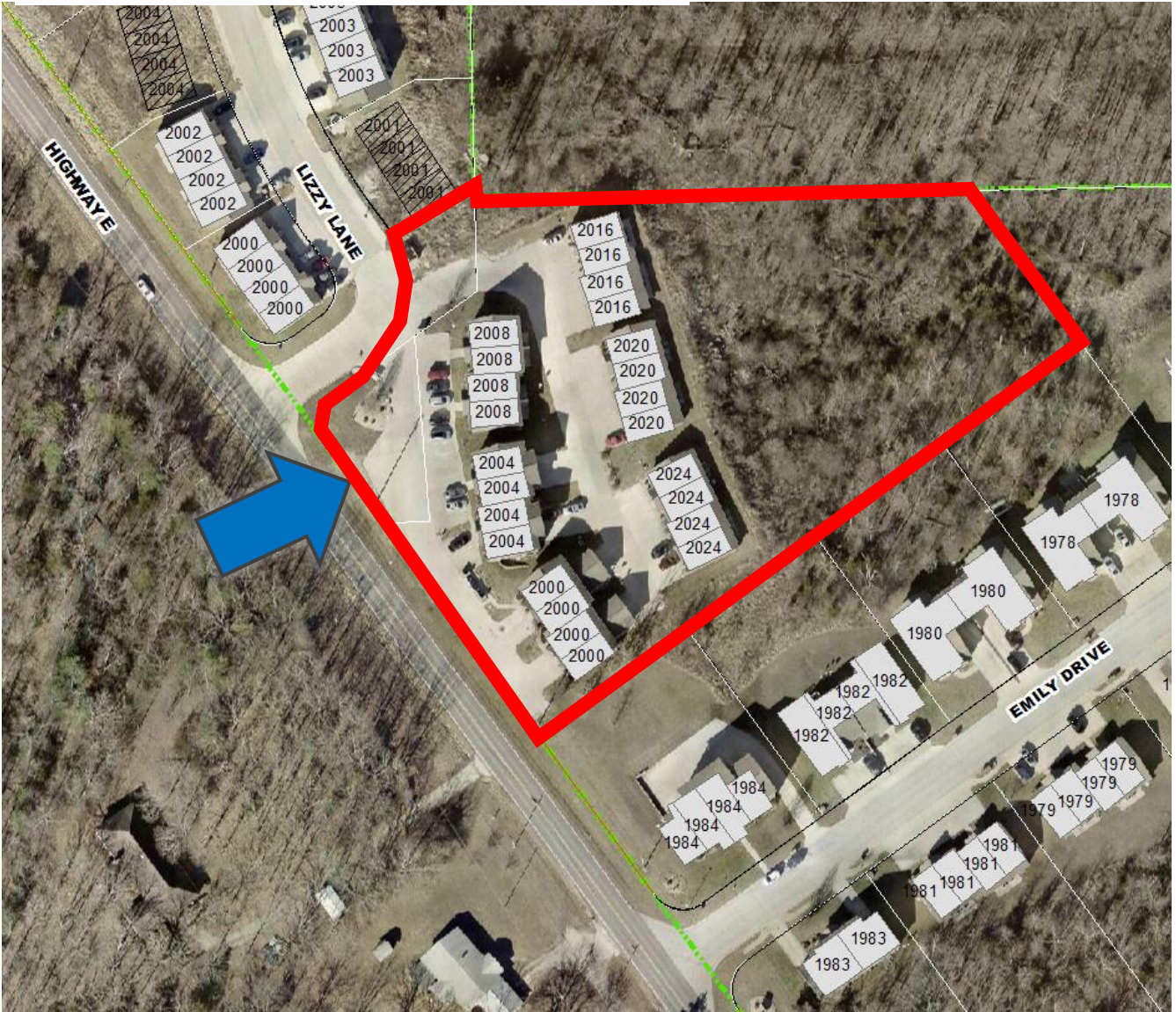
Findings:

1. The proposed minor subdivision would combine two common lots and create a new common lot for an existing detention basin.
2. The plat appears to be in compliance with all applicable zoning, subdivision, and other requirements.

Alternatives:

1. Find the request meets all applicable requirements and recommend the City Council approve the request.
2. Find that the request could meet all applicable requirements with the imposition of reasonable conditions and recommend that the City Council conditionally approve the request.
3. Find that the request does not meet all applicable requirements and recommend that the City Council deny the request.
4. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner
Attachments: Area Map, Application, Plat



Project Information:

Case No: SUB22-07
 Location: 2000-2024 State Hwy E
 Applicant: Jim Sowers of JRS Enterprises
 Request:
 Minor Subdivision to combine platted lots and
 create a common lot



For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org

(573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

pd ck # 220111



COMMUNITY DEVELOPMENT DEPARTMENT
901 North Elm St
Rolla, MO 65401
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

SUBDIVISION APPLICATION

Contact Information:

Property Owner:
Jim Sowers, JRS Enterprises Inc.
Name(s)
PO Box 1884
Mailing Address
Rolla, MO 65402
City, State, Zip
(573) 578-9475
Phone
jrsowers@rollanet.org
Email

Agent/Applicant (If Different Than Property Owner):
Name
Mailing Address
City, State, Zip
Phone
Email

Property/Request Information:

Request: _____ Sketch Plat
_____ Major Subdivision
_____ Minor Subdivision
 Replat
_____ Subdivision Variance
_____ Vacation of ROW/easement

2000 Highway E
Property Address/Location
R3, Multi-Family
Property Zoning
3 existing 2 proposed
Number of existing and new lots proposed
GRACIE PLACE 2
Name of Subdivision

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input type="checkbox"/>	Completed Application Form	<input type="checkbox"/>	City Staff Verifies
	<input type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>	
	<input type="checkbox"/>	Filing Fee - \$300 (Major Subdivision); \$100 (Minor Subdivision/Replat); \$350 (Subdivision Variance) + Recording Fee (\$44 or \$69)	<input type="checkbox"/>	
	<input type="checkbox"/>	Improvement Plans (Final Plats only; 1 paper copy and pdf version)	<input type="checkbox"/>	
	<input type="checkbox"/>	Plat (5 paper copies and pdf version) or Vacation Exhibit	<input type="checkbox"/>	
	<input type="checkbox"/>	Letter of Request (Subdivision Variance only)	<input type="checkbox"/>	

OFFICE USE ONLY:

Case No: ~~89~~ SUB22.07 DRC Meeting Date: 9.6.22 PC Hearing Date: 9.13.22
Submission Date: 8.18.22 Advertise By: N/A CC Hearing Date: 9.19.22 / 10.3.22

I N F O R M A T I O N:

(Optional) **Sketch Plats** must include the following information (Section 42-32.1):

1. Proposed subdivision name, contact information for property owner, north arrow, scale, date.
2. Location map, general dimensions of property lines, existing easements, ROW's, buildings, cemeteries, watercourses, flood areas, contours, ect.
3. Name, location, dimensions of existing streets; name, width, classification or proposed streets and alleys.
4. Existing utilities and stormwater management facilities on and adjacent to property.
5. Location, dimensions, and configuration of proposed lots.
6. Location and general layout of proposed water and sewer lines.

Preliminary Plats must include the following information (Section 42-32.2):

1. Legal description and boundary line.
2. Name and location of adjoining existing subdivisions, streets, ROW widths, alleys, property lines, ect.
3. Proposed streets with width, centerline, grade, length; dimensions of easements and alleys, ect.
4. Existing property lines, buildings, and utilities.
5. Arrangement, location, dimensions of proposed lots with area, line bearings, angles, and setbacks.
6. Location, dimensions, and area of land to be dedicated or reserved for common ownership.
7. Contour lines, water courses, ravines, culverts, bridges, ponds, ect.
8. Proposed sewer lines, storm sewer lines, drainage facilities, bridges, ect. and easements

Final Plats must include the following information (Section 42-32.3):

1. Items shown on Preliminary Plat except contours, land features, street grades, and utilities.
2. Plat restrictions and restrictive covenants regarding building permits.
3. Dedication deed for easements, streets, alleys, parkland, ect.
4. Access limitation and improvement acceptance notes.
5. Planning and Zoning Commission and City Council approval.
6. City and County tax release.
7. Surveyors and Recorders Certificate.

Note: A Major Subdivision must include a Preliminary Plat. A Major Subdivision is a subdivision which creates (5) or more lots and/or requires the extension of streets.

Vacations of rights-of-way or easements must include a Vacation Exhibit which shows property lines, buildings, utilities or public infrastructure within 30 feet of the area to be vacated. Property lines and building locations must be based on a survey. Utility locations may be from field observations, GIS, utility companies, and/or field markings.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)

 JAMES R SOWERS

Sign

Print

Sign

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Sign

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Sign

Print



Report to:

**Planning and Zoning
Commission**

Case No.: TXT22-03

Meeting Date: June 14, 2022

Subject: Zoning Code Update: Presentation of proposed Sections 100, 200, and 300

Background: 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 has been meeting since March 2022.

The first portions of the proposed changes to the city codes are presented at this time. The remainder is planned to be presented at the October Planning and Zoning Commission meeting, with public hearings to follow at later dates.

Application and Notice:

Applicant - City of Rolla
Public Notice - <https://www.rollacity.org/agenda.shtml>
City Council Date - To be determined

Discussion: Major changes to the organization of the zoning and subdivision regulations is proposed. Currently, some requirements are spread out and unorganized. The code is proposed to be re-organized to group similar subjects and proceed in a more logical order.

Section 100 contains sub-sections for the administration of the codes, for the Planning and Zoning Commission, for the Board of Adjustment, for all of the different types of applications and processes, for non-conforming uses, and for enforcement.

Section 200 details each of the zoning districts with the allowed uses and bulk standards, and for overlay districts, and for PUD's. Several new zoning districts are proposed. Several existing zoning districts are proposed to be removed. A new zoning map will have to be adopted to assign the zoning to the impacted properties.

Section 300 contains sub-sections for general issues such as parking, projections/encroachments, landscaping, signage, design, and nuisances.

The remainder of the proposed code revisions will be discussed at the next meeting. The Planning and Zoning Commission is asked to begin review of the proposed changes to the zoning and subdivision regulations. The public hearings will be planned for a future meeting.

Prepared by:

Tom Coots, City Planner

Attachments:

Proposed Sections 100, 200, and 300 of the revised Zoning and Subdivision Regulations;
Underline/strikethrough version of proposed revisions

Section 100 Administration

Sec 42.100 Title

This ~~chapter of the Rolla City Code Article, and the Official Zoning Map made a part hereof,~~ shall be known and may be cited as the Rolla ~~Planning and Zoning and Subdivisions Code,~~ and may also be referred to as Zoning Regulations, Zoning Code, or Subdivision Regulations.

This ~~chapter Article~~ shall be in full force and effect as Chapter 42, ~~Article III,~~ of the Rolla City Code, from and after its passage and approval in the manner required by law.

Sec 42.101 Purpose

This ~~Article Code~~ is adopted in order to promote the health, safety, morals, and the general welfare of the community by regulating features including the height, number of stories, and the size or bulk of buildings and other structures, lot coverage, the size of yards and other open spaces, the density of population and the location and use of buildings and structures for trade, industry, residences or other purposes. Additional purposes include the conservation and protection of property values, encouraging efficient and the economic use of property, as well as the prevention of traffic congestion, and the mitigation of adverse environmental impacts ~~from the conduct of business in Rolla,~~ mitigation of disaster potential impacts, and planning for future needs.

~~Sec. 42.22. Interpretation and Purpose.~~

~~The provisions of this Article, in their interpretation and application, shall be held to the minimum requirements adopted for the protection of the public health, safety, and welfare. The purpose of this Article is to regulate the subdivision of land as defined herein. In addition, The subdivision regulations are designed to provide for the safe, orderly, and economic use of transportation facilities; to facilitate orderly land use and layout; to ensure proper legal description and creating monuments for monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to facilitate the adequate provision of municipal services including streets, water, sewerage, electricity, parks, open space, schools, and other requirements; and to promote the development of affordable housing.~~

Sec 42.102 Applicability and Jurisdiction

~~Territorial Application of Regulations:~~ The regulations and restrictions in this ~~chapter Article~~ shall apply to all buildings, structures, land, and land uses within the corporate limits of the City of Rolla, unless otherwise exempted or grand-fathered by other provisions of this code Article.

Sec 42.103 Authority

The City Council enacts the Rolla Zoning and Subdivisions Code ~~this Article~~ pursuant to the authority conferred by Chapter ~~89~~ 89.300 Revised Statutes of Missouri, as applicable.

Sec 42.104 Severability

It is hereby declared to be the intention of the City Council that the several provisions of this ~~chapter Article~~ are separable, in accordance with the following rules:

- (a) If any court of competent jurisdiction shall adjudge any provision of this ~~chapter Article~~ to be unconstitutional, invalid, or illegal, such judgment shall not affect any other provisions of this chapter Article.

- 1 (b) If any court of competent jurisdiction shall adjudge the application of any
2 provision of this chapter Article to a particular property, building or
3 structure to be unconstitutional, invalid, or illegal, such judgment shall not
4 affect the application of said provision to any other property.
5

6 **Sec 42.105 Rules of Interpretation**

7 When referring to this chapter Article, the following rules of interpretation shall be applied,
8 except when the context clearly requires otherwise.

- 9 1. The words 'shall' and 'must' are is always mandatory and not discretionary. The
10 word 'may' is permissive.
11 2. Words used in the present tense shall include the future and words used in the
12 singular include the plural and the plural the singular, unless the context clearly
13 indicates the contrary.
14 3. The use of the male pronoun includes the use of the female pronoun.
15 4. The word person includes individuals, firms, corporations, associations and any
16 other similar entities.
17 5. The words parcel, site, or tract are synonymous and are general terms for the
18 description of land.
19 6. The word City means the area of jurisdiction of the City of Rolla, Missouri.
20

21 ~~Rules of Interpretation of District Boundaries:~~ Where uncertainty exists as to the
22 boundaries of zoning districts as shown on the Official Zoning Map, the following shall
23 apply:

- 24 1. Boundaries shown as approximately following the centerlines of streets, highways,
25 or alleys shall be construed to follow centerlines.
26 2. Boundaries shown as approximately following platted lot lines shall be construed as
27 following lot lines.
28 3. Boundaries shown as following City Limit lines shall be construed as following such
29 City Limits.
30 4. Boundaries shown as following railroad lines shall be construed to be midway
31 between the main tracks.
32 5. Boundaries shown as following shorelines of bodies of water shall be construed to
33 follow such shorelines, and in the event of change in the shoreline, shall be
34 construed as moving with the actual shoreline; boundaries indicated as
35 approximately following the center lines of streams, ponds, or lakes shall be
36 construed to follow such center lines.
37 6. Where physical or cultural features existing on the ground are at variance with
38 those shown on the Official Zoning Map, or in other circumstances not covered by
39 paragraphs (a) through (e) above, the Community Development Director ~~Board of~~
40 ~~Adjustment~~ shall interpret the district boundaries.
41 7. Any interpretation may be appealed to the Board of Adjustment.
42

43 ~~Classification of Vacated Right-of-Way:~~ Whenever any public right-of-way is vacated by
44 official action of the Planning and Zoning Commission and City Council, the zoning district
45 adjoining each side of the vacated right-of-way shall automatically extend to the centerline
46 of the vacated property; or, in the case where all of the vacated right-of-way shall revert to
47 one property, the zoning district of the host property shall extend to the vacated area.
48
49

1 **Sec 42.106 Conflicts**

2 If there is a conflict between any part of this chapter and any other law, city code provision,
3 ordinance, regulation, or other part of this chapter the provisions that are more restrictive
4 or that impose higher standards or requirements shall govern.

5
6 **Sec 42.107 Duties of the Community Development Director.**

7 The Community Development Director ~~Codes Administrator~~ or his duly designated and
8 authorized representative, in addition to the duties delegated to him under this chapter
9 ~~Article~~ and other ordinances of the City, shall administer and enforce this chapter Article
10 including:

- 11 1. Receiving applications for permits for the construction, erection, structural
12 alteration, enlargement and removal of ~~buildings, structures,~~ parking lots, signs,
13 land use.
- 14 2. Receiving applications for variances and special exceptions, rezonings (map
15 amendments), amendments to the zoning codes, subdivision of land, conditional
16 use permits, and planned unit developments.
- 17 3. Notifying applicants of all City ordinances pertaining to said applications, ~~issue as~~
18 ~~soon as practicable certificates required by this r Article when plans are found to~~
19 ~~comply with the provisions of this Article and all other City laws and ordinances~~
20 ~~applicable thereto;~~
- 21 4. Make and maintain records for all functions pertaining to codes administration
22 duties.
- 23 5. ~~and in connection with such duties interpret the provisions of this chapter Article.~~
- 24 6. ~~Receiving applications for certificates of occupancy for buildings and structures for~~
25 ~~which building permits have been issued, and which have been constructed,~~
26 ~~erected, structurally altered, enlarged or moved in accordance with such permits~~
27 ~~and are ready for use and occupancy; notify applicants of City ordinances~~
28 ~~pertaining to said applications.~~
- 29 7. Providing technical assistance to the City Council, Planning and Zoning Commission,
30 and Board of Adjustment as they may require in the performance of their duties
31 under this chapter Article
- 32 8. Conducting inspections of buildings, structures, and uses of any premises to
33 determine compliance with the terms of this chapter Article.
- 34 9. ~~Conducting inspections of buildings, structures, signs, and uses of any premises to~~
35 ~~determine compliance with the terms of any application, permit, or certificate~~
36 ~~issued by his office and to ensure that the provisions of this Article are enforced~~
37 ~~with respect to screening, landscaping, buffer yards and other requirements or~~
38 ~~conditions established by City Council.~~

39
40 In addition to the duties delegated to him under this Article and other ordinances of the
41 City, the Community Development Director or his duly designated and authorized
42 representative shall:

- 43 1. ~~Receive applications for Zoning Ordinance map amendments and conditional use~~
44 ~~permits pursuant to the provisions of this Article.~~
- 45 2. Maintain for distribution to the public copies of the zoning map or maps, the text of
46 the Zoning Ordinance, and the rules of the Planning and Zoning Commission and
47 ~~Board of Adjustment. A reasonable fee for each copy shall be charged to defray~~
48 ~~printing costs.~~
- 49 3. ~~Provide technical and expert assistance to the City Council, Planning and Zoning~~
50 ~~Commission, and Board of Adjustment.~~

- 1 4. Make recommendations with respect to city planning, zoning, land use and
2 development to the City Council, Planning and Zoning Commission, City
3 Administrator and other departments and agencies of the City.
- 4 5. Maintain permanent and current records of official actions on all variances,
5 conditional use permits, special exceptions, re-zoning applications, and other
6 activities of the Planning and Zoning Commission and Board of Adjustment and all
7 functions of the Community Development Department related to the
8 administration of this chapter Article.

9
10 **42.109 Development Review Committee**

11 ~~Establishment:~~ There is hereby established a Development Review Committee ~~Intent: It is~~
12 ~~the intent of this section~~ to establish a method and procedure to facilitate and coordinate
13 decision-making concerning land development and the enforcement of this chapter and
14 any other city ordinances related to land development Chapter 42, Planning and Zoning
15 Code. ~~The Development Review Committee Not to Supplant Authority of Administrative~~
16 ~~Official: Nothing in this section shall not~~ be construed to supplant, modify, or limit authority
17 expressly granted to administrative officials. Neither shall the Committee serve in any
18 appeals capacity.

19
20 ~~Membership:~~ The Development Review Committee may shall consist of the following
21 individuals or their authorized representative:

- 22 1. The Community Development Director;
- 23 2. The Codes Administrator;
- 24 3. The Director of Public Works;
- 25 4. The City Engineer;
- 26 5. General Manager – Rolla Municipal Utilities;
- 27 6. The Parks Department Director
- 28 7. Additional ~~ex-officio~~ representatives ~~may be added~~, including other City
29 officials, public/private utilities, City departments, agencies, boards and
30 commissions.

31
32 ~~Function:~~ the Development Review Committee may:

- 33 1. Act in an advisory capacity to the Mayor, City Council, City Administrator,
34 and the city's boards and commissions on matters relating to the ~~Planning~~
35 ~~and Zoning Code~~ and related development issues.
- 36 2. Review subdivision plats, Board of Adjustment, and land use rezoning
37 applications prior to their review by the Planning and Zoning Commission
38 or Board of Adjustment, providing guidance and recommending conditions
39 necessary to achieve the intent of these regulations.
- 40 3. Conduct factual investigations, as deemed appropriate by the Mayor
41 and/or City Council, or the City Administrator, regarding matters relating to
42 land development practice and the application of the ~~Planning and Zoning~~
43 Code.
- 44 4. Conduct informal hearings or meetings for the purpose of obtaining factual
45 information and expert opinion regarding the interpretation of the
46 ~~Planning and Zoning Code~~ prior to any appeals to the ~~Board of Adjustment~~
47 ~~or the Planning and Zoning Commission~~.
- 48 5. Conduct pre-application meetings for planned and potential
49 redevelopment projects to provide guidance of any needed subdivision or
50 land use applications.

1 **Section 110 Planning and Zoning Commission**

2
3 **Sec 42.110 Planning and Zoning Commission - Established**

4 There is hereby established a planning and zoning commission for the city as provided by
5 ~~state statutes Section 89.010 to 89.140, Revised Statutes of Missouri.~~ The Planning and
6 Zoning Commission of Rolla, Missouri, hereinafter also referred to as the Commission, is
7 ~~hereby designated as the administrative agency~~ charged with the duty of making
8 determinations and investigations concerning the design and improvements in proposed
9 subdivisions and land use actions and for making recommendations to the City Council.

10
11 **Sec 42.111 Planning and Zoning Commission – Composition**

12 The commission shall consist of members appointed by the mayor with the advice and
13 consent of the city council and such other members as may be provided by city ordinance.

14
15 The commission shall consist of nine members. Eight of such members shall be citizens and
16 residents of the city and shall be appointed by the mayor with the advice and consent of
17 the city council. One councilman shall be appointed annually to the commission. The Mayor
18 ~~may~~ shall serve as an ex-officio member of the commission with no voting authority. ~~All~~
19 ~~members of the commission shall serve without compensation.~~

20
21 **Sec 42.112 Planning and Zoning Commission - Terms**

22 The term of each of the citizen members shall be for four years. Any vacancy in a
23 membership shall be filled for the unexpired term by appointment ~~as aforesaid.~~ The terms
24 begin on January 1 each calendar year. The term of the councilperson shall coincide with
25 their City Council term. A commissioner may continue to serve after the end of their term
26 while awaiting re-appointment unless discharged of duty.

27
28 The city council may remove any member during their term for cause stated in writing and
29 after a public hearing. ~~Such removal shall require approval by a majority of all members~~
30 ~~elected to the city council.~~

31
32 **Sec 42.113 Planning and Zoning Commission – Rules**

33 The commission shall elect a chairman, and secretary/vice-chairman, and secretary-
34 ~~treasurer~~ from among the appointed members of the commission. The terms of each
35 officer shall be one year with eligibility for re-election. The terms shall run for each calendar
36 year with elections to be held at the first meeting held in the calendar year.

37
38 The chairman shall have no vote, unless there is a tie vote on any matter considered by the
39 commission.

40
41 ~~The mayor and city engineer shall not be voting members, and shall not be counted in the~~
42 ~~number of members to constitute a quorum.~~ A quorum shall require five members of the
43 commission.

44
45 All motions or questions being voted upon by the commission shall require an affirmative
46 vote by a majority of the voting members present. Members may abstain from voting by
47 casting their vote as "present" and that said vote shall not be tallied as a negative or an
48 affirmative vote.

1 The commission shall hold regular meetings and special meetings as it may provide by rule
2 and shall adopt rules for the transaction of business and keep a record of its proceedings.
3 These records shall be open to the public for inspection.
4

5 ~~The commission shall appoint the employees and staff necessary for its work, and may
6 contract with city planners and other professional persons for the services it requires.
7 The expenditures of the commission, exclusive of grants and gifts, shall be within the
8 amounts appropriated for such purpose by the council.
9 The commission may appoint committees or subcommittees for study and
10 recommendations to be presented to the commission.
11 The commission shall adopt a budget for each fiscal year as approved by the council.~~
12

13 The Planning and Zoning Commission ~~should~~ shall consider the following information when
14 reviewing re-zoning (map amendment) requests.

- 15 1. Whether the proposed zoning district classification is consistent with the intent of
16 the Rolla Comprehensive Plan;
- 17 2. Whether there are any changed or changing conditions in the neighborhood
18 affected that make the proposed rezoning necessary or desirable from an overall
19 community development perspective;
- 20 3. Whether the range of uses in the proposed zoning district classification are
21 compatible with the uses permitted on other property in the immediate vicinity;
- 22 4. ~~Whether adequate utility service and facilities exist or can be reasonably provided
23 to serve the uses permitted on the property if rezoned;~~
- 24 5. ~~The impact the proposed uses would have upon vehicular and pedestrian traffic
25 safety;~~
- 26 6. ~~Whether the proposed rezoning would correct an error in the application of this
27 Article as applied to the subject property;~~
- 28 7. Whether a reasonably viable economic use of the subject property will be
29 precluded if the proposed rezoning is denied creating an economic hardship; and
30 8. Relevant information submitted at the public hearing.
31

32 ~~Each such recommendation made by the Planning and Zoning Commission shall be
33 reported to the City Council and the applicant. The Secretary of the Planning and Zoning
34 Commission shall set up and maintain a separate file for each application received, and all
35 records and files herein provided shall be permanent and official files of the City of Rolla.~~

36 The Planning and Zoning Commission should consider the following information when
37 reviewing Conditional Use Permit requests:

- 38 1. Whether the proposed use is consistent with the intent of the Rolla Comprehensive
39 Plan;
- 40 2. Whether the proposed use, scale, and location is appropriate and compatible with
41 the uses permitted on other property in the immediate vicinity;
- 42 3. Whether adequate utility service and facilities exist or can be reasonably provided
43 to serve the uses permitted on the property if rezoned;
- 44 4. Whether reasonable conditions may be imposed to mitigate any impacts to the
45 immediate vicinity;
- 46 5. The impact the proposed use would have upon vehicular and pedestrian traffic
47 safety;
- 48 6. Relevant information submitted at the public hearing.
49
50

1 The Planning and Zoning Commission should consider the following information when
2 reviewing Planned Unit Development requests:

- 3 1. Whether the proposed zoning district classification is consistent with the intent of
4 the Rolla Comprehensive Plan;
- 5 2. Whether there are any changed or changing conditions in the neighborhood
6 affected that make the proposed zoning necessary or desirable from an overall
7 community development perspective;
- 8 3. Whether the range of uses in the proposed zoning district classification are
9 compatible with the uses permitted on other property in the immediate vicinity;
- 10 4. Whether adequate utility service and facilities exist or can be reasonably provided
11 to serve the uses permitted on the property if rezoned;
- 12 5. The impact the proposed uses would have upon vehicular and pedestrian traffic
13 safety;
- 14 6. Whether the intent and goals of the Planned Unit Development requirements are
15 met;
- 16 7. Whether a reasonably viable economic use of the subject property will be
17 precluded if the proposed rezoning is denied creating an economic hardship; and
- 18 8. Relevant information submitted at the public hearing.

19
20 The Planning and Zoning Commission should consider the following information when
21 reviewing Annexation requests:

- 22 1. Whether the proposed annexation meets the minimum statutory requirements;
- 23 2. Whether the proposed annexation is consistent with the Comprehensive Plan;
- 24 3. Whether adequate utility and city services and facilities exist or can be reasonably
25 provided to serve the area proposed to be annexed; and
- 26 4. Relevant information submitted at the public hearing.

27
28 The Planning and Zoning Commission should consider the following information when
29 reviewing Subdivision requests:

- 30 1. Whether the proposed subdivision is consistent with the intent of the Rolla
31 Comprehensive Plan;
- 32 2. Whether the design of the subdivision is compatible with the immediate vicinity;
- 33 3. Whether adequate utility service and facilities exist or can be reasonably provided
34 to serve the property;
- 35 4. The impact the proposed subdivision would have upon vehicular and pedestrian
36 traffic safety;
- 37 5. Whether the proposed subdivision meets the requirements of city codes;
- 38 6. Relevant information submitted at the public hearing.

39
40 **Sec 42.114 Planning and Zoning Commission - Duties**

41 The Planning and Zoning Commission reviews and makes recommendations to the City
42 Council on preliminary plats, final plats, subdivision variances, annexation, de-annexation,
43 re-zonings (map amendments), conditional use permits, planned unit developments, and
44 amendments to the zoning and subdivision regulations.

45
46 The Planning and Zoning Commission may within its discretion, make one of the following
47 recommendations in connection with each proposed re-zoning (map amendment)
48 application.

- 49 1. Recommend against the change in zoning.
- 50 2. Recommend a change in zoning.

1 3. Recommend a change in zoning for such area together with its recommendations
2 as to requirements for the paving of streets, alleys and sidewalks, means of ingress
3 and egress to the public streets, provisions for drainage, parking spaces and street
4 layouts and protective screening and open spaces and any other requirements
5 which, within the discretion of the Planning and Zoning Commission, will protect
6 adjacent property and secure substantially the purpose and intent of this chapter
7 Article. Such requirements shall be items that could reasonably be completed prior
8 to the ordinance becoming effective or within a stated period of time thereafter.
9

10 The commission also reviews and makes recommendations to the City Council on planning
11 documents such as the Rolla Comprehensive Plan, the Major Thoroughfare Plan,
12 neighborhood plans, corridor plans, area plans, etc., as well as make recommendations
13 regarding certain public improvement projects.
14

15 The city council may request and shall receive from the commission recommendations on
16 specific problems or questions concerning planning and zoning within a reasonable period
17 of time.
18

19 ~~It shall be the duty of the commission to recommend the boundaries of the various original~~
20 ~~districts and appropriate regulations to be enforced therein. It shall be the duty of the~~
21 ~~commission to study and investigate all proposed changes or amendments to the basic~~
22 ~~zoning ordinance of the city council as provided herein. The commission shall make a~~
23 ~~preliminary report and hold a public hearing when necessary before submitting its final~~
24 ~~report and the city council shall not hold its public hearing or take action until it has~~
25 ~~received the final report of the commission.~~
26

27 **Sec 42.115 Planning and Zoning Commission - Powers**

28 In general, the commission shall have the power necessary to enable it to perform its
29 functions and promote municipal planning.
30

31 The commission may make reports and recommendations relating to the comprehensive
32 plan of the city and the development of the city to public officials and agencies, public
33 utility companies, civic, educational, and other organizations and citizens.
34

35 It may recommend to the executive or legislative officials of the city such programs for
36 public improvements and the financing thereof as it deems appropriate.
37

38 All public officials shall, upon request, furnish to the commission, within a reasonable time,
39 all available information it requires for its work.
40

41 The commission, ~~its members~~ and city employees operating at the direction of or in
42 support of the commission, in the performance of its functions, may enter upon any land to
43 make examinations and surveys with permission of owner/occupant.
44

45 The commission shall have and perform all of the functions of the zoning commissions as
46 provided for in the state statutes Sections 89.010 to 89.140 of the Revised Statutes of
47 Missouri.
48

49 The Planning and Zoning Commission is charged with review of streets for conformity to
50 the adopted Comprehensive Plan and Major Thoroughfare Plan pursuant to Missouri State
51 Statutes 89.460.

1
2 For extensions, relocations, or construction of new collector status or higher streets, the
3 general alignment must be shown on the adopted Comprehensive Plan or Major
4 Thoroughfare Plan.

5
6 If the project is not indicated on the plan or if the project follows a different alignment than
7 indicated on the adopted plan, the commission must review the project and amend the
8 adopted plan prior to commencement of construction of the project or related utilities.

9
10 Otherwise, any new, widened, relocated, or extended street must be approved by approval
11 of a plat by the commission and city council.

12
13 ~~Upon the adoption of a major thoroughfare plan, the City shall not accept, lay out, open,~~
14 ~~improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers,~~
15 ~~connections or other utilities in any street right-of-way within the City unless the street has~~
16 ~~received the legal status of a public street prior to the adoption of the Comprehensive Plan;~~
17 ~~or unless the street corresponds in its location and lines with a street shown on a~~
18 ~~subdivision plat approved by the City Council or the Planning and Zoning Commission; or if~~
19 ~~the street is shown on a street plan made and adopted by the Commission. The Council~~
20 ~~may locate and construct or may accept any street if the ordinance or other measure for~~
21 ~~determining street location, construction, or for the acceptance of a street is first~~
22 ~~submitted to the Commission for its approval. If disapproved by the Commission, the City~~
23 ~~Council may override the Commission with a two-thirds majority vote of the entire~~
24 ~~membership of the Council.~~

25
26 The Planning and Zoning Commission is charged with review of certain public facilities and
27 utilities pursuant to Missouri State Statutes 89.380 for compliance with the Comprehensive
28 Plan.

29
30 The commission may review the location, extent, and physical design of pedestrian trails,
31 development or major expansions of new city facilities, water infrastructure such as pump
32 houses, major distribution lines, and towers, electric infrastructure such as major electric
33 sub-stations, generation facilities, and transmission lines, sewer infrastructure such as
34 treatment plans and major trunk lines, natural gas infrastructure such as compressor
35 stations and major transmission lines, and deployment of major private utility
36 infrastructure within the city rights-of-way. Review may occur concurrently with rezoning.

37
38 The commission may disapprove or require modifications to achieve compliance with the
39 Comprehensive Plan or mitigation of impacts for any project under control of the city. The
40 city council may overturn any requirements or disapproval by a two-thirds majority vote.

41
42 ~~The city of Rolla Council has adopted a comprehensive plan of the City of Rolla, therefor, no~~
43 ~~street or other public facilities, and no public utility, whether publicly or privately owned,~~
44 ~~and the location, extent, and character thereof having been included in the comprehensive~~
45 ~~plan, shall be constructed or authorized in the city until the location, extent, and character~~
46 ~~thereof has been submitted to and approved by the commission. In case of disapproval,~~
47 ~~the commission shall communicate the reasons for such disapproval to council. The council~~
48 ~~may overrule the action of the commission by a vote of not less than two-thirds of the~~
49 ~~elected members of the council. Upon the overruling, the council or the appropriate board~~
50 ~~or officer may proceed, except that if the public facility or utility is one the authorization or~~
51 ~~financing of which does not fall within the province of the council, then the submission to~~

1 ~~the commission shall be by the board having jurisdiction, and the planning and zoning~~
2 ~~commission's disapproval may be overruled by that board by a vote of not less than a two-~~
3 ~~thirds vote of its entire membership. The acceptance, widening, removal, extension,~~
4 ~~relocation, narrowing, vacation, abandonment, change of use; acquisition of land for sale or~~
5 ~~lease of any street or other public facility is subject to similar submission and approval, and~~
6 ~~the failure to approve may be similarly overruled. The failure of the commission to act~~
7 ~~within sixty days after the date of official submission to it shall be deemed approval.~~

8
9 **Sec 42.116 Plans – Preparation and Review**

10 The commission shall assist the city council in making, reviewing, and adopting a
11 comprehensive plan, or any other plan such as the Major Thoroughfare Plan, area plans,
12 neighborhood plans, etc., for the physical development of the city.

13
14 ~~The comprehensive plan, with the accompanying maps, plats, charts and descriptive and~~
15 ~~explanatory materials, shall show the commission's recommendations for the physical~~
16 ~~development of the city and may include, among other things, the general location,~~
17 ~~character and extent of streets and other public ways, grounds, places and spaces; the~~
18 ~~general location and extent of public utilities and terminals, whether publicly or privately~~
19 ~~owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation,~~
20 ~~abandonment, or change of use of any of the foregoing; the general character, extent and~~
21 ~~layout of the replanning of blighted districts and slum areas. The commission may also~~
22 ~~prepare such comprehensive plan to show regulation of height, area, bulk, location and use~~
23 ~~of private, non-profit and public structures and premises, and of population density, but~~
24 ~~the adoption, enforcement, and administration of the zoning plans contained in the~~
25 ~~comprehensive plan shall conform to the provisions of Sections 89.010 to 89.140 of the~~
26 ~~Revised Statutes of Missouri and the ordinances of the city.~~

27
28 ~~In the preparation of the comprehensive plan for the city, the commission shall make~~
29 ~~careful and comprehensive studies and surveys of the existing conditions and probable~~
30 ~~future growth of the city.~~

31
32 ~~Any such~~ The plan shall be made with the general purpose of guiding and accomplishing a
33 coordinated development of the city which will, in accordance with existing and future
34 needs, best promote the general welfare, as well as efficiency and economy of the city in
35 the process of development. The commission shall be responsible for the periodic review of
36 the comprehensive adopted plans.

37
38 **Sec 42.117 Plans – Process to Adopt**

39 Prior to the adoption of the ~~comprehensive~~ plan by the city council, the commission shall
40 hold at least one public hearing thereon. The commission shall hold such public hearing
41 prior to any amendment or extension of such plan as adopted by the council. Notice of such
42 public hearing shall be published in a newspaper of general circulation in the city at least
43 fifteen (15) days in advance. Such notice shall indicate the time, place, and date of such
44 hearing. The hearing may be adjourned from time to time.

45
46 The adoption of the plan by the commission requires a majority vote of the full
47 membership of the commission. The resolution shall refer expressly to the maps,
48 descriptive matter, and other matters intended by the commission to form the whole or
49 part of the plan and the action taken shall be recorded on the adopted plan or part thereof
50 by the identifying signature of the ~~secretary and~~ chairman of the commission, ~~identified~~
51 ~~properly by file number, and a copy of the plan or part thereof shall be certified to the~~

1 council and municipal clerk. A copy of the plan shall be made available in the office of the
2 County Recorder of Deeds and the Municipal Clerk.

3
4 **Sec 42.118 Plans – Effect on Decisions**

5 Any adopted plan is a guiding document to assist in future decision making. The plan itself
6 does not create regulations or restrictions for the use of property. The commission should
7 consider the impact of any decision on adopted plans, however, the commission is not
8 bound to the recommendations provided in the plans. The commission should provide
9 record of the reasons for departure from the adopted plans.

10
11 **Sec 42.119 Plans – Adopted**

12 The following plans have been adopted by the Rolla Planning and Zoning Commission and
13 City Council:

14 **~~Sec. 42-19. Adopting the Rolla 2020 Comprehensive Plan Update, 2005.~~**

- 15 1. ~~That the Rolla 2020 Comprehensive Plan Update, 2005, is hereby adopted in its~~
16 ~~entirety, as required by Section 42-7 of the Rolla City Code, and attached hereto as~~
17 ~~EXHIBIT A and incorporated herein by reference thereto.~~
- 18 2. ~~That by enacting the Rolla 2020 Comprehensive Plan Update, 2005 for the physical~~
19 ~~development of the City, the 1996 Comprehensive Plan is hereby amended. A copy~~
20 ~~of said Rolla 2020 Comprehensive Plan Update, 2005 is on file in the office of the~~
21 ~~City Clerk, City Hall, Rolla, Missouri.~~

22 **~~Sec. 42-20. Adopting an amended Major Thoroughfare Plan in the Rolla 2020~~**
23 **~~Comprehensive Plan Update 2005.~~**

- 24 1. ~~That the amended 2008 Major Thoroughfare Plan is hereby adopted and shall be~~
25 ~~included as part of the Rolla 2020 Comprehensive Plan Update, 2005 as required by~~
26 ~~Section 42-7 of the Rolla City Code, and attached hereto as EXHIBIT A and~~
27 ~~incorporated herein by reference thereto.~~
- 28 2. ~~That by adopting the amendments to the Major Thoroughfare Plan as a part of the~~
29 ~~Rolla 2020 Comprehensive Plan Update, 2005 for the physical development of the~~
30 ~~City, a copy of said Rolla 2020 Comprehensive Plan Update, 2005 shall be filed in~~
31 ~~the office of the City Clerk, City Hall, Rolla, Missouri. (Ord. 3845, §§1-2~~

32 **~~Sec 42-21. Adopting the Rolla West Master Plan as an amendment to the Rolla 2020~~**
33 **~~Comprehensive Plan Update, 2006.~~**

- 34 1. ~~That the Rolla West Master Plan is hereby adopted as an amendment to the Rolla~~
35 ~~2020 Comprehensive Plan Update, 2006 2005 in its entirety, as required by Section~~
36 ~~42-7 of the Rolla City Code, and attached hereto as Exhibit A and incorporated~~
37 ~~herein by reference thereto.~~
 - 38 2. ~~That by enacting this ordinance the Rolla 2020 Comprehensive Plan Update, 2006~~
39 ~~for the physical development of the City is hereby amended. A copy of said Rolla~~
40 ~~West Master Plan adopted as an amendment to the Rolla 2020 Comprehensive~~
41 ~~Plan Update, 2006 is on file in the office of the City Clerk, City Hall, Rolla, Missouri.~~
42 ~~(Ord. 3894, §§1-2)~~
- 44 1. ~~That the Schuman/Ber Juan Neighborhood Plan is hereby adopted as an element of~~
45 ~~the Rolla 2020 Comprehensive Plan Update, 2005 as required by Section 42-7 of~~
46 ~~the Rolla City Code. (Ord. 4623, §1)~~
 - 47 2. ~~That by adopting the Schuman/Ber Juan Neighborhood Plan as an element of the~~
48 ~~Rolla 2020 Comprehensive Plan Update, 2005 for the physical development of the~~
49 ~~City, a copy of said plan shall be filed in the office of the City Clerk, City Hall, Rolla,~~
50 ~~Missouri. (Ord. 4623, §2)~~

1 **Section 120 Board of Adjustment**

2

3 **Sec 42.120 Board of Adjustment – Established**

4 There is hereby established a Board of Adjustment for the city as provided by state
5 statutes. The Board of Adjustment of Rolla, Missouri, also referred to as the Board or BOA,
6 is charged with the duty of making determinations and investigations certain requests for
7 relief from the adopted zoning code.

8

9 **Sec 42.121 Board of Adjustment – Composition**

10 The Board of Adjustment shall consist of five members, who shall be City residents.

11 Members are appointed by the mayor with the advice and consent of the city council and
12 such other members as may be provided by city ordinance.

13

14 Up to three additional members may be appointed to serve as alternate members in the
15 absence of regular members. One member of the Planning and Zoning Commission may be
16 appointed by the city council to serve as an alternate member for the Board of Adjustment.

17

18 **Sec 42.122 Board of Adjustment – Terms**

19 The members of the Board of Adjustment shall be appointed for staggered terms of five (5)
20 years each ~~and shall serve without compensation~~. No member shall serve more than two
21 (2) consecutive terms ~~and shall not be a current member of the Planning and Zoning~~
22 ~~Commission.~~

23

24 The terms begin on January 1 each calendar year. Appointment to a partial term to fill a
25 vacancy does not count as a term for the term limit. A member may continue to serve after
26 the end of their term while awaiting re-appointment or appointment of another member
27 unless discharged of duty.

28

29 All members shall be removable for cause by the City Council ~~appointing authority~~ upon
30 written charges and after public hearings.

31

32 **Sec 42.123 Board of Adjustment – Rules**

33 The Board shall elect its own chairman and vice-chairman who shall hold office for one
34 year. The terms are for a calendar year with elections to be held at the first meeting of the
35 calendar year held. The vice-chairman shall act as the acting chairman if the chairman is
36 unable to attend a meeting.

37

38 ~~The Codes Administrator, or his designee, shall be an ex-officio member of the Board of~~
39 ~~Adjustment without voting power. The Codes Administrator, as an ex-officio member, shall~~
40 ~~act as secretary and shall maintain a separate file for each application for appeal, special~~
41 ~~exception and variance received and shall record therein the names and addresses of all~~
42 ~~persons, and further keep a record of all notices published as required herein.~~

43

44 Meetings of the Board of Adjustment shall be held at the call of the chairman and at such
45 other times as the Board may determine. All meetings of the Board of Adjustment shall be
46 open to the public except as provided by law.

47

48 The Board shall keep minutes of its proceedings, showing the vote of each member upon
49 each question, or, if absent or failing to vote, indicating such fact, and shall keep records of
50 its examinations and other official actions.

1
2 Every decision of the Board of Adjustment shall be in writing and shall contain a full record
3 of the findings of the Board in each case, ~~all of which shall be immediately filed in the office~~
4 ~~of the Board~~ and shall be a public record. ~~The secretary of the Board of Adjustment shall~~
5 ~~notify in writing the City Council and Zoning and Planning and Zoning Commission of each~~
6 ~~decision, interpretation, appeal, special exception and variance considered under the~~
7 ~~provisions of this Article.~~

8
9 Any interested party may appear at the hearing in person or by agent or by attorney. The
10 burden of proof shall be on the applicant to establish the facts necessary which the Board
11 of Adjustment must find before granting any special exception or variance ~~as herein~~
12 ~~contained.~~

13
14 The Board of Adjustment may impose such conditions and restrictions as may be necessary
15 to comply with the standards set out in this chapter Article to reduce, minimize, or mitigate
16 the effect of such special exception or variance upon the property in the neighborhood,
17 and to better carry out the intent of this chapter Article.

18
19 The concurring vote of four members of the Board shall be necessary to decide in favor to
20 affect any variance of this chapter Article or to grant any special exception.

21
22 ~~No request or application to the Board of Adjustment shall be allowed on the same piece of~~
23 ~~property prior to the expiration of six (6) months from a ruling of the Board of Adjustment~~
24 ~~on any request or application to such body unless other property abutting or adjoining such~~
25 ~~property shall have within such period been altered or changed by a ruling of the Board of~~
26 ~~Adjustment, in which case such change of circumstances shall permit the allowance of an~~
27 ~~application, but such hearing shall be considered on its merits as in all other cases.~~

28
29 ~~No appeal, request or application to the Board of Adjustment shall be allowed with respect~~
30 ~~to the same parcel of land, building, or structure prior to the expiration of six (6) months~~
31 ~~from the date of the ruling of the Board of Adjustment unless a substantial change of~~
32 ~~circumstances or conditions can be demonstrated by the applicant.~~

33 34 **Sec 42.124 Board of Adjustment – Powers**

35 The Board of Adjustment ~~shall~~ has the following duties and powers:

- 36 1. Hear and decide appeals where it is alleged there is error in any order, requirement
37 decision or determination made by an administrative official in the enforcement of
38 this chapter Article ~~and may also~~ decide any questions involving the interpretation
39 of any of the provisions of this chapter Article, including the location of any district
40 boundaries, if there is uncertainty with respect thereto.
- 41 2. In appropriate cases and subject to appropriate conditions and safeguards, make
42 special exceptions to the terms of this chapter Article ~~in harmony with its general~~
43 ~~purpose and intent and in accordance with the general and specific rules herein~~
44 ~~contained.~~
- 45 3. Authorize, upon appeal, in specific cases such variance from the terms of this
46 chapter Article as according to the criteria for approval of such variance. ~~will not be~~
47 ~~contrary to the public interest, where, owing to special conditions, a literal~~
48 ~~enforcement of the provisions hereof will result in unnecessary hardship, and so~~
49 ~~that the spirit of this chapter Article shall be observed and substantial justice done.~~
- 50 4. Shall serve as the members of the Board of Appeals for the adopted version of the
51 2000 International Property Maintenance Code, as required in ~~Section 111.2 of that~~

1 Code, and shall hear appeals by any person directly affected by a decision of the
2 Community Development Director Codes Administrator or a notice or order issued
3 under this Code. The chairman of the Board of Adjustment shall serve as the
4 chairman of the Board of Appeals. The alternate members of the Board of
5 Adjustment shall serve as alternate members of the Board of Appeals.
6

7 **Sec 42.124 Board of Adjustment –Variances and Special Exceptions**

8 The Board of Adjustment may grant an applicant a variance in the following instances:

- 9 1. A variance from the applicable bulk regulations for buildings and structures,
10 including maximum height, lot coverage, and required yard areas.
- 11 2. A variance from the applicable minimum requirements for lot size, width, depth, or
12 setback distances.
- 13 3. A variance from the applicable off-street parking, signage, requirements. A variance
14 ~~from the applicable~~ open space, landscaping and buffer area requirements.
- 15 4. A use variance to allow a use of a property or building which is not permitted by
16 this chapter.
17

18 ~~The prospective occupant or owner of the property shall make application for special~~
19 ~~exceptions according to the terms of this Article and follow the application procedures~~
20 ~~outlined in Section 42-255.1 of this Division. Subject to the conditions and safeguards~~
21 ~~herein contained, after public notice and hearing, the Board of Adjustment may authorize~~
22 ~~special exceptions to this chapter Article as follows:~~

- 23 1. The Board of Adjustment may grant a special exception to allow a legal non-
24 conforming use to be changed to any other use ~~permitted in the zoning district in~~
25 ~~which the non-conforming use is allowed~~, provided the proposed use is not more
26 intense than the existing use in terms of traffic generation and other impacts on
27 surrounding property.
- 28 2. Permit the extension or expansion of an existing legal non-conforming use in a
29 building or upon a lot currently occupied as a legal non-conforming use.
- 30 ~~3. Permit the use of property in the "R-1 " and "R-2" Districts adjacent to the "R-3",~~
31 ~~"C" or "M" Districts, even if separated therefrom by an alley or by a street, for~~
32 ~~parking of passenger cars under such safeguards and conditions of the setback~~
33 ~~requirements of the more restricted property, and further provided that such~~
34 ~~parking area shall not extend a greater distance than five hundred (500) feet from~~
35 ~~the "R-3, "C" or "M" Districts and other conditions as needed to promote public~~
36 ~~safety.~~
- 37 4. Permit the use of property owned by a church for a parking lot ~~the parking of~~
38 ~~passenger cars~~ in any district under such safeguards and conditions as are
39 necessary to protect adjacent property.
- 40 5. Alternative arrangements for landscaping, signage, or parking which is found to
41 meet the intent of this chapter
- 42 6. Any other land use specifically eligible for approval with a special exception in this
43 chapter.
44

45 **Sec 42.125 Board of Adjustment – Decision Criteria**

46 The Board of Adjustment shall not grant a variance request ~~vary the regulations of this~~
47 ~~Article as authorized above~~ unless and until it shall make findings based upon the particular
48 evidence presented to it in each specific case that:

- 49 1. That there are special circumstances or conditions applying to the land or buildings
50 for which the variance is sought, which ~~circumstances or conditions~~ are peculiar to

- 1 such land or building and do not apply generally to lands or buildings in the same
- 2 zone or neighborhood, and;
- 3 2. That said circumstances or conditions are such that the strict application of the
- 4 provisions of this ~~chapter Article shall~~ create an unnecessary economic hardship by
- 5 depriving the applicant of the reasonable use of such land or building, and;
- 6 3. That the alleged hardship has not been created by any person presently having an
- 7 interest in the property, ~~or and, That the purpose of the variance is not~~ based
- 8 exclusively on a desire to enhance the rate of return from or value of the property,
- 9 ~~or increase the return or income therefrom, and;~~
- 10 4. That the granting of such variance will not be detrimental to the public safety or
- 11 public welfare, ~~or substantially or permanently injurious to the property or~~
- 12 ~~improvements in such zoning district or neighborhood areas in which the property~~
- 13 ~~is located, and;~~
- 14 5. That ~~the granting of the variance is necessary for the reasonable use of the land or~~
- 15 ~~building and that the variance as granted by the Board is the minimum variance~~
- 16 ~~that will accomplish this purpose, and will not alter the essential character of the~~
- 17 ~~neighborhood; and;~~
- 18 6. That relief from the literal enforcement and strict application of the provisions of
- 19 this chapter Article is consistent with the Article will result in an unnecessary hardship
- 20 inconsistent with the general provisions and intent of this Article and that in
- 21 granting such variance the and spirit of the chapter Article will be preserved and
- 22 substantial justice done.
- 23 7. That substantial justice is achieved by relief from the ordinance which cannot be
- 24 achieved in any other means.

25
26 The Board of Adjustment may grant use variances when the board finds that based on the

- 27 particular evidence presented to it meets the following criteria:
- 28 1. Where the strict enforcement of this chapter Article may cause an unnecessary
 - 29 hardship resulting from the unique physical characteristics of a site for a or
 - 30 proposed use, and;
 - 31 2. ~~The Board of Adjustment shall also make a determination that granting the use~~
 - 32 variance is consistent with the intent of the Comprehensive Plan, and;
 - 33 3. that granting the variance will result in the achievement of substantial justice
 - 34 which cannot be achieved in any other means.

35
36 ~~Applications for a use variance shall follow the provisions prescribed in Division~~

37 ~~17, Section 42-234.1. pertaining to Site Plans.~~

38
39 The Board of Adjustment may grant a special exception from the provisions of this chapter

- 40 once the board finds that based on the particular evidence presented it meets the following
- 41 criteria:
- 42 1. The request is consistent with the general spirit and intent of the regulations.
 - 43 2. The request is consistent with the general and specific rules for the Special
 - 44 Exception.
 - 45 3. The request serves the general welfare and preserves the community interest.

46
47 **Sec 42.126 Board of Adjustment – Appeals**

48 Appeals of an administrative decision or interpretation may be submitted to the Board of

49 Adjustment may be taken by any person aggrieved or by an officer, department, board or

50 bureau of the City of Rolla affected by any decision of an administrative officer.

1 Such appeal shall be ~~submitted taken~~ within fifteen (15) days time after an administrative
2 officer has rendered the decision. ~~Such appeal shall be taken by filing with the officer from~~
3 ~~whom the appeal is taken and with the secretary of the Board of Adjustment a notice of~~
4 ~~appeal specifying the reasons. The officer from whom the appeal is taken shall send to the~~
5 ~~secretary of the Board all the papers constituting the record relating to the appealed~~
6 ~~action.~~

7
8 The applicant for an appeal, ~~however~~, shall bear the burden of producing evidence
9 establishing the grounds of the appeal.

10
11 In exercising the powers herein granted, the Board may, in conformity with the provisions
12 of this Article reverse or affirm, wholly or partly, or may modify the order, requirement,
13 decision or determination appealed from and may make such order, requirement, decision
14 or determination as ought to be made and to that end shall have all the powers of the
15 officer who rendered the original decision ~~from whom the appeal is taken. The concurring~~
16 ~~vote of four (4) members shall be necessary for an appeal to be approved by the Board of~~
17 ~~Adjustment.~~

18
19 A properly filed notice of appeal shall stay all proceedings in furtherance of the action
20 appealed, unless the officer from whom the appeal is taken certifies to the Board of
21 Adjustment after the notice of appeal shall have been filed with him that by reason of facts
22 stated in the certificate a stay would, in his opinion, cause imminent peril to life or
23 property. In such case, proceedings shall not be stayed otherwise than by a restraining
24 order which may be granted by the Board of Adjustment or by a proper court order.

25
26 **Sec 42.127 Board of Adjustment – Appeals from Ruling**
27 Appeals from rulings of the Board of Adjustment may be submitted ~~taken~~ in the manner
28 provided by statute.

29
30 **Sec 42.128 – 42.129 Reserved**

Section 130 Land Use Applications

Sec 42.130 Land Use Applications

The following sections detail the requirements for the various types of land use applications. Applications related to the subdivision of property are described in Section 42.500 Subdivision Regulations. All applications are subject to revocation if found to be incomplete or the payment is not received. Applications are processed in the order received. The tentative public meeting schedule will be assigned when an application is received. The dates are subject to the time needed to review the application, receive any needed revisions, and meeting all public notification requirements.

Applications may be received during business hours at the Community Development Department office or submitted electronically emailed to the department together with all attachments.

Sec 42.131 Rezoning (Map Amendment)

Rolla's property owners, legislative bodies, and government officials may propose amendments to the Official Zoning Map (e.g. rezoning requests), the Future Land Use Map, or the text of Rolla's Planning and Zoning Code. For such a request to be initiated, applicants must submit the appropriate application and the Map & Text Amendment fee listed in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code. All applications and fees shall be filed with the Community Development Department no later than the second Tuesday of each month for consideration during the following month.

A property owner or authorized representative may request a rezoning (map amendment) by submitting the following:

1. Completed application on forms supplied by the Community Development Department, and;
2. Letter authorizing a representative to apply on behalf of the property owner, if applicable, and;
3. Filing fee, and;
4. Legal description of the subject property in an electronic format which can be copied, pasted, and manipulated (MS Word file or email preferred), and;
5. Site Plan indicating the proposed or potential development of the property if the requested zoning is for any multi-family, governmental, commercial, or industrial district and the property is adjacent to the R-R, or R-1 districts, and;
6. A letter of request, project report, or other supporting materials, if desired.

No application for rezoning of any tract, lot or parcel of land within the City of Rolla, other than an application initiated by the City Council or the Planning and Zoning Commission, shall be filed or allowed prior to the expiration of twelve (12) months from the time that the City Council shall have finally acted on any application for rezoning of all or part of the same lot, tract or parcel of ground. The City Council may waive this requirement upon written request by the applicant, provided the applicant can show substantially changed conditions from any previously submitted but unsuccessful rezoning requests for all or a portion of the same lot, tract or parcel of ground. The applicant may then reapply for a review through the Planning and Zoning Commission and City Council.

A rezoning application may be withdrawn upon request by the applicant at any point in the approval process, prior to final action by the City Council, without requiring a twelve (12) month delay before reapplication. The Planning and Zoning Commission would first consider the new application.

1 **Sec 42.132 Conditional Use Permit**

2 The conditional use permit procedure is designed to provide the Planning and Zoning
3 Commission and the City Council with an opportunity for discretionary review of requests
4 to establish ~~specified uses or construct structures~~ which may not be specifically allowed in a
5 ~~given zoning district, but~~ may be deemed acceptable, desirable, or in the public interest to
6 locate in certain zoning districts ~~that zoning district~~. The purpose of the review is to
7 determine whether the proposed location of the use ~~or structure~~ is consistent with the
8 overall intent of the zoning district regulations and to permit the imposition of conditions
9 designed to minimize or mitigate potential adverse effects. ~~Conditional Use Permits do not~~
10 ~~constitute a zoning change and only allow for a designated use, on a specific lot or tract,~~
11 ~~within the established zoning district. Conditional Use Permits shall not be required within~~
12 ~~the Planned Unit Development "PUD" District.~~

13
14 ~~In order for an applicant, who may be the property owner(s) or any person having a~~
15 ~~contractual interest in the subject property, to initiate the review process for the approval~~
16 ~~of a Conditional Use Permit, the applicant or an agent of the applicant must submit a~~
17 ~~Conditional Use Permit application, a site plan, and the Conditional Use Permit application~~
18 ~~fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code. A~~
19 ~~public hearing shall be held for such proposals and the Community Development~~
20 ~~Department shall notify the public of the hearing and proposal according to the prescribed~~
21 ~~procedures and standards described in Section 42-143 of the Rolla Planning and Zoning~~
22 ~~Code.~~

23
24 A property owner or authorized representative may request a Conditional Use Permit by
25 submitting the following:

- 26 1. Completed application on forms supplied by the Community Development
27 Department;
- 28 2. Letter authorizing a representative to apply on behalf of the property owner, if
29 applicable;
- 30 3. Filing fee;
- 31 4. Five (5) paper copies and an electronic copy (pdf preferred) of the site plan, if
32 applicable;
- 33 5. A letter of request or project report detailing the proposed use or development,
34 and;
- 35 6. Other supporting materials, if desired.

36
37 A site plan is required for proposals which include the development or re-development of a
38 property. A site plan is not required for changing the use of an existing building when no
39 changes to the site are proposed. ~~The application and site plan shall contain the~~
40 ~~information described below:~~

- 41 ~~1. The Conditional Use Permit application shall contain the following information:~~
 - 42 ~~1. The names, addresses, signatures, and contact information for both the~~
43 ~~applicant and, if applicable, the agent of the applicant.~~
 - 44 ~~2. The legal description of the property;~~
 - 45 ~~3. The zoning classification and present use of the property;~~
 - 46 ~~4. A description of the proposed conditional use;~~
 - 47 ~~5. A Site Plan in accordance with this Section;~~
 - 48 ~~6. A statement describing how the proposed conditional use will comply with~~
49 ~~the applicable standards of this Section; and~~
 - 50 ~~7. A statement describing how the proposed conditional use is to be~~
51 ~~designed, arranged, and operated will be submitted in order to ensure that~~

1 future development, which is consistent with District regulations, will not
2 be prevented or made unlikely and that the value, use, and reasonable
3 enjoyment of such property will not be impaired or adversely affected.

4 ~~2.—Site Plan content.~~

- 5 1. Approximate location of proposed and existing designated uses or buildings
6 and other structures, including adjoining property, as well as parking and
7 open areas shall be indicated for the proposed conditional use and
8 adjacent property;
- 9 2. Existing and proposed contours at vertical intervals of not more than five
10 (5) feet referred to sea level datum. Flood plain areas, if applicable shall be
11 delineated;
- 12 3. Approximate location of all isolated trees having a trunk diameter of six (6)
13 inches or more, all tree masses and proposed landscaping/screening plan;
- 14 4. An elevation view of the site showing preliminary building form (new
15 construction only);
- 16 5. Proposed ingress and egress to the site, including right-of-way and
17 pavement width for proposed and existing streets;
- 18 6. ~~A plan for the provision of sanitation and~~ Locations of existing and
19 proposed easements, utilities, and drainage facilities;
- 20 7. The location, lighting and type of proposed signs and the relationship of
21 signs to traffic control;
- 22 8. The location and number of proposed required off-street parking areas;
23 and
- 24 9. ~~The location of existing utilities.~~ Table indicating the proposed number of
25 dwelling units, density, building height, parking spaces (proposed and
26 required), and required setbacks.

27
28 The letter of request or project report must detail the proposed use or project including the
29 proposed number of dwelling units, density, building height, building or use area, proposed
30 parking, proposed landscaping, proposed business hours, statement of potential impacts
31 and proposed mitigation of impacts, estimated traffic levels, etc., as may be applicable.

32
33 The Planning and Zoning Commission may require that a drainage study, traffic
34 generation/impact study, photometric study, noise study, and/or other studies or
35 documents be provided prior making a recommendation to the City Council.

36
37 ~~In presenting any application for a Conditional Use Permit, the burden of proof shall rest~~
38 ~~with the applicant to clearly establish that the proposed conditional use shall meet the~~
39 ~~following standards:~~

- 40 1. ~~The proposed conditional use complies with all applicable provisions of the~~
41 ~~applicable District regulations.~~
- 42 2. ~~The applicant has demonstrated through the provision of a traffic impact study or~~
43 ~~other acceptable method that the proposed conditional use at the specified~~
44 ~~location will not adversely affect the safety of the motoring public and pedestrians~~
45 ~~using the facility and surrounding area from traffic congestion or other hazards.~~
- 46 3. ~~The location and size of the conditional use, the nature and intensity of operation~~
47 ~~involved in or conducted in connection with it, and the location of the site with~~
48 ~~respect to streets giving access to it are such that the conditional use will not~~
49 ~~dominate the immediate neighborhood so as to prevent development and use of~~
50 ~~neighboring property in accordance with the applicable zoning District regulations~~
51 ~~or the policies of the Rolla Comprehensive Plan. In determining whether the~~

1 conditional use will so dominate the immediate neighborhood, consideration shall
2 be given to:

- 3 1. ~~The location, nature and height of buildings, structures, walls, and fences~~
4 ~~on the site,~~
- 5 2. ~~The nature and extent of proposed landscaping and screening on the site,~~
- 6 3. ~~The noise characteristics of the use compared to the typical use in the~~
7 ~~District and any reduction solutions;~~
- 8 4. ~~The potential glare of vehicles and stationary lights on site and any~~
9 ~~measures employed to mitigate their impact;~~
- 10 5. ~~Sign location, type, size, and lighting, and~~
- 11 6. ~~The impact on or potential interference with any easements, roadways,~~
12 ~~driveways, rail lines, utilities and storm water management systems. Off-~~
13 ~~street parking and loading areas will be provided in accordance with the~~
14 ~~standards set forth in this Article.~~

15 4. ~~Adequate utility, drainage, and other such necessary facilities have been or will be~~
16 ~~provided.~~

17 5. ~~The proposed uses where such developments and uses are deemed consistent with~~
18 ~~good planning practice; can be operated in a manner that is not detrimental to the~~
19 ~~permitted developments and uses in the district; can be developed and operated in~~
20 ~~a manner that is visually compatible with the permitted uses in the surrounding~~
21 ~~area; and are deemed essential, convenient, or desirable to preserve and promote~~
22 ~~the public health, safety, and general welfare of the City of Rolla.~~

23
24 1. ~~The Planning and Zoning Commission in accordance with the provisions of this~~
25 ~~Article shall hold a public hearing on the application for a Conditional Use Permit.~~

26 2. ~~Subsequent to the public hearing, the Community Development Director shall~~
27 ~~certify that the application is complete and shall prepare a report to the Planning~~
28 ~~and Zoning Commission. Upon receipt of said report and after the holding of a~~
29 ~~Public Hearing, the Commission shall recommend to the City Council approval or~~
30 ~~denial of the Permit.~~

31
32 1. ~~In recommending approval of conditional uses, the Planning and Zoning~~
33 ~~Commission may shall impose such conditions as it determines necessary. Said~~
34 ~~conditions may shall include but not be limited to the following:~~

- 35 1. ~~Permitted uses, including maximum floor area;~~
- 36 2. ~~Performance standards;~~
- 37 3. ~~Height limitations,~~
- 38 4. ~~Minimum yard requirements;~~
- 39 5. ~~Off-street parking and loading requirements;~~
- 40 6. ~~Sign regulations;~~
- 41 7. ~~Minimum requirements for Site Plans; and~~
- 42 8. ~~Time limitations for commencement of construction.~~

43 2. ~~Upon denial by the Planning and Zoning Commission of an application for a~~
44 ~~Conditional Use Permit, the Community Development Director shall notify the~~
45 ~~applicant of such recommendation. If no appeal is filed, the application shall be~~
46 ~~deemed denied. No subsequent application for a Conditional Use Permit with~~
47 ~~reference to the same proposed use shall be filed by any applicant until the~~
48 ~~expiration of twelve (12) months after the denial.~~

49
50 ~~Upon the recommendation of denial by the Planning and Zoning Commission of an~~
51 ~~application, the applicant may file an appeal with the City Council requesting a~~

1 determination by that body. A Notice of Appeal shall be filed within ten (10) days after the
2 Commission's hearing is concluded. An appeal shall be in writing and shall be filed in
3 duplicate with the City Clerk. The applicant shall have an additional thirty (30) days to file
4 the actual appeal. The appeal shall specifically state how the application, as initially filed or
5 subsequently modified, meets the criteria set forth in these regulations.

6
7 The Conditional Use Permit shall become effective upon approval by the City Council. In the
8 event that some additional approval is required by some other governmental authority or
9 agency, the permit request shall not be acted upon until that approval is received.

10
11 Subsequent to the effective date of the Conditional Use Permit, a Final Site Plan shall be
12 submitted for review by the Community Development Director to determine compliance
13 with the specified conditions of the permit prior to issuance of any building permit or
14 commencement of the use of the property. The Community Development director may
15 require that the Planning and Zoning Commission also review and approve the final site
16 plan if, in the directors opinion, the final site plan is not fully in conformance with the
17 required conditions. The plan shall contain the minimum requirements established in the
18 conditions governing the permit. No building permits or authorization for improvement or
19 development for any use requested under provisions of this permit shall be issued prior to
20 the effective date of the Final Site Plan. The Final Site Plan shall be retained on file in the
21 office of the Community Development Director.

22
23 Conditional Use Permits shall be valid for an unlimited period unless a lesser period shall be
24 provided in a particular permit. Upon the expiration of the time limit specified in a
25 particular permit, the property owner may request that the Conditional Use Permit be
26 reviewed by the City Council, which may extend it for an unlimited period or for a specified
27 additional period of years.

28
29 Unless otherwise stated in the Conditional Use Permit, substantial work or construction
30 shall commence within three (3) years ~~one (1) year~~ of the effective date of the permit,
31 unless such time period is extended through appeal to the City Council. If no extension of
32 time is granted the permit shall terminate.

33 34 **Sec 42.133 Amendment to Conditional Use Permit**

35 Amendments to an approved Conditional Use Permit may be reviewed in the same manner
36 as a new application.

37 In order to amend an existing Conditional Use Permit or to amend the Site Plan approved
38 for a Conditional Use Permit, the following procedures shall be executed:

39 1. To amend a Conditional Use Permit

40 1. The property owner or his/her/their agent shall submit a Conditional Use
41 Permit Amendment application to request amendments to such a permit's
42 conditions. The Community Development Director shall evaluate the
43 request for consistency in purpose and content with the nature of the
44 proposal as originally advertised for public hearing. A report shall be
45 formulated that outlines the findings of such an analysis.

46 2. The Community Development Director shall then forward the request and
47 his/her report to the Planning and Zoning Commission. The Commission
48 shall review the proposed amendments and file a report with the City
49 Council in which the Commission shall recommend to grant, deny, or
50 modify the requested condition amendments. If the Commission
51 determines that the requested amendments are not consistent in purpose

1 and content with the nature of the proposal as originally advertised for
2 public hearing, the Commission may require that a new public hearing on
3 the matter be held. If a new public hearing is ordered for the amendment,
4 the amendment becomes a major amendment and the applicant must pay
5 the major amendment fee listed in Section 42.143.1 of the Rolla Planning
6 and Zoning Code. A public hearing shall be held for such proposals and the
7 Community Development Department shall notify the public of the hearing
8 and proposal according to the prescribed procedures and standards
9 described in Section 42-143 of the Rolla Planning and Zoning Code.

10 2. To amend the Site Plan:

- 11 1. The property owner or his/her/their agent shall submit a Conditional Use
12 Permit Amendment application and an amended Site Plan in order for such
13 an amended Site Plan to be considered for approval. The Community
14 Development Director may review minor deviations from the approved
15 final site plan shall evaluate the request for consistency in purpose and
16 content with the nature of the proposal as originally approved by the City
17 Council.
- 18 2. If the Community Development Director determines that the deviation
19 proposed amendment to the Site Plan is not in conflict with the Final Site
20 Plan and meets all conditions of the Conditional Use Permit, the
21 Community Development Director may approve the request said amended
22 Plan. The approved Site Plan shall be retained on file in the office of the
23 Community Development Director.
- 24 3. ~~If the Community Development Director determines that the amended Site~~
25 ~~Plan is not consistent in purpose and content with the Final Site Plan, the~~
26 ~~Community Development Director shall report this conclusion to the~~
27 ~~applicant and the Planning and Zoning Commission. In which case, the~~
28 ~~entire review process for the submittal of Conditional Use Permits shall be~~
29 ~~conducted for the amendment's approval. If the entire Conditional Use~~
30 ~~Permit approval process is required for the amendment, the amendment to~~
31 ~~the site plan becomes a major amendment and the applicant must pay the~~
32 ~~major amendment fee listed in Section 42.143.1 of the Rolla Planning and~~
33 ~~Zoning Code. A public hearing shall be held for such proposals and the~~
34 ~~Community Development Department shall notify the public of the hearing~~
35 ~~and proposal according to the prescribed procedures and standards~~
36 ~~described in Section 42-143 of the Rolla Planning and Zoning Code.~~
- 37 4. The director may use the following criteria to review minor deviations:
 - 38 1. Does not increase maximum density or any building height approved by
39 more than five (5) percent;
 - 40 2. Does not decrease by more than five (5) percent the area approved for
41 open space or number of parking spaces;
 - 42 3. Does not significantly alter the arrangement of land uses, driveways,
43 roads, building locations, parking areas, or required landscaping or
44 open spaces;

45
46 **Sec 42.134 Planned Unit Development (PUD) Overlay District - Application**

- 47 A. Process. The process for review of a Planned Unit Development (PUD) Overlay
48 District involves the following steps:
 - 49 1. Optional Sketch Plan Review by the Development Review Committee and
50 Planning and Zoning Commission.
 - 51 2. Optional Neighborhood Meeting.

3. Preliminary PUD Review by Planning and Zoning Commission and City Council.
4. Final PUD Review by Community Development Department for compliance with approved PUD site plan, PUD report, and any imposed conditions.
5. If needed, Amended PUD Review by Planning and Zoning Commission and City Council.

B. Sketch Plan Review. Prior to submitting an application for a PUD Overlay District, the applicant may provide a sketch plan for review by the Development Review Committee and Planning and Zoning Commission. The purpose of the optional sketch plan review is to allow the applicant to receive comments from staff and the Planning and Zoning Commission to incorporate into the PUD application.

C. Optional Neighborhood Meeting. The applicant is encouraged to hold an optional neighborhood meeting with the residents and/or property owners in the vicinity of the subject property.

D. Preliminary PUD Application. A property owner or authorized representative may request a PUD Overlay District zoning designation by submitting the following:

1. Completed application on forms supplied by the Community Development Department;
2. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
3. Filing fee;
4. Five (5) paper copies and an electronic copy (pdf preferred) of the Preliminary PUD site plan;
5. Survey prepared by a registered land surveyor;
6. Five (5) paper copies and an electronic copy (pdf preferred) of the PUD report, and;
7. Other supporting materials, if desired.

E. Preliminary PUD Report. The PUD Report must contain the following information at a minimum. Additional information may be required by the Planning and Zoning Commission and/or Community Development Director.

1. The applicant's name and address;
2. The owner's name and address;
3. The names and addresses of all professional consultants advising the applicant with respect to the proposed PUD;
4. A description of the project including the proposed uses, number of units, phasing, and schedule of construction;
5. Description of how the project differs from the current zoning and/or zoning category that allows the proposed use;
6. Explanation of why the project cannot be built with conventional zoning, and;
7. Elevations for any proposed buildings or existing buildings to be modified;

F. Preliminary PUD Development Plan. The Preliminary PUD Development Plan must include the following information, if applicable:

1. The legal description of the subject property;
2. All existing and proposed property lines with bearings and dimensions;
3. All easements, rail lines, roadways, and rights-of-way on or adjacent to the subject property;
4. Topography at contours not more than ten (10) feet;

- 1 5. existing and proposed buildings, signage, parking areas, driveways, stormwater
2 management systems, and utilities;
- 3 6. Water courses, drainage ways, sinkholes, ponds, lakes, marshes or flood plains,
4 including the 1 00-year flood plain, where applicable;
- 5 7. The proposed zoning classification and use areas;
- 6 8. Proposed landscaping buffer areas and other open spaces, and indicating any
7 areas for tree preservation;
- 8 9. Any proposed phases with approximate construction schedule, and;
- 9 10. A tabulation of the following information, if applicable:
 - 10 a) The total number of dwelling units proposed by type of structure,
 - 11 b) The total land area for each land use; and
 - 12 c) The number of off-street parking and loading spaces
 - 13 d) Proposed height and setback requirements, if different from underlying
14 zoning.

15
16 G. Final Development Plan. After approval of the Preliminary PUD by the City Council,
17 the applicant must proceed to file a Final Development Plan with the Community
18 Development Department for review and approval prior to receiving any building
19 permits for the project.

- 20
21 1. The Final Development Plan must include the same information required on
22 the Preliminary Development Plan and must incorporate any conditions of
23 approval from the City Council. The plan must substantially conform to the
24 approved preliminary plan and may include minor deviations as necessary as
25 the final engineering plans are developed.
- 26
27 2. The Community Development Director may approve the plan, or may refer
28 review to the Planning and Zoning Commission if, in the directors opinion, the
29 plan does not substantially conform to the approved preliminary plan or meet
30 the intent of plans as approved by the City Council.
- 31
32 3. If referred, the Planning and Zoning Commission will review the plan for
33 substantial compliance.
- 34
35 4. If the Final Development Plan is found to not be in substantial compliance with
36 the approved Preliminary Development Plan the applicant must submit a new
37 Preliminary PUD application.
- 38
39 5. The following criteria may be used to determine if a Final Development Plan is
40 in substantial conformity with an approved Preliminary Development Plan:
 - 41 1. Does not increase maximum density or any building height approved in the
42 Preliminary Development Plan more than five (5) percent;
 - 43 2. Does not decrease by more than five (5) percent the area approved for
44 open space or number of parking spaces;
 - 45 3. Does not significantly alter the arrangement of land uses, driveways, roads,
46 building locations, parking areas, or required landscaping or open spaces
47 within the PUD;

48
49 H. Amended PUD Review. An approved PUD may be amended to modify the approved
50 Development Plan and/or PUD Report if desired. An Amended PUD Review is the
51 same process as a Preliminary PUD Review. The amendment may amend the entire

1 approved PUD or may amend the PUD for only a portion of the
2 property/development.

3
4 The intent of the Planned Unit Development (PUD) District is to encourage more creative,
5 flexible, and imaginative land development than is possible under conventional zoning
6 regulations. It is intended to permit, upon the approval of a Development Plan and subject
7 to the procedures and standards in this Division, the creation of PUD Districts for any type
8 of land use.

9
10 Prior to submitting an application and fee, the applicant may provide a sketch plan.
11 However, in order to initiate the review process for the approval of a PUD District
12 designation and the accompanying Development Plan, the applicant, who may be the
13 property owner(s) or any person having a contractual interest in the subject property, or an
14 agent of the applicant must submit a PUD application, a Preliminary Development Plan, and
15 the PUD application fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning
16 and Zoning Code. A public hearing shall be held for such proposals and the Community
17 Development Department shall notify the public of the hearing and proposal according to
18 the prescribed procedures and standards described in Section 42-143 of the Rolla Planning
19 and Zoning Code.

20
21 A sketch or concept plan may be provided prior to filing a Preliminary Development Plan for
22 review by the Community Development Director and other City department heads.

23 Applications for a PUD District shall be evaluated using the following review process:

24 (a) Sketch plan.

25 (b) Preliminary Development Plan.

26 (c) Final Development Plan.

27
28 Five (5) copies of the completed Preliminary Development Plan application shall be
29 submitted in a form and containing such information as shall be prescribed by the
30 Community Development Director in written rules, but shall in all instances contain at least
31 the following information which shall, taken together, constitute a Preliminary
32 Development Plan:

33 8.— The applicant's name, address, phone number, and interest in the subject property;

34 9.— The owner's name and address, if different from the applicant, and the owner's
35 signed consent to the filing of the application;

36 10.— The names and addresses of all professional consultants advising the applicant with
37 respect to the proposed PUD;

38 11.— The legal description of the subject property and a survey, certified by a registered
39 land surveyor, showing property lines and dimensions; all easements and rights-of-
40 way, any part of which affects the subject property; and a statement that all
41 necessary easements can be obtained; and

42 12.— One (1) or more maps at a scale of not less than one (1) inch to two hundred (200)
43 feet delineating the existing and proposed physical site characteristics of the site
44 and adjacent property, including:

45 1.— Topography at contours not more than five (5) feet;

46 2.— Slopes of ten (ten) percent or more;

47 3.— Property boundary lines and dimensions; existing buildings; existing
48 utilities; easements, roadways, rail lines and other public rights-of-way
49 crossing or adjacent to the property;

50 4.— Water courses, drainage ways, sinkholes, ponds, lakes, marshes or flood
51 plains, including the 1-00-year flood plain, where applicable;

- 5.— A generalized depiction of the vegetation and tree cover, particularly the location of mature trees, and other significant natural features;
13. ~~The (1) or more maps at a scale of not less than one (1) inch to two hundred (200) feet and/or a written statement of the proposed PUD describing the following:~~
 - 1.— ~~The present zoning classification, existing land use and proposed land use describing the types and location of land use in each area of the development;~~
 2. ~~The proposed traffic circulation system illustrating external and internal traffic ways related to the development, showing the location of proposed rights-of-way and other transportation improvements with any driveways, private streets, parking areas, proposed access restrictions to existing or proposed streets. The City Council may impose standards and restrictions as are needed to protect the integrity and function of the City's thoroughfare system and to insure the safe and efficient circulation of vehicles and pedestrians within the district;~~
 - 3.— ~~A generalized layout and description of proposed utility service, including storm water management systems;~~
 - 4.— ~~Proposed landscaping for the development, including required buffer areas and other open spaces;~~
 - 5.— ~~Information pertaining to the size, location, illumination, and relation to surrounding uses of signs within the proposed development.~~
14. ~~A tabulation of the following information:~~
 - 1.— ~~The total number of dwelling units proposed by type of structure, if appropriate;~~
 - 2.— ~~The total land area, expressed in acres and as a percent of the total development area for each land use by type of structure, for streets and other public or common areas, and for off-street parking and loading areas; and~~
 - 3.— ~~The number of off-street parking and loading spaces for each type of land use.~~
15. ~~A phased PUD that extends beyond a single construction season shall include a development schedule stating the approximate beginning and completion date, the proportion of total open space to be provided, and the proportion of land uses to be constructed during each phase. All public improvements required for each phase shall be completed in sequence assuring adequate service for the PUD.~~
16. ~~Evidence that the applicant has sufficient control over the subject property to complete the proposed PUD. Evidence would include a statement of all legal, beneficial, tenancy, and contractual interests held in or effecting the subject property.~~

~~A Preliminary Development Plan, having been reviewed and approved by the Planning and Zoning Commission, shall not be modified, revoked, or otherwise altered pending the approval of a Final Development Plan by any action of the City without consent of the applicant. The applicant shall proceed to file a Final Development Plan, in accordance with the provisions in the following Section, with the Planning and Zoning Commission.~~

~~The Final Development Plan is intended to particularize, refine and implement the Preliminary Development Plan. The application for Final Development Plan may include the entire area included in the approved Preliminary Development Plan or one or more phases thereof in accordance with the phasing schedule as part of the Preliminary Development Plan. The application shall contain a plan which is in substantial conformity with the~~

- 1 Preliminary Development Plan. Additional information shall be provided as prescribed by
2 the Planning and Zoning Commission or City Council, but shall in all cases include the
3 information and documentation found in the Preliminary Development Plan, and:
4 1.— A legal description of the property for which the Final Development Plan approval
5 is sought;
6 2.— If necessary, a subdivision plat that includes a survey of the entire property
7 certified by a registered land surveyor shall be submitted. Plats shall be in
8 compliance with the Rolla subdivision regulations;
9 3.— A Landscape Plan that specifies the design, description and arrangement of
10 required landscaping for all areas, including materials and techniques used in
11 accordance with Section 42-201.12. The articles of incorporation and by-laws of the
12 private organization charged with maintaining the open space and buffer yards, if
13 appropriate, shall be provided, in accordance with Section 42-302;
14 4.— Copies of any restrictive covenants that are to be recorded with respect to the
15 property included in the Final Development Plan;
16 5.— Development plans, indicating placement of water mains, sanitary and storm
17 sewers, gas, electric and telephone lines, and related facilities
18 6.— A statement summarizing all changes which have been made in any document,
19 plan, or data previously submitted, together with revised copies of any such
20 document, plan, or data, if appropriate;
21 7.— Proof of recording any easements and restrictive covenants prior to the sale of any
22 land or structure or portion thereof within the PUD and of the establishment of any
23 entity that is responsible for the management and maintenance of any public or
24 private open space or buffer yard;
25 8.— All certificates, seals and signatures required for the dedication of land and the
26 recording of documents;
27 9. Such other information as the Planning and Zoning Commission and City Council
28 shall find necessary to a full consideration of the entire PUD or any phase thereof.
29

30 If the Planning and Zoning Commission finds that there is substantial conformity between
31 the Preliminary and Final Plans, including the provisions of this Article and all other federal,
32 state, or city codes, it shall recommend approval of the Final Development Plan with any
33 conditions imposed by such recommendation.
34

- 35 A Final Development Plan shall be deemed to be in substantial conformity with an
36 approved Preliminary Development Plan if it:
37 4.— Does not increase maximum density approved in the Preliminary Development Plan
38 more than five (5) percent;
39 5.— Does not increase the maximum height of any structure by more than five (5)
40 percent,
41 6.— Does not decrease by more than five (5) percent the area approved for open space
42 or change the general location of such areas;
43 7.— Does not alter the approved traffic circulation elements that would decrease the
44 ability of such elements to function efficiently or adversely affect their relation to
45 surrounding land uses and circulation systems;
46 8.— Does not significantly alter the arrangement of land uses within the PUD;
47 9.— Does not violate any provision of the codes and ordinances applicable to the
48 proposed PUD; and
49 10. Does not depart from the Preliminary Development Plan in any manner which the
50 Planning and Zoning Commission and City Council shall, based on the stated

1 findings and conclusions, determine to materially alter the development concept
2 for the proposed PUD.

3
4 Upon Final Development Plan approval by the City Council with or without modifications
5 accepted by the applicant and upon application, all appropriate officials of the City may
6 issue building and other permits to the applicant. The Community Development Director
7 may authorize minor adjustments to the approved Final Development Plan when such
8 adjustments appear necessary in light of technical or engineering considerations first
9 discovered during actual site development. Otherwise, such an amendment will be
10 classified as a major amendment to the Final Development Plan that must go through the
11 entire PUD application and approval process as described in this Division. However, instead
12 of the applicant being required to pay the full PUD application fee, the applicant must only
13 pay the major amendment fee found in the Fee Schedule in Section 42.143.1 of the Rolla
14 Planning and Zoning Code. A public hearing shall be held for such proposals and the
15 Community Development Department shall notify the public of the hearing and proposal
16 according to the prescribed procedures and standards described in Section 42-143 of the
17 Rolla Planning and Zoning Code.

18
19 Landscape Plans are a required component of Development Plans under the PUD
20 regulations of this Article. Landscape Plans shall contain the minimum following
21 information:

- 22 1. A minimum scale drawing of one (1) inch to fifty (50) feet;
- 23 2. The location of all trees to be preserved;
- 24 3. The location of all plant and landscaping materials to be used;
- 25 4. A list of all plant materials (canopy, under-story, ornamental or evergreen tree;
- 26 shrub; etc.) to be used;
- 27 5. The size of all plant material to be used;
- 28 6. The spacing of plant material, where appropriate; and
- 29 7. The entity responsible for preparing the Landscape Plan.

30 Landscape Plans shall provide, to the maximum extent practicable, for the preservation of
31 existing mature trees in the City. A Plan that provides for the clear cutting of a development
32 tract or lot shall only be approved if the developer or contractor establishes by clear and
33 convincing evidence that the development will not be economically viable unless clear
34 cutting is permitted.

35 36 **Sec 42.135 Variance, Special Exception, Appeal (Board of Adjustment)**

37 A special exception is a permission given by the Board properly authorized by this Article in
38 specific cases for an applicant to use his property for certain uses in a manner contrary to
39 the provisions of this Article provided such use serves the general welfare and preserves
40 the community interest.

41
42 A variance is an authorization by the Board granting relief from the zoning code to allow
43 the use of a property and doing substantial justice in the use of the applicant's property by
44 a property owner where, owing to special conditions a literal enforcement of the provisions
45 of the Article will result in unnecessary hardship.

46
47 An appeal is a request for the Board to review a decision made by an administrative officer
48 for compliance with the intent and meaning of the regulations. The Board of Adjustment
49 may designate conditions on granting special exceptions or variances that secure the public
50 interest and intent of this chapter Article.

- 1 A property owner or authorized representative may request a variance, special exception,
2 or appeal to the Board of Adjustment by submitting the following:
- 3 1. Completed application on forms supplied by the Community Development
4 Department, and;
 - 5 2. Letter authorizing a representative to apply on behalf of the property owner, if
6 applicable, and;
 - 7 3. Filing fee, and;
 - 8 4. Legal description of the subject property in an electronic format which can be
9 copied, pasted, and manipulated (MS Word file or email preferred), and;
 - 10 5. Site Plan indicating the proposed development of the property, if applicable, and;
 - 11 6. A letter of request which explains the project/request and how the request meets
12 the criteria for approval, and;
 - 13 7. Other supporting materials, if desired.

14
15 ~~Notice of appeals (i.e. an appeal application) shall be submitted not less than twenty-eight~~
16 ~~days prior to a regularly scheduled Board meeting. The applicant shall be notified in writing~~
17 ~~by registered mail of the date, time, and location of the hearing. Upon filing a notice of~~
18 ~~appeal with the secretary of the Board of Adjustment, the applicant must submit to the~~
19 ~~Community Development Department the appeal application and the appeal fee listed in~~
20 ~~Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for~~
21 ~~such proposals and the Community Development Department shall notify the public of the~~
22 ~~hearing and proposal according to the prescribed procedures and standards described in~~
23 ~~Section 42-143 of the Rolla Planning and Zoning Code.~~

24
25 Any special exceptions or variances authorized or granted by the Board of Adjustment shall
26 be valid for an unlimited period unless a lesser period shall be provided in a particular
27 permit. either under the provisions of this Article or under the authority granted to the
28 Board of Adjustment under the statute of the State of Missouri shall authorize the issuance
29 of a building permit, or a certificate of occupancy, as the case may be, for a period of ninety
30 (90) days from the date of the favorable action on the part of the Board of Adjustment,
31 unless the Board of Adjustment in its minutes shall, at the same time, grant a longer period.
32 If the building permit or certificate of occupancy shall have not been issued within said
33 ninety (90) day period or such extended period as the Board may specifically grant, then
34 the special exception or variance shall be deemed waived and all rights thereunder
35 terminated. Such termination or waiver shall be without prejudice to a subsequent appeal
36 to the Board in accordance with the rules and regulations herein contained.

37
38 Unless otherwise stated in the conditions of approval of the variance or special exception,
39 substantial work or construction shall commence within three (3) years of the approval,
40 unless such time period is extended through appeal to the Board of Adjustment. The
41 variance or special exception will be considered to be null and void if no substantial work or
42 construction has commence within three (3) years of the approval and no extension of time
43 is granted.

44
45 **Sec 42.136 Voluntary Annexation**

- 46 A property owner or authorized representative may request a property be annexed into the
47 corporate limits of the city by submitting the following:
- 48 1. Completed application on forms supplied by the Community Development
49 Department, and;
 - 50 2. Letter authorizing a representative to apply on behalf of the property owner, if
51 applicable, and;

3. Filing fee, and;
4. Legal description of the subject property in an electronic format which can be copied, pasted, and manipulated (MS Word file or email preferred), and;
5. Notarized petition for annexation signed by all property owners and certifying that the property is not part of any other incorporated municipality and is contiguous to the city limits of Rolla and that the applicants request to be annexed as authorized by RSMo. Section 71.012, and;
6. A letter of request or other supporting materials, if desired.

~~All annexation proposals shall first be submitted to the commission for its study and report to the council. Such report shall consist of recommendations concerning the needs of the municipality for such annexation and The review of an annexation request will include review of the ability of the city to provide normal municipal services to such area within a reasonable time. The commission shall make such report to the council within a reasonable time after receiving such proposal. Nothing herein shall prevent the council from acting upon such proposals either with or without the recommendations of the commission.~~

~~All territory which may hereafter be annexed into the City of Rolla shall be considered zoned in the most restrictive classification consistent with the property use and the Comprehensive Plan unless the City Council or the applicant designates otherwise prior to the annexation.~~

Requests for an annexation must include a request for zoning the property. The City Council can assign the requested district, or any other zoning district if agreed to by the applicant. The zoning and annexation action must occur by one ordinance.

Sec 42.137 Text Amendment

Amendments to the Zoning and Subdivision Regulations are initiated by city staff, the City Council, or the Planning and Zoning Commission.

Sec 42.138 Vacations

An adjoining property owner or their authorized representative may request a partial or total vacation of an easement or street right-of-way by submitting the following:

1. Completed application on forms supplied by the Community Development Department, and;
2. Letter authorizing a representative to apply on behalf of the property owner, if applicable, and;
3. Filing fee, and;
4. Legal description of the subject property to be vacated in an electronic format which can be copied, pasted, and manipulated (MS Word file or email preferred), and;
5. Vacation exhibit, and;
6. A letter of request or other supporting materials, if desired.

A vacation exhibit must include the area requested to be vacated as well as any adjacent property lines, buildings, utilities, or public infrastructure on or within 30 feet of the area requested to be vacated. The exhibit must be based on a survey for the property lines, but all other data may be sourced from the city GIS maps and/or field observations.

A vacation request may be reviewed concurrently with a subdivision application. In such case, no separate application or fee is required.

1
2 The Development Review Committee reviews all requests for vacations. The committee
3 may determine such vacation is appropriate. Staff will forward the request to the Planning
4 and Zoning Commission for their recommendation to the City Council.

5
6 The Development Review Committee may determine that such vacation request is not
7 appropriate. In such case, the applicant may appeal that decision to the Planning and
8 Zoning Commission for their recommendation to the City Council. In such case, the
9 applicant is responsible for reimbursement to the city for the costs of the public notice.

10
11 ~~Street Vacations:~~ The Commission shall not recommend the vacation of any street or part
12 thereof of a dedicated street if such vacation will interfere with access to the public street
13 of any abutting property or with the uniformity or improvement of the existing street
14 system.

15
16 **Sec 42.139 Reserved**

17
18

Section 140 Processes

Sec 42.140 Building Permits

It shall be unlawful to start the construction of a new building, structure, or sign or the enlargement or structural alteration of a building, structure, parking lot, or sign, without first filing a written application for and obtaining a building permit.

Parking lots require review and a permit when expanding an existing lot to add more than 5 parking spaces or adding an additional parking area that serves more than 5 parking spaces on a developed property, or constructing a parking lot on an undeveloped property.

~~All applications for such permits shall be in accordance with the requirements of this Article and building code of the City of Rolla.~~

~~No building permit shall be issued unless a site plan plat is filed in duplicate, drawn to scale and in such form as may be prescribed by the building inspector, showing the location on the lot of the building, structure, parking lot, or sign to be erected, altered, or enlarged, along with the distances to the nearest property lines, locations of planned driveways, locations of planned utility service lines, stormwater facilities, etc. as may be applicable signed by the applicant, and other information as the building inspector may require in the enforcement of this Article. Failure to provide complete and accurate this information shall be good cause for the revocation of any such building permit.~~

~~Unless upon approved by written order of the Board of Adjustment or the City Council, no building permit or certificate of occupancy shall be issued for any building, structure, parking lot, or sign where said construction, addition, or alteration thereof would be in violation of any of the provisions of this chapter Article.~~

~~A record of all applications, together with supporting plats, shall be kept in the office of the building inspector.~~

~~No vacant land shall be occupied or used except for agricultural uses and no building hereafter erected or structurally altered shall be occupied or used until the building inspector shall have issued a certificate of occupancy.~~

~~The certificate of occupancy shall state that the building or proposed use of a building or land complies with the building and health laws and ordinances, and with the provisions of these regulations.~~

~~A record of all certificates shall be put on file in the office of the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.~~

~~(a) — Certificate of occupancy for a building: Certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations.~~

1 ~~(b) — Certificate of occupancy for a non-conforming use: A Certificate of occupancy for~~
2 ~~legal non-conforming uses shall be issued, and the certificate shall state that the~~
3 ~~use is a legal non-conforming use.~~

4
5 Any person owning, controlling, constructing, supervising or directing the construction of
6 any building or structure in the process of construction which is incomplete at the time the
7 land upon which it is situated is annexed to the City of Rolla ~~before proceeding~~ shall apply
8 to the Codes Administrator of the City of Rolla for a permit authorizing further work. Said
9 construction work shall be suspended until the permit provided for herein has been issued
10 or until final zoning regulations have been adopted, which permit the construction, use and
11 occupancy of the structure or building.

12
13 ~~After the adoption of a major street plan, no building permit shall be issued for and no~~
14 ~~building shall be erected on any lot within the territorial jurisdiction of the commission~~
15 ~~unless the street giving access to the lot upon which the building is proposed to be placed~~
16 ~~conforms to the requirements of Section 42-15. Has been accepted by the City Council as a~~
17 ~~public street or meets the requirements as a private street or is permitted to be served by a~~
18 ~~private drive.~~

19
20 No building permit shall be issued for any building to be constructed in the path of any
21 planned street or road, roadway improvement, intersection improvement, or designated
22 utility corridor shown on the adopted Comprehensive Plan or Major Thoroughfare Plan,
23 unless approved by the Planning and Zoning Commission. The commission will evaluate the
24 proposed building and improvement locations for suitable alternatives, conditions of
25 approval, or deny the request if the commission finds that permitting the construction
26 would impair the objectives of the adopted plan.

27 28 **Sec 42.141 Land Use Review**

29 ~~**Land Use Review:** The following types of requests will be reviewed for compliance with~~
30 ~~Chapter 42 of the Rolla City Code and a record shall be kept in the Community~~
31 ~~Development Department that indicates the findings and conclusions of such land use~~
32 ~~reviews:~~

- 33 ~~1. New Commercial Buildings and Additions to or Expansions of Commercial~~
34 ~~Buildings~~
- 35 ~~2. New Industrial Buildings and Additions to or Expansions of Industrial~~
36 ~~Buildings~~
- 37 ~~3. New Multi-family Buildings and Additions to or Expansions of Multi-family~~
38 ~~Buildings~~
- 39 ~~4. Change in Use, Increase of Intensity of Use, and Establishment of a New~~
40 ~~Use~~
- 41 ~~5. Home Occupation Applications~~
- 42 ~~6. Sign Applications~~

43
44 Land use actions that are reviewed by City Council such as rezonings, subdivisions, lot
45 consolidations, lot reconfigurations, planned unit developments, conditional use permits
46 and other land use actions also require land use review and record-keeping. All of the other
47 applications of the regulations of Chapter 42 of the Rolla City Code that are not explicitly
48 listed above shall be enforced through the building permitting process, unless, at the
49 discretion of the Community Development Director, land use review is needed. The above-
50 listed types of requests and other land use reviews may require the applicant to submit

1 applications and additional information as reasonably needed before approving such a land
2 use review.

3
4 Prior to the issuance of a building permit or business license, the use of the proposed
5 building and/or property will be reviewed for compliance with this chapter.

6
7 **~~Application to Change of Use, Increase of Intensity of Use, and Establishment of a New~~**

8 **~~Use:~~** ~~A zoning inspection An application for a business license that is determined to be~~
9 ~~results in a change of use (as listed in the permitted/conditional use lists of each district,~~
10 ~~not as described in building codes), increase of intensity of use, or the establishment of a~~
11 ~~new use shall only be approved if the use and parking and all other regulations of this~~
12 ~~chapter Article are met. Regardless of application for a business license, a change of use,~~
13 ~~increase of intensity of use, or the establishment of a new use is permitted only when the~~
14 ~~provisions of this Article are met. Unless exempted by other provisions of this Article, no~~
15 ~~building permits shall be issued until the use and parking regulations and standards are~~
16 ~~met.~~

17
18 **~~Application for Expansions, Additions and Enlargements:~~** ~~Unless otherwise exempted by~~
19 ~~provisions of this Article, any expansion of, addition to, or enlargement of an existing~~
20 ~~structure must conform to the provisions of this Article, including parking requirements and~~
21 ~~standards. Otherwise, no building permits shall be issued.~~

22
23 ~~If an existing building is located on a lot that does not conform to minimum lot size and~~
24 ~~width requirements, the building shall not be expanded, or receive additions, nor shall the~~
25 ~~lot receive additional primary or accessory structures.~~

26
27 **~~Application to Existing Variances, Special Exceptions, Conditional Use Permits, and~~**
28 **~~Planned Unit Developments:~~** ~~Any exceptions or alternative development standards~~
29 ~~granted through Variances, Special Exceptions, Conditional Use Permits, and Planned Unit~~
30 ~~Developments remain valid until otherwise made invalid by any provision of this Article or~~
31 ~~other method authorized by the City Council of Rolla.~~

32
33 **Sec 42.142 Public Hearings**

34 Applications for special exceptions, variances, and use variances shall be submitted on
35 forms provided for this purpose not less than twenty-eight days prior to a regularly
36 scheduled Board meeting, or by a filing deadline as posted by the Community Development
37 Department. Along with the submission of such an application, the applicant shall submit
38 the appropriate fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. Once
39 the application has been determined to be complete, the Board of Adjustment shall hold a
40 public hearing and written notice of all such public hearings shall be sent by the secretary
41 of the Board to the applicant and all other persons deemed by the Board to be affected. In
42 addition, upon completeness, the Community Development Department shall notify the
43 public of the hearing and proposal according to the prescribed procedures and standards
44 described in Section 42-143 of the Rolla Planning and Zoning Code.

45
46 Applications for rezoning (map amendment), conditional use permit, preliminary plat, final
47 plat, planned unit development, or annexation must be submitted not less than twenty-
48 eight (28) days prior to a regularly scheduled Commission meeting, or by a filing deadline as
49 posted by the Community Development Department.

50

1 Meeting dates assigned at the time of application are tentative only, as additional
2 information or revisions to plans may be needed prior to being able to be heard at a
3 meeting.

4
5 When any of the following land use actions ~~are from the list below~~ is proposed through the
6 submittal of an application or initiated by the city or legislative body, the signage, mail, and
7 newspaper public notification procedures listed below shall be carried out by the
8 Community Development Department at least fifteen days prior to the Board of
9 Adjustment or City Council-held public hearing for such a proposal: ~~The failure to execute~~
10 ~~any notification procedure that goes beyond what is required by state law does not imply a~~
11 ~~failure on the City's part to notify the public.~~ Land Use Actions that Receive Public
12 Notification upon Application

- 13
- 14 1. Major Subdivisions;
- 15 2. Planned Unit Developments;
- 16 3. Conditional Use Permits;
- 17 4. Rezoning (Map and Amendment);
- 18 5. Text Amendments (no signage required);
- 19 6. Appeals to the Board of Adjustment;
- 20 7. Variances;
- 21 8. Special Exceptions; ~~Use Variances; Subdivision Variances;~~
- 22 9. Vacations (entirety of street rights-of-way only);
- 23 10. Preliminary Plats;
- 24 11. ~~Major Amendments to Conditional Use Permits, Site Plans; and~~
- 25 12. Amendments to Planned Unit Development Final Development Plans.
- 26

27 ~~Public Notification Procedures for the Above-listed Land Use Actions These procedures~~
28 ~~listed below shall only be executed when the combined land subject to the land use action~~
29 ~~(the subject parcel) is less than five percent of Rolla's total size. At five percent of the City's~~
30 ~~area, the proposal becomes a general land use action that only requires online notification~~
31 ~~and newspaper notification.~~

32
33 ~~Notification by Yard Sign: Staff shall post~~ a yard sign must be posted on each street-facing
34 side of the combined land subject to the land use action, or at a street intersection for
35 corner lots. The sign may be placed at the nearest street in the event that the subject
36 property does not have frontage which would be visible to the general public. The sign(s)
37 shall convey that a land use action has been proposed and the contact information for the
38 Community Development Department.

39
40 ~~Mail Notification: Through postal service, staff shall send~~ an informational packet must be
41 mailed to the property owners of the subject parcel(s) and those owners of properties
42 located within a 300-foot perimeter ~~(non-rounded parallel lines that are drawn 300 feet~~
43 ~~from each side) around the subject parcel(s). The informational packet shall include a map~~
44 ~~that indicates where the subject parcel(s) is/are located and a letter that includes provides~~
45 ~~the following information: a description of the proposal; the physical and digital location of~~
46 ~~relevant case documents; and the location, time, and date of the Board of Adjustment or~~
47 ~~Planning & Zoning Commission meeting and the City Council-held public hearing. When~~
48 ~~applicable, the letters shall explain the extraordinary majority requirements described in~~
49 ~~Section 89.060 of the Revised Statutes of Missouri.~~

1 ~~Newspaper Notification: Staff shall post a legal advertisement must be posted~~ in an official
2 paper or a paper of general circulation in Rolla. ~~This type of notification must only include~~
3 including a description of the request, address or location of the subject property, the time
4 and place of the City Council-held public hearing and the physical and digital location of
5 relevant case documents. In addition, if space allows, a description and the location of such
6 a proposal shall also be provided. A map showing the general location of the subject
7 property may also be provided.

8
9 ~~Online Notification: Notice may also be provided~~ On Rolla's government website and social
10 media, including staff shall post the location of the proposal; a description of the proposal;
11 the physical and digital location of relevant documents; and the location, time, and date of
12 the Board of Adjustment or Planning & Zoning Commission meeting and the City Council-
13 held public hearing. Such notice may be provided by posting the meeting/hearing agenda,
14 staff report, and attachments.

15
16 If a land use action impacts a minimum of 5% of the total city land area, such as a text
17 amendment to this chapter or a city-initiated amendment to the zoning map of a large area
18 of the city, only the online and newspaper notification is required.

19
20 ~~A public hearing, where parties in interest and citizens shall have an opportunity to be~~
21 ~~heard, shall be held by the City Council before adopting any proposed amendment. At least~~
22 ~~fifteen days before the public hearing is held, a notice of such a hearing shall be published~~
23 ~~in an official paper or a paper of general circulation in Rolla. The notice shall specify the~~
24 ~~time and place of such hearing and the location where the application and related~~
25 ~~documents may be viewed. In addition, staff shall notify the public of the hearing and~~
26 ~~proposal according to the prescribed procedures and standards described in Section 42-143~~
27 ~~of the Rolla Planning and Zoning Code.~~

28
29 **Sec 42.143 City Council Review**

30 ~~In any case, subsequent to proper notification as described above, the City Council may~~
31 ~~affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning~~
32 ~~Commission.~~

33
34 ~~When the Planning and Zoning Commission has recommended a change in zoning,~~
35 ~~subdivision, planned unit development, or conditional use permit together with~~
36 ~~recommendations for conditions of approval, as to requirements as heretofore provided,~~
37 ~~the City Council shall be at liberty to either accept, reject or make other or additional~~
38 ~~conditions requirements, and Any such conditions requirements, in the discretion of the~~
39 ~~City Council to be made, shall become a part of the ordinance for the request changing the~~
40 ~~zoning classification of such property. Such requirements shall be considered as an~~
41 ~~amendment to the zoning ordinance as applicable to such property.~~

42
43 ~~In the case of a protest petition against a rezoning (map amendment), planned unit~~
44 ~~development, or conditional use permit such change, duly signed and notarized by the~~
45 ~~owners of thirty (30) percent or more of the land area (exclusive of streets and alleys)~~
46 ~~included in such proposed change or within an area determined by line drawn parallel to~~
47 ~~and within a perimeter of one hundred eighty-five (185) feet distance from the subject~~
48 ~~property boundaries of the district proposed to be changed, such request amendments~~
49 ~~shall not be approved become effective except by the favorable vote of two thirds (2/3) of~~
50 ~~all the members of the City Council.~~

1 A protest against a proposed Conditional Use Permit may be filed in accordance with the
2 provisions of this Article that address protest petitions for zoning cases.

3
4 ~~The provisions of this section apply to~~ A favorable vote of two-thirds (2/3) of all the
5 ~~members of the City Council is required for the adoption of, additions to, changes or~~
6 ~~modifications of the official map of the master Comprehensive plan, whether such changes~~
7 ~~are initiated by the city City Council, the Planning and Zoning Commission, Community~~
8 ~~Development Director or by property owner application.~~

9
10 **Sec 42.144 Fee Schedule**

~~LAND USE ACTION FEE SCHEDULE~~

Land Use Action Type	<u>Application Fees</u>
<u>Preliminary Plat</u>	<u>\$500</u>
Major Subdivisions-Final Plat	\$300-\$500
Minor Subdivisions (<u>Administrative Review</u>)	<u>\$100-\$250</u>
<u>Minor Subdivision (requiring Final Plat process)</u>	<u>\$450</u>
Lot Consolidations & Reconfigurations	\$100-\$50
<u>Lot Line Adjustments</u>	<u>\$50</u>
Planned Unit Developments	<u>\$475-\$600</u>
Conditional Use Permits	<u>\$375-\$450</u>
Rezoning (Map & Text Amendments) (e.g. rezones)	<u>\$375</u>
<u>Voluntary Annexation</u>	<u>\$600</u>
Appeals to the Board of Adjustment	<u>\$350-\$375</u>
Variances	<u>\$350-\$375</u>
Special Exceptions	<u>\$350-\$375</u>
Use Variances	<u>\$350</u>
Subdivision Variances	<u>\$350</u>

Major Amendments to Conditional Use Permits/
Site Plans and to Final Development Plans (for PUD's) \$300

1
2 Concurrent applications are encouraged when possible. Applications submitted
3 concurrently may have a portion of the application fees waived. Applications for requests
4 that are heard by the Planning and Zoning Commission and City Council will only be subject
5 to the application fee for the request with the highest fee. Concurrent applications which
6 must be heard by both the Board of Adjustment and the Planning and Zoning Commission
7 may have \$100 of the application fees waived.

8
9 Refunds are not provided for requests that are withdrawn after the public notice has been
10 provided. A full refund will be provided if an application is withdrawn within 3 business
11 days of submittal. A partial refund may be provided if an application is withdrawn prior to
12 any public hearing.

13
14 **Sec 42.145 – 42.149 Reserved**

15

Section 150 Non-Conforming Uses

Sec 42.150 Non-Conforming Uses and Structures

Any use, building, or structure that does not conform to the regulations of this chapter Article, but were lawful and conforming when established or constructed, may continue, but shall be subject to the limitations of this section ~~Division 20, which pertain to nonconforming uses~~, and any other exemptions or limitations provided by this chapter Article.

~~Except as limited below and except for nonconforming signs, any structure or lawful use of any structure or land or part thereof that exists at the time of the adoption of this Article or an amendment thereto may be continued notwithstanding the fact that it may not conform to the provisions of this Article. The term 'structure' includes accessory structures. Proof of lawful establishment must be provided by those who wish to continue such nonconformance.~~

~~Signs are subject to the abide by separate nonconforming structure regulations, which can be found in the sign regulations section of this code ~~Subsection 42-244.9.~~~~

~~From the time of public notification for the adoption of the provisions of this division and afterward, the above limitations and other provisions of this Division will apply to all requests for building permits; to all change/establishment/increase of use requests, which includes such requests through the zoning approval of business license applications; and any other request that require land use review or building permits.~~

Discontinuance of a use is defined as voluntary and continuous vacancy or nonuse of land or structures or part thereof for a period of one year.

Structural alteration is defined as any alteration to any component of a structure that supports any vertical load in addition to its own weight and does not include routine maintenance or repairs necessary to prevent imminent damage or collapse.

Sec 42.151 Limitations

The following limitations apply to maintaining lawful nonconforming status:

- ~~1. an expansion or increase in intensity of a nonconforming use of land or structure or part thereof is not permitted;~~
- ~~2. a change of use to a conforming use or a discontinuance of a nonconforming use of land or a structure will result in the revocation of the non-conforming status or part thereof;~~
- ~~3. reconstruction, enlargements, additions, expansions, or structural alteration of a nonconforming structure are not permitted, except for structural alterations that are required by building, fire, or health codes for human health and safety, or for the modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this chapter Article;~~
- ~~4. structures that exist on lots that do not meet minimum lot size and width requirements render such structures nonconforming and, in turn, shall not be permitted to receive expansions or additions and the lots shall not be permitted to receive additional accessory or primary structures;~~

- 1 5. nonconforming structures shall not be moved unless they are moved in
2 way that reconciles all nonconforming aspects of the structure that can be
3 reconciled by moving the structure;
- 4 6. a nonconforming structure that is damaged by fire, tornado, or other
5 catastrophe shall be permitted to be restored or rebuilt in a manner which
6 does not increase any non-conforming aspect of the original structure or
7 use and used again as previously, provided that building permits for such
8 restoration or reconstruction are issued within two years of the date of the
9 catastrophe and construction is are diligently pursued prosecuted to
10 completion and that the rebuilding or restoration following the catastrophe
11 does not increase any nonconforming aspect of the original structure or
12 use.
- 13 7. ~~Exemption: Where reconstruction, alteration, extension, addition, or~~
14 ~~structural change to a single-family or two-family residential structure used~~
15 ~~for residential purposes is permitted if the change does not increase any~~
16 ~~nonconforming aspect of the use or structure, a variance from the Board of~~
17 ~~Adjustment is not required for said alteration, reconstruction, addition, or~~
18 ~~structural change. Enlargements, expansions, and additions (including~~
19 ~~adding accessory structures) are not permitted if the lot does not meet~~
20 ~~minimum lot size and width requirements.~~

21
22 **Sec 42.152 Board of Adjustment**

23 The Board of Adjustment, ~~after a public notice and a public hearing,~~ may grant a special
24 exception to allow a legal nonconforming use to be changed to any other use ~~permitted in~~
25 ~~the zoning district in which the nonconforming use is allowed,~~ provided the proposed use is
26 not more intense than the existing use in terms of traffic generation and other impacts on
27 surrounding property.

28
29 The Board of Adjustment, ~~after public notice and a public hearing,~~ may grant a special
30 exception variance to allow a preexisting nonconforming use or structure to be expanded
31 if, in the opinion of the Board, such expansion will not be more objectionable to or
32 detrimental to the character of the neighborhood ~~than the original preexisting~~
33 ~~nonconforming use or structure.~~

34
35 The Board of Adjustment may grant a special exception to allow the re-establishment of a
36 discontinued use within an existing structure if, in the opinion of the Board, it is impractical
37 to use the structure for a conforming use and such re-establishment would not be
38 detrimental to the character of the neighborhood.

39
40 **Sec 42.153 – 42.159 Reserved**

Section 160 Enforcement

Sec 42.160 Penalties

Any person violating or failing to comply with any provisions of this ~~chapter~~ Article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than three hundred (300) dollars, per day, for each day of noncompliance.

~~Fines and Penalties: Any person violating this Article, or failing to comply with any order issued pursuant to any Section thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than three hundred (\$ 300) dollars, per day, for each day of noncompliance.~~

~~In the discharge of his duties, the Codes Administrator or his authorized representative, shall have the authority to enter at any reasonable hour any building, structure or premises in the City to enforce the provisions of this ~~chapter~~ Article. Any person making such inspection shall furnish to the owner or occupant of the building or structure to be inspected sufficient identification and information to enable the owner or occupant to determine that he is a representative of the City and to determine the purpose of the inspection. Inspections may be prompted on the basis of complaint or as part of a systematic inspection program directed by the Codes Administrator, Community Development Director, or City Administrator.~~

Sec 42.161 Violations

~~Notice of Violation: Whenever the Community Development Director Codes Administrator, or one of his authorized representative, determines that there are reasonable grounds to believe that a violation of any provision of this ~~chapter~~ Article exists on any parcel of land within the City, he shall give notice of such alleged violation to the owner or agent of said parcel as follows. The City shall attempt to give notice when the violation does not pose an imminent danger and the owner has not previously been notified either orally or in writing regarding a violation of the same Section of this ~~chapter~~ Article. Such notice shall:~~

1. Be in writing and include a statement of any alleged violations, what remedial action(s) are to be taken, and any fines or fees associated with the enforcement of this ~~chapter~~ Article;
2. Allow a reasonable time for the correction of any violation or the performance of any required act,
3. Be served upon the owner or his agent personally, by registered mail to his last known address, or is posted conspicuously in or about the building, structure, or sign affected by the action.

~~Revocation of Permits: Whenever the Community Development Director Codes Administrator has ordered a person to correct any violation and when such violation has not been corrected within the time specified by such order, thereafter the director administrator may institute an action to revoke any permits issued by the City under which the activity is conducted and occupancy permits.~~

~~Abatement of Violation: If a person violates this ~~chapter~~ Article or if a notice of a violation is not complied with within the time specified by the ~~Codes Administrator~~, the director administrator may cause a municipal court summons to be issued, and he may also request the City Attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to acquire removal or termination of the~~

1 unlawful use of a building, structure or sign in violation of the provisions of this chapter
2 Article or any order or direction made pursuant thereto.

3
4 ~~Legal Action:~~ The imposition of the fines herein prescribed shall not limit the City Attorney
5 from instituting appropriate action to prevent unlawful construction or to restrain, correct
6 or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or
7 to stop an illegal act, conduct, business or use of building or structure in or about any
8 premises, in violation of this chapter Article.

9
10 ~~Discontinuance of Illegal Use or Occupancy: Whenever any building, site or portion thereof~~
11 ~~is being used or occupied contrary to the provisions of this chapter Article, the Codes~~
12 ~~Administrator shall order such use or occupancy discontinued by notice served on any~~
13 ~~persons using or causing such use or occupancy to be continued. Such persons shall~~
14 ~~discontinue use or occupancy or make the building, site or portion thereof comply with the~~
15 ~~requirements of this Article within a time period not to exceed ten (10) days after receipt of~~
16 ~~such notice.~~

17
18 **Sec 42.163 – 42.169 Reserved**

19
20 **Sec 42.170 – 42.199 Reserved**

Section 200 Zoning Districts

Sec 42.200 General Provisions

1. **Permitted Uses:** Unless otherwise exempt, no building, structure, or land shall be used or occupied or designed for use or occupancy ~~after the effective date of this chapter~~ Article in a way that is not permitted by this Article. A use which is not expressly permitted will be considered to not be permitted unless otherwise approved as described in this chapter.
2. **Lot Size, Bulk, and Height Requirements:** Unless otherwise exempt, and as of the effective date of this ~~chapter~~ Article, no building or structure or part thereof shall be built, moved, expanded, added to, or enlarged, and no vacant land shall be used or occupied on a lot that does not conform to minimum lot size, lot width, and lot depth requirements.
3. **Buffer Yard Requirements:** All buildings, structures, and uses shall provide and landscape the buffer yards required under the requirements of this Article. No new construction, including additions, parking construction, and placement or construction of accessory or additional primary structures, shall be permitted in such buffer yards.
4. **Customary Home Occupations:** No home occupation shall hereafter be established, altered, or enlarged in any residential district unless it is allowed as a use and complies with the conditions and restrictions imposed by Section 42-207.
5. **Accessory Structures or Uses:** No accessory building, structure, or use, as defined in Section 42-204 shall hereafter be built, moved, established or enlarged unless such accessory building, structure or use is permitted.
6. **Signs:** No sign shall be built after the effective date of this Article, and no existing sign shall be moved or remodeled, unless such sign complies, or will thereafter comply, with the restrictions imposed by Division 18.
7. **Off Street Parking:** No building or structure shall be built, added to, expanded, or moved after the effective date of this Article unless the minimum off-street parking spaces are provided on the premises and in accordance with Division 17. Unless otherwise exempted by other provisions of this article, a change of use, an expansion of use, or an increase in a current use's intensity shall trigger the site to conform to current parking requirements and standards.
8. **Number of structures on a lot:** Not more than one principal building shall be located on the same lot in the R-R, R-1, and U-R R-2, GI, C-O, C-1, C-2, C-3, CC, M-1 or M-2 zoning districts. In all other districts mobile home parks, self-service storage facilities, and in the R-3 and R-3B Multi-Family Districts, any number of buildings or structures may be established on a single lot as long as the other provisions of this or any other Article of the Rolla City Code is satisfied.
9. **Zoned Rights of Way:** No use otherwise authorized in the respective zoning district shall be permitted in the rights of way that is not specifically authorized by the City's rights of way regulations, specifically Chapter 36 of the Rolla City Code. Any provision of this Article that refers to being adjacent to, abutting, or within a certain distance of a residential zoning district or property zoned residential does not apply if the adjacent, abutting, or nearby zoning district or property is the City's rights of way.
10. **No Public Water or Sewer:** No use, which requires potable water or sewerage disposal to operate, shall be established on a parcel of less than three (3) acres, unless both public water and public sewer are provided.

1 **Sec 42.201 Zoning Districts**

2 The City of Rolla shall be divided into the following fourteen (14) zoning districts, the
3 location and boundaries of which are shown on the Official Zoning Map. The Official Zoning
4 Map which Map is incorporated in this chapter Article by this reference. The districts
5 include:

6
7 Residential Districts:

- 8 1. ~~**R-R, Rural Residential District:**~~ A zone intended to accommodate low intensity
9 residential uses on lots not less than forty thousand (40,000) square feet in area
10 and to permit certain agricultural activities.
- 11 2. **R-1, Single family Suburban Residential District:** A zone designed to support
12 detached single-family residential development and supporting uses at a maximum
13 density of seven (7) dwelling units per acre.
- 14 3. **R-2, One and Two-family Residential District:** A district designed for detached
15 single-family or two-family (duplex) dwellings and supporting uses at a maximum
16 density of ten (10) dwelling units per acre. and serve as a transition between the
17 lower-intensity residential districts and commercial and higher-intensity residential
18 districts.
- 19 4. **U-R, Urban-Residential District:** Intended to serve as a transition district for the
20 older, more-dense areas of the city, allowing a mixture of lower-density residential
21 uses and some commercial uses.
- 22 5. ~~**R-3b, Multi family District:**~~ A zone intended to provide medium density apartment
23 or townhouse type development at a maximum density of fourteen (14) dwelling
24 units per acre.
- 25 6. **R-3, Multi-family Residential District:** A zone designed for low and medium-density
26 multi-family dwelling units (apartments) residential uses and supporting uses with
27 a maximum density of twenty six (26) dwelling units per acre.
- 28 7. **R-4, Urban District:** A zone intended for high density residential, mixed-use, and
29 limited commercial uses adjacent to the downtown and university campus areas.
- 30 8. ~~**R-MH, Residential Manufactured Home District:**~~ A zone intended to provide
31 standards for the development of residential manufactured home subdivisions or
32 parks.

33
34 Commercial Districts:

- 35 1. ~~**C-O, Office District:**~~ A zone intended for low intensity office development and
36 serving as a transition zone from commercial uses to residential uses.
- 37 2. **C-1, Neighborhood-Commercial Business District:** A zone established to
38 accommodate individual small-scale retail stores, offices, and personal service
39 businesses that offer convenience goods and services normally considered a
40 frequent or even daily necessity for residents of an adjoining neighborhood or at a
41 scale to provide a transition between residential uses and higher intensity uses.
- 42 3. **C-2, General-Commercial Retail District:** A zone designed for uses that provide
43 community-wide personal and business services, small shopping centers and
44 specialty retail shops.
- 45 4. ~~**C-3, Highway-Commercial District:**~~ A zone designed for businesses that provide
46 essential commercial services and support activities of community and regional
47 significance. These uses depend upon high visibility and convenient sites on arterial
48 streets and near highways to accommodate customers or distribute goods.
- 49 5. **C-C, Center-City District:** A zone designed to accommodate urban scale
50 commercial, residential, and mixed-uses the existing unique mix of uses and to

1 encourage appropriate development ~~private investment~~ in the downtown area
2 Rolla Central Business District.

3 6. ~~**M-1, Light Manufacturing District:**~~ A zone designed to accommodate ~~less-intensive~~
4 industrial and warehousing uses ~~that are conducted entirely within a building with~~
5 ~~no outdoor operations except storage and display~~ and larger scale uses where
6 adverse impacts to adjacent residential properties can be minimized.

7 ~~7. **M-2, Heavy Manufacturing District:**~~ A zone intended to accommodate large scale
8 and/or intensive manufacturing uses that may have adverse impacts on nearby
9 property unless properly located and buffered.

10
11 Special Districts:

- 12 1. ~~**GI, Government and Institutional P, Public Use District:**~~ A zone designed for
13 governmental buildings and uses which are owned by the city, county, state, or
14 federal governments, or other public or semi-public uses including public medical
15 facilities and institutions of higher education.
- 16 2. **U, University District:** To be applied to properties owned by Missouri University of
17 Science and Technology and are not subject to zoning requirements.

18
19 Official Zoning Map. Incorporation of Official Zoning Map by Reference: The City of Rolla is
20 hereby divided into the districts as listed in ~~Section 42-141.2~~ of this section Article and as
21 shown on the Official Zoning Map which, together with all explanatory matter thereon, is
22 hereby adopted by reference and declared to be a part of this Zoning Code Article.

- 23
24 1. Such map ~~shall be in triplicate originals, each of which~~ shall bear the
25 signature of the Mayor and attestation of the City Clerk and bearing the
26 Seal of the City.
- 27 2. The original map, One of said originals or a revised version with any
28 adopted amendment shall be available hung in the Community
29 Development Department office of the Secretary of the Planning and
30 Zoning Commission.
- 31 3. It shall be the duty of the Community Development Department Secretary
32 to keep up to date the originals, showing all changes, additions and
33 amendments thereto and maintaining records of the date of passage by
34 ordinance.
- 35 4. Regardless of the existence of copies of the Official Zoning Map that from
36 time to time may be published, the Official Zoning Map shall be located in
37 the Community Development Department office of the Secretary of the
38 Planning and Zoning Commission and this map shall be considered the final
39 authority as to the current zoning status of land and water areas in Rolla.
- 40 5. Copies of the Official Zoning Map may be provided to the public through
41 the city website or the city GIS database.
- 42
43

1 **Sec 42.202 Zoning District Summary Table**

2
 3 The following table summarizes the lot size, frontage, setback, height, and coverage
 4 requirements for each zoning district:
 5

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

6
 7 *** Indicates there are exceptions**
 8

1 **Sec 42.203 Zoning Use Definitions**

2 Use definitions will generally follow the definitions from the North American Industry
3 Classification, NAICS. The NAICS classifications will be used, except for the following uses,
4 which are defined herein:

5
6 Adult Day Care Home: That portion of a residence wherein the owner or occupier of the
7 residence provides care and supervision to meet the needs of up to eight (8) functionally
8 impaired adults for periods of less than twenty-four (24) consecutive hours, without
9 overnight accommodations.

10
11 Bed and Breakfasts: A travelers accommodation use conducted as a home occupation for
12 overnight accommodation with or without the provision of meals.

13
14 Seasonal Sales: A temporary use of a property for the display of products for sale, with or
15 without a tent or temporary building. Such use is limited to 30 continuous days of
16 operation, with a cessation of operation for a minimum of 15 days between operations.

17
18 Wind and Solar Generation: A facility which generates electricity from solar panels or wind
19 turbines in which the electricity is primarily not used on-site and is not an accessory use.

20
21 Rooming and Boarding Houses: A building other than a motel where lodging and/or meals
22 is provided by the owner or operator for compensation by renting room(s) to more than
23 eight (8) individuals.

24
25 Fraternity/Sorority House: A building maintained exclusively by an incorporated
26 fraternity/sorority or other similar organizations for members and their guests or visitors
27 and affiliated with an academic or professional college, university, or other institution of
28 higher learning.

29
30 Parking Lots and Garages: A property for the parking of vehicles, either on a surface parking
31 lot or in a parking garage as a primary use of the property.

32
33 Detached Single-family Dwelling: A detached building surrounded by open space on the
34 same lot designed exclusively for occupancy by one family. The use includes Modular
35 Homes and Residential-design Manufactured Homes.

36
37 Two-family (Duplex) Dwelling: A structure on a single lot containing two dwelling units, as
38 defined in the building codes.

39
40 Manufactured Home: A residential dwelling unit constructed in one or more sections in an
41 off-site manufacturing facility and built in accordance with National Manufactured Housing
42 Construction and Safety Standards Act of 1974, 42 USC 5401 or subsequent regulations.

43
44 Mobile Home: A transportable, factory-built home, designed to be used as a year-round
45 residential dwelling containing the same water supply, waste disposal and electrical
46 conveniences as immobile housing which was built prior to the enacting of the National
47 Manufactured Housing Construction and Safety standards Act of 1974, 42 USC 5401. Due to
48 the age of these homes and the lack of building standards when they were constructed,
49 Mobile Homes are prohibited.

50

1 Modular Home: A residential dwelling constructed in an off-site manufacturing facility and
2 built according to the minimum adopted building codes of the City of Rolla.

3
4 Townhouse: Two or more attached single-family dwelling units as defined in the building
5 code.

6
7 Temporary Use: A use of a building and/or property for less than one year for any land use
8 with conditions or limitations imposed by the Community Development Director to
9 mitigate the impacts or as required by a Conditional Use Permit. The use may include the
10 placement of temporary buildings. The use may include holding large events like concerts,
11 festivals, etc.

12
13 Residential-design Manufactured Home: A Manufactured Home which is designed to
14 generally be compatible with conventional site-built detached single-family dwellings. Such
15 use must meet the following requirements:

- 16 1. The unit must include a permanent perimeter foundation wall.
- 17 2. The roof must be a minimum of a 2:12 pitch.
- 18 3. The unit must have been manufactured less than 20 years prior at the time
19 of installation.
- 20 4. The exterior must be in good repair at the time of installation, with any
21 peeling paint/trim, windows, roofing, ect. repaired prior the final
22 inspection.

23
24 Residential-design Two-family Dwelling: A Two-family (Duplex) Dwelling which is designed
25 to be compatible in a neighborhood composed primarily of detached single-family
26 dwellings and have the appearance from the street(s) of being a single-family dwelling.
27 Such dwelling must either be located on a corner lot and designed such that the primary
28 unit doors and garage doors are facing different streets; or be designed such that only one
29 door is visible to the street(s) (not including streets adjacent to rear yards).

30
31 Residential-design Multi-family Dwelling: A Multi-family structure with four (4) or fewer
32 units and not more than a total of four (4) bedrooms and designed to be compatible in a
33 lower-density neighborhood. Such structure must be designed such that only one door is
34 visible to the street.

35
36 Multi-family: A building or portion thereof arranged, designed or occupied as a residence
37 by three or more dwelling units.

38
39 Mixed-residential Use: A structure which contains both a commercial/non-residential use(s)
40 and one or more residential dwelling units. The commercial/non-residential use must
41 adhere to the zoning district in which the property is located. The commercial use must
42 constitute a minimum of 50% of the first floor of the structure.

43
44 Manufactured Home Park: A property or development on which one or more
45 Manufactured Homes are located.

46
47 Sexually-oriented Business: A business which meets the definition in Section 42.421.

48
49 Residential-scale Medical Use: Medical and healthcare uses including massage therapy,
50 physicians, dentists, chiropractors, optometrists, mental healthcare practitioners, other
51 healthcare practitioners offices and outpatient care facilities; but not including animal

1 hospitals or 24-hour clinics. Such uses are limited to 10,000 square feet. The use also
2 includes nursing home facilities up to 30,000 square feet, or as approved by a Conditional
3 Use Permit.

4
5 Churches and Places of Worship: A building or structure(s), which by design are primarily
6 intended for the conducting of religious services and associated accessory uses. At a
7 minimum, a church includes a body of believers or communicants that assembles regularly
8 in order to worship and reasonably available to the public.

9
10 Community center: A building for social, educational, and recreational activities of a
11 neighborhood or community, provided any such use is not operated primarily for
12 commercial gain. The use includes outdoor recreation facilities such as pools, ball fields,
13 and golf courses.

14
15 Residential Group Home: single-family dwelling in which eight (8) or fewer unrelated
16 mentally or physically handicapped persons reside with no more than two (2) persons
17 acting as house parents or guardians who need not be related to each other or to any of
18 the handicapped persons residing in the dwelling, and the children of the house parents or
19 guardians.

20
21 Family Child Care Home: A state licensed child care facility serving permitted to serve no
22 more than ten (10) unrelated children.

23
24 Child Care Center: A child day care facility serving more than ten (10) unrelated children.

25
26 Medical Marijuana Dispensary: A facility licensed by the State of Missouri to acquire, store,
27 sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia
28 used to administer marijuana as provided for in this section to a qualifying patient, a
29 primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana
30 Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.

31
32 Medical Marijuana Testing Facility: A facility certified by the State of Missouri, to acquire,
33 test, certify, and transport marijuana.

34
35 Medical Marijuana-infused Products Facility: A facility licensed by the State of Missouri, to
36 acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical
37 Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical
38 Marijuana-Infused Projects Facility.

39
40 Medical Marijuana Cultivation Facility: A facility licensed by the State of Missouri to
41 acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary
42 Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products
43 Manufacturing Facility.

44
45 **Sec 42.204 Zoning Use Categories**

46 The following use categories are created to group similar intensity uses.

47
48 Agriculture Use:

49 Crop Production;

50 Animal Production; and

51 Forestry and Logging

- 1
- 2 Agricultural Business Use:
- 3 Seasonal Sales;
- 4 Nonmetallic Mineral Mining and Quarrying;
- 5 Wind and Solar Generation;
- 6 Garden Equipment and Supplies Dealer;
- 7 Veterinary Services;
- 8 Museums, Historical Sites, and Similar Institutions;
- 9 Bed and Breakfast Inns;
- 10 RV Parks and Recreational Camps; and
- 11 Other similar uses as determined by the Community Development Director.
- 12
- 13 Tier 1 Commercial Use:
- 14 Office Use;
- 15 Professional, Scientific, and Technical Services;
- 16 Real Estate;
- 17 Management of Companies and Enterprises;
- 18 Employment Services;
- 19 Educational Services;
- 20 Ambulatory Health Care Services;
- 21 Individual and Family and Vocational Rehabilitation Services;
- 22 Museums, Historical Sites, and Similar Institutions;
- 23 Grantmaking, Social Advocacy, and Business, Professional, Labor, and Similar Organizations;
- 24 Public Administration;
- 25 Finance and Insurance;
- 26 Veterinary Services;
- 27 Grocery and Specialty Food Stores;
- 28 Health and Personal Care Stores;
- 29 Clothing and Clothing Accessories Stores;
- 30 Sporting Goods, Hobby, Book, and Music Stores;
- 31 Miscellaneous Store Retailers;
- 32 Consumer Goods Rental;
- 33 Food Services; and
- 34 Personal Care, Dry-cleaning and Laundry, and Other Services (except Parking Lots and
- 35 Garages).
- 36
- 37 Tier 2 Commercial Use:
- 38 Seasonal Sales
- 39 Automotive Parts, Accessories, and Tire Stores;
- 40 Furniture and Home Furnishings Stores;
- 41 Electronics and Appliance Stores;
- 42 Food and Beverage Stores;
- 43 General Merchandise Stores;
- 44 Information;
- 45 Performing Arts and Spectator Sports;
- 46 Amusement Arcades;
- 47 Fitness and Recreation Sports Centers;
- 48 Traveler Accommodations;
- 49 Drinking Places;
- 50 Death Care Services;
- 51 Parking Lots and Garages;

1 Civic and Social Organizations; and
2 Personal warehousing and storage.
3
4 Small-scale Commercial Use: Includes any Tier 1 or Tier 2 Commercial Use which is less than
5 3,000 square feet in area.
6
7 Tier 3 Commercial Use:
8 Sexually-oriented Business;
9 Wind and Solar Generation;
10 Specialty Trade Contractors;
11 Motor Vehicle Dealers;
12 Building Materials and Garden Equipment and Supplies Dealers;
13 Gasoline Stations;
14 Automotive Equipment Rental and Leasing;
15 Hospitals;
16 Nursing and Residential Care Facilities;
17 Amusement and Recreation;
18 Accommodation; and
19 Repair and Maintenance.
20
21 Tier 1 Industrial Use:
22 Construction;
23 Food Manufacturing, except Animal Food Manufacturing and Animal Slaughtering and
24 Processing;
25 Beverage and Tobacco Product Manufacturing;
26 Printing and Related Support Activities;
27 Computer and Electronic Product Manufacturing;
28 Transportation;
29 Warehousing and Storage;
30 Information;
31 Scientific Research and Development Services;
32 Administrative Support Services; and
33 Repair and Maintenance.
34
35 Tier 2 Industrial Use:
36 Crop Production;
37 Support Activities for Agriculture and Forestry;
38 Food Manufacturing;
39 Textile Mills;
40 Textile Product Mills;
41 Apparel Manufacturing
42 Leather and Allied Product Manufacturing, except Leather and Hide Tanning and Finishing;
43 Nonmetallic Mineral Product Manufacturing;
44 Machinery Manufacturing;
45 Electrical Equipment, Appliance, and Component Manufacturing;
46 Furniture and Related Product Manufacturing;
47 Miscellaneous Manufacturing; and
48 Wholesale Trade.
49
50 Tier 3 Industrial Use:
51 Mining, Quarrying, and Oil and Gas Extraction;

- 1 Utilities;
- 2 Leather and Allied Product Manufacturing;
- 3 Wood Product Manufacturing;
- 4 Paper Manufacturing;
- 5 Petroleum and Coal Products Manufacturing;
- 6 Chemical Manufacturing
- 7 Plastics and Rubber Products Manufacturing;
- 8 Primary Metal Manufacturing;
- 9 Fabricated Metal Manufacturing;
- 10 Transportation Equipment Manufacturing; and
- 11 Waste Management and Remediation Services.

12

13 **Sec 42.205 – 42.209 Reserved**

14

15

Section 210 Residential Districts

Sec 42.210 Residential Districts

The following districts are together known as the “residential districts”. Wherever this chapter refers to a “residential district”, the intent is to refer to all of these districts.

~~R-R, Rural Residential District~~

~~This District is composed of those areas of the city whose principal use is large lot single-family and agricultural uses. The regulations are designed to ensure harmony between the primary uses of this District.~~

- ~~1. Single family dwellings with no more than one dwelling per lot.~~
- ~~2. Golf courses, country clubs and other such membership clubs occupying an area of not less than forty (40) acres. Miniature golf and driving ranges are excluded as permitted uses.~~
- ~~3. Family child care homes for child, provided that no more than ten (10) children not related to the operator shall be kept at any one time, in accordance with Section 42-222.~~
- ~~4. Churches and other places of worship.~~
- ~~5. Customary home occupations, in accordance with Section 42-207.~~
- ~~6. Accessory structures and uses, in accordance with Section 42-204.~~
- ~~7. Residential group homes, in accordance with Section 42-224.~~
- ~~8. Noncommercial, private not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or property owners association, in accordance with Section 42-214.~~
- ~~9. Adult day care home, designed to provide care and supervision to meet the needs of eight (8) or fewer functionally impaired adults.~~

~~The following uses are permitted with approval of a Conditional Use Permit in the R-R, Rural Residential District:~~

- ~~1. Parks, camp areas, recreation areas, arenas, or resorts owned by private organizations.~~
- ~~2. Private utilities.~~
- ~~3. Nursing homes.~~
- ~~4. Cemetery on ten (10) acres or more.~~
- ~~5. Medical institutions, such as hospitals.~~
- ~~6. Veterinarian services, animal hospitals and kennels.~~
- ~~7. Customary agricultural activities.~~
- ~~8. Bed and breakfasts, in accordance with Section 42-235.~~

~~The following minimum requirements for subdivision and building applies in the R-R, Rural Residential District:~~

Minimum size of lot:

Area 40,000 square feet

Lot frontage 150 feet at front lot line

Width 150 feet at building line

Maximum percentage of lot that may be occupied by buildings:

All buildings 25 percent

Maximum height of buildings

Three stories and fifty feet

Minimum setback dimensions

Front yard 35 feet measured from front lot line

Side yard 25 feet measured from side lot line

Rear yard 50 feet measured from rear lot line

- 1
- 2
- 3

1 **Sec 42.211 R-1, Suburban Residential District**

2 This District is intended to promote and preserve urban single family residential
3 development at a maximum density of approximately seven (7) building lots per acre. The
4 principal land use is the single family dwelling. Certain other uses necessary to serve
5 governmental, educational, religious, recreational and other needs are allowed as
6 conditional uses subject to restrictions intended to protect the single family character of
7 the District. Internal stability, harmony, attractiveness, order and efficiency are encouraged
8 by providing for adequate light, air and open space for dwellings and related facilities as
9 well as by considering the functional relationship between permitted uses in the District.

10
11 The following uses are permitted "by-right" in the R-1, Suburban Residential District:

- 12 1. Single-family detached dwellings with no more than one dwelling per lot. . Refer to
13 Sec. 42-141 for the definition of "Family".
- 14 2. Churches and other places of worship on lots less than one acre in size.
- 15 ~~3. Privately owned and operated golf courses, country clubs and other such~~
16 ~~membership clubs occupying an area of not less than forty (40) acres. Miniature~~
17 ~~golf and driving ranges are excluded as permitted uses.~~
- 18 4. Noncommercial, private not-for-profit residential neighborhood facilities, including
19 indoor and outdoor recreational facilities, community centers, offices of property
20 owners associations and maintenance facilities operated by a neighborhood or
21 community organization or property owners association, in accordance with
22 Section 42-214.
- 23 ~~5. Customary home occupations, in accordance with Section 42-207.~~
- 24 ~~6. Accessory structures and uses, in accordance with Section 42-204~~
- 25 ~~7. Residential group homes, in accordance with Section 42-224.~~
- 26 8. Family child care homes for children, provided that no more than ten (10) children
27 not related to the operator shall be kept at any one time, in accordance with
28 Section 42-222.
- 29 9. Adult day care home, designed to provide care and supervision to meet the needs
30 of eight (8) or fewer functionally impaired adults.
- 31 ~~10. Community Center~~

32
33 The following uses are permitted with approval of a Conditional Use Permit in the R-1,
34 Suburban Residential District:

35 Commission and the City Council in accordance with Section 42-234.

- 36 ~~1. Private utilities.~~
- 37 ~~2. Nursing homes.~~
- 38 ~~3. Cemetery on ten (10) acres or more.~~
- 39 4. Medical and healthcare services including massage therapy, physician, dentist,
40 chiropractor, optometrist, mental healthcare practitioners, other healthcare
41 practitioners offices, and outpatient care facilities, except animal hospitals, clinics
42 or sanitariums for contagious, mental, drug or liquor addict cases.
- 43 ~~5. Bed and breakfasts, in accordance with Section 42-235.~~
- 44 ~~6. Churches and other places of worship on lots of one acre or greater.~~
- 45 ~~7. Agriculture Use.~~
- 46 ~~8. Agricultural Business Use.~~
- 47 9. Residential-scale Medical Use.
- 48 ~~10. Temporary Use.~~

49
50

1 The following minimum requirements for subdivision and building applies in the R-1,
2 Suburban Residential District:

3

Minimum size of lot:

Area	6,000 square feet (<u>3 acres if not served by public water and sewer services</u>)
Lot frontage	40 <u>25</u> feet at front lot line
Width	60 feet at the building line.

Maximum percentage of lot that may be occupied by buildings:

All buildings	40 percent for lots under 12,000 sq. ft. in area
All buildings	25 percent for lots over 12,000 sq. ft. in area

Maximum height of buildings/structures

~~Three~~ Two stories and fifty feet

Minimum setback dimensions

Front yard	25 <u>20</u> feet, measured from front lot line
Each-side yard	5 feet, measured from side lot line
Rear yard	10 feet, measured from rear lot line
<u>Side yard-</u> Corner lots	See Section 42-292.2. Side yards- corner lots <u>10 feet</u>

4 Exceptions:

5 The minimum side yard setback for interior lots shall be increased by three (3) feet for
6 buildings with more than one story adjacent to the side yard. The increased setback does
7 not apply to the first story.

8

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

12

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

2 This District is intended to accommodate a variety of housing types, including single family
3 and duplex dwellings at low to moderate residential densities. The Two-Family District is
4 also intended to serve as a transition between the single-family district and the Multifamily
5 District.

6
7 The following uses are permitted “by-right” in the R-2, One and Two-family Residential
8 District:

9
10 (1) Any use permitted in the R-1 Single-Family District.

- 11 1. Detached Single-family Dwellings
- 12 2. Two-family (Duplex) dwellings.
- 13 3. Churches and other places of worship
- 14 4. Residential group homes
- 15 5. Family child care homes
- 16 6. Adult day care home
- 17 7. Community Center

18
19 The following uses are permitted with approval of a Conditional Use Permit in the R-2, One
20 and Two-family Residential District:

- 21
- 22 1. Fraternity/sorority houses.
- 23 2. Townhouses
- 24 3. Residential-design Multi-family Dwelling
- 25 4. Residential-scale Medical Use

26
27 The following minimum requirements for subdivision and building applies in the R-2, One
28 and Two-family Residential District:

29
30 The minimum lot size to subdivide a property 5,000 square feet; in addition, the Minimum
31 size of lot based on the use of the property applies when the property is developed:

- 32 9,000 5,000 square feet for single-family detached uses;
- 33 9,000 square feet for two-family uses;
- 34 4,000 square feet for townhouse uses;
- 35 12,000 square feet for all other uses.

36 Maximum Number of Bedrooms Permitted: 4 Bedrooms per unit.

37 Maximum number of occupants per dwelling unit:

- 38 • Eight (8), except for incorporated fraternities, sororities, and clubs.

39 Lot frontage: 75 40 feet at front lot line.

40 Width: 75 60 feet at building line.

41 Maximum percentage of lot that may be occupied by buildings: All buildings: 40 percent.

42 Minimum open space per lot:

- 43 • Not less than twenty five (25) percent of the total lot area shall be devoted to open
44 space including required yards and buffer yards. Open space shall not include areas
45 covered by buildings, structures, parking areas, driveways, side walk, patio,
46 accessory structures and internal streets. Open space shall contain living ground
47 cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such
48 as rock, bark, and mulch are also permitted.
- 49 • No open space shall be required on a lot if existing buildings and structures are
50 replaced with new buildings and structures using the same floor area, provided a
51 building permit for replacement is applied for within one (1) year after the existing

1 buildings are removed. In addition, no open space is required if an existing use
2 expands operations or is established in existing floor area that previously was
3 unfinished or not otherwise available for occupancy.

4 Maximum height of buildings/structures:

- 5 • ~~Three~~ Two stories and fifty feet

6 Minimum setback dimensions:

- 7 • Front yard: ~~25~~ 20 feet from the front lot line.
- 8 • Each side yard: 5 feet measured from side lot line.
- 9 • Side yard-Corner lot: ~~See Sec. 42-210.2 Side yards — corner lots.~~ 10 feet
- 10 • Rear yard: 10 feet from the rear lot line.

11 Exceptions:

12 Townhouse development is exempt from the minimum lot width, lot coverage, open space,
13 and side yard setbacks (interior lot lines only).

14
15 A 15 foot side yard is required when located adjacent to a lot in the R-1 district.
16
17

1 **Sec 42.213 U-R, Urban-Residential District**

2 The following uses are permitted “by-right” in the U-R, Urban-Residential District:

- 3 1. Detached Single-family Dwellings
4 2. Residential design two-family dwellings
5 3. Townhouses
6 4. Churches and other places of worship
7 5. Residential group homes
8 6. Family child care homes
9 7. Adult day care home
10 8. Community Center

11
12 The following uses are permitted with approval of a Conditional Use Permit in the U-R,
13 Urban-Residential District:

- 14 1. Neighborhood Commercial Uses
15 2. Residential design small multi-family dwelling

16
17 The following minimum requirements for subdivision and building applies in the U-R,
18 Urban-Residential District:

19

Minimum size of lot:

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: _____

Area 4,000 square feet for one dwelling
unit;
An additional 2,500 square feet is
required for each additional dwelling
unit;
12,000 square feet for all other uses.

Lot
frontage 25 feet at front lot line

Maximum height of buildings/structures

Three stories and fifty feet

Minimum setback dimensions

Front yard 10 feet

Side yard 5 feet

Rear yard 10 feet; 20 feet if adjacent to an alley

Side yard-

Corner 10 feet

lots

1 Exceptions:

2 Townhouse development is exempt from the side yard setbacks (interior lot lines only).

3

4 Townhouses are subject to a minimum lot size of 2,500 square feet.

5

6

1 **R-3b, Multi-family Residential District**

2 The R-3b Multi-Family District is intended to provide for medium density apartment or
3 townhouse type development at a maximum density of fourteen (14) dwelling units per
4 acre. Developments of this intensity should be adjacent to and have access from collector
5 or higher classified streets. Traffic circulation should be designed to minimize the impact on
6 adjoining residential neighborhoods.

7
8 Uses and conditional uses permitted in any of the foregoing R-1, R-2, or R-3 Districts.

9 Minimum size of lot:

- 10 ● Area: 10,000 square feet plus 1,500 square feet for each dwelling unit in excess of
11 two (2) dwelling units.

12 Maximum number of occupants per dwelling unit:

- 13 ● Eight (8), except for incorporated fraternities, sororities, and clubs.

14 Lot frontage: 75 feet at front lot line.

15 Width: 75 feet at building line.

16 Maximum percentage of lot that may be occupied by buildings:

- 17 ● All buildings: 40 percent.

18 Minimum open space per lot:

- 19 ● Not less than twenty five (25) percent of the total lot area shall be devoted to open
20 space including required yards and buffer yards. Open space shall not include areas
21 covered by buildings, structures, parking areas, driveways, side walk, patio,
22 accessory structures and internal streets. Open space shall contain living ground
23 cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such
24 as rock, bark, and mulch are also permitted.

- 25 ● No open space shall be required on a lot if existing buildings and structures are
26 replaced with new buildings and structures using the same floor area, provided a
27 building permit for replacement is applied for within one (1) year after the existing
28 buildings are removed. In addition, no open space is required if an existing use
29 expands operations or is established in existing floor area that previously was
30 unfinished or not otherwise available for occupancy.

31 Maximum height of buildings:

- 32 ● Three stories and fifty feet.

33

34 Minimum setback dimensions:

- 35 ● Front yard: 25 feet from the front lot line.
36 ● Each side yard: 5 feet measured from side lot line.
37 ● Rear yard: 10 feet from the rear lot line.

38

39 All development on parcels zoned R-3b Multi-Family District shall provide a minimum
40 distance between all residential buildings of twelve (12) feet. All required driveways and
41 off-street parking areas shall be provided with a permanent dust-free paved surface and
42 shall be constructed with curbs and gutters. Driveways shall be a minimum of sixteen (16)
43 feet in width and no parking shall be allowed in driveways. Driveways and buildings shall be
44 located on the parcel in such a manner as to provide safe and convenient access for solid
45 waste pick-up and emergency vehicles.

46

47 All rezoning requests for R-3b Multi-Family District zoning for parcels one (1) acre in size or
48 grater shall be accompanied by a site plan prepared in accordance with Sec. 42-234.1(b) of
49 the Planning and Zoning Code.

50

51

1 **Sec 42.214 R-3, Multi-family Residential District**

2 The R-3 Multi-Family District is intended to support apartment type development at a
3 maximum density of twenty six (26) dwelling units per acre. Developments of this intensity
4 should be established adjacent to and with vehicular access from collector or higher
5 classified streets. Traffic circulation should be designed to minimize the impact on adjoining
6 residential neighborhoods.

7
8 The following uses are permitted “by-right” in the R-3, Multi-family Residential District:

- 9 1. ~~Uses and conditional uses permitted in any of the foregoing R-1 or R-2 Districts.~~
- 10 2. Detached Single-family Dwellings
- 11 3. Two-family (Duplex) dwellings
- 12 4. Townhouses
- 13 5. Rooming/Boarding Houses ~~Boarding, rooming, and lodging houses.~~
- 14 6. Multi-Family up to 26 units per acre dwellings and apartment houses, including
15 efficiency apartments.
- 16 7. Churches and other places of worship
- 17 8. Community Center
- 18 9. Residential group homes
- 19 10. Family child care homes
- 20 11. Adult day care home
- 21 12. Fraternity/sorority houses
- 22 13. Child care centers
- 23 14. Parking lots and Garages ~~Private parking areas.~~
- 24 15. ~~Private clubs, lodges, fraternities, sororities, and dormitories.~~
- 25 16. ~~Private schools and academies.~~
- 26 17. ~~Trailers and mobile homes located in the R-3 Multi-Family District at the date this~~
27 ~~Article is enacted shall not be considered as non-conforming uses.~~

28
29 The following uses are permitted with approval of a Conditional Use Permit in the R-3,
30 Multi-family Residential District:

- 31 1. Small-scale Commercial Use
- 32 2. Mixed-residential Use
- 33 3. Residential-scale Medical Use
- 34 4. Ambulatory healthcare services
- 35 5. Civic and Social Organizations
- 36 6. Educational Services
- 37 7. Traveler Accommodations
- 38 8. Manufactured Home Park

39
40 The following minimum requirements for subdivision and building applies in the R-3, Multi-
41 family Residential District:

42 Minimum size of lot:

- 43 • ~~Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of~~
44 ~~two (2) dwelling units.~~
- 45 • The minimum lot size to subdivide a property 4,000 square feet; in addition, the
46 minimum size of lot based on the use of the property applies when the property is
47 developed:
 - 48 • 4,000 square feet for single-family detached uses;
 - 49 • 6,000 square feet for two-family uses;
 - 50 • 7,500 square feet for multi-family uses;
 - 51 • 12,000 square feet for all other uses.

1
2 Maximum Number of Bedrooms Permitted: ~~8~~ Bedrooms per unit.
3 Maximum number of occupants per dwelling unit:
4 • ~~Eight (8), except for incorporated fraternities, sororities, and clubs.~~
5 Lot frontage: ~~75~~ 40 feet at front lot line.
6 Width: 75 feet at building line.
7 Maximum percentage of lot that may be occupied by buildings:
8 • All buildings: ~~40~~ 60 percent.
9 Minimum open space per lot:
10 • ~~Not less than twenty five (25) percent of the total lot area shall be devoted to open~~
11 ~~space including required yards and buffer yards. Open space shall not include areas~~
12 ~~covered by buildings, structures, parking areas, driveways, side walk, patio,~~
13 ~~accessory structures and internal streets. Open space shall contain living ground~~
14 ~~cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such~~
15 ~~as rock, bark, and mulch are also permitted.~~
16 • ~~No open space shall be required on a lot if existing buildings and structures are~~
17 ~~replaced with new buildings and structures using the same floor area, provided a~~
18 ~~building permit for replacement is applied for within one (1) year after the existing~~
19 ~~buildings are removed. In addition, no open space is required if an existing use~~
20 ~~expands operations or is established in existing floor area that previously was~~
21 ~~unfinished or not otherwise available for occupancy.~~
22 Maximum height of buildings/structures:
23 • Four stories and sixty-four feet.
24 Minimum setback dimensions:
25 • Front yard: 25 feet from the front lot line.
26 • ~~Each side yard: 5 feet measured from side lot line.;~~ 10 feet when adjacent to any
27 other district.
28 • Side yard – Corner lot: 15 feet
29 • Rear yard: 10 feet from the rear property line.; 20 feet when adjacent to any other
30 district.
31
32 Exceptions:
33 Townhouse development is exempt from the side yard setbacks (interior lot lines only).
34
35 Not more than 8 bedrooms are allowed per unit for residential uses except
36 Fraternity/Sorority Houses and Rooming/Boarding Houses.
37
38 The maximum height of buildings is limited to two stories for buildings located within 50
39 feet of the R-1 district.
40
41 ~~All new development on parcels zoned R-3 Multi-Family District shall provide a minimum~~
42 ~~distance between all residential buildings of twelve (12) feet. All required driveways and~~
43 ~~parking areas shall be provided with a permanent dust free paved surface and shall be~~
44 ~~constructed with curbs and gutters. Driveways shall be a minimum of sixteen (16) feet in~~
45 ~~width and no parking shall be allowed in the driveways. Driveways and buildings shall be~~
46 ~~located on the parcel in such a manner as to provide safe and convenient access for solid~~
47 ~~waste pick up and emergency vehicles.~~
48
49 ~~Whenever any development in an R-3 Multi-Family District is located adjacent to an R-1~~
50 ~~Single Family District, a buffer yard shall be provided in accordance with Section 42-230.6~~
51 ~~and meeting the width and landscaping standards for a "Buffer-Yard A".~~

1
2 All rezoning requests for R-3 Multi-Family District zoning for parcels one (1) acre in size or
3 greater shall be accompanied by a site plan prepared in accordance with Sec. 42-234.1 (b)
4 of the Planning and Zoning Code.
5
6

1 **Sec 42.215 R-4, Urban District**

2 The following uses are permitted “by-right” in the R-4, Urban District:

- 3 1. Detached Single-family Dwellings
- 4 2. Two-family (Duplex) dwellings
- 5 3. Townhouses
- 6 4. Rooming/Boarding Houses
- 7 5. Multi-Family (no maximum density)
- 8 6. Churches and other places of worship
- 9 7. Community Center
- 10 8. Residential group homes
- 11 9. Family child care homes
- 12 10. Adult day care home
- 13 11. Fraternity/sorority houses
- 14 12. Child care centers
- 15 13. Parking lots and Garages
- 16 14. Neighborhood Commercial Uses when part of a mixed-use building
- 17 15. Traveler Accommodations
- 18 16. Mixed-residential Use

19

20 The following uses are permitted with approval of a Conditional Use Permit in the R-4,
21 Urban District:

- 22 1. Small-scale Commercial Use
- 23 2. Residential-scale Medical Use
- 24 3. Ambulatory healthcare services
- 25 4. Civic and Social Organizations
- 26 5. Educational Services
- 27 6. Seasonal Sales

28

29 The following minimum requirements for subdivision and building applies in the R-4, Urban
30 District:

31 Minimum size of lot:

- 32 • Area: Minimum 4,000 sq. ft.

33 Lot frontage: 25 feet at front lot line.

34 Width: 25 feet at building line.

35 Maximum height of buildings/structures:

- 36 • Five stories and 75 feet; Ten stories and 120 feet with a Conditional Use Permit.

37 Minimum setback dimensions:

- 38 • Front yard: 5 feet
- 39 • Side yard: No minimum setback; 10 feet when adjacent to any other district; 20
40 feet when adjacent to an alley.
- 41 • Side yard – Corner lot: 5 feet
- 42 • Rear yard: 10 feet; 20 feet when adjacent to an alley or any other district.

43

44 Exceptions:

45 Townhouse development is exempt from the minimum lot size and side yard setbacks
46 (interior lot lines only).

47

48 Not more than 8 bedrooms are allowed per unit for residential uses except

49 Fraternity/Sorority Houses.

50 ~~**R-MH, Residential Manufactured Home District**~~

1 The purpose of this district is to establish additional standards for the development and
2 operation of residential manufactured home (mobile home) parks. The standards are
3 intended to encourage affordable and diverse housing opportunities while promoting
4 neighborhood improvement that minimizes conflicts with other zoning districts. A
5 residential manufactured home park may provide sites (herein defined as manufactured
6 home spaces) available for lease or rent or the property may be subdivided in accordance
7 with the requirements of ARTICLE II of this Chapter. Regulations pertaining to Trailers and
8 Mobile Home Parks found in Chapter 39, ARTICLES I through II of the Rolla City Code shall
9 be followed where not specifically revised by this Section.

- 10
- 11 1. ~~Single family attached and detached dwellings on individual lots not less than 8,000~~
12 ~~square feet in area.~~
 - 13 2. ~~Manufactured homes for single family residential occupancy on individual~~
14 ~~manufactured home spaces of not less than 4,000 square feet.~~
 - 15 3. ~~Recreational facilities for the exclusive use of the occupants of the manufactured~~
16 ~~home park.~~
 - 17 4. ~~Accessory structures and uses customarily incident to the above uses, which are~~
18 ~~required for the direct servicing and well-being of park residents and proper~~
19 ~~management and maintenance of the park, in accordance with Section 42-204.~~
 - 20 5. ~~Customary home occupations, in accordance with Section 42-207.~~
 - 21 6. ~~Outdoor storage areas, including storage areas for recreational vehicles. Such areas~~
22 ~~shall be screened from adjoining uses and shall occupy, in total, not more than five~~
23 ~~(5) percent of the area of the manufactured home park. Use of such storage area~~
24 ~~shall be limited to the occupants of the manufactured home park.~~

25

26 **Minimum size of lot:**

Area: 4,000 square feet for each manufactured home.
Width: 45 feet at the building line.

27 **Maximum percentage of space coverage for each manufactured home:**

Individual manufactured home: 30 percent of the manufactured home space.

28 **Maximum separation between manufactured homes:**

29 Manufactured homes shall be separated from each other and from other buildings or
30 structures by at least fifteen (15) feet; provided that manufactured homes placed end-to-
31 end shall have a clearance of ten (10) feet where opposing rear walls are staggered.

32 **Minimum setbacks:**

33 All manufactured homes shall be located at least ten (10) feet from any park boundary line
34 abutting a public or private street, or parking area, and at least twenty (20) feet from all
35 perimeter park boundary lines not abutting a public or private street or parking area.

36

37 All manufactured homes shall be skirted within thirty (30) days of occupancy. The skirting
38 shall be done so that it is compatible with the manufactured homes unit's exterior
39 materials and it shall be of a finished nature. Composition building board and raw wood
40 shall not be used as skirting unless finished with weatherproof and termite proof materials.

41

42 **Sec 42.216 – 42.219 Reserved**

43

Section 220 Commercial Districts

Sec 42.220 Commercial Districts

The following districts are together known as the “commercial districts”. Wherever this chapter refers to a “commercial district”, the intent is to refer to all of these districts.

~~Sec 42.221 C-O, Commercial – Office District~~

~~The C-O District is designed to be a restrictive district for low intensity office or professional uses to allow their location near any residential district without creating an adverse effect.~~

- ~~1. All uses and conditional uses permitted in any residential district, excluding veterinarian services, animal hospitals, customary agricultural activities.~~
- ~~2. Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:
 - ~~(A) Accountant, appraiser, architects, brokers, engineers, insurance agents, interior decorators, landscape architects, lawyers, realtors, travel agency and similar types of professional uses.~~
 - ~~(B) Artists, sculptors, photographers.~~
 - ~~(C) Authors, writers, composers.~~
 - ~~(D) Physicians, dentists, chiropractors, or other licensed medical practitioners, excluding facilities where significant diagnostic or out patient surgery is performed as normally associated with a clinic or hospital.~~
 - ~~(E) Teachers of private lessons in art, music or dance.~~
 - ~~(F) Museums, libraries, galleries and exhibit halls.~~
 - ~~(G) Administrative offices of a single organization or by a single professional organization or society.~~~~

Minimum size of lot:

Area	6,000 square feet
Lot frontage	60 feet at front lot line
Width	60 feet at building line

Maximum percentage of lot that may be occupied by buildings:

All buildings	40 percent
---------------	------------

Maximum height of buildings

Three stories and thirty-six feet

Minimum setback dimensions

Front yard	25 feet measured from front lot line
Side yard	5 feet measured from side lot line
Rear yard	10 feet measured from rear lot line

1 **Sec 42.221 C-1, Neighborhood Commercial District**

2 This District is intended for uses that provide convenience goods or personal services
3 primarily to people residing in adjacent residential areas. It also includes selected retail and
4 service uses that are similar in land use intensity and physical impact to the neighborhood
5 sales and service uses permitted in this District. This District is designed to accommodate
6 compact, freestanding commercial buildings or to function as a transition between more
7 intense commercial uses and residential neighborhoods. Commercial uses permitted in this
8 District are generally required to conduct business activities indoors. Because the permitted
9 retail and personal service uses may be an integral part of the neighborhood, more
10 restrictive requirements for light, air, open space, and building design are made than are
11 provided in other commercial districts. This District should be located along or at the
12 intersections of a collector or higher classification streets.

13
14 The following uses are permitted "by-right" in the C-1, Neighborhood Commercial District:

- 15 1. ~~Conditional uses permitted in the R-1 Single Family District.~~
- 16 2. ~~Any residential dwellings that exist in the C-1 District at the date this ordinance is~~
17 ~~enacted.~~
- 18 3. ~~Antique shops~~
- 19 4. ~~Banks and financial institutions including automatic teller machines and drive-in~~
20 ~~facilities.~~
- 21 5. ~~Books or stationery stores.~~
- 22 6. ~~Community and family fitness centers.~~
- 23 7. ~~Child care centers.~~
- 24 8. ~~Churches and other places of worship.~~
- 25 9. ~~Offices and office buildings, administrative, business, finance, medical and~~
26 ~~professional uses.~~
- 27 10. ~~Personal service establishments including beauty parlors, barber shops, dry~~
28 ~~cleaning and laundry pick up, shoe repair, self-service laundromats, express or~~
29 ~~mailing offices and hearing aid and eye glass shops.~~
- 30 11. ~~Commercial photography establishments.~~
- 31 12. ~~Private parks, playgrounds, and golf courses, excluding miniature golf courses and~~
32 ~~driving ranges.~~
- 33 13. ~~Restaurants and coffee shops, excluding drive-in facilities and on-site sales or~~
34 ~~consumption of alcoholic beverages.~~
- 35 14. ~~Retail or service establishments for the following types of stand-alone uses: bakery,~~
36 ~~candy, dairy products, flowers, gifts, jewelry, hobby materials, meat, fish and~~
37 ~~poultry products, newsstands, pet grooming, toys, and video rental or sales,~~
38 ~~excluding drive-in facilities.~~
- 39 15. ~~Studios; art, music, drama, reducing, dancing, interior decorating.~~
- 40 16. ~~Tailor shops.~~
- 41 17. ~~Shops dealing in customized clothing, including silk screening, iron-on transfers and~~
42 ~~all uses incidental thereto.~~
- 43 18. ~~Accessory structures and uses, in accordance with Section 42-204.~~
- 44 19. ~~Boarding, rooming, and lodging houses.~~
- 45 20. ~~Those conditional uses listed below that exist in the C-1 District at the date this~~
46 ~~Article is enacted shall not be considered non-conforming uses.~~
- 47 21. Tier 1 Commercial Use up to 10,000 square feet
- 48 22. Tier 2 Commercial Use up to 10,000 square feet
- 49 23. Ambulatory Health Care Services
- 50 24. Educational Services
- 51 25. Museums, Historical Sites, and Similar Institutions

1 26. Mixed-residential Use up to two units per lot

2
3 The following uses are permitted with approval of a Conditional Use Permit in the C-1,
4 Neighborhood Commercial District:

- 5 ~~1. Pharmacies.~~
6 ~~2. Commercial greenhouses, nurseries and garden stores.~~
7 ~~3. Community treatment center.~~
8 ~~4. Grocery stores~~
9 ~~5. Wearing apparel and/or shoe stores~~
10 ~~6. Hardware stores.~~
11 ~~7. Print shops, photocopying.~~
12 ~~8. Veterinarian services, animal hospitals, customary agricultural activities.~~
13 ~~9. Trailers and mobile homes for residential use only, excluding sales and service (see~~
14 ~~Section 39 "Trailers and Mobile Homes").~~
15 ~~10. All other Tier 1 and 2 Commercial Uses~~
16 ~~11. Seasonal Sales~~
17 ~~12. Temporary Use~~

18
19 The following minimum requirements for subdivision and building applies in the C-1,
20 Neighborhood Commercial District:

Minimum size of lot:

Area	6,000 square feet
Lot frontage	60 feet at front lot line
Width	60 feet at building line

Maximum percentage of lot that may be occupied by buildings:

All buildings 40 percent

Maximum height of buildings/structures

~~Three~~ two stories and fifty feet

Minimum setback dimensions

Front yard	10 feet measured from front lot line
Side yard	5 feet measured from side lot line; <u>10 feet when adjacent to a residential district</u>
<u>Side yard – Corner lot</u>	<u>10 feet</u>
Rear yard	10 feet measured from rear lot line; <u>20 feet when adjacent to a residential district</u>

1
2 Whenever any development in a C-1 Neighborhood Business District is located adjacent to
3 a residential, office, government or PUD zoning district, screening and buffer yards shall be
4 provided in accordance with Section 42-231.
5

6 **Sec 42.222 C-2, General Commercial District**

7 This District is intended for uses that provide community wide personal and business
8 services, shopping centers and specialty shops which depend upon high visibility, generate
9 high traffic volumes or cater to the traveling public. The District is also intended for on-site
10 production of hand-crafted items in conjunction with retail sales. No un-screened outside
11 display of merchandise is permitted, except where indicated. Commercial uses permitted in
12 this District are generally required to conduct business activities indoors. The need for
13 community wide accessibility dictates that this district be located along or at the
14 intersection of two or more arterial or higher classification streets.
15

16 The following uses are permitted "by-right" in the C-2, General Commercial District:

- 17 1. Any use or conditional uses permitted in the foregoing C-1 District, including
18 existing single-family and two-family residential uses.
- 19 2. Any conditional use permitted in the R-R District.
- 20 3. Athletic clubs.
- 21 4. Auto repair, body and paint shops, radiator repair.
- 22 5. Auto laundries or car/truck wash establishments.
- 23 6. Automobile sales and service, including tire sales, and rental of new or used
24 vehicles (outside display permitted).
- 25 7. Automobile service stations or garages, including sales of petroleum products.
- 26 8. Automobile parts and accessory stores, including installation and repair.
- 27 9. Boat and marine sales and service.
- 28 10. Bowling alleys.
- 29 11. Cold storage and self or mini-storage facilities.
- 30 12. Drive-in, pick-up, and drive-through restaurants.
- 31 13. Funeral homes, excluding crematoriums.
- 32 14. Furniture and/or appliance stores (new and used), sales and service, including
33 rentals.
- 34 15. Heating and air-conditioning sales and service, including customized sheet metal
35 fabrication as an accessory activity.
- 36 16. Hotels and motels, and hotel apartments.
- 37 17. Medical equipment and supplies sales and rental.
- 38 18. Miniature golf courses and driving ranges.
- 39 19. Monument sales, retail dealers (outside display permitted).
- 40 20. Parking garages, commercial.
- 41 21. Pest control services.
- 42 22. Pet shops, animal hospitals, clinics and kennels.
- 43 23. Plumbing shops.
- 44 24. Printing, publishing, book binding, and photo processing, including drive-through
45 facilities.
- 46 25. Produce market, retail (outside display permitted).
- 47 26. Radio-TV repair shops.
- 48 27. Recreation vehicle or mobile home sales or service (outside storage permitted).
- 49 28. Restaurant, on-site sales and consumption of alcoholic beverages permitted.
- 50 29. Retail stores and other shops for custom work or making of articles to be sold at
51 retail on the premises.

- 1 30. ~~Retail establishments which provide supplies and/or services primarily to~~
- 2 ~~commercial and industrial customers, such as janitorial services, packaging and~~
- 3 ~~shipping service, locksmith services, lithographing and engraving, and blueprinting~~
- 4 ~~businesses.~~
- 5 31. ~~Recording studios.~~
- 6 32. ~~Second hand goods store and pawn shops.~~
- 7 33. ~~Second hand or used car sales yard, not including wrecking and repairing (outside~~
- 8 ~~display permitted).~~
- 9 34. ~~Skating rinks, swimming pools, gymnasiums, commercial.~~
- 10 35. ~~Sporting goods sales.~~
- 11 36. ~~Store and restaurant fixture sales.~~
- 12 37. ~~Taxi and limousine transportation services.~~
- 13 38. ~~Theaters, motion picture and performing arts.~~
- 14 39. ~~Tobacco product sales.~~
- 15 40. ~~Water, bottled, sales.~~
- 16 41. ~~Video game arcades.~~
- 17 42. ~~Seasonal businesses; such as fireworks stands, Christmas tree lots, snow cone~~
- 18 ~~vendors, and similar outlets that are temporary uses.~~
- 19 43. Neighborhood Commercial Use
- 20 44. Tier 1 Commercial Use
- 21 45. Tier 2 Commercial Use
- 22 46. Tier 3 Commercial Use if property has frontage or access to an arterial road
- 23 47. Seasonal Sales
- 24 48. RV Parks and Recreational Camps
- 25 49. Traveler Accommodation
- 26 50. Death Care Services
- 27 51. Temporary Use
- 28 52. Mixed-residential Use up to two units per lot
- 29 53. Medical Marijuana Dispensary Facility
- 30

31 The following uses are permitted with approval of a Conditional Use Permit in the C-2,
 32 General Commercial District:

- 33 1. ~~Bars, cocktail lounges, and night clubs (including dance halls).~~
- 34 2. ~~Billiard or pool halls.~~
- 35 3. ~~Convenience stores, with or without gas pumps.~~
- 36 4. ~~Package liquor stores.~~
- 37 5. ~~Cabinet or carpentry shop.~~
- 38 6. ~~Advertising services (sign shop).~~
- 39 7. ~~Laboratories, offices and other facilities.~~
- 40 8. ~~Medical Marijuana Testing Facility.~~
- 41 9. Tier 3 Commercial Uses in all other locations
- 42 10. Tier 1 or 2 Industrial Use if the scale and intensity can be demonstrated to be
- 43 compatible with surrounding uses
- 44 11. Medical Marijuana-Infused Products Facility
- 45 12. Multi-family up to 26 units per acre
- 46 13. Mixed-residential Use (more than two units per lot)
- 47 14. Any other use not listed in any district
- 48

49 The following minimum requirements for subdivision and building applies in the C-2,
 50 General Commercial District:

Minimum size of lot:

Area ~~6,000~~ 5,000 square feet

Lot frontage ~~60 feet at front lot line~~

Width ~~60~~ 50 feet at building line

Maximum percentage of lot that may be occupied by buildings:

All buildings ~~40~~ percent

Maximum height of buildings/structures

Four stories and sixty-four feet

Minimum setback dimensions

Front yard ~~10 feet measured from front lot line~~

Side yard ~~0 feet measured from side lot line; 20 feet adjacent to a residential district~~

Side yard – Corner lot 10 feet

Rear yard ~~10 feet measured from rear lot line; 20 feet adjacent to a residential district~~

1 Exceptions:

2 ~~Whenever any development in a C-2 general retail district is located adjacent to a~~
3 ~~residential, office, government or PUD zoning district, screening and buffer yard shall be~~
4 ~~provided in accordance with Section 42-231.~~

5

1 **DIVISION 10. "C 3" HIGHWAY COMMERCIAL DISTRICT**

2 **Sec. 42 192. Purpose of the Highway Commercial District.**

3 This District is intended for business uses which provide essential commercial services and
4 support activities of community and regional significance that require high visibility and
5 may have higher environmental impacts in terms of noise, dust, glare, etc. which may make
6 them incompatible with office or some retail uses. This District is also intended for
7 businesses that combine wholesale, retail, and light manufacturing (assembly) functions on
8 site. Merchandise may be displayed outside without screening. This District is also intended
9 to function as a transition between industrial development and strictly commercial
10 development.

11
12 **Sec. 42 192.1. Uses Permitted.**

- 13 1. Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts.
- 14 2. Agriculture implements sales and service, agri businesses.
- 15 3. Sexually oriented businesses, as defined in Chapter 29 of the Rolla City Code,
16 provided such uses are prohibited within the area circumscribed by a circle which
17 has a radius of seven hundred fifty (750) feet, as measured by a straight line drawn
18 from the lot line of any proposed sexually oriented business, to any residential
19 zoning district, school, park, or church.
- 20 4. Auction sales, flea markets and swap meets, permanent location; livestock sales
21 not permitted
- 22 5. Archery and firearms ranges, commercial.
- 23 6. Battery shops, sales and service.
- 24 7. Builder's supply and lumber yards.
- 25 8. Bus stations.
- 26 9. Bottling plants.
- 27 10. Carpet cleaning.
- 28 11. Contractor's equipment, sales and service
- 29 12. Commercial laundry, dry cleaning, linen and towel or diaper supply service
- 30 13. Crematoriums
- 31 14. Dairy supply dealers
- 32 15. Dry ice storage.
- 33 16. Engine and transmission repair and rebuilding.
- 34 17. Electrical equipment repairs, sales and parts distribution.
- 35 18. Feed stores, no manufacturing or grinding or mixing of feed.
- 36 19. Frozen food lockers.
- 37 20. Glass and mirror sales.
- 38 21. Landscape company, sales and service.
- 39 22. Magazine and newspaper, printing and distribution agency.
- 40 23. Road machinery, heavy equipment and tools, sales and rental service.
- 41 24. Storage warehouses and baggage transfers.
- 42 25. Tire repair and recapping
- 43 26. Tattoo and/or body piercing parlors, palm reading, and fortune telling
44 establishments.
- 45 27. Wholesale operations, sales office/warehouse combination.

46
47 **Sec. 42 192.2. Conditional Uses.**

48 In accordance with Division 16 of this Article and with the issuance of a Conditional Use
49 Permit, the following uses are permitted in the C 3 zoning district.

- 50 1. Advertising services
- 51 2. Bus terminals, maintenance shops

- 1 3.— Cabinet or carpentry shops
- 2 4.— Canvas goods shops, tents and awnings, manufacture, sales and rental
- 3 5.— Concrete batching or transit mix plant (temporary use only)
- 4 6.— Irrigation sales and services
- 5 7.— Laboratories, offices and other facilities for research, basic and applied
- 6 8.— Private utilities
- 7 9.— Produce markets, wholesale.
- 8 10.— Medical Marijuana-Infused Products Facility

9
10 **Sec. 42-192.3. Area Requirements.**

Minimum size of lot:

- Area 6,000 square feet
- Lot frontage 60 feet at front lot line
- Width 60 feet at building line

Maximum percentage of lot that may be occupied by buildings:

- All buildings 40 percent

Maximum height of buildings

- Four stories and sixty-four feet

Minimum setback dimensions

- Front yard 10 feet measured from front lot line
- Side yard 0 feet measured from side lot line
- Rear yard 10 feet measured from rear lot line

11
12 **Sec. 42-192.4. Buffer Yard Requirements.**

13 Whenever any development in a Highway Commercial District is located adjacent to a
14 residential, office, government, or PUD District, screening and buffer yard shall be provided
15 in accordance with Section 42-230 through Section 42-230.8. (Ord. 3414; Ord. 4414, §§7-8)

16
17

1 **Sec 42.223 C-C, Center-City Commercial District**

2 The CC District is intended to be a mixed-use district that accommodates a variety of
3 residential and commercial uses. It is intended to address the unique character of Rolla's
4 traditional Central Business District, an area that developed early in the City's history,
5 generally encompassing both sides of Rolla and Pine Streets between 6th and 12th Streets,
6 and does not display the features of modern suburban development. This district is
7 designed to support the transition that must occur if the CBD is to experience revitalization.

8 The following uses are permitted "by-right" in the C-C, Center-City Commercial District:

- 9 1. ~~Any use or conditional uses permitted in the foregoing G-1 and C-3 Districts, except~~
10 ~~trailers or mobile homes.~~
- 11 2. ~~Accessory structures and uses, in accordance with Section 42-204.~~
- 12 3. ~~Accessory residential uses, either to the rear or above the first floor of a building~~
13 ~~used for permitted business activities.~~
- 14 4. Medical Marijuana Dispensary Facility.
- 15 5. Churches and religious institutions
- 16 6. Tier 1 Commercial Use
- 17 7. Tier 2 Commercial Use
- 18 8. Tier 3 Commercial Use if conducted within a building
- 19 9. Townhouses
- 20 10. Detached Single-family Dwelling
- 21 11. Two-family (Duplex) Dwelling
- 22 12. Mixed-residential Use

23
24 The following uses are permitted with approval of a Conditional Use Permit in the C-C,
25 Center-City Commercial District:

- 26 1. All other Tier 3 Commercial Uses
- 27 2. Tier 1 Industrial Use if the scale and intensity can be demonstrated to be
28 compatible with surrounding uses
- 29 3. Multi-family
- 30 4. Fraternity/Sorority House
- 31 5. Temporary Use

32
33 The following minimum requirements for subdivision and building applies in the C-C,
34 Center-City Commercial District:

35 There are no lot size, building height, or lot coverage requirements.

36 Minimum size of lot: No minimum

37 Maximum number of occupants per dwelling unit:

38 Eight(8), except for incorporated fraternities, sororities, and clubs.

39 Lot frontage: No minimum 15 feet

40 Width: No minimum.

41 Maximum percentage of lot that may be occupied by building footprint: 100 percent.

42 Maximum height of buildings: No maximum

43 Minimum setback dimensions:

44 Building setback requirements:

45 Front yard: ~~None~~ No minimum setback; 10 feet maximum setback

46 Each side yard: ~~None~~ 0 feet

47 Side yard – Corner lot: 0 feet

48 Rear yard: ~~None~~ 0 feet; 20 feet if adjacent to an alley

49

50 Exceptions:

1 Minimum parking requirements: None for commercial uses, except for new construction
2 where sufficient land area exists to allow the provision of adequate parking consistent with
3 the requirements of this Article.
4

5 **Sec 42.231 M-1, Light Manufacturing District**

6 This District is intended to allow industrial operations and activities that do not create
7 applicable nuisances or hazards. Industrial operations and activities are permitted as long
8 as they do not have an adverse impact on neighboring properties resulting from dust,
9 fumes, noxious odors, glare, vibration, or other atmospheric influence. M-1 light
10 manufacturing activities are generally conducted inside a building, although related
11 outdoor storage and display is permitted.
12

- 13 1. All of the uses listed under Section 42-192.1, except for item "1".
- 14 2. Advertising services (sign shop)
- 15 3. Agri-businesses.
- 16 4. Asphalt storage.
- 17 5. Blacksmithing.
- 18 6. Broom manufacturing.
- 19 7. Builders supply, hardware and lumberyards.
- 20 8. Bus terminals, maintenance shops.
- 21 9. Cabinet or carpentry shops.
- 22 10. Candle manufacturing.
- 23 11. Canvas goods shops, tents and awnings, manufacture, sales and rental.
- 24 12. Carpet cleaning.
- 25 13. Child care centers.
- 26 14. Clothing, footwear, and leather goods manufacturing.
- 27 15. Cold storage plants.
- 28 16. Concrete batching or transit mix plant (temporary use only).
- 29 17. Construction materials manufacturing and storage.
- 30 18. Heavy machinery, including diesel engine, repairs.
- 31 19. Egg storage, candling or processing plants.
- 32 20. Electronic component manufacture and assembly.
- 33 21. Food products processing, storage, and distribution (except uses listed under the
34 M-2 District).
- 35 22. Freight terminals.
- 36 23. Furniture packing and crating.
- 37 24. Hatchery, fish or fowl.
- 38 25. Ice manufacturing.
- 39 26. Insulation applicator.
- 40 27. Irrigation sales and service.
- 41 28. Laboratories, offices and other facilities for research, basic and applied.
- 42 29. Livestock sales.
- 43 30. Lumber mills and storage.
- 44 31. Machine shops.
- 45 32. Mattress and bedding manufacturer and renovator.
- 46 33. Magazine and newspaper printing.
- 47 34. Monument manufacture.
- 48 35. Motor freight terminals and depots.
- 49 36. Oil well equipment service, supply and storage.
- 50 37. Pharmaceutical manufacture.
- 51 38. Paper products manufacturing.

- 1 39. Plastic processing and converting.
- 2 40. Prefabricated house manufacture.
- 3 41. Printing, publishing, book binding.
- 4 42. Private utilities.
- 5 43. Produce markets, wholesale.
- 6 44. Sash and door manufacturing.
- 7 45. Seed storage and warehousing.
- 8 46. Sheet metal workshops.
- 9 47. Spray painting.
- 10 48. Store and restaurant fixture manufacturing.
- 11 49. Storage of baling or rags.
- 12 50. Textile manufacturing.
- 13 51. Welding shops, industrial equipment and supply sales.
- 14 52. Wholesale operations, sales office/warehouse combination.
- 15 53. Accessory structures and uses, in accordance with Section 42-204.
- 16 54. Medical Marijuana Cultivation Facility.
- 17 55. Medical Marijuana Infused Products Facility.

18
19 Minimum size of lot: Area: 10,000 square feet.
20 Lot frontage: 100 feet at front lot line.
21 ~~Width: 100 feet at building line.~~
22 ~~Maximum percentage of lot that may be occupied by building: All buildings: 85 percent~~
23 ~~Maximum height of buildings: No maximum~~
24 ~~Minimum setback dimensions:~~
25 ~~Front yard: 35 feet measured from front lot line.~~
26 ~~Side yard: 10 feet measured from side lot line.~~
27 ~~Rear yard: 20 feet measured from rear lot line.~~

28
29 ~~Whenever any development in an M-1 light manufacturing district is located adjacent to a~~
30 ~~residential, office, government, commercial, or PUD zoning district, screening and buffer~~
31 ~~yard shall be provided in accordance with Section 42-231.~~

32
33 ~~Businesses located in the M-1 Light Industrial District shall meet the following~~
34 ~~environmental standards to remain conforming uses:~~
35 ~~1. The emission of smoke, gases, particulate matter shall comply with the standards~~
36 ~~contained in the Air Quality Standards and Air Pollution Control Regulations for~~
37 ~~outstate Missouri as published by the Missouri Air Conservation Commission.~~
38 ~~2. No hazardous waste, as defined and published in the list maintained by the~~
39 ~~Missouri Hazardous Waste Management Commission, shall be generated, unless~~
40 ~~such waste is limited to less than one hundred (100) kilograms of hazardous waste~~
41 ~~in one (1) calendar month. If the industry meets this small quantities test, it shall~~
42 ~~handle those wastes in a accordance with the published rules of the Missouri~~
43 ~~Hazardous Waste Management Commission.~~
44 ~~3. The noise level at any point along the property line shall not exceed standards~~
45 ~~established by the U.S. Department of Housing and Urban Development Noise~~
46 ~~Assessment Guidelines. Sound levels shall be measured with a sound level meter~~
47 ~~and associated octave band analyzer manufactured in compliance with standards~~
48 ~~prescribed by the American Standards Association.~~
49 ~~4. Certification shall be provided by the Fire Chief that all manufacturing, storage, and~~
50 ~~waste handling processes on the site shall meet the safety and environmental~~
51 ~~standards of the National Fire Code.~~

1 **Sec 42.224 M-1, Manufacturing District**

2 This District is intended for heavy industrial uses and other uses not otherwise provided for
3 in the light manufacturing district. The intensity of uses permitted in this District makes it
4 necessary to separate it from residential districts wherever possible with good accessibility
5 provided to rail and highways.

6
7 The following uses are permitted "by-right" in the M-1, Manufacturing District:

- 8 1. Any use permitted in the M-1 light manufacturing district.
- 9 2. Aluminum manufacture.
- 10 3. Asphalt manufacture or refining.
- 11 4. Blast furnaces.
- 12 5. Boiler making, repairing and boiler works.
- 13 6. Brick, tile, pottery or terra cotta manufacturing.
- 14 7. Canning or preserving manufacture.
- 15 8. Celluloid or similar cellulose material manufacture.
- 16 9. Cement, lime, gypsum or plaster manufacturing.
- 17 10. Central power or lighting plant.
- 18 11. Concrete products manufacturing.
- 19 12. Cooperage works.
- 20 13. Corrugated metal manufacture.
- 21 14. Cotton baling, compressing or ginning.
- 22 15. Cotton storage, open.
- 23 16. Cotton seed products manufacturing.
- 24 17. Curing, tanning or storage of hides.
- 25 18. Die casting manufacture.
- 26 19. Distillation of bones, coal or wood.
- 27 20. Dye stuff manufacture.
- 28 21. Electroplating.
- 29 22. Emery cloth and sandpaper manufacture.
- 30 23. Fat rendering.
- 31 24. Feed grinding and processing.
- 32 25. Fertilizer manufacture.
- 33 26. Flour mills.
- 34 27. Forge plants, foundry or smelter.
- 35 28. Galvanizing.
- 36 29. Glue or gelatin manufacture.
- 37 30. Match manufacture.
- 38 31. Milling, custom.
- 39 32. Oil cloth and linoleum manufacture.
- 40 33. Paint manufacture.
- 41 34. Paper and rag processing and storage.
- 42 35. Paving plants.
- 43 36. Railroad roundhouse, shops, and yards.
- 44 37. Refrigerator manufacture.
- 45 38. Rubber products manufacture or treatment.

- 1 39. Salt works.
- 2 40. Sand blasting.
- 3 41. Septic tank service.
- 4 42. Shoe polish manufacture.
- 5 43. Soap manufacture.
- 6 44. Soda and compound manufacture.
- 7 45. Steel fabrication plants.
- 8 46. Stone cutting.
- 9 47. Tank manufacture.
- 10 48. Tile roofing manufacture.
- 11 49. Wool pulling or scouring.
- 12 50. Yeast plants.
- 13 51. Medical Marijuana Cultivation Facility.
- 14 52. Medical Marijuana-Infused Products Facility.
- 15 53. Tier 1 Industrial Uses
- 16 54. Tier 2 Industrial Uses
- 17 55. Tier 3 Industrial Uses up to 5,000 square feet
- 18 56. Tier 1 Commercial Uses
- 19 57. Tier 2 Commercial Uses
- 20 58. Tier 3 Commercial Uses
- 21 59. Temporary Use

22

23 The following uses are permitted with approval of a Conditional Use Permit in the M-2,
 24 Heavy Manufacturing District:

- 25 1. Tier 3 Industrial Uses
- 26 2. Storage of dangerous, poisonous, explosive, or flammable materials
- 27 ~~1. Arsenals and munitions storage or manufacture.~~
- 28 ~~2. Manufacture and bulk storage of flammable liquids or gases for wholesale, subject~~
 29 ~~to the provisions of the National Fire Codes.~~
- 30 ~~3. Scrap or salvage yards, including automobile wrecking or salvage yards.~~
- 31 ~~4. Bleaching powder or chlorine manufacture.~~
- 32 ~~5. Hazardous chemical manufacture, creosote treatment or manufacture, disinfectant~~
 33 ~~and insecticide manufacture, poisonous gases, tar distillation, acid and ammonia~~
 34 ~~production.~~
- 35 ~~6. Coal yards, oil compounding, barreling or reclamation plants.~~
- 36 ~~7. Collection and transfer facilities for hazardous wastes, solid wastes that contain~~
 37 ~~hazardous substances from off-site sources and radioactive substances.~~
- 38 ~~8. Permanent storage or disposal of hazardous substances (as defined under the~~
 39 ~~Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30;~~
 40 ~~261.31; 261.32; 261.33), industrial and municipal sludge.~~
- 41 ~~9. Processing, reprocessing and storage of PCB containing oils.~~
- 42 ~~10. Quarries and mining operations.~~
- 43 ~~11. Landfill operations, including waste compacting and incineration.~~
- 44 ~~12. Mixing plant paving materials.~~
- 45 ~~13. Asphalt manufacture/refining.~~

46

47 The following minimum requirements for subdivision and building applies in the M-2,
 48 Heavy Manufacturing District:

Minimum size of lot:

Area	25,000 square feet
Lot frontage	100 <u>25</u> feet at front lot line
Width	100 feet at building line
Depth	250 feet from front lot of line

Maximum height of buildings/structures

No maximum

Minimum setback dimensions

Front yard	35 feet measured from front lot line
<u>Side yard</u>	<u>10 feet;</u> <u>20 feet when adjacent to any other non-residential district;</u> <u>100 feet when adjacent to any residential district</u>
<u>Side yard – Corner lot</u>	<u>25 feet</u>
Side/ rear yards	20 <u>10</u> feet from side / rear lot line; <u>20 feet when adjacent to any other non-residential district;</u> 100 feet if adjoining a residential zoning district

2 Exceptions:

3 ~~Whenever any development in an M-2 heavy manufacturing district is located adjacent to a~~
4 ~~residential, commercial, government, PUD, or M-1 zoning district, screening and buffer-~~
5 ~~yard shall be provided in accordance with Section 42-231.~~

6

7 **Sec 42.225 – 42.239 Reserved**

Section 240 Special Districts

Sec 42.240 Special Districts

The following districts are together known as the “special districts”. Wherever this chapter refers to a “special district”, the intent is to refer to all of these districts. The special districts are also included wherever this chapter refers to a “non-residential district.”

Sec 42.241 P, Public District

The Government and Institutional District is established to apply to those lands where federal, state, or local government activities are conducted and where the government holds title to such lands, and to major public educational, medical, and recreational facilities. The District is also intended to classify land that is vacant but has been designated for activities listed above in an adopted plan.

1. Governmental buildings and uses.
2. Hospitals and related buildings and uses, such as medical offices, clinics, etc.
3. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for sale or distribution, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to the public health and safety, due to their quantities or location, are used in the research operations.
4. Stadiums, auditoriums, arenas, convention and cultural centers owned by a governmental or quasi-governmental entity.
5. Public parks and recreation areas.
6. Athletic clubs, fitness centers and indoor sports facilities.
7. Cemeteries.
8. Art galleries, libraries and museums.
9. Colleges and universities, public schools—elementary and secondary.
10. Public service and public utility uses, including central power or lighting plant.
11. Accessory structures and uses, in accordance with Section 42-204.

Government and institutional buildings or uses in existence at the time the district is mapped shall be considered conforming uses.

Minimum size of lot:

Area: No maximum or minimum requirements.

Lot frontage: No minimum requirements.

Maximum lot coverage:

All buildings: Eighty (80) percent, not less than twenty (20) percent of the total lot area shall be devoted to open space, excluding parking lots or other paved areas and building sites.

Maximum height: No maximum or minimum requirements.

Minimum setbacks: None.

The P, Public District permits all governmental and public/semi-public uses. County, State, and Federal governments are exempt from zoning requirements. The P, Public District allows the governmental properties to be designated on the zoning map.

If a property is sold or otherwise transferred from a governmental entity or non-profit to a non-governmental entity, the property must be rezoned for any other use of the property to be permitted.

1
2 Prior to any development, redevelopment, or major expansions of any property owned by
3 the City of Rolla or Rolla Municipal Utilities of any property within the corporate limits of
4 the City of Rolla, the Planning and Zoning Commission shall be presented with a site plan.
5 The Commission may approve the plan, require specific changes to the plan, or may defer
6 approval to the City Council. The City Council may review any requirements made by the
7 Planning and Zoning Commission. Such property must be rezoned to the P, Public District if
8 the property is not already zoned P, Public. Notice to property owners within 300 feet of
9 the property to be developed must be mailed prior to the Planning and Zoning Commission
10 meeting.

11
12 Properties owned by other units of government are encouraged to participate in the site
13 plan review and rezoning process.

14
15 **Sec 42.242 U, University District**

16 The U, University District permits any use on property which is owned by the Curators of
17 the University of Missouri for the Missouri University of Science and Technology campus
18 and peripheral properties. The state government is exempt from zoning regulations. The U,
19 University District allows the university properties to be designated on the zoning map.

20
21 If a property is sold or otherwise transferred from the state government to a
22 nongovernmental entity, the property must be rezoned for any use of the property to be
23 considered to be permitted or conforming.

24
25 **Sec 42.243 – 42.249 Reserved**

26
27
28

Section 250 Overlay Districts

Sec 42.250 Overlay Districts

In order to allow for additional flexibility and/or control over development, overlay districts may be established to provide additional requirements in addition to the underlying zoning or allowances for additional uses not ordinarily permitted in the underlying zoning district. An overlay district does not replace the zoning.

Sec 42.251 Rolla Arts & Entertainment Overlay District

The purposes of the overlay District are to encourage the preservation, enhancement, expansion and integration of the arts and associated cultural activities, including arts-related support uses, within the area defined as the RA&ED. Additional purposes are to encourage a scale of development, a mixture of building uses, and other attributes, such as safe and attractive conditions for pedestrian and vehicular movement, all of which are consistent with the goals of the RA&ED Urban Conservation and Redevelopment District Plan. The overlay district is intended to expand business and job opportunities by helping Rolla become a destination point for visitors. Finally, this designation as an overlay district will strengthen the design character and identity of the district as a place devoted to promoting the arts and entertainment.

Development in the RA&ED shall be governed by the overlay district regulations and the underlying zoning regulations. Where there are conflicts between this Division and the underlying zoning, the more restrictive regulations shall govern. The requirements of this Division and the underlying zoning regulations shall apply to all new construction and to any renovation of, addition to, or repair of existing buildings in the RA&ED.

Words found in the text of this Division shall be interpreted in accordance with the provisions set forth in this section. Where words are not defined, the standard dictionary definition shall prevail. The following terms have the meanings indicated:

- **Antique Shop:** A place of business offering primarily antiques for sale or trade. An antique, for the purposes of this regulation, shall be an artistic work, piece of furniture, decorative object, or similar items, belonging to the past and at least thirty (30) years old.
- **Artist:** A person regularly engaged in and who derives a substantial portion (50 percent or more) of his/her annual income from art or creative work either written, composed, created, or executed for a one of a kind, limited production working in all forms and mediums exclusive of any piece or performance created or executed for industry oriented distribution (advertising) or related production. The title of "artist" shall include painters, sculptors, authors, actors, screenwriters, play rights, film makers, dancers, potters, weavers, jewelers, exhibitors, printers, costumers, musicians, and photographers.
- **Arts Center:** A structure or group of structures for housing the visual and/or performing arts.
- **Arts and Entertainment District:** A district of public and private uses that is distinguished by physical, historical and artistic resources that play a vital role in the cultural life and economic development of the community by contributing to the public through interpretive, educational, and recreational uses—excluding adult entertainment.

- 1 ● ~~**Artist Gallery:** An establishment engaged in the sale, loan or display of art, books,~~
2 ~~paintings, sculptures, or other works. An art gallery does not include libraries or~~
3 ~~museums.~~
- 4 ● ~~**Artist Live/Work Space:** A structure or any portion thereof containing an individual~~
5 ~~housing unit(s) of at least seven hundred and fifty (750) square feet in habitable~~
6 ~~area that is used by the occupant(s) for both residential use and artist studio space.~~
7 ~~A household residing in such a unit must include at least one (1) artist as defined~~
8 ~~herein. Retail sales of art produced on-site that does not take place more than~~
9 ~~twenty four (24) hours per week shall be permitted.~~
- 10 ● ~~**Artist Studio:** A structure or portion thereof designed to be used as a place of work~~
11 ~~by an artist(s) or craft person, including persons engaged in the application,~~
12 ~~teaching, or performance of artistic work.~~
- 13 ● ~~**Artistic Work:** The creation, production, rehearsal, or teaching of any visual art or~~
14 ~~craft, including but not limited to painting, drawing, graphic design, photography,~~
15 ~~video, film, sculpture, weaving, jewelry, and pottery; or written works of fiction or~~
16 ~~nonfiction; or of any performing art, whether live or recorded performances,~~
17 ~~including music, dance, and theatre.~~
- 18 ● ~~**Assembly Hall:** A building or portion of a building in which facilities are provided for~~
19 ~~civic, educational, political, religious, or social purposes.~~

20
21 Real property within the RA&ED shall continue to be subject to the use regulations of the
22 underlying zoning district in which it is located, except that certain uses, as outlined in
23 Section 42-199.3, shall be allowed in the RA&ED. Additional uses permitted in the RA&ED
24 include:

- 25 1. ~~Antique stores.~~
- 26 2. ~~Artist gallery.~~
- 27 3. ~~Artist live/work space.~~
- 28 4. ~~Artist studio.~~
- 29 5. ~~Art glass studio.~~
- 30 6. ~~Art supply store.~~
- 31 7. ~~Assembly hall.~~
- 32 8. ~~Bakery, limited to baking of food predominately sold in the City of Rolla/Phelps~~
33 ~~County.~~
- 34 9. ~~Barber or beauty shop, cosmetics store.~~
- 35 10. ~~Bed & breakfasts.~~
- 36 11. ~~Book and music stores.~~
- 37 12. ~~Café/restaurants (includes bars with food, live music and/or dancing; micro~~
38 ~~breweries; Wine bistro). Drive through facilities shall not be permitted.~~
- 39 13. ~~Coffee shops/tea room.~~
- 40 14. ~~Dance studio.~~
- 41 15. ~~Dressmaking or tailor shop.~~
- 42 16. ~~Garden — florist and plant stores.~~
- 43 17. ~~Gift/card shops, novelty and souvenir shop.~~
- 44 18. ~~Hand crafted home décor.~~
- 45 19. ~~Health food stores, exercise studio.~~
- 46 20. ~~Ice cream/candy shops.~~
- 47 21. ~~Import stores.~~
- 48 22. ~~Jewelry stores.~~
- 49 23. ~~Museum (historical).~~
- 50 24. ~~Pet store and grooming in a completely enclosed building.~~
- 51 25. ~~Photography studio and galleries, camera store.~~

1 ~~26. Tobacco, pipe, cigar and accessories store.~~

2 ~~27. Vintage clothing stores~~

3
4 ~~The review and approval of a site plan, as specified under Division 16, Conditional Use~~
5 ~~Permits, Section 42-234, shall be required for any new building construction or the~~
6 ~~renovation of or addition to any building where the total cost of renovation or addition~~
7 ~~shall exceed seventy five (75) percent of the building's current market value.~~

8
9 ~~Required parking spaces may be shared with other uses to meet all or a portion of the~~
10 ~~parking requirement for the uses on a lot, provided these spaces are located in the RA&ED~~
11 ~~or within two blocks of the district. The respective cooperating property owners shall~~
12 ~~execute an agreement that identifies the designated parking spaces and specifies the time~~
13 ~~of day when they shall be available. This agreement shall be filed with the Community~~
14 ~~Development Department.~~

15
16 ~~Only on-premise signs are permitted. Signs may be internally illuminated, but shall not use~~
17 ~~blinking, flashing, animated, or other illuminating devices which alters light intensity. No~~
18 ~~beacons or strobe lights shall be permitted.~~

19
20 ~~One (1) detached sign may be used by each premise containing a multi-family use with~~
21 ~~three (3) or more housing units, an artist's live/work space, or a permitted non-residential~~
22 ~~use. No detached sign shall exceed thirty five (35) square feet in effective area or be~~
23 ~~located five (5) feet above the ground area upon which the sign is located.~~

24
25 ~~One (1) attached flush-mounted wall sign may be used on each building. The sign shall not~~
26 ~~exceed twenty five (25) square feet in effective sign area.~~

27
28 ~~Waste cans, dumpster units, or other forms of litter control and refuse disposal devised~~
29 ~~shall be placed on the site in a location where they are least visible from a public right-of-~~
30 ~~way. Each litter control device shall be enclosed so that no part of the device shall be visible~~
31 ~~from public right-of-way or from adjoining properties.~~

32
33 ~~All property in the area shall continue to be zoned as shown on the Official Zoning Map~~
34 ~~until such time as the City Council shall vote to modify the Official Zoning Map pertaining to~~
35 ~~individual lots.~~

36
37 ~~Beginning at the center of the Burlington Northern Santa Fe Railroad tracks and the south~~
38 ~~right-of-way line of Seventh Street; thence in an easterly direction, to the southeast~~
39 ~~intersection of Seventh Street and Olive Street; thence in a northerly direction, to a point~~
40 ~~eighty feet north of the northeast intersection of Seventh Street and Olive Street; thence in~~
41 ~~an easterly direction, a distance of two hundred and twenty-eight feet to the west right-of-~~
42 ~~way line of Cedar Street; thence in a northerly direction, along the west right-of-way line of~~
43 ~~Cedar Street to the southwest intersection of Tenth Street and Cedar Street; thence in an~~
44 ~~easterly direction, along the south right-of-way line of Tenth Street to a point three~~
45 ~~hundred and five feet east of the intersection of Tenth Street and Cedar Street; thence in a~~
46 ~~southerly direction, one hundred and ninety-five feet; thence west two hundred and forty-~~
47 ~~four feet to the east right-of-way line of Cedar Street; thence in a southerly direction, to the~~
48 ~~southeast intersection of Cedar Street and Seventh Street; thence in an easterly direction,~~
49 ~~along the south right-of-way line of Seventh Street, to the southwest intersection of~~
50 ~~Seventh Street and Maple Street; thence in a southerly direction, along the west right-of-~~
51 ~~way line of Maple Street to the northwest intersection of Fifth Street and Maple Street;~~

1 thence in a westerly direction along the north right-of-way line of Fifth Street, to the center
2 of the Burlington Northern Santa Fe Railroad tracks; thence in a northeasterly direction,
3 along the center of the Burlington Northern Santa Fe Railroad tracks, to the southeast
4 intersection of Seventh Street, also being the point of beginning.

5

6 **Sec 42.251 Historic District Overlay**

7 Reserved

8

9 **Sec 42.252 Downtown District Overlay**

10 Reserved

11

12 **Sec 42.253 – 42.259 Reserved**

13

14

Section 260 Planned Unit Developments (PUD)

Sec 42.260 Planned Unit Development Overlay Districts (PUD)

- A. A PUD Overlay District is intended to serve as an alternative zoning to allow for more flexible, creative, or a mixture of uses that would otherwise be difficult or impossible with the zoning options offered in this chapter. A PUD Overlay District is specifically not intended to allow for the circumvention of zoning or land use requirements.
- B. The approval of a PUD District shall constitute an amendment to the zoning ordinance to add an overlay district concurrent with the underlying zoning. The PUD overlay supersedes the underlying zoning district use, other development requirements, and bulk standards as outlined in the approved site plan, conditions of approval, and PUD report. Such property shall for zoning purposes be identified as a PUD Overlay on the zoning map.
- C. The underlying zoning must be rezoned to the district that most closely matches the PUD Overlay District use areas indicated on the site plan. If not already properly zoned, the rezoning must occur concurrently with the PUD Overlay District approval ordinance.
- D. A PUD Overlay District, once approved, remains in effect for a period of ten (10) years unless specifically approved for a longer period or extended by the Planning and Zoning Commission before expiration.
- E. After the PUD Overlay District expires, the property reverts to underlying zoning. Any development is considered to be a conforming use, however, any subsequent development or redevelopment of the property must adhere to the standards of the applicable zoning district.
- F. No PUD Overlay District may be considered for a property less than two (2) acres in size.
- G. Approval of a PUD should promote the following goals:
1. Implementation of the Rolla Comprehensive Plan.
 2. Efficient use of land that will protect and preserve, where possible, natural features of the land such as mature trees, streams, and topographic features.
 3. Harmonious and coherent site and building design that create a sense of place.
 4. Direction of development to areas where existing public transportation facilities, utilities, and public services are adequate; provided that the applicant may make provision for such facilities or utilities which are not presently available.
- H. Review of a PUD Overlay District may consider the location of the property, scale of the development relative to the vicinity, mitigation measures, impacts to utilities and streets, and public safety. Conditions may be imposed to limit the allowed uses, limit building size, limit height, increase setbacks, impose landscaping and buffering, limit signage, limit density, address traffic concerns, require public improvements to mitigate impacts, require open space or existing features to be

1 preserved, and any condition necessary to mitigate impacts to surrounding
2 properties.

3
4 ~~The approval of a PUD District shall constitute an amendment to the zoning ordinance.~~
5 ~~Designation of a parcel as a PUD District shall supersede all existing and prior zoning~~
6 ~~classifications and requirements. Requirements, such as density, bulk, spacing and use~~
7 ~~regulations, may vary from, and be more or less restrictive, than the prior zoning~~
8 ~~classification. Such property shall for zoning purposes be identified as a PUD on the zoning~~
9 ~~map.~~

10
11 ~~The procedures and standards herein established are intended to replace protections for~~
12 ~~substantive regulations in recognition that traditional density, bulk, spacing and use~~
13 ~~regulations, which may be useful in protecting developed areas, may impose inappropriate~~
14 ~~and unduly rigid restrictions on the development or redevelopment of parcels which lend~~
15 ~~themselves to an individual, planned approach. Approval of a PUD should promote the~~
16 ~~following goals:~~

- 17 ~~5.— Implementation of the Rolla Comprehensive Plan.~~
- 18 ~~6.— Efficient use of land that will protect and preserve, where possible, natural features~~
19 ~~of the land such as mature trees, streams, and topographic features.~~
- 20 ~~7.— Harmonious and coherent site and building design that create a sense of place.~~
- 21 ~~8.— Direction of development to areas where existing public transportation facilities,~~
22 ~~utilities, and public services are adequate; provided that the applicant may make~~
23 ~~provision for such facilities or utilities which are not presently available.~~

24
25 ~~The Development Plan and application shall specify for the entire project and/or for sub-~~
26 ~~areas within a project, those permitted primary and accessory uses and development~~
27 ~~densities. The City Council may include or exclude uses or attach conditions to achieve the~~
28 ~~intent of these regulations. The Council may consider land use compatibility and~~
29 ~~relationships between uses in the project area, outside the project area in relation to the~~
30 ~~PUD District, and the appropriateness of permitted uses given their impact on the entire~~
31 ~~community.~~

32
33 ~~The suitability of each tract considered for PUD District designation shall be determined in~~
34 ~~accordance with the Comprehensive Plan and designed to lessen congestion in the streets,~~
35 ~~to secure safety from fire, panic, and other dangers, to promote health and the general~~
36 ~~welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid~~
37 ~~undue concentration of population, to preserve features of historical significance, to~~
38 ~~facilitate the adequate provision of transportation, water and sewerage service, schools,~~
39 ~~parks, and other public requirements, and with a reasonable consideration being given to~~
40 ~~among other things, the character of the district and its peculiar suitability for particular~~
41 ~~uses and with a view to conserving the land throughout the City.~~

42
43 **Sec 42.261 – 42.299 Reserved**

1 **Section 300 General Provisions**

2
3 **Sec 42.300 General Provisions**

4 The following sections provide regulations for a variety of general land use issues.

5
6 **Sec 42.301 – 42.309 Reserved**

7
8 **Section 310 Parking**

9
10 **Sec 42.310 Parking**

11 ~~In all zoning districts off-street~~ parking facilities shall be provided for the temporary storage
12 or parking of motor vehicles for the use of occupants employees and patrons of buildings
13 and/or properties according to this chapter ~~or structures constructed after the effective~~
14 ~~date of this Ordinance.~~ No zoning inspections for business licenses shall be approved by the
15 Community Development Department, nor shall any sign permits be issued, nor shall the
16 approval of a final building inspection be given until the required parking is installed.

17
18 A "parking space" shall mean:

- 19 1. a space of a minimum of 162 ~~approximately two hundred (200)~~ square feet; and
20 having a minimum width of 9 feet, exclusive of drives or aisles giving access
21 thereto, accessible to streets or alleys or aisles leading to streets or alleys and to be
22 usable for the storage or parking of motor vehicles whenever such parking space is
23 not marked or delineated;
- 24 2. A space within a garage or carport a minimum area of 162 square feet and a
25 minimum width of 9 feet; or
- 26 3. An area marked or delineated for the parking of vehicles.

27
28 Truck loading and unloading space as may be required by ordinance shall not be construed
29 as supplying required off-street parking space.

30
31 When a determination of the number of parking spaces required by this Division results in a
32 fractional space, the fraction shall be rounded up to counted as one (1) parking space for all
33 non-residential uses. For residential uses, a fraction of less than 0.5 spaces may be rounded
34 down.

35
36 ~~The parking spaces required of two (2) or more uses located on the same lot may be~~
37 ~~combined and used together, however the aggregate number of off-street parking spaces~~
38 ~~required for all such uses shall be provided.~~

39
40 The required number of parking spaces may be computed in the following methods, as
41 specified in this sections:

- 42 1. Floor Area: ~~In the case of offices, merchandising or service types of uses shall mean~~
43 ~~the gross floor~~ area used or intended to be used for a service to the public as
44 customers, patrons, clients or patients, or as tenants, including areas occupied by
45 fixtures and equipment used for display or sale of merchandise, for show windows,
46 or for offices incidental to the management or maintenance of stores or buildings.
47 Floors or parts of floors used principally for toilet or rest rooms or for utilities, or
48 for fitting rooms, dressing and alterations rooms, restaurant/retail back offices,
49 halls, storage rooms, file rooms, stairways, elevators shall be excluded.
- 50 2. Hospital Beds: In hospitals, bassinets shall not be counted as beds.

3. Seating Space: In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) lineal inches of such seating facilities shall be counted as one seat for the purpose of determining requirements hereunder.
4. Number of Employees: The number of employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

The exceptions to and the applicability of parking regulations and standards is as follows:

1. Unless otherwise exempt, new buildings and land uses shall conform to all current parking regulations and standards.
2. ~~A zoning inspection for a business license that results in a change of use (as listed in the permitted/conditional use lists of each district, not as described in building codes), increase of intensity of use, or the establishment of a new use shall only be approved if, in addition to the use regulations being met, the current parking regulations and standards are met.~~
3. ~~However, lots with buildings that have existed for at least five years (determined by final inspection date or County Assessor information) Any property with an existing building shall~~ may not be required to increase the number of parking spaces in the event of a change in use if that such requests may induce if the lot or parcel is fully built-out with parking (i.e. cannot construct more parking cannot be constructed without reducing the its building footprint or required landscaping, or otherwise feasibly be installed.
4. ~~Requests for additions and expansions to existing structures or uses and for the construction or placement of new primary and accessory buildings shall not be permitted if the lot on which such buildings exist are not able to accommodate the increased parking requirements that are induced by such requests cannot be provided. If the lot or parcel is not fully built-out with parking, it must come into conformance with parking regulations and standards before building permits for such additions are finalized.~~
5. A temporary seasonal use, such as snow cone stands and fireworks stands shall not be required to provide additional parking spaces to the parking spaces that are already located on the parcel on which it would be located where such property has a minimum of five (5) existing parking spaces, if that lot is fully built-out with parking.

Sec 42.311 Cooperative Parking Plan

A Cooperative Parking Plan may be approved by the City to allow more flexibility in the provision of required parking facilities. ~~In this instance, not more than fifty (50) percent of the off-street parking spaces required for a use or structure may be located on another site or lot.~~ A Cooperative Parking Plan shall only be approved when the schedules of operation of all uses subject to the Plan are sufficiently staggered such that they are not normally open, used, or operated during the primary operating hours of the other uses. ~~The use of shared parking shall not be a matter of right, it being intended that the City shall have discretion to approve a Cooperative Parking Plan based on the review of plans and other information submitted by the applicant subject to the requirements for off-street parking in this Division.~~

The owners of the entire land area to be included in the Plan shall file an application for a Cooperative Parking Plan with the Community Development Director. The application shall include plans showing the location of the use, buildings, or structures for which shared off-

1 street parking spaces are to be provided, the location and layout of the parking area, and a
2 parking demand schedule. A parking demand schedule shall include:

- 3 1. The hours of operation of each building, structure, or use which is to be party to
4 the Cooperative Parking Plan, and
- 5 2. The projected parking demand for each building, structure, or use during each hour
6 of the day for a typical week. Hourly parking demand may be averaged for week
7 days, but shall be separately stated for Saturday and Sunday.

8
9 Cooperative Parking Plans may be amended or withdrawn, pursuant to the process for the
10 initial approval, provided that all parties to the Cooperative Parking Plan consent and that
11 the parking regulations of this Division are substantially satisfied.

12
13 ~~Except for parking facilities that have been approved through cooperative parking plans,~~
14 ~~parking spaces and driveways shall be fully contained on the same premises as the building~~
15 ~~or land use it is required to serve. Shared driveways and other types of driveways may be~~
16 ~~used if each lot using another lot for access has been issued the appropriate access~~
17 ~~easement(s) that allow them to cross another's property.~~

18 19 **Sec 42.312 Required Parking Spaces**

20 1. Residential and Lodging Uses:

- 21 ~~1. Single family attached and detached, two family, manufactured homes~~
22 ~~where permitted: All Residential Uses: 0.66 parking spaces for each~~
23 ~~bedroom with a minimum of two parking spaces for a two bedroom units~~
24 ~~and above. Actual parking spaces will be rounded up over .5 spaces and~~
25 ~~rounded down under .5 spaces.~~
- 26 2. **Multi family dwellings:** 0.66 spaces for each bedroom with a minimum of
27 two parking spaces for two bedroom units and above. Actual parking
28 spaces will be rounded up over .5 spaces and rounded down under .5
29 spaces.
- 30 ~~3. Boarding/rooming and lodging houses: One (1) for each lodging room.~~
- 31 4. **Dormitories fraternities, single student housing, and sororities:** Two (2)
32 for each three (3) occupants based on the capacity of the building plus any
33 additional parking required for public assembly requirements of this
34 Section.
- 35 5. **Hotels and motels:** One (1) for each sleeping room, plus any spaces
36 required for accessory uses such as restaurants, cocktail lounges, meeting
37 rooms, etc.

38 39 2. Business and Commercial Uses:

- 40 1. **Restaurants:** One (1) for each three (3) seats provided for patrons use for
41 restaurants, including night clubs, bars, lunch counters, diners and all other
42 similar dining or drinking establishments ~~with no pick-up or drive thru~~
43 ~~service. Restaurants with only pick up service or drive in facilities, including~~
44 ~~seasonal shaved ice or ice cream stands, shall provide at least one off-~~
45 ~~street parking space for every 75 square one hundred (100) feet of gross~~
46 ~~floor area and outdoor dining area, and in no case less than six (6) off-~~
47 ~~street parking spaces.~~
- 48 2. **Business or professional offices:** One (1) for each two hundred (200)
49 square feet of total building floor area used or intended to be used for
50 service to the public or as workspace for employees

- 1 3. **Retail, Service, or mercantile establishments:** One (1) off-street parking
2 space for each ~~200 one hundred fifty (150)~~ square feet of gross floor area
3 used or intended to be used for service to the public as customers, patrons
4 and clients
- 5 4. **Retail establishments over 80,000 square feet:** One (1) for each three
6 hundred (300) square feet of total building floor area, excluding on-site
7 warehouse space not used for the display of goods for sale.
- 8 5. **Other commercial use not classified:** One per 300 square feet of floor area
9 used for services to the public and workspace for employees.

10
11 3. Industrial and Warehouse Uses:

- 12 1. ~~Manufacturing uses:~~ Two (2) for each three (3) employees.
- 13 2. ~~Cartage, Terminal, and express facilities:~~ Two (2) for each three (3)
14 employees, exclusive of any areas used for parking vehicles used for the
15 business plus one (1) for each vehicle kept on the premises.
- 16 3. ~~Terminal facilities:~~ Two (2) for each three (3) employees, plus one (1) for
17 each truck or semi-trailer kept on the premises.
- 18 4. ~~Warehouse facilities:~~ One (1) for each employee, plus one (1) for each
19 vehicle kept on the premises.
- 20 5. 1 space per employee during the shift with the greatest number of
21 employees, exclusive of any space used for the parking of vehicles used for
22 the business. Retail areas or other uses open to the general public require
23 additional parking based on that use.

24
25 4. Schools, Institutions and Places of Public Assembly:

- 26 1. **Places of public assembly:** One (1) for each four (4) seats or fifty (50)
27 square feet of building space used or intended to be used for assembly by
28 the public, whichever is greatest. Public assembly includes dance areas,
29 theaters, banquet halls, churches, auditoriums, stadiums, ect.
- 30 2. **Convention/Exhibition Halls:** One for each 100 square feet of building
31 space used for exhibition or conventions.
- 32 3. **Indoor Recreation Tennis, health clubs, racquetball clubs:** One (1) for each
33 two hundred fifty (250) square feet of floor area.
- 34 4. **Outdoor Recreation:** (Such as courts, fields, etc.) One per each position or
35 team member depending on customary use, plus any spaces required for
36 any on-site assembly, dining, or retail areas.
- 37 5. **Private schools:** One (1) for each eight students, plus one (1) for each
38 employee.
- 39 6. **Hospitals:** One (1) for each bed for inpatient care facilities and one (1) for
40 each two hundred fifty (250) square feet of total building floor area.
- 41 7. **Day care centers and nursery schools:** One (1) for each employee and one
42 (1) for each five (5) children.
- 43 8. **Nursing homes and similar facilities:** One (1) for each three beds plus one
44 (1) for each two (2) employees.

45
46 Exceptions and reductions from the required parking:

- 47 1. Large uses: The required parking may be reduced by 10% for uses which
48 require more than 100 parking spaces.
- 49 2. Shared parking: The required parking may be reduced by up to 10% for
50 shared parking areas if a shared parking agreement and/or cross access
51 easements are executed.

3. Motorcycle/scooter parking: A minimum of two spaces and up to 10% of all vehicle parking spaces may be converted into motorcycle/scooter parking.
4. Electric vehicle charging: Electric vehicle charging spaces count towards the minimum parking requirements.
5. An approved Cooperative Parking Plan reduces the required amount of parking for the duration of the plan being in effect.
6. Approval of a PUD, variance, or CUP may reduce the required parking if the reduction is specifically approved.
7. No minimum parking requirements apply to commercial properties located in the C-C, Center City district. Parking for residential uses may be reduced by providing parking off-site, providing parking passes for residents, paying an impact fee for parking (if established), or by providing bicycle parking as specified in this section.
8. Tandem Parking: The Community Development Director may approve tandem parking for certain commercial uses, two or more bedroom residential units, or fraternities/sorority houses.

Sec 42.313 General Requirements

~~Except for accepted gravel, driving surfaces in the Rural Residential District, every required parking and/or driving surface area shall be paved with an all-weather surface. Such requirement shall only apply to areas used for parking or on-site traffic circulation.~~

Areas used for storage, overflow parking areas, and access for uses which do not generate traffic such as telecommunications towers may use a gravel surface, if approved by the City Engineer.

A gravel surface may be approved for single-family uses by the City Engineer in locations where stormwater drainage will not wash the gravel, provided that the portions of the driveway within 50 feet of the right-of-way line is paved.

All vehicles or trailers, etc. may only be parked or stored on an approved surface in a front yard. Continued parking or storage of vehicles on a grass, dirt, or other unapproved surface is a zoning violation.

Pavement may include concrete, asphalt, chip and seal, engineered permeable pavement, or paver bricks.

~~The exits and entrances shall be approved by the City Engineer. Driving surfaces shall be constructed to meet the requirements of existing or developed soil conditions of the site. These areas shall be constructed with a crushed stone base course and an asphaltic concrete wearing surface. Both courses must be compacted to a density of not less than ninety-five percent of the standard compacting test. In lieu thereof, the parking and/or driving surface area may be constructed of a Portland concrete wearing course. As a minimum, the pavements shall meet the requirements of cul-de-sac as outlined in the current City design standard manual. The developer shall be responsible for determining any site soil conditions and the selection of the pavement used.~~

~~If weather conditions limit the completion of the parking lot at the time of the issuance of a certificate of occupancy, the owner may, with the approval of the City Engineer, post a performance bond with the City to guarantee the completion of this work.~~

1 ~~Any lights used to illuminate parking areas shall be so arranged and hooded as to confine all~~
2 ~~direct light rays entirely within the boundary lines of the parking area.~~

3
4 Delineated parking spaces must conform to the following dimensional requirements:

- 5 1. Parking spaces generally must be a minimum of 9 feet in width and 18 feet in
6 length
- 7 2. Designated "Compact Only" parking spaces may be reduced in width to 8 feet and
8 length to 16 feet
- 9 3. Designated parking compliant with the Americans with Disabilities Act may use the
10 width and length dimensions as specified in those regulations
- 11 4. Designated parking for motorcycles/scooters must be a minimum of 4.5 feet in
12 width and 8 feet in length

13
14 Parking designated for compact vehicles must have signage to designate them for compact
15 vehicles and must be grouped together and located as close to the main entryway as
16 possible. Compact parking is not intended to be used to fill in excess areas within a parking
17 lot. A maximum of 10% of the total provided parking may be designated for compact
18 vehicles.

19
20 All required parking must be demarcated by paint, change in pavement material or color,
21 delineators, or some other means which clearly defines the area of each parking space.
22 Storage, display, and overflow parking areas are not required to be demarcated.

23
24 All required parking must be located on the property for which the parking is required, or
25 may be located on property which is adjacent, across the street, or within 200 feet of the
26 subject property, provided that off-site parking areas are zoned for non-residential uses.

27
28 Parking which is compliant with the Americans with Disabilities Act (ADA) or related
29 guidance from the Department of Justice must be provided. For convenience, the
30 requirements for the number of required spaces at the time of the adoption of these
31 zoning regulations is provided below:

<u>Total Number of Parking Spaces in Parking Facility (Lot or Garage)</u>	<u>Minimum Total Number of Accessible Parking Spaces Required</u>	<u>Minimum Number of Van Accessible Sparking Spaces</u>
<u>1 - 25</u>	<u>1</u>	<u>1</u>
<u>26 - 50</u>	<u>2</u>	<u>1</u>
<u>51 - 75</u>	<u>3</u>	<u>1</u>
<u>76 - 100</u>	<u>4</u>	<u>1</u>
<u>101 - 150</u>	<u>5</u>	<u>1</u>
<u>151 - 200</u>	<u>6</u>	<u>1</u>
<u>201 - 300</u>	<u>7</u>	<u>2</u>
<u>301 - 400</u>	<u>8</u>	<u>2</u>
<u>401 - 500</u>	<u>9</u>	<u>2</u>
<u>501 - 1000</u>	<u>2% of total</u>	<u>1 of every 6 required ADA spaces</u>
<u>1001 and over</u>	<u>20, plus 1 for each 100, or fraction thereof, over 1000</u>	<u>1 of every 6 required ADA spaces</u>

1
2 ADA compliant parking must be designated with signage, per the ADA requirements.

3
4 Overflow parking may be permitted for certain uses and for temporary events.

- 5 1. Permanent gravel overflow parking lots may be established for uses such as
6 churches or event centers which would utilize the overflow area not more than an
7 average of once per week each month. Overflow parking lots must use a dustless
8 gravel to reduce impacts to surrounding properties. Overflow parking is not
9 permitted as a primary use on a property.
- 10 2. Temporary grass overflow parking may be used for temporary events such as a
11 festival or concert which may occur not more than four consecutive days once per
12 month or 10 consecutive days once per year.

13
14 Loading docks are not permitted to be arranged in such a way that the utilization of the
15 docks would block any sidewalks, alleyways, or streets.

16
17 **Sec 42.314 Bicycle Parking**

18 Bicycle parking is encouraged for all uses. Bicycle parking is required for certain uses.
19 Where required bicycle parking is provided, the parking must meet the following
20 requirements.

21
22 Required. Bicycle parking is required for all multi-family residential uses and commercial
23 uses located in the C-C, Center City district; R-4, Urban district; and U-R, Urban Residential
24 district.

25
26 Number. A minimum of 0.5 bicycle parking spaces must be provided for each residential
27 unit. A minimum of two bicycle parking spaces must be provided for each business space,
28 except office uses or uses which do not offer any services to the public.

29
30 Additional bicycle parking. Any additional bicycle parking in excess of the required amount
31 may be used one for one to reduce the required amount of vehicle parking by up to 50%.

32
33 Location. Bicycle parking spaces may be installed in the right-of-way adjacent to the
34 property for commercial uses. Bicycle parking for residential uses must be located inside of
35 under a roof. On ground-level residential units or units on floors served by an elevator,
36 bicycle storage may be located inside the unit. Where bicycle parking is provided in a
37 parking garage, such parking may only be located on the ground level.

38
39 Type. The 'Inverted U' type bicycle rack is required for all commercial uses. Residential uses
40 may use the 'Inverted U' type rack for common storage, may use non-traditional locations
41 capable of locking a bike by the frame such as railings as approved by the Community
42 Development Director, or a wall hanger for storage inside a unit.

43
44 **Sec 42.315 – 42.319 Reserved**

45

Section 320 Projections, Encroachments, Obstructions, and Fencing

Sec 42.320 Projections, Encroachments, Obstructions, and Fencing

In addition to the area requirements set out before, the following open space and yard regulations shall also apply:

The following exceptions to the minimum setback, lot width, and maximum height limits found elsewhere in this code may be applied.

All property shall have a front yard not less than prescribed by this Article, except for the following instances:

- ~~1. Meets the criteria described in Subsection 42-210.4(a)~~
- ~~2. If permitted by a variance, special exception, or an approved Planned Unit Development~~
- ~~3. Where an irregular shaped lot has more area than required for its particular district, lot width may be computed including the most usable portion satisfying the minimum area requirements.~~
- ~~4. Where a residential building is located in a commercial district, the setback required in the residential district shall apply.~~

~~The required side yard for a corner lot shall be one-half of the required front yard setback for that particular lot or a minimum of ten feet, whichever is larger. This provision shall apply only to the side yard adjoining a street.~~

~~Except as specified in this Section, all yards required by this Article shall be open and unobstructed to the sky.~~

- ~~1. Where compliance with the yard regulations cannot reasonably be accomplished because of irregular shaped lots or hillside lots; the Board of Adjustment may modify such regulations through approval of a variance.~~
- ~~2. Where an irregular shaped lot has more area than required for its particular district, lot width may be computed at the most usable portion of the lot.~~

Sec 42.321 Projections

The following projections may be located in a required yard, but are not permitted to project across a property line:

- ~~1. Cornices, eaves, gutters, belt courses, sills, and other similar architectural features, may shall not extend project into a required side yard by no more than two feet and may shall not extend project into a required front or rear yard by up to more than three feet;~~
- ~~2. Awnings, arcades, canopies, marquees, and galleries are permitted to encroach into the right-of-way by up to ten feet and not less than the sidewalk to within two feet from of the curb, in the C-C Center City district but must clear the sidewalk vertically by at least eight feet. Such awnings, etc. must provide for a minimum clearance of seven feet above any pedestrian way. Awnings may project up to five feet into any required yard, provided that they are set back a minimum of one foot from any property line.~~

1 **Sec 42.322 Encroachments**

- 2 1. Open (i.e. no roofs or cover) fire escapes and open stairways required for
3 emergency egress not associated with a porch shall may be permitted to extend
4 into a required rear or side yard by up to five feet no more than 50% of the
5 required yard's depth (open stairways associated with a porch or balcony will be
6 considered part of the porch) and
- 7 2. Open handicapped ramps are not subject to any setback requirements permitted in
8 100% of all yards.
- 9 3. In residential districts R-1 and R-R, bay windows and unenclosed balconies,
10 porches, stoops, terraces, and their eaves may encroach shall be permitted to
11 extend into the required setbacks by up to five feet and not more than five feet
12 from a property line front yard or into the required street side side yard of a corner
13 lot by no more than 50% of the yard's depth.
- 14 4. In any residential district that is not R-R or R-1, bay windows and unenclosed
15 balconies, porches, stoops, terraces, and their eaves shall be permitted to extend
16 into the required front yard or into the required street side side yard of a corner lot
17 by no more than 80% of the yard's depth, but no such projection shall be closer
18 than five feet to the front lot line of an interior lot and closer than ten feet to the
19 street side side lot line or front lot line of a corner lot. In addition, all components
20 of such a structure or projection shall be contained within the lot.
- 21 5. A porte-cochere may be permitted to encroach in the front or corner lot side
22 setback to the right-of-way.
- 23 6. If porches, steps, platforms, carports, landing places, and other similar projections
24 extend into minimum required yards, they shall not be enclosed or temporarily
25 enclosed nor shall the open sides be blocked by such contraptions as shades.
- 26 7. ~~Any fence, hedge, statuary, arbors, or trellises in the front yard shall comply with~~
27 ~~the provisions of Section 42-211.1.~~
- 28 8. ~~If a chimney is set back from any side lot line by at least three feet, chimneys may~~
29 ~~project up to thirty inches or less into any yard.~~
- 30 9. ~~Flag poles and light poles are not subject to front yard setbacks.~~
- 31 10. ~~Signs, as permitted in this Article.~~
- 32 11. ~~If an open carport is at least ten feet from the rear or front lot line and three feet~~
33 ~~from all side lot lines, a carport that does not extend above the first floor of the~~
34 ~~building is permitted to extend up to ten feet into any yard. This provision does not~~
35 ~~apply to closed carports. A carport which is designed with no walls all sides may be~~
36 ~~permitted with a minimum ten foot setback along any street frontage and a~~
37 ~~minimum three foot setback along all other property lines.~~
- 38 12. A child's playhouse, recreational equipment, and clotheslines are not subject to
39 side and rear yard setbacks.

40
41 **Sec 42.323 Obstructions**

42 The following Section is intended to establish regulations governing the placement of
43 natural or man-made obstructions to vision.

- 44
45 1. ~~On any lot where a front yard is required or corner lot,~~ no building, wall, parking
46 space, fence or other structure shall be constructed and no hedge, tree, shrub, or
47 other growth or object of any kind shall be maintained in such location within the
48 yard so as to obstruct the view of pedestrians and motorists, ~~as determined by the~~
49 ~~City Engineer.~~
- 50 2. A clear sight triangle of a minimum of 25 feet is required at all local street
51 intersections and at all driveways.

- 1 3. A clear sight triangle is determined by the City Engineer at all other street
2 intersections.
- 3 4. The City Engineer may determine that additional clear sight triangle distance is
4 needed at any location.

6 **Sec 42.324 Setback Exceptions**

7 A setback of 20 feet is required for the rear yard in all residential districts along any arterial
8 street.

9
10 ~~Where buildings exist on adjacent lots (lots that are near, but not necessarily abutting) that~~
11 ~~front the same street as an empty lot, the required front or street side setback for new~~
12 ~~buildings on the empty lot may be reduced to align with the frontages of the other adjacent~~
13 ~~existing buildings rather than the provisions of this Article. However, in the usage of this~~
14 ~~provision, no front or street-side side setback shall be reduced to less than five feet for~~
15 ~~interior lots and less than ten feet for corner lots. If the required setback is reduced in this~~
16 ~~manner, the structure will be considered to be conforming to the setback provisions of this~~
17 ~~chapter article and will not be given the status of a nonconforming structure.~~

18 19 **Sec 42.325 Fences, Walls, and Hedges**

- 20 1. ~~Open~~ fences not exceeding fifty (50) percent screening and four (4) feet in height
21 ~~above yard grade shall be~~ are permitted within all setbacks.
- 22 2. Hedges, shrubbery, flowers or other similar vegetation planted to form a
23 continuous line of growth shall not exceed a height of four (4) feet when located
24 within the clear sight triangle for street intersections or driveways.
- 25 3. Fences not exceeding seven (7) feet in height ~~and which comply with the provisions~~
26 ~~of this Article are~~ permitted within the side and rear yard setbacks. Such fences are
27 also permitted along the side yard adjacent to a street of a corner lot. Where such
28 fence is located within a rear yard setback and adjacent to a collector or arterial
29 road, the fence must be set back a minimum of two feet from the property line to
30 allow for landscaping, if desired.
- 31 4. Fences are permitted to be located within utility easements, however, such fences
32 may be removed to allow access to the easement. Removed fences may be
33 replaced at the property owners' expense.
- 34 5. A building permit is required for fences over seven (7) feet in height. Fences over
35 seven (7) feet in height may be permitted outside the applicable zoning setbacks.
- 36 6. A removable retaining wall which is four (4) in height or less may be permitted
37 within any setback or utility easement.
- 38 7. Retaining walls over four (4) feet in height and less than ten (10) feet in height may
39 be permitted within a side or rear yard setback. Such walls are not permitted within
40 any easements. A building permit is required for such walls.
- 41 8. Retaining walls over ten (10) feet in height are not permitted along a property
42 frontage. Grade changes over ten feet may be accomplished through separate
43 retaining walls with a minimum five foot landscaped area between the walls. Such
44 landscaping must include hedges and/or shrubs planted to create a spacing of not
45 more than three feet at maturity. The Community Development Director may
46 approve a wall that is designed to have the landscaping incorporated with the wall.
- 47 9. Property owners may not use the following materials for fencing:
 - 48 1. Cast-off, secondhand, or other items not originally intended to be used for
49 constructing or maintaining a fence;

- 1 2. Plywood less than five-eighth (5/8) inches thick and/or plywood not of a
2 grade approved for exterior use, particle board, paper, visqueen plastic,
3 plastic tarp, or sheet metal;
4 3. Electrified fencing, barbed wire, razor wire, and other similar fencing
5 materials capable of inflicting significant physical injury ~~shall be prohibited,~~
6 unless used in an ~~R-R (Rural Residential District),~~ commercial or
7 manufacturing zoning district for security fencing or property containing
8 livestock if approved for use by the Community Development Director
9 Codes Administrator.
- 10 10. All wooden fencing shall be installed finished-side facing out to any adjoining lot or
11 street.
- 12 ~~11. No provision of this Article shall be construed as granting a right for a property~~
13 ~~owner to erect a fence or wall on a public easement for any purpose.~~
- 14 ~~12. Maximum fence height in areas zoned for residential use or in the C-O (Office~~
15 ~~District) and C-1 (Neighborhood Business District) shall be limited to seven (7) feet,~~
16 ~~except as provided in Section 42-211.1.~~
- 17 ~~13. Maximum fence height in areas zoned C-2 (General Retail District) and CC (Center~~
18 ~~City District) shall be limited to eight (8) feet, except as provided in Section 42-~~
19 ~~211.1.~~
- 20 14. In areas zoned C-3 (Highway Commercial District), M-1 (Light Manufacturing
21 District), or M-2 (Heavy Manufacturing District), fence height shall be limited to
22 fourteen (14) feet in height, except as provided in Section 42-211.1, when such
23 fencing is immediately adjacent to property zoned for residential use or where the
24 fence height and location would adversely affect sight distance at
25 intersections. Commercial and/or Industrial buildings must be at least fifty
26 thousand square feet (50,000 sq. ft.) in area to qualify for the fourteen (14) foot
27 fence.
- 28 1. Any fence over ten (10) feet in height and over fifty (50%) screening must
29 submit engineered plans.
- 30 2. Minimum lot size shall be at least two acres.

31
32 **Sec 42.325 – 42.329 Reserved**
33
34

Section 330 Landscaping, Screening, and Buffer yards

Sec 42.330 Landscaping, Screening, and Buffer yards

To encourage the most appropriate land use and protect the privacy and property values of adjacent permitted uses, regulations are prescribed herein for the location and type of various screening devices to be used when required by this Division.

These regulations provide standards and criteria for landscaping in all new construction projects which are intended to enhance the value of property, provide buffers between dissimilar uses, improve the physical appearance of the City and maintain an ecological balance. Landscaping and buffer-yards are intended to lessen the adverse impacts of more intense land uses when they are adjacent to less intense uses. ~~Rural residential, single-family and two-family development, and uses in the C-O Office District are exempt from these regulations because such uses rarely create adverse impacts.~~

Property owners shall be responsible for maintaining the required screening materials in a neat and orderly manner at all times. Plant materials which die shall be replaced with healthy plant materials of similar variety and meeting the size requirements of this Section.

~~The property owner shall at all times remain responsible for maintaining all required landscaping in a neat and orderly manner. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Dead plant materials shall be replaced with a similar variety plant material meeting the size requirement of this Section.~~

~~In the event of a nonconformity with the standards and criteria of this Section, property owners, including any known tenants or agents, shall be notified citing the violation and describing what actions are required to comply with this Section. The owner, tenant, or agent shall have thirty (30) days from the notice date to restore the required landscaping. Failure to comply with the notice shall be considered a violation of this Article.~~

Sec 42.331 Parking Lot Screening

~~The following shall be required in addition to any required landscaping or buffer yard.~~

~~1. Off-street parking areas.~~

- ~~1. Where an open off-street parking area for any a multi-family residential use contains five (5) or more off street parking spaces and is adjacent to an R-1, U-R, or R-2 District, a screening fence, berm, or evergreen hedge of a minimum of not less than four (4) feet in height and meeting the requirements of Section 42211, Vision Obstruction Restrictions, shall be erected separating is required to screen the off street parking area from the adjacent residential district. ~~No screening is required for parking spaces fronting a public rightofway, except as required under Section 42230.5 (2).~~~~
- ~~2. Where an open off-street parking area for a non-residential use is in or adjacent to any residential district, a screening fence, berm, or evergreen hedge of a minimum of not less than four (4) feet in height and meeting the requirements of Section 42211, Vision Obstruction Restrictions, shall be erected separating is required to screen the parking area from the adjacent residential district. ~~No screening is required for parking spaces fronting a public rightofway, except as required under Section 42230.5 (2) or if a buffer yard is required under Section 42-230.6.~~~~

1
2 **Sec 42.332 Parking Lot Landscaping**

3 The interior and perimeter of parking lots shall be landscaped in accordance with the
4 following criteria. Lots of one (1) acre or less shall be exempted from this regulation as are
5 parking areas which are located under, on, or within buildings, and parking garage
6 structures.

- 7 1. Development sites containing parking areas totaling 100 ~~thirty (30)~~ or more parking
8 spaces ~~or the gross area is twelve thousand (12,000) or more square feet~~, shall
9 provide a minimum landscape area of ten (10) square feet per parking space for
10 planting islands or strips within or adjacent to the parking lot ~~five (5) percent of the~~
11 ~~parking area for landscaping.~~ Additional requirements include:
12 1. All landscape areas shall be protected from vehicular encroachment or
13 overhang through appropriate wheel stops or curbs;
14 2. There shall be a minimum of two (2) under-story trees or one (1) canopy
15 tree planted for each thirty (30) parking spaces ~~or twelve thousand~~
16 ~~(12,000) square feet of parking area~~, or fraction thereof; and
17 3. Interior parking areas shall contain planting islands or strips located so as to
18 best relieve the expense of paving. Interior planting areas shall be a
19 minimum of one-hundred (100) square feet for each under-story tree and
20 two-hundred (200) square feet for each canopy tree dimensioned in such a
21 way as to provide a suitable area for planting. Planting strips must have a
22 minimum width of five (5) feet.
23 2. Perimeter landscaping shall be provided where a parking lot is within twenty (20)
24 feet of a public right-of-way line or residential district and there is not an
25 intervening building. Whenever a parking lot abuts a public right-of-way, a
26 perimeter landscape area of at least five (5) feet in depth shall be maintained on
27 private property and may include any required setback area. All necessary access
28 ways shall be permitted through all such landscaping areas. Whenever a parking lot
29 abuts a residential district the parking lot must be screened either by a privacy
30 fence, berm, or hedge to a height of six (6) feet. Landscaping must include a
31 minimum of 4 canopy, understory, or evergreen trees for each 100 feet.
32

33 **Sec 42.333 Landscaping, Screening, and Fencing Standards**

- 34 1. Property owners may elect to use permanent material such as wood, chain link,
35 stone, brick, decorative wrought iron, concrete block or other materials that are
36 similar in durability to satisfy screening and fencing requirements.
37 2. A landscaped earthen berm of at least six (6) feet in height ~~having side slopes with~~
38 ~~at least two (2) feet of horizontal distance for each foot of height~~ may be used to
39 satisfy screening requirements.
40 3. An evergreen hedge may be used if the shrubs or trees measure at least four (4)
41 feet in height at the time of planting and are of a species which has a mature height
42 of at least six (6) feet in height ~~two-thirds (2/3) of the minimum required height~~
43 ~~when planted~~ and form a continuous, solid, visual screen.
44 4. Existing trees and vegetation may be retained to fully or partially satisfy the
45 screening requirements if approved by the Development Services Director. Such
46 screening area must be a minimum of twenty (20) feet in width.
47 5. Landscape buffers and landscape areas must be planted with grass, shrubbery,
48 trees, and/or other ornamental vegetation. The use of gravel or rocks is permitted
49 for ornamentation, but may not constitute more than 25% of the landscape area.
50 6. Strict compliance with these landscaping requirements shall not be required if it
51 would cause visibility obstructions, particularly at intersections.

7. ~~The requirements set forth herein may be modified by the Community Development Director to the extent necessary to mitigate unnecessary economic hardship.~~
8. ~~Buffer yard and parking lot perimeter landscaping shall be provided in such a manner as to minimize their impact on utilities construction and maintenance requirements.~~
9. Plantings ~~in~~ ^{on} utility easements shall be limited to ornamental or under-story trees, shrubs and hedges. In this instance, each required canopy tree shall be replaced with two (2) ornamental or under-story trees to reduce conflicts with overhead utilities. Plantings in or adjacent to a utility easement shall be coordinated with the effected utility company.
10. Potted plants or other forms of decoration may be considered to replace or reduce the landscaping and buffering requirements on a case-by-case basis if compliance with the requirements is impractical due to existing site conditions.

Sec 42.334 Required Screening

The City may require screening and fencing up to seven (7) feet in height for ~~of~~ outside storage and display areas in non-residential districts in addition to or in lieu of the requirements of this Article. ~~The screening or fencing shall be of adequate height to effectively mask the specified area, but in no instance shall the screening or fencing be above seven (7) feet in height.~~

~~Consolidated refuse storage areas, for all uses other than single family and two family dwellings, Dumpsters which may be visible from the adjacent residential property lines or streets shall be visually screened by a solid fence or wall, not less than the height of the refuse storage containers, on all sides except the side used for refuse pickup service.~~

~~Whenever a buffer yard is required per this Article, the screening required by this section shall be construed to be an additional requirement.~~

Sec 42.335 Buffer yards

~~All screening or fencing under this Section shall be in addition to any buffer yard or area required in Section 42-231.~~

Buffer-yards shall be required as shown on the Table of Buffer-yard Requirements. A buffer-yard shall be provided for a proposed ~~commercial or industrial~~ development when it will be located in a zoning district listed in the left-most column of the table and the development is adjacent to a zoning district listed across the top of the table.

~~Commercial or industrial developments adjacent to a PUD district shall provide a buffer-yard based on the corresponding zoning district of the existing or proposed uses permitted in the PUD district as determined by the Community Development Director.~~

Buffer-yards are not required if there is an intervening public street between the districts with a right-of-way width of fifty (50) feet or more or if a railroad right-of-way separates the two districts.

All or a portion of the buffer-yard requirements may be waived if only a portion of a property is developed and the developed area is greater than fifty (50) feet from the adjacent property.

1
 2 All or a portion of a buffer-yard may be used to satisfy a required setback, but in no
 3 instance shall parking spaces or outside storage/display be permitted in a buffer-yard.
 4

5 **Table of Buffer-Yard Requirements**

Development Zoning District	Adjacent Zoning District												
	R-R	R-1	R-2	R-3	GI	C-O	C-1	C-2	C-3	M-1	M-2	PUD	R-MH
<u>R-2</u>	<u>A</u>	<u>A</u>	*	*	*	*	*	*	*	*	*	*	*
<u>R-3</u>	<u>A</u>	<u>A</u>	<u>A</u>	*	*	*	*	*	*	*	*	*	*
<u>R-MH</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	*	*	*	*	*	*	*
<u>C-1</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	*	*	*	*	*	<u>A</u>	
<u>C-2</u>	<u>D</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	*	*	*	*	*	<u>C</u>	
<u>C-3</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	*	*	*	*	*	<u>E</u>	
<u>M-1</u>	<u>F</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>D</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	*	*	<u>C</u>
<u>M-2</u>	<u>G</u>	<u>G</u>	<u>F</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>D</u>	<u>C</u>	<u>D</u>	<u>C</u>	<u>C</u>	*	<u>C</u>

6 * No buffer-yard required

7

Zoning District	Zoning on Adjacent Property									
	<u>R-1</u>	<u>R-2</u>	<u>U-R</u>	<u>R-3</u>	<u>R-4</u>	<u>C-1</u>	<u>C-2</u>	<u>C-C</u>	<u>M-1</u>	<u>P</u>
<u>R-1</u>	-	-	-	-	-	-	-	-	-	-
<u>R-2</u>	<u>A</u>	-	-	-	-	-	-	-	-	-
<u>U-R</u>	<u>A</u>	-	-	-	-	-	-	-	-	-
<u>R-3</u>	<u>B</u>	<u>A</u>	-	-	-	-	-	-	-	-
<u>R-4</u>	<u>C</u>	<u>B</u>	<u>A</u>	<u>A</u>	-	-	-	-	-	-
<u>C-1</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	-	-	-	-	<u>A</u> *
<u>C-2</u>	<u>C</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>A</u>	-	-	-	-	<u>B</u> *
<u>C-C</u>	-	-	-	-	-	-	-	-	-	-
<u>M-1</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>C</u>	<u>B</u>	<u>B</u>	-	<u>D</u> *
<u>P</u>	**	**	**	**	**	-	-	-	-	-

8 * The buffer-yard may be waived by the Community Development Director if it is
 9 determined that buffering is not needed.

10

11 ** A buffer-yard may be required by the Planning and Zoning Commission depending on
 12 the type of development and location.

13

14 Buffer-yards are defined in terms of the number of plant units required for each one-
 15 hundred (100) linear feet. The number of plant materials required shall be rounded up
 16 when a fraction is calculated. ~~Property owners may increase the width and planting density~~
 17 ~~of the buffer yard.~~

18

19 The minimum buffer-yard width may be reduced by fifty (50) percent if the property owner
 20 elects to install a six (6) foot solid wood fence, a six (6) foot solid masonry/brick wall or a six
 21 (6) foot solid evergreen hedge for buffer yards A, B, C, and D. The fence may be reduced to
 22 four feet in the front setback to comply with the fence regulations.

23

24 Buffer yard C and D also require the installation of a six (6) foot solid wood fence, a six (6)
 25 foot solid masonry/brick wall or a six (6) foot solid evergreen hedge. The required

1 evergreen trees and half of the shrubs must be planted between the fence and the
 2 adjacent property. The fence may be set back from the property line to allow adequate
 3 space for landscaping.
 4

5 **Required plantings per 100 linear feet**

	Canopy tree(s)	Under-story trees	Evergreen trees	Shrubs	Minimum Width
Buffer yard A	<u>1</u>	<u>1</u>	<u>2</u>	<u>10</u>	<u>15 feet</u>
Buffer yard B	<u>1</u>	<u>2</u>	<u>2</u>	<u>12</u>	<u>15 feet</u>
Buffer yard C	<u>3</u>	<u>2</u>	<u>2</u>	<u>16</u>	<u>20 feet</u>
Buffer yard D	<u>3</u>	<u>3</u>	<u>4</u>	<u>20</u>	<u>20 feet</u>
Buffer yard E	<u>4</u>	<u>3</u>	<u>4</u>	<u>24</u>	<u>25 feet</u>
Buffer yard F	<u>4</u>	<u>4</u>	<u>5</u>	<u>28</u>	<u>30 feet</u>
Buffer yard G	<u>5</u>	<u>4</u>	<u>5</u>	<u>34</u>	<u>50 feet</u>

- 6 • ~~(b) Buffer yards A and B shall have a minimum width of fifteen (15) feet.~~
 7 • ~~Buffer yards C and D shall have a minimum width of twenty (20) feet.~~
 8 • ~~Buffer yards E and F shall have a minimum width of thirty (30) feet.~~
 9 • ~~Buffer yard G shall have a minimum width of thirty five (35) feet.~~
 10

<u>Buffer-yard</u>	<u>Canopy Trees</u>	<u>Under-story Trees</u>	<u>Evergreen Trees</u>	<u>Shrubs</u>	<u>Screening</u>	<u>Minimum Width</u>
<u>A</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>10</u>	<u>N/A</u>	<u>15</u>
<u>B</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>15</u>	<u>N/A</u>	<u>20</u>
<u>C</u>	<u>3</u>	<u>3</u>	<u>4</u>	<u>20</u>	<u>Yes</u>	<u>25</u>
<u>D</u>	<u>4</u>	<u>4</u>	<u>5</u>	<u>20</u>	<u>Yes</u>	<u>50</u>

11
 12 **Sec 42.336 General Standards for Trees**

13 Trees referred to in this Section shall be of a species common to or adapted to this area of
 14 Missouri as documented by the Missouri Department of Conservation. Caliper
 15 measurements shall be taken six (6) inches above grade. Trees shall have the following
 16 characteristics:

- 17 1. Canopy trees shall be deciduous trees that have a minimum height of thirty (30)
 18 feet at maturity. All canopy trees shall have a minimum caliper diameter of one and
 19 one-half (1 and 1/2) inches at the time of planting.
 20 2. Under-story trees shall be deciduous trees that have a maximum height of less than
 21 thirty (30) feet at maturity. All under-story trees shall have a minimum caliper
 22 diameter of one (1) inch at time of planting.
 23 3. Ornamental trees shall be flowering deciduous trees. All ornamental trees shall
 24 have a minimum caliper width of one (1) inch at time of planting.
 25 4. Evergreen or conifer trees shall have a minimum height of twenty (20) feet at
 26 maturity. All evergreen trees shall be at least six (6) feet high at time of planting.
 27 5. Smaller trees may be substituted where the applicant establishes that the location
 28 of driveways or unique physical characteristics of the property would not allow the
 29 plantings as required.
 30

1 ~~The Community Development Director may waive rules regarding setbacks and buffer-~~
2 ~~yards to preserve trees of exceptional quality due to size, large canopy cover, trunk~~
3 ~~diameter, rarity, age or species when written consent has been received from the owners~~
4 ~~of abutting property. Where such written consent is not filed, waiver may be granted by~~
5 ~~the Board of Adjustment as a variance according to the standards, notice and other~~
6 ~~procedures pertaining to variances.~~

7

8 **Sec 42.337 – 42.339 Reserved**

9

10

Section 340 Signage

Sec 42.340 Signage

The purposes of these sign regulations are: (1) to encourage the effective use of signs as a means of communication in Rolla; (2) to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; (3) to promote pedestrian and traffic safety; (4) to minimize the possible adverse effect of signs on the enjoyment and economic value of nearby public or private property; (5) to preserve the right of free speech and expression; (6) and to enable the fair and consistent enforcement of these restrictions.

When the word "sign" or "signs" is used in this Division it may also be referring to patio furniture, merchandise, and decorations.

Where this Division is silent, or where the rules of this Division do not provide a basis for concluding that a sign is allowed, said sign is therefore prohibited.

The following definitions apply to this section of the zoning code:

- ~~1. Balloon Sign: A lighter than air, gas-filled balloon, tethered in a fixed location, which may or may not contain an advertisement message on its surface or attached to the balloon in any manner.~~
2. Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing that is anchored on two or more edges or at all four corners, or by one edge when not on a pole or staff. Banners do not include flags.
3. Changeable Copy Sign: A sign with the capability of content change by means of manual or remote input, includes the following types:
 1. Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.
 2. Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface.
- ~~4. Decorations: Displays (including lighting) that are a non-permanent installation for one-time or yearly events.~~
5. Electronic Message Center or Sign (EMC): An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LEDs) as a lighting source. Any reference to EMC also refers to electrically activated changeable copy signs.
6. Feather Flags (Also known as advertising flags, flag banners, swooper flags, flutter flags, blade flags, sail flags, bow flags, tear drop flags): These advertising tools come in the form of a long, narrow, lightweight canvas or other non-rigid material that is attached to a flexible pole (generally) that can be placed into the ground or attached to a weighted stand that allows them to be portable. The shape of the canvas usually resembles a feather or tear drop or a sail with its long side attached to the pole and perpendicular to the ground. Feather flags are temporary in nature and do not include flags or banners.

- 1 7. Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material
2 with distinctive colors, patterns, or symbols and is attached to a pole or staff and
3 anchored along only one edge or supported or anchored at only two corners.
- 4 8. Flashing Signs: Signs whose illumination is characterized by a repetitive cycle in
5 which the period of illumination is either the same as or less than the period of
6 non-illumination. Generally, a message is continuously repeated, with the sign used
7 as an attention-getting device.
- 8 9. Freestanding Signs: A sign supported by structures or supports that are placed on,
9 or anchored in the ground; and that is independent and detached from any
10 building or other structure. The following are subtypes of freestanding signs:
 - 11 1. Ground Sign (Also known as monument sign): A sign permanently affixed to
12 the ground at its base, supported entirely by a base structure, and not
13 mounted on a pole or attached to any part of a building.
 - 14 2. Pole Sign: A freestanding sign that is permanently supported in a fixed
15 location by a structure of one or more poles, posts, uprights, or braces
16 from the ground and not supported by a building or a base structure. This
17 definition includes pylon signs.
 - 18 3. Temporary Freestanding Sign: A freestanding sign that is not anchored in
19 the ground or supported by a structure that is anchored in the ground or a
20 freestanding sign that is easily removed from the ground by hand, such as
21 h-frame lawn signs. This type of sign does not include balloon signs,
22 inflatable signs, feather banners, sandwich board signs, vehicular signs,
23 animated/electronic signs, mechanical movement signs, or revolving signs.
- 24 10. Frontage, Building: The length of an exterior building wall or structure of a single
25 premises along the public's rights-of-way.
- 26 11. Frontage, Property: The length of the property line(s) of any single premises along a
27 public street. When the word "frontage" is used alone, it refers to property
28 frontage.
- 29 12. Illumination: A source of any artificial or reflected light, either directly from a
30 source of light incorporated in, or indirectly from an artificial source.
 - 31 1. External Illumination: Artificial light, located away from the sign, which
32 lights the sign, the source of which may or may not be visible to persons
33 viewing the sign from any street, sidewalk, or adjacent property.
 - 34 2. Internal Illumination: A light source that is concealed or contained within
35 the sign and becomes visible in darkness through a translucent surface.
36 Message center signs, digital displays, and signs incorporating neon lighting
37 shall not be considered internal illumination for the purposes of this
38 ordinance.
- 39 13. Illuminated Sign: A sign with electrical equipment installed for illumination, either
40 internally illuminated through its sign face by a light source contained inside the
41 sign or externally illuminated by a light source aimed at its surface.
- 42 14. Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes,
43 made of flexible fabric, resting on the ground or structure and equipped with a
44 portable blower motor that provides a constant flow of air into the device.
- 45 15. Internal Signs: Any on-premises sign located entirely within a building.
- 46 16. Mechanical Movement Sign: A sign having parts that physically move rather than
47 merely appear to move as might be found in a digital display. The physical
48 movement may be activated electronically or by another means, but shall not
49 include wind-activated movement, such as used for banners or flags. Mechanical
50 movement signs do not include digital signs that have changeable, programmable
51 displays.

- 1 17. Mural. A graphic which is painted directly to a wall or surface of a building.
- 2 18. Off-Premises Sign (Also known as a third-party sign, billboard, or outdoor
- 3 advertising): An outdoor sign that contains a message or messages that directs
- 4 attention to a specific business, product, service, event or activity, or other
- 5 commercial or noncommercial activity, or contains a non-commercial message
- 6 about something that is not sold, produced, manufactured, furnished, or conducted
- 7 on the premises upon which the sign is located.
- 8 19. On-Premises Sign: A sign that contains a message or messages and design that
- 9 relates to an individual business, profession, product, service, event, point of view,
- 10 or other commercial or non-commercial activity sold, offered, or conducted on the
- 11 same property where the sign is located.
- 12 20. Permanent Sign: A sign attached or affixed to a building, window, or structure, or to
- 13 the ground in a manner that enables the sign to resist environmental loads, such as
- 14 wind, and that precludes ready removal or movement of the sign and its intended
- 15 use appears to be indefinite.
- 16 21. Portable Sign: Portable signs are signs that are designed to be transported or
- 17 moved and not permanently attached to the ground, a building, or other structure.
- 18 The following types of signs are portable signs.
- 19
 - 20 1. Sandwich Board Sign (Also known as A-frame sign): A type of freestanding,
 - 21 portable, temporary sign consisting of two faces connected and hinged at
 - 22 the top and its message is targeted to pedestrians. Includes a board sign on
 - 23 a stand instead of hinged.
 - 24 2. Vehicular Sign: A sign affixed to a vehicle in such a manner that the sign is
 - 25 used primarily as a stationary advertisement for the business on which the
 - 26 vehicle sits or is otherwise not incidental to the vehicle's primary purpose.
- 27 22. Premises: The lot or lots, plots, portions, or parcels of land considered as a unit for
- 28 a single use or development, whether owned or leased.
- 29 23. Projecting Sign (Also known as a blade sign): A building-mounted, double-sided sign
- 30 with the two faces generally perpendicular to the building wall. Signs and banners
- 31 that hang from a canopy, awning, or roof shall be considered projecting signs.
- 32 24. Revolving Sign: A sign which revolves in a circular motion; rather than remaining
- 33 stationary on its supporting structure.
- 34 25. Roof Sign: A sign mounted on the main roof portion of a building or on the
- 35 uppermost edge of a parapet wall of a building and which is wholly or partially
- 36 supported by such building. When permitted, a roof sign will be considered a wall
- 37 sign for the purpose of calculating maximum sign area.
- 38 26. Sign: Any device, structure, fixture, painting, emblem, or visual that uses words,
- 39 graphics, colors, illumination, symbols, numbers, or letters for communicating a
- 40 message. A sign includes the sign faces as well as any sign supporting structure
- 41 27. Sign Area or Face: The area of a sign enclosed by the perimeter upon which sign
- 42 copy is placed. The computation details are described below:
- 43
 - 44 1. Where the sign consists of individual letters, designs, or symbols that are
 - 45 attached individually and directly upon a wall without a change in color or
 - 46 appearance of the surface background, the area shall be that of the
 - 47 smallest rectangle which encompasses all of the letters, designs, and
 - 48 symbols.
 - 49 2. In the case of panel or cabinet type signs, the sign area shall include the
 - 50 entire area of the sign panel or cabinet upon which the sign copy is
 - displayed or illustrated, but not open space between separate panels or
 - cabinets.

3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.
 4. Only one side of a double-sided sign shall be considered when determining the sign area if the faces are equal in size and the interior angle formed by the faces is zero degrees.
 5. Where the faces of a double-sided sign are not equal in size, but the interior angle formed by the faces is zero degrees, the larger sign face shall be used as the basis for calculating sign area.
 6. When the interior angle of a double-sided sign formed by the faces is greater than zero degrees, all sides of such sign shall be considered in calculating the sign area.
 7. The sign area for signs that are (or include) a three-dimensional object is calculated as the sum of two adjacent vertical faces of the smallest cube encompassing the sign or object.
28. Sign Copy: The letters, figures, characters, representations, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design, logo, illustration, or device comprising the content or message of a sign; or any emblem or painting designed to advertise, communicate, identify, or convey information.
29. Sign Height: The vertical dimension of a sign. The computation details and relevant regulations are as follows:
1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
 2. Clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements that project from the wall.
30. Sign Types: Signs are divided into various types of signs. Signs may be a permanent sign or a temporary sign. A sign may be an on-premises sign or an off-premises sign. A permanent sign may be a wall sign, a freestanding sign, a roof sign, an EMC, or a projecting sign. A temporary sign may be a portable sign or a banner. Signs can also be classified by their characteristics, such as a flashing sign or an illuminated sign.
31. Snipe Sign (Also known as bandit sign): A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public's rights-of-way or on any private property without the permission of the property owner.
32. Structural Alteration: Any alteration to the structure which supports a sign, including the foundation and support poles. Such definition does not include replacement of the sign cabinet, sign boards, supports for the sign boards, or routine maintenance.
- ~~33. Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.~~
34. Temporary Sign: A sign that cannot be defined as a permanent sign. ~~The only types of temporary signs permitted in the City of Rolla are listed under Subsection 42-244.7(b)~~

- 1 35. Vehicular Sign: A vehicle or mechanical contraption that has signage integrated or
2 attached and is situated such that it cannot be considered to be a freestanding
3 sign; and not including operable vehicles primarily and actively used for business
4 purposes and/or personal transportation.
- 5 36. Wall Sign (Also known a fascia sign, parallel wall sign, or band sign): A building-
6 mounted sign, which is either attached to or displayed on an exterior wall in a
7 manner parallel with the wall surface. A sign or banner installed on a roof, eave,
8 canopy, or awning in a manner parallel with the structures surface is also
9 considered a wall sign. See projecting signs for signs that hang from such
10 structures.
- 11 37. Zoning District, Non-residential: C-O, C-1, C-2, C-3, CC, M-1, M-2, GI, and PUDs that
12 contain non-residential commercial, office, civic, or industrial uses.
- 13 38. Zoning District, Residential: R-R, R-1, R-2, R-3, R-3b, and PUDs that do not contain
14 non-residential commercial, office, civic, or industrial uses.

15
16 **Sec 42.341 Exempt Signs**

17 The following signs are exempt from the provisions of this section ~~Division~~, unless
18 otherwise noted, but must conform to all other federal, state, and local codes/rules,
19 including building codes.

- 20 1. Any sign that is posted by a governmental unit on government property and any
21 sign required by local, state, or federal law.
- 22 ~~2. Any sign posted on the property of a public school district or public university if~~
23 ~~that sign is posted by the school district or university that owns such property.~~
- 24 3. Signs that are less than ten (10) seven feet in height if the sign face is not visible
25 from any street the public's rights-of-way.
- 26 4. In nonresidential districts, any sign less than seven feet in height and that is more
27 than 100 feet away from any lot line fronting a street or not visible from any street.
- 28 5. In nonresidential districts, if the signs are four square feet or less in area and four
29 feet or less in height, and located adjacent to the driveway(s) serving the property
30 and outside the street right-of-way one pole sign at each exit and each entrance of
31 any property.
- 32 6. Flags. This provision does not include banners or feather flags. However, flags and
33 supporting structures that lawfully project into the public rights-of-way shall not
34 hang below seven feet in height over a sidewalk.
- 35 7. Internal signs, including lettering painted on or attached to a window or door and
36 window signs located inside a building, but excluding flashing signs that do not
37 conform to the regulations of this Division related to electronic message center
38 signs.
- 39 ~~8. Balloons (does not include balloon signs) that are less than 36 inches in diameter.~~
40 ~~Balloons that are deflated or faded will be deemed unmaintained and required to~~
41 ~~be removed.~~
- 42 9. A sign that is integrated into or on a menu board, coin-operated machine, credit-
43 card machine, vending machine, gasoline pump, gasoline station canopy, or
44 telephone booth.
- 45 ~~10. Signs printed on or attached to a public bench if it does not interfere with driver~~
46 ~~vision or pedestrian movement and does not extend beyond the public bench's~~
47 ~~structural width and height.~~
- 48 11. Signs carved into a building or raised in integral relief on a building.
- 49 12. Murals.

1 **Sec 42.342 Prohibited Signs**

2 The following signs are prohibited:

- 3 1. Flashing signs.
- 4 2. Signs that employ pyrotechnic or blue casting components and signs that emit
5 smoke, visible vapors, particulate matter, or odor.
- 6 3. Signs that employ any searchlights or strobe lights and reflective signs or signs
7 containing mirrors.
- 8 4. Signs that may be confused with or construed as a traffic control sign, signal, or
9 device, or the light of an emergency vehicle or road equipment by reason of their
10 size, location, movement, coloring, or manner of illumination.
- 11 5. Signs that shield from view any traffic control device, sign, signal or other
12 government sign.
- 13 6. Snipe signs.
- 14 7. Vehicular signs. ~~This regulation does not include operable vehicles primarily and
15 actively used for business purposes and/or personal transportation.~~
- 16 8. Signs which do not meet the requirements of this section or other city, state, or
17 federal laws that are unlawful.

18
19 **Sec 42.343 General Sign Provisions**

- 20 1. ~~On-Premises Signage. Permanent~~ signage, except as authorized by this section
21 ~~Section 42-244.8~~ and signs authorized by federal and state law, shall only be on-
22 premises signage. ~~Temporary signage shall be on-premises signage, except as~~
23 ~~authorized in Sections 42-244.5 and 42-244.6.~~
- 24 2. ~~Messaging. Any signage authorized to be displayed by this ordinance may contain a~~
25 ~~noncommercial message.~~
- 26 3. *Permitting Exceptions.* The following operations shall not require the issuance of a
27 sign permit:
 - 28 1. Changing the copy on an existing conforming sign that has not been
29 discontinued and that is specifically designed for the use of manually or
30 digitally activated changeable copy sign, including billboard panels and
31 posters; but not including changes in the structure, size, placement, or
32 location of the sign, and
 - 33 2. Maintenance, including repainting, cleaning, or other normal repair of an
34 existing sign not involving structural alterations or changes in size, location,
35 or placement.
 - 36 3. Window signs and wall signs less than 20 square feet in size.
- 37 4. *Permitting Process.* Except for exempt signs, all permanent signs, ~~regardless of the~~
38 ~~fact that a building permit may be required for its erection/installation~~, require the
39 submission and approval of an application for a sign permit and a sign site plan.
40 ~~Sign permits are not building permits for signs. Some signs may require building~~
41 ~~permits, even if they are exempt from this Division.~~ Applications for sign permits or
42 supporting material, such as elevations, shall indicate the type, number, size,
43 shape, and dimensions of all of the existing and proposed signage on the premises.
44 If needed, elevation views or other relevant information may be required. No sign
45 permits shall be issued if the premises requesting the permit contains a prohibited
46 ~~an illegal~~ sign.
- 47 5. *Site Plan Requirements.* Sign site plans for detached signage shall be provided as
48 follows:
 - 49 1. The site plan shall be drawn to scale or shall show the dimensions of all
50 relevant objects/elements and show all the distances between all of the
51 relevant objects/elements.

- 1 2. The site plan shall indicate the property lines of the premises and, in cases
2 whereby signs are being placed in the rights-of-way, the site plan shall
3 indicate the type of ROW surface, the location of the curblines, the
4 sidewalk, and any objects within the ROW in front of the property subject
5 to the proposal.
- 6 3. The site plan shall show the proposed location of each sign in relation to
7 property lines, nearby buildings, walkways, streets, driveways and parking
8 areas.
- 9 6. *Sign Location and ROW.* All signs and other objects regulated by or exempt from
10 this Division, including merchandise, patio furniture, sign structures, flags,
11 decorations, and temporary signs, must be erected/placed and attached totally on
12 or within private property, except that if a tenant space is located in a
13 nonresidential zoning district along a ~~street the public's rights-of-way~~ and there is
14 less than five feet between the full building frontage of the tenant space and the
15 ~~street public's rights-of-way~~, certain types of signs and other objects may be placed
16 in or project over the ~~street public's right-of-way~~, but not in or over any roadway.
17 ~~Apart from all other provisions that apply, Subsection 42-244.7(f) and the following~~
18 provisions listed below describe the applicability and the restrictions of such an
19 allowance:
 - 20 1. Only wall signs, flags, ~~streamers~~, and projecting signs shall be permitted to
21 project over sidewalks. The minimum clearance of such objects shall be
22 seven feet and the object shall not occupy space beyond a vertical plane of
23 two feet from the curb line.
 - 24 2. Only patio furniture, merchandise, and sandwich board signs are permitted
25 on sidewalks. The maximum height for such signs/objects shall be five feet.
 - 26 3. One flag or temporary freestanding sign may be located in each city-owned
27 flowerpot if the sign is less than two square feet in area, the object does
28 not exceed five feet in height when in the flowerpot, the flowerpot is
29 watered and maintained by the tenant, and those flowerpots are on a
30 public sidewalk and about the tenant space responsible for locating such a
31 sign in said flowerpot.
 - 32 4. ~~See Subsection 42-244.7(f) for all other restrictions pertaining to this~~
33 ~~allowance. Temporary and portable signage on sidewalks are subject to~~
34 additional requirements in this section.
- 35 7. *Permission.* The party constructing/installing/placing the sign or object on private
36 property is responsible for obtaining the permission of the property owner before
37 such action is taken.
- 38 8. *Setbacks.* ~~Unless exempt by Subsection 42-244.4(f),~~ all signs, including temporary
39 signs and exempt signs but not including signage which is allowed within street
40 rights-of-way, shall conform to the side and rear setback requirements of the
41 zoning district they are located in. No setback applies to a front yard or along any
42 street. However, no sign over ten (10) feet in height is permitted within or over a
43 utility easement. In addition, signs must not impair the sight distance requirements
44 for driveways or street intersections. However, the front of the lot shall be defined
45 as any lot line that fronts a street. Such signs shall have a minimum rear yard
46 setback of ten feet and a minimum side yard setback of five feet.
- 47 9. *Sign Sounds Residential Protection.* ~~Even if a sign is exempt under Section 42-244.2,~~
48 no sign that ~~makes~~ emits sound noise shall be permitted in or within 100 feet of a
49 residential zoning district, not including zoned rights-of-way that is not the public's
50 rights-of-way.

- 1 10. ~~Illumination. All permanent signs may be unilluminated, internally illuminated, or~~
2 ~~externally illuminated.~~ Externally lit signs shall be illuminated only with steady,
3 stationary, and shielded light sources directed solely onto the sign. The illumination
4 of signs shall not be brighter than is necessary for clear and adequate visibility.
5 Illumination shall not exceed approximately 750 cd/m² or Nits at night. The
6 illumination of signs shall not be of such intensity or brilliance as to impair the
7 vision of a motor vehicle driver with average eyesight or to otherwise interfere with
8 the driver's operation of a motor vehicle.
- 9 11. *Roof Signs and Sign Placement.* In no instance shall a wall sign or projecting sign
10 project above the eave line or beyond a wall edge, except for roof signs in the C-3
11 and C-C zoning districts. Roof signs shall not exceed the building height limit of the
12 zoning district in which the sign is located.
- 13 12. *Maintenance.* All signs, together with their supports, braces, connections, or
14 anchors shall be kept in good repair. Unsafe signs, damaged, or deteriorated signs,
15 or signs in danger of breaking apart or falling shall be removed or repaired ~~by their~~
16 ~~owner upon written notice by the City of Rolla.~~
- 17 13. *Obstructions Clearances.*
- 18 1. ~~Vision clearance areas: Vision clearance areas or triangles are triangular~~
19 ~~shaped areas located at the intersection of any combination of rights-of-~~
20 ~~way, alleys, or driveways. The size of the triangle shall be determined by~~
21 ~~the City Engineer. The vision or path of pedestrians, bicyclists, or motor-~~
22 ~~vehicle operators shall not be obstructed with any object regulated by or~~
23 ~~exempt from this Division. No object shall be located within any vision~~
24 ~~clearance triangle, the size of which is determined by the city engineer,~~
- 25 2. ~~Clearances from fire escapes, means of egress or standpipes: Signs, sign~~
26 ~~structures and awnings are prohibited from being erected in any manner~~
27 ~~that interferes in any way with the free use of any fire escape, means of~~
28 ~~egress or standpipe. Attaching signs, sign structures or awnings to a fire~~
29 ~~escape is prohibited, unless such a sign is required for safety.~~
- 30 3. ~~Obstruction of windows and ventilation: Signs, sign structures and awnings~~
31 ~~are prohibited from being installed in any way that obstructs any building~~
32 ~~openings to such an extent that light, ventilation, or exhaust are reduced to~~
33 ~~a level below that required by either the Building Code, Plumbing~~
34 ~~Regulations, Heating and Ventilating Regulations, or Housing and~~
35 ~~Maintenance Regulations.~~
- 36 14. *Measurements.* All lineal distances required by this Division shall be measured from
37 the nearest outside edge of the subject sign, whether a support, structural
38 member, or the sign surface itself, to the nearest outside edge of the
39 corresponding sign, building, right-of-way, property line, easement, or other
40 object/element involved. ~~Other measurement specifications are within the~~
41 ~~definition section of this Division, Section 42-244.1.~~
- 42 15. *Changeable Copy.* Changeable copy, whether digitally or manually activated, is
43 permitted only if it is integrated into a pole, ground, marquee, projecting, or wall
44 sign. In addition, only manually activated changeable copy is permitted on
45 sandwich board signs. ~~See Section 42-244.10 for restrictions on the use of EMCs.~~
- 46 16. ~~*Movement.* Mechanical movement and revolving signs are only permitted in certain~~
47 ~~nonresidential districts.~~

1 **Sec 42.344 Sign Regulations for Residential Zoning Districts.**

- 2 1. Sign standards for properties within residential zoning districts ~~that are vacant or~~
3 ~~contain single family houses and duplexes, even if business is being conducted in~~
4 ~~the building:~~
- 5 1. *Type.*
6 Any wall sign or freestanding sign, ~~as defined and limited in Subsection~~
7 ~~42-244.1(i).~~ No sign is permitted to have changeable copy. Off-
8 premises temporary signage shall not be posted for more than 14
9 consecutive days in any given quarter of a year and such signage shall
10 be removed within 14 days of receiving notice from the City of Rolla.
 - 11 2. *Number and Sign Area.* If the total sign area of all signs does not exceed 32
12 square feet, there is no limit on the number of signs permitted.
 - 13 3. *Height.* Freestanding signs shall be less than six feet in height and wall signs
14 shall not project higher than the lowest eave line.
- 15 2. Sign standards for residentially-zoned properties that serve as the entrance/exit
16 ways to subdivisions, contain multi-family complexes or condominium complexes,
17 or contain permitted or nonconforming nonresidential uses ~~that are not considered~~
18 ~~home occupations and are not located in single family houses or duplexes:~~
- 19 1. *Type.* Any wall sign or freestanding sign, ~~as defined and limited in~~
20 ~~Subsection 42-244.1(i).~~ Off-premise temporary signage shall not be posted
21 for more than 14 consecutive days in any given quarter of a year and such
22 signage shall be removed within 14 days of receiving notice from the City of
23 Rolla.
 - 24 2. *Number and Sign Area.* One wall sign is permitted on each building and one
25 ground or pole sign is permitted per entrance/exit to a public street or, in
26 the case of a subdivision, per entrance/exit to the subdivision. The
27 maximum sign area of any one permanent sign is 64 square feet. An
28 unlimited amount of temporary freestanding signs, ~~as defined and limited~~
29 ~~in Subsection 42-244.1(i),~~ is permitted if the total sign area of all temporary
30 freestanding signs does not exceed 32 square feet.
 - 31 3. *Height.* Ground and pole signs shall be limited to a maximum height of 15
32 feet. Temporary freestanding signs shall be limited to six feet in height.
- 33

34 **Sec. 42.345 Sign Regulations for Non-Residential Zoning Districts.**

- 35 1. General Provisions:
- 36 ~~1. In addition to the signs listed in Subsections 42-244.6(b) and 42-244.6(c),~~
37 ~~properties within nonresidential zoning districts are permitted~~
38 ~~temporary/portable signs, as regulated in Section 42-244.7.~~
 - 39 2. Each building, not individual tenants, are permitted a maximum amount of
40 area for wall signs. The owner(s) of the premises may divide and distribute
41 the allowable sign area in any way she/he/they chooses. It is the
42 responsibility of the person/entity posting the sign to obtain permission
43 from the owner to install/locate a sign of a certain size on the owner's
44 property.
- 45 2. Sign standards for properties located in ~~C-O and~~ C-1 Districts:
- 46 1. *Type.* Pole signs, ground signs, projecting signs, and wall signs shall be
47 permitted.
 - 48 2. *Number.* Each premises is permitted an unlimited amount of wall signs and
49 is permitted one projecting sign for each tenant space. In addition, all
50 premises are permitted one ~~two~~ permanent freestanding sign ~~signs~~ (i.e.
51 ground signs and pole signs) for each 100 feet of road frontage if there is a

1 distance of 500 feet or more between pole ~~the two signs with a minimum~~
2 ~~of one sign allowed for each lot frontage. Corner lots and parcels shall be~~
3 ~~permitted one permanent freestanding sign per street frontage, up to two~~
4 ~~signs, if each sign is located along a different street, regardless of distance~~
5 ~~between the two signs. Otherwise, there must be 500 feet of separation~~
6 ~~between the signs in order for two signs to be permitted on such premises.~~

7 3. Sign Area. Maximum wall sign area shall be determined by multiplying the
8 lineal feet of building wall ~~frontage facing a street~~ by two square feet.
9 Projecting signs shall not exceed 20 square feet in area, regardless of the
10 amount of other signage on the premises. Each Pole or ground sign shall be
11 limited to 100 square feet each.

12 4. Height and Clearance. Ground and pole signs shall be limited to a maximum
13 height of 20 feet. Projecting signs shall have a minimum clearance of seven
14 feet.

15 3. Sign standards properties located in C-2, ~~C-3~~, CC, M-1, ~~M-2~~, or P-G Zoning Districts
16 ~~and, unless otherwise restricted by a final development plan, any PUDs with~~
17 ~~commercial, industrial, or civic uses:~~

18 1. Type. Same as Subsection 42-244.6(b)(1), ~~except that~~ mechanical
19 movement and revolving signs are also permitted. In addition, roof signs
20 are only permitted in C-2 ~~C-3~~ and C-C zoning districts and such signs will be
21 considered wall signs in the calculation of maximum sign area. If a
22 mechanical movement or revolving sign is attached to a building it will be
23 considered a projecting sign and if such signs are not connected to a
24 building, they will be considered a permanent freestanding sign (i.e. ground
25 signs and pole signs).

26 2. Number. Same as Subsection 42-244.6(b)(2).

27 3. Sign Area. Maximum wall sign area shall be determined by multiplying the
28 lineal feet of building wall ~~frontage facing a street~~ by four square feet.
29 Projecting signs shall not exceed 20 square feet in area, regardless of the
30 amount of other signage on the premises. Each Pole or ground sign shall be
31 limited to 400 square feet each.

32 4. Height and Clearance. Ground and pole signs shall be limited to a maximum
33 height of 40 feet. ~~Roof signs shall not exceed the building height limit of the~~
34 ~~zoning district in which the sign is located. Projecting signs shall have a~~
35 ~~clearance of seven feet.~~

1 **Sec. 42.346 Temporary and Portable Signs.**

2 The following provisions apply to nonresidential zoning districts only. ~~Temporary signs that~~
3 ~~comply with the requirements of Section 42-244.7 shall not be included in the~~
4 ~~determination of the type, number, or area of the signs permitted on a property per~~
5 ~~Subsections 42-244.6(b) and 42-244.6(c).~~ The following restrictions apply to temporary and
6 portable sign placement/installation/construction

- 7 1. Each independently occupied tenant space on a property in a nonresidential district
8 is permitted to locate two temporary signs on such a property, except that when a
9 tenant locates a balloon sign or inflatable sign on the property, the tenant shall not
10 locate any other temporary or portable sign on the property. Off-premise
11 temporary signage shall not be posted for more than 14 consecutive days in any
12 given quarter of a year and such signage shall be removed within 14 days of
13 receiving notice from the City of Rolla. A vacant parcel shall be permitted an
14 unlimited number of temporary freestanding signs only, but the total sign area of
15 such signs shall not exceed 96 square feet.
- 16 2. Tenants may only choose from the following types of temporary and portable signs:
 - 17 1. Temporary freestanding signs
 - 18 2. Banners, ~~if not considered a wall sign per Subsection 42-244.1(ff)~~
 - 19 3. Balloon signs
 - 20 4. Inflatable signs
 - 21 5. Feather flags
 - 22 6. Sandwich board signs
 - 23 ~~7. Streamers~~
- 24 3. Area restrictions by sign type:
 - 25 1. Temporary freestanding signs, banners, and feather flags shall not exceed
26 32 square feet.
 - 27 2. Sandwich board signs shall not exceed 16 square feet
 - 28 3. Inflatable signs and balloon signs are limited to 75 square feet ~~(See~~
29 ~~Subsection 42-244.1(z)(7) for the method of calculating area for three-~~
30 ~~dimensional objects).~~
- 31 4. Height restrictions by sign type:
 - 32 1. Temporary freestanding signs and sandwich board signs shall be limited to
33 ~~five~~ seven feet in height.
 - 34 2. ~~Feather flags, balloon signs, banners, streamers, and inflatable signs shall~~
35 ~~be limited to 24 feet in height.~~
- 36 5. General restrictions:
 - 37 1. The party posting the temporary sign is solely responsible for obtaining the
38 permission of the property owner before posting their temporary sign.
 - 39 2. Except for movement caused by air compressors for inflatable signs,
40 mechanical motion, illumination, EMC technology, and electronically
41 activated changeable copy is prohibited.
 - 42 3. Manual changeable copy is only permitted when integrated into a
43 sandwich board sign.
 - 44 ~~4. Inflatable signs, feather flags, and balloon signs shall have a minimum~~
45 ~~setback requirement from all lot lines that is equal to its height. All other~~
46 ~~temporary/portable signs, except when certain such signs are permitted~~
47 ~~within the sidewalk area, must conform to the same setback requirements~~
48 ~~to which permanent signs must conform.~~
 - 49 5. Inflatable signs are not permitted within 100 feet of a residential zoning
50 district and air compressors ~~(and other noisy motors associated with any~~
51 ~~sign) must be turned off between the hours of 11 P.M. to 7 A.M.~~

1 6. No temporary or portable sign that is more than seven feet tall shall be
2 permitted within 100 feet of a residential zoning district.

3 ~~7. Vehicular signs are prohibited, except that the use of business logos,
4 identification, or advertising on operable vehicles primarily and actively
5 used for business purposes and/or personal transportation is permitted.~~

6 ~~8. Signs located on patio furniture, merchandise, or the structures on or from
7 which such merchandise sits or hangs, respectively, shall be considered
8 temporary signs and count towards the total temporary/portable signage
9 permitted per property.~~

10 6. Sidewalk restrictions. If permitted by this section ~~Subsection 42-244.4(f)~~, the
11 following restrictions apply:

- 12 1. If signs are permitted on sidewalks, signs shall only be located on the
13 sidewalk space that abuts the tenant space that is permitted to locate such
14 signs on such sidewalks.
- 15 2. No object shall obstruct a continuous through pedestrian zone of at least
16 five feet in width.
- 17 3. Sandwich board signs that are on a public sidewalk shall be located within
18 12 feet of the primary public entrance of the tenant's establishment.
- 19 4. Sandwich board signs shall be weighted, temporarily secured, or
20 strategically placed to avoid being carried away by high winds.
- 21 5. Sandwich board signs and merchandise shall not be displayed on any
22 sidewalk during hours of non-operation.
- 23 6. No signs shall obstruct pedestrian and wheelchair access from the sidewalk
24 to parking spaces or access ramps designated for people with disabilities or
25 building exits, including fire escapes.

26 7. Installation and Maintenance

- 27 1. All signs/objects must be installed such that, in the opinion of Rolla's
28 building official, they do not create a safety hazard.
- 29 2. All signs must be made of durable materials and shall be well maintained.
30 Signs that are frayed, torn, broken, or that are no longer legible will be
31 deemed unmaintained and required to be removed.
- 32 3. Owner or tenant will be given one warning for violating any of the
33 provisions pertaining to temporary/portable signs. After the initial warning,
34 all subsequent violations may result in the issuance of a citation without
35 any further notice in perpetuity.

36
37 **Sec. 42.347 Off-Premises Sign (Third-party sign, billboard, or outdoor advertising)**

38 Permanent off-premise signage shall comply with all the requirements of this section and
39 shall only be permitted upon property having frontage on either Interstate 44, Highway 63,
40 Highway 72, or Kingshighway ~~or Business Loop 44~~ and zoned ~~C-3, C-2 or M-1, or M-2.~~

41 Within areas zoned Planned Unit Development District, or property in any zoning district
42 upon which a conditional use permit has been issued in the above mentioned corridors,
43 such advertising structures shall only be permitted when specifically authorized upon the
44 final development plan or permit approval.

45 1. Area, Height, Location - I-44:

- 46 1. The maximum height of a billboard along Interstate 44 shall not exceed 45
47 feet. No part of structure shall extend below 15 feet.
- 48 2. The maximum surface area along Interstate 44 shall be 672 square feet
49 with a maximum sign height of 20 feet and a maximum sign width of 48
50 feet. The sign shall be limited to two signs in each direction with one

- 1 message per sign. In no case will the total sign surface in any one direction
2 exceed 672 square feet.
- 3 3. Sign spacing along I-44 shall be 500 lineal feet per side of the highway.
- 4 2. Area, Height, Location - Hwy. 63, Hwy. 72, and Kingshighway Business Loop 44:
- 5 1. The maximum height of a billboard along Highway 63, Highway 72, and
6 Kingshighway Business Loop 44 shall be 30 feet. The maximum surface area
7 of a billboard along Highway 63, Highway 72, and Kingshighway Business
8 Loop 44 shall be 192 square feet surface on each side with a maximum sign
9 height of 12 feet and a maximum sign width of 24 feet. Such signs must
10 have a minimum clearance of 15 feet. No part of structure shall extend
11 below 15 feet.
- 12 2. Sign spacing along Highway 63, Highway 72, and Kingshighway Business
13 Loop 44 shall be one thousand (1000) lineal feet per side.
- 14 3. ~~Billboards along Business Loop 44 and Highway 63 shall not exceed two~~
15 ~~sign surfaces, one surface in each direction, with 192 square feet surface~~
16 ~~on each side and not more than two advertising faces on each side.~~
- 17 4. No sign shall be located within 1000 feet of a residential zoning district
18 which fronts on the same road as the proposed sign.
- 19 5. The minimum front yard setback for such signs shall be 15 feet from any
20 public right-of-way, and/or private roadway easement. The maximum
21 setback for such sign shall be 50 feet from the public right of way.
- 22 3. Restrictions for all highways:
- 23 1. External lighting of billboards, ~~such as floodlights, thin line and gooseneck~~
24 ~~reflectors~~ are permitted, provided the light source is directed upon the face
25 of the sign and is effectively shielded so as to prevent beams or rays of light
26 from being directed toward any residential structure or into any portion of
27 the main travel way. The lights are not permitted to ~~should not~~ be of such
28 intensity so as to interfere with the residential use of property or to cause
29 glare, impair the vision of the driver of a motor vehicle, or otherwise
30 interfere with a driver's operation of a motor vehicle.
- 31 ~~2. No such sign shall be located in such a manner as to obstruct or otherwise~~
32 ~~interfere with the effectiveness of an official traffic sign, signal, or device or~~
33 ~~obstruct or physically interfere with a motor vehicle operator's view of~~
34 ~~approaching, merging, or intersecting traffic.~~
- 35 3. No part of any billboard shall be located on or project over any public
36 street or private utility easement, drainage easement, or railroad right-of-
37 way.
- 38 ~~4. All lineal distances required by this section shall be measured from the~~
39 ~~nearest outside edge of the subject sign, whether a support, structural~~
40 ~~member, or the sign surface itself, to the nearest outside edge of the~~
41 ~~corresponding sign, building, right-of-way, or easement involved.~~
- 42 ~~4. Plans Required: An application to erect such a sign shall include the following:~~
- 43 ~~1. A set of plans, to scale, approved and sealed by a licensed engineer,~~
44 ~~providing all necessary construction and electrical details of the sign and~~
45 ~~sign structure, including height.~~
- 46 ~~2. A Sign Plan, to scale containing:~~
- 47 ~~1. The proposed location of the sign on the property.~~
- 48 ~~2. The distance from the proposed sign location to any buildings upon~~
49 ~~the property, and adjoining street right-of-way lines, and driveway~~
50 ~~entrances.~~

- ~~3.— In conditional use areas, the distance from the proposed sign location to the next nearest billboard sign within 100 feet on either side of the street in either direction.~~
- ~~4.— The distance from the proposed sign location to the nearest street intersection in either direction.~~
- ~~5.— Other information deemed necessary by city officials.~~

- ~~3.— A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.~~
- ~~4.— Construction Specifications: Any sign erected under this Article shall be a single pedestal type, constructed of non-flammable material, excluding wood. Construction of the sign and material specifications shall meet the structural requirements of the City's Building Code.~~

Sec. 42.348 Electronic Message Center Signs.

In nonresidential zones, Electronic Message Centers (EMCs), which includes electronically activated changeable copy signs and signs that imitate movement through electronic means, are permitted in accordance with the permitted sign area regulations of the district in which the sign is located. The following restrictions apply:

1. With the exception of flashing signs and full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC, EMC display features and functions are permitted in nonresidential zoning districts only.
2. No EMCs are permitted within 100 feet of any residential zone.
3. An EMC sign may be a portion or comprise the entirety of the sign face of a wall sign, pole sign, ground sign, or projecting sign. ~~No other types of sign shall be integrated with EMC or other digital display technology.~~
4. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with sign illumination standards of this section ~~division in Subsection 42-244.4(j).~~
5. An off-premises sign can be constructed as, or converted into, an EMC if the sign structure meets all requirements of the sign code.

Sec. 42.349 Non-Conforming Signs.

Nonconforming signs are signs that do not conform to this section ~~Division~~, yet were legally established prior to the adoption of this section ~~Division~~. The burden of proof will be on the property owner to show that the sign was legally established. Nonconforming signs, ~~including those existing pursuant to variances granted by the Board of Adjustment before June 1, 1999,~~ may continue to exist after passage of this section ~~Division~~ if they maintain their nonconforming status. Nonconforming signs are permitted to ~~will be removed and/or~~ changed in accordance with the provisions of this Section.

1. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered, ~~as defined in the Definitions Section of this Article,~~ must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be reestablished. Removable faces or sign panel inserts in a cabinet style sign may also be changed ~~by right, and such change does not constitute a structural alteration nor trigger loss of nonconforming status.~~
- ~~2.— Nonconforming temporary signs must be removed within 30 days of the passage of this language.~~

- 1 3. Once a sign is altered to conform or is replaced with a conforming sign, the
2 nonconforming rights for that sign are lost and a nonconforming sign may not be
3 reestablished.
- 4 ~~4. Loss of nonconforming sign status.~~
- 5 ~~1. If a sign is discontinued, it loses its nonconforming status. Except for signs~~
6 ~~that were legally established as Billboards according to state and/or federal~~
7 ~~law, a sign shall be considered discontinued if, for one year, the services or~~
8 ~~products advertised are no longer available at the destination or if the sign~~
9 ~~no longer has an advertising message other than the name of the sign~~
10 ~~owner on any part of the sign (Beginning dates of discontinuance can be~~
11 ~~validated by identifying the termination date of business licenses).~~
- 12 ~~2. Destruction: When a sign or sign structure is removed or intentionally~~
13 ~~destroyed, replacement signs and sign structures must comply with the~~
14 ~~current standards. However, if a sign or sign structure that has~~
15 ~~nonconforming elements is partially or totally damaged by fire or other~~
16 ~~causes beyond the control of the owner, the sign and sign structure may be~~
17 ~~rebuilt to the same size and height using the same materials.~~
- 18 5. Once a sign loses its nonconforming status, it must be removed before any other
19 permits for signs shall be issued for the premises on which the sign that has lost its
20 nonconforming status exists.
- 21 6. A sign may be replaced if the structure is in danger of an imminent failure which
22 would cause danger to the general public, as determined by a structural engineer.
- 23 ~~7. If structural alteration is needed to maintain the sign's structural integrity, the sign~~
24 ~~shall be removed and no building or sign permits shall be issued until its removal.~~
- 25 ~~8. In cases of doubt or on a specific question raised whether a nonconforming sign~~
26 ~~exists, it shall be a question of fact decided by the Codes Administrator and such a~~
27 ~~determination shall be subject to appeal to the Board of Adjustment.~~
- 28

1 **Sec 42.350 Design Requirements**

2

3 **Sec. 42.350 Design Requirements**

4 The following design requirements are intended to better help new buildings and
5 development to be compatible with the existing surrounding properties in order to
6 maintain property values and provide improved aesthetics.

7

8 **Sec. 42.351 Townhouse Design Requirements**

9 Buildings designed for ~~Attached Single Family~~ or Townhouse are subject to the following
10 design requirements:

- 11 1. Buildings shall not exceed (150) one hundred fifty linear feet in total frontage;
- 12 2. ~~The building fronts of attached townhomes that exceed groups of four (4) units~~
13 ~~that have unbroken wall and roof planes surfaces of (60) sixty feet or more are~~
14 ~~prohibited.~~ At least every 60 linear feet, wall or roof planes shall contain offsets or
15 setbacks of at least two (2) feet or by providing a front porch for each unit with a
16 minimum depth of five (5) feet and a minimum width of eight (8) feet.
- 17 3. A change in texture, material or the use of architectural features to differentiate
18 individual units to ensure that buildings have a multi-faceted exterior in which
19 building fronts are combined with window and door placements as well as other
20 architectural details, such as the use of dormers, gabled roof front stoops, flower
21 boxes, and or shutters may be used in-lieu of 2 above.

22

23 **Sec. 42.352 – 42.359 Reserved**

24

1 **Sec 42.360 Development Requirements**

2 3 **Sec. 42.360 Development Requirements.**

4 The following development requirements apply to all new development and
5 redevelopment of property. General development requirements are intended to provide
6 for orderly, predictable, and attractive development within the city.
7

8 **Sec. 42.361 Sidewalks.**

- 9 1. Required. Sidewalks are required in the following circumstances. The sidewalk must
10 be constructed to the minimum width stated.
 - 11 a. Sidewalks shall be required on both sides of the street on arterial and
12 collector status streets as designated by the adopted Major Thoroughfare
13 Plan. Such sidewalks shall be a minimum of 5 feet in width.
 - 14 b. Sidewalks shall be required on both sides of the street adjacent to any
15 property within the CC, Center City district. Such sidewalks shall be a
16 minimum of 10 feet in width. In instances where the distance between the
17 right-of-way line and the edge of the pavement is less than 10 feet, the
18 sidewalk shall be as wide as possible.
 - 19 c. Sidewalks shall be required on both sides of the street adjacent to any
20 property within the R-3, Multi-family; R-3b, Multi-family; GI, Government
21 and Institutional; C-O, Office; C-1, Neighborhood Business; C-2, General
22 Retail; and C-3, Highway Commercial zoning districts. Such sidewalks shall
23 be a minimum of 5 feet in width.
 - 24 d. Sidewalks shall only be required on one side of the street for local streets
25 as identified in the adopted Major Thoroughfare Plan within the R-1, Single
26 Family; R-2, Two Family; and RMH, Residential Manufactured Home zoning
27 districts. Such sidewalk shall be a minimum of 5 feet in width. Such
28 sidewalks shall be located on the north or east side of the street unless an
29 alternative location is approved by an alternative sidewalk plan, PUD, or as
30 determined by the Community Development Director to avoid placement
31 conflicts. In the event that an adjoining property has a sidewalk, the
32 sidewalk must be extended across the frontage of the subject property
33 unless waived by the Community Development Director.
- 34 2. Not required. Sidewalks are not required or may be waived in the following
35 circumstances:
 - 36 a. Sidewalks are not required on cul-de-sacs less than 600 feet in length with
37 15 or fewer lots or dwelling units.
 - 38 b. Sidewalks are not required on local streets adjacent to the M-1, Light
39 Manufacturing and M-2, Heavy Manufacturing districts.
 - 40 c. Sidewalks are not required along designated Interstate highways.
 - 41 d. Sidewalks may be waived by the Planning and Zoning Commission on local
42 streets in single-family residential large lot subdivisions. A large lot
43 subdivision shall be defined as a subdivision with all lots of greater than
44 25,000 sq. ft. in area.
 - 45 e. Sidewalks are not required for the construction of a one or two family
46 structure in previously subdivided developments where both adjoining
47 properties do not have sidewalks.
 - 48 f. Sidewalks may be waived where only a portion of a property is developed
49 or redeveloped. In such case, sidewalks shall only be required adjacent to
50 the portions of the property which are developed or redeveloped as

1 determined by the Community Development Director. Sidewalks are not
2 required for development projects that do not require any driveway
3 modification or on-site concrete pavement.

- 4 g. In the event that an existing sidewalk in good condition abuts the subject
5 property, the Director of Public Works may waive the requirement to
6 replace the sidewalk, or may authorize modifications to enhance ADA
7 compliance. In all other situations, the existing sidewalk must be replaced
8 with a compliant sidewalk.
 - 9 h. The Community Development Director may approve an alternative off-site
10 location for a sidewalk in lieu of a sidewalk along the subject property
11 frontage where such sidewalk would create enhanced pedestrian access to
12 the neighborhood. Cost estimates for the sidewalk must demonstrate that
13 the alternative location would be equal or greater in cost. Written
14 authorization must be provided from the adjacent property owners.
 - 15 i. The Community Development Director may waive the requirement of
16 providing a sidewalk in locations which are determined to be impractical
17 and unneeded, such as sites which are more than 2,000 feet from the
18 nearest existing sidewalk and not needed as part of the trails network.
 - 19 j. Sidewalks may be waived or required where an adopted neighborhood
20 plan includes a plan for the locations of needed sidewalks in the subject
21 area.
 - 22 k. The Board of Adjustment shall have the authority to waive the requirement
23 for sidewalks through the approval of a variance.
- 24 3. All commercial or multi-family development shall be provided with a designated
25 ADA accessible route through the site to a public sidewalk where a sidewalk exists
26 along an adjacent street. In such case that no public sidewalk exists, the
27 Community Development Director may require such accessible route to a point to
28 connect to a future or planned sidewalk.
- 29 4. Sidewalks shall be constructed to city standards and inspected and approved by the
30 Public Works Department, except that sidewalks constructed within the right-of-
31 way along MoDOT controlled roadways require approval, inspection, and
32 acceptance from MoDOT.
- 33 5. The City of Rolla may participate in the cost of construction of sidewalks to close
34 gaps in sidewalk connectivity, enhance ADA compliance, build wider sidewalks in
35 the center city or for trails as indicated in the adopted Trails Master Plan, and
36 construct pedestrian bridges or culverts to cross highways, railways, or waterways.
- 37 6. Encroachments or narrowing of sidewalks for short distances may be permitted to
38 allow for street trees, street signage, utility poles, utility meters, etc. In no case
39 shall an encroachment or narrowing of a sidewalk reduce the width to less than 4
40 feet or encroach for more than 4 consecutive feet along the length of the sidewalk.

41 **Sec. 42.362 Exterior Lighting Standards**

42 The purpose of this section is to regulate the spillover of light and glare on operators of
43 motor vehicles, pedestrians, and land uses in the proximity of the light source. Safety
44 considerations form the basis of these regulations pertaining to motor vehicle use. In other
45 cases, both the nuisance and hazard aspects will be regulated. This section is not intended
46 to apply to public street lighting, signs, or seasonal displays.

47
48
49 The following standards are required of all exterior lighting, subject only to the exemptions
50 permitted in this section ~~Section 42-213-2.~~

- 1 1. The light source or luminary for all exterior lighting shall have a cutoff so that the
2 bare light bulb, lamp or light source is completely shielded from the direct view of
3 an observer at ground level at the property line ~~adjacent to a public right-of-way or~~
4 adjacent to property within a residential zoning district ~~property zoned residential~~
5 ~~or, if a buffer yard is required, at the interior line of the buffer yard.~~
- 6 2. No flickering or flashing lights shall be permitted.
- 7 ~~3. Light sources or luminaries shall not be located within buffer yard areas except on~~
8 ~~pedestrian walkways.~~
- 9 4. A photometric study may be required to be submitted for non-residential
10 development which includes exterior lighting and is within or adjacent to a
11 residential zoning district to demonstrate compliance with this section.
- 12 5. Spillover light may not exceed 0.5 foot-candle onto adjacent property in the R-1 or
13 R-2 districts; 2 foot-candle onto adjacent property in other residential districts; or
14 5.0 foot-candle onto public streets.

15
16 The following exceptions apply to this section:

- 17 1. Outdoor Recreational Uses. Baseball diamonds, playing fields, and tennis courts
18 shall be exempt from the exterior lighting standards because of their unique
19 requirements for nighttime visibility and hours of operation. ~~These outdoor~~
20 ~~recreational uses must meet all other requirements of this section and this Article.~~
- 21 2. Private Outdoor Lights. Private outdoor lights installed by a public utility on private
22 property for security purposes are exempt from the exterior lighting standards
23 provided the installation is approved by all property owners of residential property
24 from which the light source can be viewed.
- 25 3. In Manufacturing Zoning Districts. Due to unique lighting requirements for some
26 industrial or warehousing activities, exterior lighting shall be exempt from exterior
27 lighting standards, except for parking lot lighting.
- 28 4. Emergency Warning Lights. Safety signal and warning device lighting shall be
29 exempt from the exterior lighting standards of this Section.

30
31 **Sec. 42.363 Driveway Access**

32 All existing tracts of record are guaranteed at least one driveway to a public street or right-
33 of-way, either directly or by access easement.

34
35 On Collector streets, one driveway may be permitted for each two-hundred (200) feet of lot
36 frontage. Such driveways must be located a minimum of fifty (50) feet from the right-of-
37 way of any intersecting street.

38
39 On Arterial streets, one driveway may be permitted for each two-hundred-fifty (250) feet of
40 lot frontage. Such driveways must be located a minimum of two-hundred (200) feet from
41 the right-of-way of any intersecting street. No driveway will be permitted for any lot with
42 less than two-hundred-fifty (250) feet of lot frontage unless there are no other viable
43 options for access as determined by the City Engineer.

44
45 Approval of driveway locations is determined by the City Engineer. Locations may be
46 denied based on other options for access, sight-distance, traffic levels, accident history,
47 separation from adjacent or opposite driveways or streets, or impacts to public parking.

48
49 Driveway approvals on MoDOT controlled roads also require approval from MoDOT.
50

1 The maximum width of a driveway measured at the property line for single-family, two-
2 family, three-family, and four-family dwellings is 32 feet. The maximum width may be
3 divided between up to two separate driveways. An additional driveway may be permitted
4 for corner lots.

5
6 The minimum width of a driveway measured at the property line for all other uses is twelve
7 (12) feet for a one lane one-way driveway and twenty (20) feet for a two lane driveway.
8 The maximum width is fifteen (15) feet for a one lane driveway; twenty-four (24) feet for a
9 two lane driveway; and thirty-four (34) feet for a driveway with an additional left turn exit
10 lane. The City Engineer may approve wider driveways that primarily serve truck traffic.

11
12 Unless no other access is possible, no additional driveways may be permitted on Lions Club
13 Rd between US 63 and Hwy 72. Where such driveway is necessary, the City Engineer may
14 approve the minimum number of shared driveways necessary to provide access to all lots.

15
16 **Sec. 42.364 – 42.359 Reserved**

17

Chapter 28 Nuisances and Property Maintenance

NOTE: Section 20-1 though Section 20-2 from Chapter 20 are proposed to be relocated to Chapter 28, Nuisances.

Sec. 28-1. Maintenance, etc., of nuisances prohibited.

No person shall cause, maintain or permit, on premises owned or controlled by him, a nuisance, as defined by the laws of this State or by this Chapter.

Sec. 28-2. Nuisances enumerated.

The following things are hereby declared to be nuisances; provided, that such listing shall not be deemed exclusive:

- a. ~~Carcasses of animals remaining exposed more than six hours after death.~~
- b. ~~Ashes, slops, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant water, all sorts of decaying animal matter, decaying fruit or vegetables or other vegetable matter, broken kitchenware, wrecked or parts of worn out automobiles or other machines, scrap iron or other metals, tin cans, old bottles, broken glass, discarded wearing apparel, dead animals, or any other offensive or disagreeable substance or thing, old dilapidated barns, sheds or other buildings left, deposited or caused or permitted to remain, left or deposited in such quantity or in such condition as to be offensive to the sight or smell or a menace to health, safety, peace or comfort or of such a nature as to be or become harbors or breeding places for mosquitoes, ants, flies, rats, mice or other insects, animals or vermin, whether left or deposited upon private premises owned, occupied or controlled by persons causing or permitting the same or upon any public street, sidewalk, alley, parkway, public enclosure or vacant lot; all water, steam and condensation drained from, emitted from or thrown upon a sidewalk, parkway, alley or street from any place occupied by a commercial or business structure or any appurtenances thereto belonging. Also, the creation of dust by the operation of motor vehicles, racing cars, rides, or other motor driven contrivances where the dust is carried beyond the borders of the property whereon the above enumerated vehicles may be operated in such quantities as to interfere with reasonable enjoyment of any property in the neighborhood.~~
- c. ~~Factories, slaughterhouses and all places of business causing an offensive odor to a greater extent than is reasonably necessary in the prosecution or carrying on of such business.~~
- d. ~~Garbage deposited otherwise than in suitable containers for removal by the city.~~
- e. ~~Green or unsalted hides kept in an exposed or open place.~~
- f. ~~Hog pens.~~
- g. ~~Shrubs, hedges and limbs of trees projecting over a sidewalk or street at a height of less than seven (7) ten (10) feet.~~
- h. ~~Privies in an overflowing, leaking or filthy condition.~~
- i. ~~Ponds and pools of unclean water.~~
- j. ~~The rendering, heating or steaming of any animal or vegetable product or substance in such a manner as to cause disagreeable odors off the premises.~~
- k. ~~Stables, stalls, sheds, pens or yards in which any horses or cattle have been kept which are in an unclean condition.~~
- l. All substances or things which cause an odor disagreeable to the surrounding neighborhood.

- 1 m. ~~No person shall permit any junked or abandoned vehicle to be stored or parked on~~
2 ~~any premise occupied by or owned by the person, except inside an enclosed~~
3 ~~building or garage. A vehicle shall be considered junked or abandoned if it is not in~~
4 ~~operable condition for a consecutive period of 30 days. Vehicles that are being~~
5 ~~restored by the owner shall not fall within said definition provided said restoration~~
6 ~~is in progress on a continuous basis and the owner establishes a date for~~
7 ~~completion of such work. After the completion date, if such vehicle is not operable,~~
8 ~~it shall be deemed junked and subject the owner to the requirements of this~~
9 ~~Section.~~
- 10 n. ~~It shall be unlawful for the owner or occupant of a structure or property to utilize~~
11 ~~the exterior premises of such property for the open storage of any junk vehicle~~
12 ~~parts, appliances, furniture (excluding garden or patio furniture intended for~~
13 ~~outdoor use and barbeque grills), building demolition rubbish, boxed or bagged~~
14 ~~household waste, or any other similar items. For the purpose of this section, open~~
15 ~~storage shall be defined to include all storage on the premises which is not inside~~
16 ~~an enclosed building. This includes storage on porches, storage under open~~
17 ~~carports or breezeways, storage in open garages not equipped with a door, storage~~
18 ~~inside yards or similar areas visible from the public right-of-way.~~
- 19 o. Nuisances listed in the adopted International Property Maintenance Code.

20
21 **~~Sec. 28-3. Notice to owner to abate or remove nuisances.~~**

22 ~~Whenever the city council, or its designated officer, shall ascertain or have knowledge that~~
23 ~~a nuisance exists in or upon any house or premises in the city, such council or its designated~~
24 ~~officer, shall, by written notice, notify the person occupying or having possession or the~~
25 ~~right to possession of such house or premises to abate or remove such nuisance within the~~
26 ~~time to be specified in such notice, provided, that if such house or premises is not occupied~~
27 ~~and the owners having the right of possession are nonresidents, the council, or its~~
28 ~~designated officer, shall notify the nonresident owners by posting a notice of such request~~
29 ~~to abate or remove such nuisance within a time to be specified in such notice upon such~~
30 ~~house or premises and by sending a copy of such notice by mail to the last known address~~
31 ~~of the nonresident owners. Receipt or acknowledgement of notification is not required.~~

32
33 ~~No person notified as provided in this Section shall fail, neglect or refuse to comply with the~~
34 ~~same within the time specified in such notice. For every day thereafter that such person~~
35 ~~shall fail, neglect or refuse to comply with the same and for every day thereafter that such~~
36 ~~person shall fail, neglect or refuse to abate or remove such nuisance, he shall be deemed~~
37 ~~guilty of a separate offense and shall be proceeded against as in the first instance.~~

38
39 **~~Sec. 28-4. Authority of police, etc., to enter premises, etc., for purpose of removing or~~**
40 **~~abating nuisances.~~**

41 ~~Police officers and other employees of the city authorized by the city council or the chief of~~
42 ~~police are hereby authorized and required to go, in the daytime, in and upon any house,~~
43 ~~building, lot or premises, whether public or private, for the purpose of removing or abating~~
44 ~~any nuisance, when abatement of a nuisance is ordered under the provisions of this~~
45 ~~Chapter.~~

46
47 **~~Sec. 28-3 Sec. 28-5. City may abate nuisances when owner fails to do so—Duties of City~~**
48 **~~Council. Abatement of Nuisances~~**

49 ~~If the person notified as provided in this Section shall fail, neglect or refuse to comply with~~
50 ~~the same within the time specified in such notice, the codes administrator or designated~~

1 officer shall abate such nuisance upon receiving an order to do so from a court provided
2 ~~the cost of such not exceed \$1,000.00.~~

3
4 If the estimated cost of abatement of the nuisance is in excess of \$1,000.00 ~~the amount~~
5 ~~thus established~~, the codes administrator or designated officer shall report the same to the
6 council of the city. Thereupon the council shall call and have a full and adequate hearing
7 upon the matter, giving the affected parties at least fourteen days written notice of the
8 hearing. At such hearing, any party may be represented by counsel, and all parties shall
9 have an opportunity to be heard.

10
11 After the hearing, if the evidence supports a finding based upon competent and substantial
12 evidence that a nuisance exists, that the person having an interest was notified, and that
13 the person failed to abate the nuisance, the city council shall issue an order based upon its
14 findings of fact to the codes administrator or its designated officer to proceed to abate the
15 nuisance.

16
17 **~~Sec. 28-4 Sec. 28-6. Same Cost to be lien against property. Liens from Abatements~~**

18 If the codes administrator or its designated official causes as provided in Section 28-5
19 ~~whereby~~ the nuisance to be is abated by the city, the costs of the abatement and a
20 reasonable charge for administering the abatement ~~provisions of Sections 28-1 to 28-6~~ not
21 less than one hundred dollars, shall be certified to the city clerk who shall cause a special
22 tax bill therefore against the property to be prepared and collected by the Finance Director.
23 The tax bill from the date of its issuance shall be deemed a personal debt against the owner
24 and ~~and~~ shall also be a lien on the property until paid. If the certified cost is not paid, the
25 tax bill shall be considered delinquent, and the collection of the delinquent bill shall be
26 governed by the laws governing delinquent and back taxes.

27
28 **~~Secs. 28-7 to 28-10. Reserved.~~**

29
30 **~~Article II—Weeds and Other Rank Vegetation~~**

31 **~~Sec. 28-11. High weeds, etc., declared menace to public health, safety and welfare.~~**

32 ~~The presence of high weeds, brush and profusely growing (rank) vegetation taller than ten~~
33 ~~(10) inches in height, excluding shade trees, ornamental shrubs, fruit trees, domesticated~~
34 ~~berry bushes and vines, cultivated flowers and gardens, cover crops and domestic grains~~
35 ~~and plantings on lots and pieces of land within the City, that constitute a menace to the~~
36 ~~public safety, health and welfare by reasons that such conditions may:~~

- 37 a. ~~Cause a fire hazard.~~
38 b. ~~Furnish cover for prowlers and illegal activities.~~
39 c. ~~Create shelters and breeding places for rodents, disease carrying insects, poisonous~~
40 ~~snakes, and other vermin.~~
41 d. ~~Result in the aggravation of allergies.~~
42 e. ~~Obstruct visibility at street intersections.~~

43
44 **~~Sec. 28-5 Sec. 28-12. City council or designated officer to determine when weeds, etc.,~~**
45 **~~constitute public nuisance.~~**

46 The growth of weeds, brush or rank vegetation shall constitute a public nuisance ~~when, in~~
47 ~~the opinion of the City Council, or its designated officer, any such growth on a lot or piece~~
48 ~~of land may substantially endanger the health, safety or welfare of the public, having~~
49 ~~considered the hazards enumerated in Section 28-2, with the following exceptions:~~

- 50 a. All lots or parcels or portions thereof zoned "R-R" (rural residential district) not
51 within 100 feet of any residence or street.

- b. All undeveloped lots, parcels or right-of-way owned by the City of Rolla and dedicated for park and open space use, as bird sanctuaries, riparian corridors, detention basins, or as dedicated but undeveloped public right-of-way.
- c. Undeveloped lots which do not abut development on at least three (3) sides (Including developed streets); however, in such case, areas within five (5) feet of an abutting residential lot or within ten (10) feet of a street or within five (5) feet from a sidewalk must be maintained free from high weeds and grass.
- d. Undeveloped future phases of subdivisions that have been cleared or “brush hogged” shall be maintained in that condition until further development occurs.

~~Sec. 28-6 Sec. 28-13.~~ Weeds, etc., over ten inches in height declared nuisance per se.

The growth of weeds, brush or other rank vegetation in excess of ten (10) inches in height is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of the public.

~~Sec. 28-14. Permitting growth of high weeds, etc., prohibited.~~

~~It shall be unlawful for any property owner, lessee, or agent in control of any lot or piece of land where development has occurred on at least three (3) abutting sides (including developed streets), to allow weeds, brush, or rank vegetation to attain a height greater than ten (10) inches on such land, or lot. It shall be unlawful for any property owner, lessee, or agent in control of any lot or piece of land adjoining a developed street to allow weeds, brush, or rank vegetation to attain a height greater than ten (10) inches within ten (10) feet of any curb or street edge and five (5) feet from any other abutting developed parcel or lot. In addition to the street frontage maintenance requirement of ten (10) feet, undeveloped subdivisions that have been cleared or “brush hogged” shall be maintained in that condition until further development occurs.~~

~~Sec. 28-15. Duty of owner, etc., to abate weeds, etc.~~

~~It shall be unlawful for any owner, lessee or agent in control of a lot or piece of land to permit such a growth of weeds, brush or rank vegetation as would constitute a nuisance under the terms of this Article. It shall be such owner's, lessee's or agent's duty to abate such nuisance, if it exists. A failure to abate shall be unlawful. The requirement to abate the nuisance shall be satisfied when such lot or piece of land determined by the City Council or its designated officer to be in violation of this Article shall have been cut to a distance of a minimum of ten (10) feet from the front curb or street edge and a minimum of five (5) feet from all other boundaries of the lot or piece of land.~~

~~Sec. 28-7 Sec. 28-16. Notice to owner to abate weeds, etc.~~

~~Whenever the city council, or its designated officer, is informed and believes that a nuisance, per se, exists under Section 28-13, or whenever the council or its designated officer, shall be of the opinion that a nuisance exists as provided by Section 28-12, the council, or such designated officer, shall cause to be posted a notice containing an order to abate the nuisance on the land where such nuisance exists, and shall cause a copy of such notice to be sent to the last known address of the owner. Receipt or acknowledgement of notification is not required. If the nuisance is not abated within the period of time determined by the council, or its designated officer, from the date the notice is posted or sent, then the council, or its designated officer, shall cause such nuisance to be abated by whatever reasonable means are necessary.~~

The Codes Administrator, or its designated official, must provide notice to any property owner of a property on which a nuisance of weeds, brush, or other vegetation is located.

1 Such notice may be either by mail or by posting notice on the property. Such notice must
2 allow for not less than 14 days for the property owner to appeal the determination. If the
3 property owner does not appeal the determination, or if the appeal is denied, the property
4 owner must be given an additional 5 days to correct the violation(s) before the city may
5 abate the violation(s).

6
7 **Sec. 28-8 ~~Sec. 28-17~~. Owner of land liable for cost of cutting weeds.**

8 If the Codes Administrator or its designated official ~~as provided in Section 28-16 whereby~~
9 abates a property by the cutting and removing weeds, brush and other rank vegetation is
10 ~~abated by the city~~, the costs of the abatement and a reasonable charge for administering
11 the ~~abatement provisions of Sections 28-11 to 28-17~~ not less than one-hundred fifty
12 dollars, shall be certified to the City Clerk who shall cause a special tax bill therefore against
13 the property to be prepared and collected by the Finance Director. The tax bill from the
14 date of its issuance shall be deemed a personal debt against the owner and shall also be a
15 lien on the property until paid. If the certified cost is not paid, the tax bill shall be
16 considered delinquent, and the collection of the delinquent bill shall be governed by the
17 laws governing delinquent and back taxes.

18
19 **Sec. 28-9. Reserved.**

20
21 **Sec. 28-10 ~~Sec. 20-1~~. **2018 International Property Maintenance Code - Adopted.****

22 That for the purpose of establishing minimum standards governing the condition and
23 maintenance of all property, buildings and structures; by providing the standards for
24 supplied utilities and facilities and other physical things and conditions essential to insure
25 that structures are safe, sanitary and fit for occupation and use; and the condemnation of
26 buildings and structures unfit for human occupancy and use and the demolition of such
27 structures; known as "International Property Maintenance Code, 2018 Edition" of the City
28 of Rolla, Missouri, and each and all of the regulations of the International Property
29 Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set
30 out at length herein.

31
32 **Sec. 28-11 ~~Sec. 20-2~~. ~~Same~~ **— Amendments to adopted International Property**
33 **Maintenance Code.****

34 101.1 ~~Title~~, is hereby amended by inserting the words "City of Rolla, Missouri".

35
36 103.5 Fees. Delete.

37
38 ~~106.4.3 Expiration. Every permit issued shall be valid for one year after issuance unless~~
39 ~~work authorized by the permit is not commenced within 180 days after its issuance, or if~~
40 ~~the authorized by the permit is not commenced within 180 days after its issuance, or if the~~
41 ~~authorized work is suspended or abandoned for a period of 180 days after the time the~~
42 ~~work is commenced. At that time the permit would become void and re-application would~~
43 ~~need to be made.~~

44
45 ~~106.4.4 Extensions. A one-time, one-year extension of a permit may be obtained at a cost~~
46 ~~of one-half of the original permit fee.~~

47
48 ~~106.5.2 Fee schedule. Refer to fee schedule provided in Section 108.7 of the International~~
49 ~~Building Code.~~

50
51 ~~106.5.3 Fee refunds. Delete.~~

1
2 ~~106.4~~ **108.4 Violation Penalties.** Any person who shall violate a provision of this code or
3 shall fail to comply therewith, or with any requirements thereof, with any of the
4 requirements thereof or who shall erect, construct, alter or repair a building or structure in
5 violation of an approved plan or directive of the code official, or of a permit or certificate
6 issued under the provisions of this code, shall be guilty of a Misdemeanor, punishable by a
7 fine of not more than \$500.00, or by imprisonment not exceeding 90 days, or both such
8 fine and imprisonment. Each day that a violation continues after due notice has been
9 served shall be deemed a separate offense.

10
11 ~~108.5 Unlawful Continuance.~~ Any person who shall continue any work in or about the
12 structure after having been served with a stop work order, except such work as that person
13 is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of
14 not less than ~~\$50.00~~ or more than ~~\$500.00~~.

15
16 ~~This Ordinance shall be in full force and effect from and after January 1, 2019.~~

17
18 **111.1 Applications for appeal.** Any person directly affected by a decision of the code
19 official or a notice or order issues under this code shall have the right to appeal to the
20 board of appeals, provided that a written application for appeal is filed within 30 days after
21 the day the decision, notice, or order was served. An application for appeal shall be based
22 on the claim that the true intent of this code or the rules legally adopted thereunder have
23 been incorrectly interpreted, the provisions of this code do not fully apply, or the
24 requirements of this code are adequately satisfied by other means.

25
26 **111.2 Membership of board.** The board of adjustment shall serve as the board of appeals.

27
28 **111.2.1 – 111.2.5. Alternate members. Chairman. Disqualification of member. Secretary.**
29 **Compensation of members.** Delete

30
31 **111.3 – 111.6. Notice of meeting. Open hearing. Procedure. Postponed hearing. Board**
32 **decision. Records and copies. Administration.** Delete

33
34 **112.4 Failure to comply.** \$50.00; \$500.00.

35
36 **302.4 Weeds.** 10 inches (Add: Premises and exterior property specifically includes adjacent
37 streets. The property owner is required to maintain those areas between the street
38 pavement and the property line.)

39
40 **304.14 Insect screens.** (Year round)

41
42 **602.3 Heat supply.** (Year round)

43
44 **602.4 Occupiable work spaces.** (Year round)

45