

City of Rolla, MO
Chapter 42
Zoning and Subdivision Regulations

DRAFT

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1 **NOTE:** Text to be removed is shown with ~~STRIKETHROUGH~~. Text to be added is shown with
2 UNDERLINE.

3 4 **Section 100 Administration**

5 6 **Sec 42.100 Title**

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

10
11 This chapter Article shall be in full force and effect as Chapter 42, ~~Article III,~~ of the Rolla City
12 Code, from and after its passage and approval in the manner required by law.

13 14 **Sec 42.101 Purpose**

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

24 25 ~~**Sec. 42-22. Interpretation and Purpose.**~~

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

36 37 **Sec 42.102 Applicability and Jurisdiction**

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

42 43 **Sec 42.103 Authority**

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

46 47 **Sec 42.104 Severability**

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

- 1 (a) If any court of competent jurisdiction shall adjudge any provision of this
2 chapter Article to be unconstitutional, invalid, or illegal, such judgment
3 shall not affect any other provisions of this chapter Article.
4 (b) If any court of competent jurisdiction shall adjudge the application of any
5 provision of this chapter Article to a particular property, building or
6 structure to be unconstitutional, invalid, or illegal, such judgment shall not
7 affect the application of said provision to any other property.
8

9 **Sec 42.105 Rules of Interpretation**

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

- 12 1. The words 'shall' and 'must' are is always mandatory and not discretionary. The
13 word 'may' is permissive.
14 2. Words used in the present tense shall include the future and words used in the
15 singular include the plural and the plural the singular, unless the context clearly
16 indicates the contrary.
17 3. The use of the male pronoun includes the use of the female pronoun.
18 4. The word person includes individuals, firms, corporations, associations and any
19 other similar entities.
20 5. The words parcel, site, or tract are synonymous and are general terms for the
21 description of land.
22 6. The word City means the area of jurisdiction of the City of Rolla, Missouri.
23

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

- 27 1. Boundaries shown as approximately following the centerlines of streets, highways,
28 or alleys shall be construed to follow centerlines.
29 2. Boundaries shown as approximately following platted lot lines shall be construed as
30 following lot lines.
31 3. Boundaries shown as following City Limit lines shall be construed as following such
32 City Limits.
33 4. Boundaries shown as following railroad lines shall be construed to be midway
34 between the main tracks.
35 5. Boundaries shown as following shorelines of bodies of water shall be construed to
36 follow such shorelines, and in the event of change in the shoreline, shall be
37 construed as moving with the actual shoreline; boundaries indicated as
38 approximately following the center lines of streams, ponds, or lakes shall be
39 construed to follow such center lines.
40 6. Where physical or cultural features existing on the ground are at variance with
41 those shown on the Official Zoning Map, or in other circumstances not covered by
42 paragraphs (a) through (e) above, the Community Development Director Board of
43 Adjustment shall interpret the district boundaries.
44 7. Any interpretation may be appealed to the Board of Adjustment.
45

46 ~~Classification of Vacated Right-of-Way:~~ Whenever any public right-of-way is vacated by
47 official action of the Planning and Zoning Commission and City Council, the zoning district
48 adjoining each side of the vacated right-of-way shall automatically extend to the centerline
49 of the vacated property; or, in the case where all of the vacated right-of-way shall revert to
50 one property, the zoning district of the host property shall extend to the vacated area.
51

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.

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. The secretary/vice-chairman assumes the role of the chairperson for any
40 meetings which the chairperson is not able to attend.

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

45
46 All motions or questions being voted upon by the commission shall require an affirmative
47 vote by a majority of the voting members present. Members may abstain from voting by
48 casting their vote as "present" and that said vote shall not be tallied as a negative or an
49 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 or other chapters in the Rolla Code of Ordinances Article as according to
47 the criteria for approval of such variance. ~~will not be contrary to the public interest,~~
48 ~~where, owing to special conditions, a literal enforcement of the provisions hereof~~
49 ~~will result in unnecessary hardship, and so that the spirit of this chapter Article shall~~
50 ~~be observed and substantial justice done.~~

- 1 4. Shall serve as the members of the Board of Appeals for the adopted version of the
2 2000 International Property Maintenance Code, as required in ~~Section 111.2~~ of that
3 Code, and shall hear appeals by any person directly affected by a decision of the
4 Community Development Director Codes Administrator or a notice or order issued
5 under this Code. The chairman of the Board of Adjustment shall serve as the
6 chairman of the Board of Appeals. The alternate members of the Board of
7 Adjustment shall serve as alternate members of the Board of Appeals.
8

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

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

- 11 1. A variance from the applicable bulk regulations for buildings and structures,
12 including maximum height, lot coverage, and required yard areas.
13 2. A variance from the applicable minimum requirements for lot size, width, depth, or
14 setback distances.
15 3. A variance from the applicable off-street parking, signage, requirements. ~~A variance~~
16 ~~from the applicable~~ open space, landscaping and buffer area requirements.
17 4. A use variance to allow a use of a property or building which is not permitted by
18 this chapter.
19

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

- 25 1. The Board of Adjustment may grant a special exception to allow a legal non-
26 conforming use to be changed to any other use ~~permitted in the zoning district in~~
27 ~~which the non-conforming use is allowed~~, provided the proposed use is not more
28 intense than the existing use in terms of traffic generation and other impacts on
29 surrounding property.
30 2. Permit the extension or expansion of an existing legal non-conforming use in a
31 building or upon a lot currently occupied as a legal non-conforming use.
32 ~~3. Permit the use of property in the "R-1 " and "R-2" Districts adjacent to the "R-3",~~
33 ~~"C" or "M" Districts, even if separated therefrom by an alley or by a street, for~~
34 ~~parking of passenger cars under such safeguards and conditions of the setback~~
35 ~~requirements of the more restricted property, and further provided that such~~
36 ~~parking area shall not extend a greater distance than five hundred (500) feet from~~
37 ~~the "R-3," "C" or "M" Districts and other conditions as needed to promote public~~
38 ~~safety.~~
39 4. Permit the use of property owned by a church for a parking lot ~~the parking of~~
40 ~~passenger cars~~ in any district under such safeguards and conditions as are
41 necessary to protect adjacent property.
42 5. Alternative arrangements for landscaping, signage, or parking which is found to
43 meet the intent of this chapter
44 6. Any other land use specifically eligible for approval with a special exception in this
45 chapter.
46

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

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

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

The Board of Adjustment may grant use variances when the board finds that based on the particular evidence presented to it meets the following criteria:

1. Where the strict enforcement of this chapter Article may cause an unnecessary hardship resulting from the unique physical characteristics of a site for a or proposed use, and;
2. The Board of Adjustment shall also make a determination that granting the use variance is consistent with the intent of the Comprehensive Plan, and;
3. that granting the variance will result in the achievement of substantial justice which cannot be achieved in any other means.

~~Applications for a use variance shall follow the provisions prescribed in Division 17, Section 42-234.1. pertaining to Site Plans.~~

The Board of Adjustment may grant a special exception from the provisions of this chapter once the board finds that based on the particular evidence presented it meets the following criteria:

1. The request is consistent with the general spirit and intent of the regulations.
2. The request is consistent with the general and specific rules for the Special Exception.
3. The request serves the general welfare and preserves the community interest.

Sec 42.126 Board of Adjustment – Appeals

1 Appeals of an administrative decision or interpretation may be submitted to the Board of
2 Adjustment may be taken by any person aggrieved or by an officer, department, board or
3 bureau of the City of Rolla affected by any decision of an administrative officer.
4

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

11
12 The applicant for an appeal, ~~however~~, shall bear the burden of producing evidence
13 establishing the grounds of the appeal.
14

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

22
23 A properly filed notice of appeal shall stay all proceedings in furtherance of the action
24 appealed, unless the officer from whom the appeal is taken certifies to the Board of
25 Adjustment after the notice of appeal shall have been filed with him that by reason of facts
26 stated in the certificate a stay would, in his opinion, cause imminent peril to life or
27 property. In such case, proceedings shall not be stayed otherwise than by a restraining
28 order which may be granted by the Board of Adjustment or by a proper court order.
29

30 **Sec 42.127 Board of Adjustment – Appeals from Ruling**

31 Appeals from rulings of the Board of Adjustment may be submitted ~~taken~~ in the manner
32 provided by statute.
33

34 **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, C-2, General Commercial, or industrial district and the property is adjacent to the 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. 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;
4. Vacation exhibit, and;
5. 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 thirty (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 The Development Review Committee reviews all requests for vacations. The committee
2 may determine such vacation is appropriate. Staff will forward the request to the Planning
3 and Zoning Commission for their recommendation to the City Council.

4
5 The Development Review Committee may determine that such vacation request is not
6 appropriate. In such case, the applicant may appeal that decision to the Planning and
7 Zoning Commission for their recommendation to the City Council. In such case, the
8 applicant is responsible for reimbursement to the city for the costs of the public notice.

9
10 ~~Street Vacations:~~ The Commission shall not recommend the vacation of any street or part
11 thereof of a dedicated street if such vacation will interfere with access to the public street
12 of any abutting property or with the uniformity or improvement of the existing street
13 system.

14
15 **Sec 42.139 Reserved**

16
17

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 five (5) parking spaces or adding an additional parking area that serves more than five (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 Building permit applications may be considered to be abandoned after six months after
29 providing comments; or after six (6) months of notifying the applicant that the plans are
30 approved and ready for payment and the building permit issued. Such abandoned plans
31 and applications may be discarded.

32 33 **Sec 42.141 Land Use Review**

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

- 38 ~~1. New Commercial Buildings and Additions to or Expansions of Commercial~~
39 ~~Buildings~~
- 40 ~~2. New Industrial Buildings and Additions to or Expansions of Industrial~~
41 ~~Buildings~~
- 42 ~~3. New Multi-family Buildings and Additions to or Expansions of Multi-family~~
43 ~~Buildings~~
- 44 ~~4. Change in Use, Increase of Intensity of Use, and Establishment of a New~~
45 ~~Use~~
- 46 ~~5. Home Occupation Applications~~
- 47 ~~6. Sign Applications~~

48
49 ~~Land use actions that are reviewed by City Council such as rezonings, subdivisions, lot~~
50 ~~consolidations, lot reconfigurations, planned unit developments, conditional use permits~~
51 ~~and other land use actions also require land use review and record-keeping. All of the other~~

1 applications of the regulations of Chapter 42 of the Rolla City Code that are not explicitly
2 listed above shall be enforced through the building permitting process, unless, at the
3 discretion of the Community Development Director, land use review is needed. The above-
4 listed types of requests and other land use reviews may require the applicant to submit
5 applications and additional information as reasonably needed before approving such a land
6 use review.

7
8 Prior to the issuance of a building permit or business license, the use of the proposed
9 building and/or property will be reviewed for compliance with this chapter.

10
11 **~~Application to Change of Use, Increase of Intensity of Use, and Establishment of a New~~**

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

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

26
27 ~~If an existing building is located on a lot that does not conform to minimum lot size and~~
28 ~~width requirements, the building shall not be expanded, or receive additions, nor shall the~~
29 ~~lot receive additional primary or accessory structures.~~

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

36
37 **Sec 42.142 Public Hearings**

38 Applications for special exceptions, variances, ~~and use variances~~ shall be submitted ~~on~~
39 ~~forms provided for this purpose not less than twenty-eight (28) days prior to a regularly~~
40 ~~scheduled Board meeting, or by a filing deadline as posted by the Community Development~~
41 ~~Department.~~ Along with the submission of such an application, the applicant shall submit
42 the appropriate fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. Once
43 the application has been determined to be complete, the Board of Adjustment shall hold a
44 public hearing and written notice of all such public hearings shall be sent by the secretary
45 of the Board to the applicant and all other persons deemed by the Board to be affected. In
46 addition, upon completeness, the Community Development Department shall notify the
47 public of the hearing and proposal according to the prescribed procedures and standards
48 described in Section 42-143 of the Rolla Planning and Zoning Code.

49
50 Applications for rezoning (map amendment), conditional use permit, preliminary plat, final
51 plat, planned unit development, or annexation must be submitted not less than twenty-

1 eight (28) days prior to a regularly scheduled Commission meeting, or by a filing deadline as
2 posted by the Community Development Department.

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

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

- 16
- 17 1. Major Subdivisions;
- 18 2. Planned Unit Developments;
- 19 3. Conditional Use Permits;
- 20 4. Rezoning (Map and Amendment);
- 21 5. Text Amendments (no signage required);
- 22 6. Appeals to the Board of Adjustment;
- 23 7. Variances;
- 24 8. Special Exceptions; ~~Use Variances; Subdivision Variances;~~
- 25 9. Vacations (entirety of street rights-of-way only);
- 26 10. Preliminary Plats;
- 27 11. ~~Major Amendments to Conditional Use Permits, Site Plans;~~ and
- 28 12. Amendments to Planned Unit Development Final Development Plans.
- 29

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

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

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

1 applicable, the letters shall explain the extraordinary majority requirements described in
2 Section 89.060 of the Revised Statutes of Missouri.

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

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

18
19 If a land use action impacts a minimum of five percent (5%) of the total city land area, such
20 as a text amendment to this chapter or a city-initiated amendment to the zoning map of a
21 large area of the city, only the online and newspaper notification is required.

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

31
32 **Sec 42.143 City Council Review**

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

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

45
46 ~~In the case of a protest petition against a rezoning (map amendment), planned unit
47 development, or conditional use permit such change, duly signed and notarized by the
48 owners of thirty (30) percent or more of the land area (exclusive of streets and alleys)
49 included in such proposed change or within an area determined by line drawn parallel to
50 and within a perimeter of one hundred eighty-five (185) feet distance from the subject
51 property boundaries of the district proposed to be changed, such request amendments~~

1 shall not ~~be approved~~ ~~become effective~~ except by the favorable vote of two thirds (2/3) of
 2 all the members of the City Council.
 3
 4 ~~A protest against a proposed Conditional Use Permit may be filed in accordance with the~~
 5 ~~provisions of this Article that address protest petitions for zoning cases.~~
 6
 7 ~~The provisions of this section apply to~~ A favorable vote of two-thirds (2/3) of all the
 8 members of the City Council is required for the adoption of, additions to, changes or
 9 modifications of the official map of the master Comprehensive plan, whether such changes
 10 are initiated by the city City Council, the Planning and Zoning Commission, Community
 11 Development Director or by property owner application.
 12

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

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 three (3)
- 11 business days of submittal. A partial refund may be provided if an application is withdrawn
- 12 prior to 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 (1) 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 (2) years of the date of
9 the catastrophe ~~and are diligently prosecuted to completion and that the~~
10 ~~rebuilding or restoration following the catastrophe does not increase any~~
11 ~~nonconforming aspect of the original structure or use.~~
- 12 7. ~~Exemption: Where reconstruction, alteration, extension, addition, or~~
13 ~~structural change to a single-family or two-family residential structure used~~
14 ~~for residential purposes is permitted if the change does not increase any~~
15 ~~nonconforming aspect of the use or structure, a variance from the Board of~~
16 ~~Adjustment is not required for said alteration, reconstruction, addition, or~~
17 ~~structural change. Enlargements, expansions, and additions (including~~
18 ~~adding accessory structures) are not permitted if the lot does not meet~~
19 ~~minimum lot size and width requirements.~~

20 21 **Sec 42.152 Board of Adjustment**

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

27
28 The Board of Adjustment, ~~after public notice and a public hearing,~~ may grant a special
29 exception ~~variance~~ to allow a preexisting nonconforming use or structure to be expanded
30 if, in the opinion of the Board, such expansion will not be more objectionable to or
31 detrimental to the character of the neighborhood ~~than the original preexisting~~
32 ~~nonconforming use or structure.~~

33
34 The Board of Adjustment may grant a special exception to allow the re-establishment of a
35 discontinued use within an existing structure if, in the opinion of the Board, it is impractical
36 to use the structure for a conforming use and such re-establishment would not be
37 detrimental to the character of the neighborhood.

38 39 **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**

1 **NOTE:** Text to be removed is shown with ~~STRIKETHROUGH~~. Text to be added is shown with
2 UNDERLINE.

3 4 **Section 200 Zoning Districts**

5 6 **Sec 42.200 General Provisions**

- 7 1. **Permitted Uses:** Unless otherwise exempt, no building, structure, or land shall be
8 used or occupied or designed for use or occupancy after the effective date of this
9 ~~chapter~~ Article in a way that is not permitted by this Article. A use which is not
10 expressly permitted will be considered to not be permitted unless otherwise
11 approved as described in this chapter.
- 12 2. ~~**Lot Size, Bulk, and Height Requirements:**~~ Unless otherwise exempt, and as of the
13 effective date of this ~~chapter~~ Article, no building or structure or part thereof shall
14 be built, moved, expanded, added to, or enlarged, and no vacant land shall be used
15 or occupied on a lot that does not conform to minimum lot size, lot width, and lot
16 depth requirements.
- 17 3. ~~**Buffer Yard Requirements:**~~ All buildings, structures, and uses shall provide and
18 landscape the buffer yards required under the requirements of this Article. No new
19 construction, including additions, parking construction, and placement or
20 construction of accessory or additional primary structures, shall be permitted in
21 such buffer yards.
- 22 4. ~~**Customary Home Occupations:**~~ No home occupation shall hereafter be
23 established, altered, or enlarged in any residential district unless it is allowed as a
24 use and complies with the conditions and restrictions imposed by Section 42-207.
- 25 5. ~~**Accessory Structures or Uses:**~~ No accessory building, structure, or use, as defined
26 in Section 42-204 shall hereafter be built, moved, established or enlarged unless
27 such accessory building, structure or use is permitted.
- 28 6. ~~**Signs:**~~ No sign shall be built after the effective date of this Article, and no existing
29 sign shall be moved or remodeled, unless such sign complies, or will thereafter
30 comply, with the restrictions imposed by Division 18.
- 31 7. ~~**Off Street Parking:**~~ No building or structure shall be built, added to, expanded, or
32 moved after the effective date of this Article unless the minimum off-street parking
33 spaces are provided on the premises and in accordance with Division 17. Unless
34 otherwise exempted by other provisions of this article, a change of use, an
35 expansion of use, or an increase in a current use's intensity shall trigger the site to
36 conform to current parking requirements and standards.
- 37 8. **Number of structures on a lot:** Not more than one principal building shall be
38 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
39 or M-2 zoning districts. In all other districts mobile home parks, self-service storage
40 facilities, and in the R-3 and R-3B Multi-Family Districts, any number of buildings or
41 structures may be established on a single lot pursuant to the district regulations as
42 long as the other provisions of this or any other Article of the Rolla City Code is
43 satisfied.
- 44 9. ~~**Zoned Rights of Way:**~~ No use otherwise authorized in the respective zoning district
45 shall be permitted in the rights-of-way that is not specifically authorized by the
46 City's rights-of-way regulations, specifically Chapter 36 of the Rolla City Code. Any
47 provision of this Article that refers to being adjacent to, abutting, or within a
48 certain distance of a residential zoning district or property zoned residential does
49 not apply if the adjacent, abutting, or nearby zoning district or property is the City's
50 rights-of-way.

- 1 10. **No Public Water or Sewer:** No use, which requires potable water or sewerage
2 disposal to operate, shall be established on a parcel of less than three (3) acres,
3 unless both public water and public sewer are provided.
4

5 **Sec 42.201 Zoning Districts**

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

10
11 Residential Districts:

- 12 1. ~~**R-R, Rural Residential District:**~~ A zone intended to accommodate low intensity
13 residential uses on lots not less than forty thousand (40,000) square feet in area
14 and to permit certain agricultural activities.
15 2. **R-1, Single-family Suburban Residential District:** A zone designed to support
16 detached single-family residential development and supporting uses at a maximum
17 density of seven (7) dwelling units per acre.
18 3. **R-2, One and Two-family Residential District:** A district designed for detached
19 single-family or two-family (duplex) dwellings and supporting uses at a maximum
20 density of ten (10) dwelling units per acre. and serve as a transition between the
21 lower-intensity residential districts and commercial and higher-intensity residential
22 districts.
23 4. **U-R, Urban-Residential District:** Intended to serve as a transition district for the
24 older, more-dense areas of the city, allowing a mixture of lower-density residential
25 uses and some commercial uses.
26 5. ~~**R-3b, Multi-family District:**~~ A zone intended to provide medium density apartment
27 or townhouse type development at a maximum density of fourteen (14) dwelling
28 units per acre.
29 6. **R-3, Multi-family Residential District:** A zone designed for low and medium-density
30 multi-family dwelling units (apartments) residential uses and supporting uses with
31 a maximum density of twenty six (26) dwelling units per acre.
32 7. **R-4, Urban Multi-family District:** A zone intended for high density residential,
33 mixed-use, and limited commercial uses adjacent to the downtown and university
34 campus areas.
35 8. ~~**R-MH, Residential Manufactured Home District:**~~ A zone intended to provide
36 standards for the development of residential manufactured home subdivisions or
37 parks.
38

39 Commercial Districts:

- 40 1. ~~**C-O, Office District:**~~ A zone intended for low intensity office development and
41 serving as a transition zone from commercial uses to residential uses.
42 2. **C-1, Neighborhood-Commercial Business District:** A zone established to
43 accommodate individual small-scale retail stores, offices, and personal service
44 businesses that offer convenience goods and services normally considered a
45 frequent or even daily necessity for residents of an adjoining neighborhood or at a
46 scale to provide a transition between residential uses and higher intensity uses.
47 3. ~~**C-2, General-Commercial Retail District:**~~ A zone designed for uses that provide
48 community-wide personal and business services, small shopping centers and
49 specialty retail shops.
50 4. ~~**C-3, Highway-Commercial District:**~~ A zone designed for businesses that provide
51 essential commercial services and support activities of community and regional

1 significance. These uses depend upon high visibility and convenient sites on arterial
2 streets and near highways to accommodate customers or distribute goods.

- 3 5. **C-C, Center-City District:** A zone designed to accommodate urban scale
4 commercial, residential, and mixed-uses ~~the existing unique mix of uses~~ and to
5 encourage appropriate development ~~private investment~~ in the downtown area
6 Rolla Central Business District.
- 7 6. **M-1, Light-Manufacturing District:** A zone designed to accommodate ~~less-intensive~~
8 industrial and warehousing uses that are conducted entirely within a building with
9 no outdoor operations except storage and display ~~and larger scale uses where~~
10 adverse impacts to adjacent residential properties can be minimized.
- 11 ~~7. **M-2, Heavy-Manufacturing District:** A zone intended to accommodate large-scale~~
12 ~~and/or intensive manufacturing uses that may have adverse impacts on nearby~~
13 ~~property unless properly located and buffered.~~

14
15 Special Districts:

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

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

- 27
28 1. ~~Such map shall be in triplicate originals, each of which shall bear the~~
29 ~~signature of the Mayor and attestation of the City Clerk and bearing the~~
30 ~~Seal of the City.~~
- 31 2. The original map, One of said originals or a revised version with any
32 adopted amendment shall be available hung in the Community
33 Development Department office of the Secretary of the Planning and
34 Zoning Commission.
- 35 3. It shall be the duty of the Community Development Department Secretary
36 to keep up to date the originals, showing all changes, additions and
37 amendments thereto and maintaining records of the date of passage by
38 ordinance.
- 39 4. Regardless of the existence of copies of the Official Zoning Map that from
40 time to time may be published, the Official Zoning Map shall be located in
41 the Community Development Department office of the Secretary of the
42 Planning and Zoning Commission and this map shall be considered the final
43 authority as to the current zoning status of land and water areas in Rolla.
- 44 5. Copies of the Official Zoning Map may be provided to the public through
45 the city website or the city GIS database.
- 46
47

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

District	Minimum Lot Size (Sq. Ft.)	Minimum Frontage (Feet)	Front Setback (Feet)	Side Setback (Interior) (Feet)	Side Yard (Corner) (Feet)	Rear Setback (Feet)	Max. Bld. Height (Stories/ Feet)	Maximum Lot Coverage
R-1	6,000 SF ¹	25	20	5 ²	10	10	2 Story/50	40%
R-2	5,000 SF ³	40	20	5	10	10	2 Story/50	40%
U-R	2,500 SF ³	25	10	5	10	10 ⁴	2 Story/50	N/A
R-3	4,000 SF ³	40	25	5 ⁵	15	10 ⁶	4 Story/64 ⁷	60%
R-4	4,000 SF	25	5	N/A ^{5,8}	5	10 ^{8,9}	5 Story/75 ¹⁰	N/A
C-1	6,000 SF	60	10	5 ¹¹	10	10 ¹²	2 Story/50	40%
C-2	5,000 SF	N/A	10	N/A ¹²	10	10 ¹²	4 Story/64	N/A
C-C	N/A	15	N/A ¹³	N/A	N/A	N/A ⁸	N/A	N/A
M	25,000 SF	25	35	10 ^{14,15}	25	20 ^{14,15}	N/A	N/A

6

7 1 Minimum 3 acres required for properties not served by public water and sewer
 8 services.

9 2 Side yard setbacks are increased by three (3) feet for buildings with more than one
 10 story adjacent to the side yard.

11 3 Additional minimum lot sizes may apply based on the proposed use.

12 4 20 feet if adjacent to an alley for all uses except detached single-family dwellings.

13 5 10 feet when adjacent to any other district.

14 6 20 feet when adjacent to any other district.

15 7 Maximum building height limited to two stories for buildings located within 50 feet
 16 of the R-1 district.

17 8 20 feet when adjacent to an alley.

18 9 20 feet when adjacent to any other district.

19 10 Ten stories and 120 feet with a Conditional Use Permit.

20 11 10 feet when adjacent to a residential district.

21 12 20 feet when adjacent to a residential district.

22 13 10 foot maximum setback.

23 14 20 feet when adjacent to any other non-residential district.

24 15 100 feet when adjacent to any residential district.

25

1 **Sec 42.203 Zoning Use Definitions**

2 The following definitions apply for land uses in this section and chapter. The Community
3 Development Director is empowered to determine how particular uses of land are
4 classified. The Board of Adjustment may hear and decide Appeals to determine if a
5 definition is intended to be applied to a particular use of property.

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

11
12 Agricultural Business: A business or use of property which engages in uses such as mining,
13 seasonal sales, wind and solar generation, garden equipment sales, landscaping/mulch
14 sales, tree and plant sales, farmers markets, veterinary services, boarding kennels, breeding
15 kennels, stabling, camping, event venue, or other similar uses as determined by the
16 Community Development Director or as approved by the City Council. The use category is
17 intended for uses which would generate excess traffic, noise, and/or require mitigation.

18
19 Amusement and Recreation Use: A business or use of property which engages in uses such
20 as amusement parks, theme parks, spectator sports, dance halls, recreational sports, etc. as
21 determined by the Community Development Director and requiring more than 20,000
22 square feet within a building or property for the use.

23
24 Civic and Social Organizations: Establishments primarily engaged in promoting the civic and
25 social interests of their members, such as alumni associations, fraternal lodges, and social
26 clubs.

27
28 Commercial Use: Includes all commercial activities conducted within a building such as
29 offices, retail, assembly of people/audiences, accommodations, and non-commercial uses
30 such as governmental uses, education, Medical Uses, etc. as determined by the Community
31 Development Director. Such use does not include Industrial Uses. Such use may include
32 limited outdoor storage and display which does not meet the definition of Outdoor
33 Commercial Use.

34
35 Customary Agricultural Use: The continued use of agricultural practices such as crop
36 production, keeping of livestock, etc. is permitted on any property in any zoning district.
37 Such uses should be conducted in a way to not cause nuisance, adheres to all other city
38 ordinances, and may include sales of products grown on the property if conducted as a
39 Home Occupation. The use does not include operations which would be classified as an
40 Agricultural Business use.

41
42 Industrial Use: Includes all industrial activities such as assembly and manufacturing, etc.
43 and associated uses such as research and development, storage, and offices as determined
44 by the Community Development Director.

45
46 Medical Use: Includes medical and healthcare uses such as offices or clinics for massage
47 therapy, chiropractors, physicians, dentists, optometrists, mental health, etc., generally by
48 appointment and not for overnight services, as determined by the Community
49 Development Director. Such use does not include emergency rooms, 24 hour clinics, walk-
50 in clinics, in-patient care, housing, or veterinary services.

51

1 Nursing Home: Facilities which provide housing and/or medical care, including nursing
2 homes, assisted living facilities, and associated independent living facilities
3

4 Outdoor Use: A Use which involves the outdoor use of a property or the portion of a
5 property devoted to commercial use. The use includes such land uses as vehicle/equipment
6 sales lots, outdoor storage, mini-storage units, wind and solar generation, lumber yards,
7 outdoor recreation, RV Parks, etc. as determined by the Community Development Director.
8 Such use includes all areas outside of buildings used for storage or display of merchandise
9 for sale or rent. Such use does not include Industrial Uses. Such use is allowed where
10 expressly permitted in this section.
11

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

16 Rooming and Boarding Houses: A building other than a motel where lodging and/or meals
17 is provided by the owner or operator for compensation by renting room(s) to more than
18 eight (8) individuals.
19

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

25 Parking Lots and Garages: A property for the parking of vehicles, either on a surface parking
26 lot or in a parking garage as a primary use of the property.
27

28 Detached Single-family Dwelling: A detached building surrounded by open space on the
29 same lot designed exclusively for occupancy by one family. The use includes Modular
30 Homes and Residential-design Manufactured Homes.
31

32 Domestic Violence Shelter: Temporary residential facility with the primary purpose of
33 housing survivors of domestic violence and/or sexual violence and their families or
34 household members at no cost or at a charge that is less than the full cost of providing
35 services; and/or as defined by the Missouri Coalition Against Domestic and Sexual Violence.
36 A domestic violence shelter is a form of an overnight shelter which is subject to different
37 operational requirements due to the special nature of the use.
38

39 Two-family (Duplex) Dwelling: A structure on a single lot containing two dwelling units, as
40 defined in the building codes.
41

42 Manufactured Home: A residential dwelling unit constructed in one or more sections in an
43 off-site manufacturing facility and built in accordance with National Manufactured Housing
44 Construction and Safety Standards Act of 1974, 42 USC 5401 or subsequent regulations.
45

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

1
2 Modular Home: A residential dwelling constructed in an off-site manufacturing facility and
3 built according to the minimum adopted building codes of the City of Rolla.
4

5 Overnight Shelter: A facility, building, or property where overnight housing services are
6 provided temporarily to persons impacted by temporary or chronic homelessness, at no
7 cost or at a charge that is less than the full cost of providing the services, whether or not
8 other related services are provided at the location. Such use shall not include any of the
9 following:

- 10 (a) Residential group homes;
- 11 (b) Temporary lodging for families of patients, or patients themselves, of state-
12 licensed health facilities within Phelps County;
- 13 (c) University or educational institution residence halls;
- 14 (d) Fraternity or sorority houses;
- 15 (e) State and city licensed nursing homes and day care centers;
- 16 (f) Foster homes licensed under Chapter 210, RSMo;
- 17 (g) Hospitals, mental institutions, residential care facility or institution that is
18 licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- 19 (h) Emergency shelters related to relocation and are available during or after a fire
20 or natural disaster for a limited duration;
- 21 (i) Food pantries and distribution
- 22 (j) Hotels, motels, boarding houses, and other similar forms of lodging

23
24 Townhouse: Two or more attached single-family dwelling units as defined in the building
25 code.
26

27 Temporary Use: A use of a building and/or property for less than one year for any land use
28 with conditions or limitations imposed by the Community Development Director to
29 mitigate the impacts or as required by a Conditional Use Permit. The use may include the
30 placement of temporary buildings. The use may include holding large events like concerts,
31 festivals, etc.
32

33 Transitional housing: Non-emergency temporary housing with supportive services for a
34 length of stay of typically more than six months to individuals and families experiencing
35 homelessness or transitioning into permanent housing from an overnight shelter, domestic
36 violence shelter, drug/alcohol rehabilitation, or from incarceration with the goal of interim
37 stability and support to successfully move to and maintain permanent housing. Transitional
38 housing includes multi-family or dormitory style housing arrangements and does not
39 include housing which meets the definition of a single-family dwelling or group home.
40

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

- 44 1. The unit must include a permanent perimeter foundation wall.
- 45 2. The roof must be a minimum of a 2:12 pitch.
- 46 3. The unit must have been manufactured less than 20 years prior at the time
47 of installation.
- 48 4. The exterior must be in good repair at the time of installation, with any
49 peeling paint/trim, windows, roofing, ect. repaired prior the final
50 inspection.

1 Multi-family: A building or portion thereof arranged, designed or occupied as a residence
2 by three or more dwelling units.
3

4 Mixed-residential Use: A structure which contains both a commercial/non-residential use(s)
5 and one or more residential dwelling units. The commercial/non-residential use must
6 adhere to the zoning district in which the property is located. The commercial use must
7 constitute a minimum of 50% of the first floor of the structure.
8

9 Manufactured Home Park: A property or development on which one or more
10 Manufactured Homes are located.
11

12 Sexually-oriented Business: A business which meets the definition in Section 42.421.
13

14 Soup kitchen: An establishment where meals are provided to a person or persons at no cost
15 or at a charge that is less than the full cost of providing same and that the provision of such
16 meals and related services is the principal service of the establishment, whether or not
17 additional services are provided. A soup kitchen is differentiated from a restaurant or food
18 service establishment by providing services for no cost or for less than the cost of providing
19 the services and provision of related social services. A soup kitchen does not include the
20 provision of an overnight shelter, temporarily or otherwise.
21

22 Churches and Places of Worship: A building or structure(s), which by design are primarily
23 intended for the conducting of religious services and associated accessory uses. At a
24 minimum, a church includes a body of believers or communicants that assembles regularly
25 in order to worship and reasonably available to the public.
26

27 Community center: A building for social, educational, and recreational activities of a
28 neighborhood or community, provided any such use is not operated primarily for
29 commercial gain. The use includes outdoor recreation facilities such as pools, ball fields,
30 and golf courses.
31

32 Residential Group Home: single-family dwelling in which eight (8) or fewer unrelated
33 mentally or physically handicapped persons reside with no more than two (2) persons
34 acting as house parents or guardians who need not be related to each other or to any of
35 the handicapped persons residing in the dwelling, and the children of the house parents or
36 guardians.
37

38 Family Child Care Home: A state licensed child care facility serving permitted to serve no
39 more than ten (10) unrelated children.
40

41 Child Care Center: A child day care facility serving more than ten (10) unrelated children.
42

43 Medical Marijuana Dispensary: A facility licensed by the State of Missouri to acquire, store,
44 sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia
45 used to administer marijuana as provided for in this section to a qualifying patient, a
46 primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana
47 Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.
48

49 Medical Marijuana Testing Facility: A facility certified by the State of Missouri, to acquire,
50 test, certify, and transport marijuana.
51

1 Medical Marijuana-infused Products Facility: A facility licensed by the State of Missouri, to
2 acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical
3 Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical
4 Marijuana-Infused Projects Facility.

5
6 Medical Marijuana Cultivation Facility: A facility licensed by the State of Missouri to
7 acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary
8 Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products
9 Manufacturing Facility.

10
11 **Sec 42.204 – 42.209 Reserved**

12
13

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. Wherever this chapter refers to a “multi-family district”, the intent is to refer to the R-3, and R-4 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 Business Use.~~
- 46 ~~8. Medical Use.~~
- 47 ~~9. Nursing Home.~~
- 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. Medical Use
- 25 4. Nursing Home
- 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 7,500 square feet for two-family uses or two single-family
- 34 dwellings;
- 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 A 15 foot side yard is required when located adjacent to a lot in the R-1 district.

15 Townhouse units are required to be platted on separate lots and are subject to a minimum
16 lot size of 4,000 square feet.

17
18
19
20

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. Townhouses
- 5 3. Multi-family dwelling, up to four (4) units per lot
- 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 9. Civic and Social Organizations (no on-site alcohol sales)

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

- 15 a. Commercial Uses up to 5,000 square feet per lot
- 16 b. Medical Uses
- 17 c. Multi-family, five (5) units or more per lot if demonstrated to be compatible
18 with surrounding area
- 19 d. Civic and Social Organizations (with on-site alcohol sales)
- 20 e. Mixed-residential use with up to 5,000 square feet of Commercial Use
- 21 f. Child care centers

22
23 The following minimum requirements for subdivision and building applies in the U-R,
24 Urban-Residential District:

Minimum size of lot:

The minimum lot size to subdivide a property 2,500 square feet; in addition, the minimum size of lot based on the use of the property applies when the property is developed:

<u>Area</u>	<u>2,500 square feet for one or two dwelling units;</u>
	<u>6,000 square feet for Multi-family dwellings;</u>
	<u>12,000 square feet for all other uses.</u>

<u>Lot frontage</u>	<u>25 feet at front lot line</u>
---------------------	----------------------------------

Maximum height of buildings/structures

Two 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
for all uses except detached single-
family dwellings

Side yard-
Corner
lots 10 feet

- 1 Exceptions:
- 2 Townhouse development is exempt from the side yard setbacks (interior lot lines only) and
- 3 minimum lot size requirements.
- 4
- 5 Townhouses are subject to a minimum lot frontage of 15 feet and a minimum lot depth of
- 6 75 feet.
- 7
- 8 Townhouse units are required to be platted on separate lots.
- 9
- 10

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 twenty-six (26) units per acre dwellings and apartment houses,
15 including efficiency apartments.
- 16 7. Residential-design Multi-family Dwelling
- 17 8. Churches and other places of worship
- 18 9. Community Center
- 19 10. Residential group homes
- 20 11. Family child care homes
- 21 12. Adult day care home
- 22 13. Fraternity/sorority houses
- 23 14. Child care centers
- 24 15. Parking lots and Garages ~~Private parking areas.~~
- 25 16. ~~Private clubs, lodges, fraternities, sororities, and dormitories.~~
- 26 17. ~~Private schools and academies.~~
- 27 18. ~~Trailers and mobile homes located in the R-3 Multi-Family District at the date this~~
28 ~~Article is enacted shall not be considered as non-conforming uses.~~
- 29 19. Civic and Social Organizations (no on-site alcohol sales)
- 30 20. Nursing Homes

31
32 The following uses are permitted with approval of a Conditional Use Permit in the R-3,
33 Multi-family Residential District:

- 34 a. Commercial Use if demonstrated to be compatible with the surrounding area
- 35 b. Mixed-residential Use
- 36 c. Civic and Social Organizations (with on-site alcohol sales)
- 37 d. Manufactured Home Park
- 38 e. Transitional Housing
- 39 f. Overnight Shelters

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

43 Minimum size of lot:

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

- 1 • 12,000 square feet for all other uses.

2
3 Maximum Number of Bedrooms Permitted: 8 Bedrooms per unit.

4 Maximum number of occupants per dwelling unit:

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

6 Lot frontage: 75 ~~40~~ feet at front lot line.

7 Width: 75 feet at building line.

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

- 9 • ~~All buildings: 40 60 percent.~~

10 Minimum open space per lot:

- 11 • ~~Not less than twenty five (25) percent of the total lot area shall be devoted to open~~
12 ~~space including required yards and buffer yards. Open space shall not include areas~~
13 ~~covered by buildings, structures, parking areas, driveways, side walk, patio,~~
14 ~~accessory structures and internal streets. Open space shall contain living ground~~
15 ~~cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such~~
16 ~~as rock, bark, and mulch are also permitted.~~
17 • ~~No open space shall be required on a lot if existing buildings and structures are~~
18 ~~replaced with new buildings and structures using the same floor area, provided a~~
19 ~~building permit for replacement is applied for within one (1) year after the existing~~
20 ~~buildings are removed. In addition, no open space is required if an existing use~~
21 ~~expands operations or is established in existing floor area that previously was~~
22 ~~unfinished or not otherwise available for occupancy.~~

23 Maximum height of buildings/structures:

- 24 • ~~Four stories and sixty-four feet.~~

25 Minimum setback dimensions:

- 26 • ~~Front yard: 25 feet from the front lot line.~~
27 • ~~Each side yard: 5 feet measured from side lot line.; 10 feet when adjacent to any~~
28 ~~other district.~~
29 • ~~Side yard – Corner lot: 15 feet~~
30 • ~~Rear yard: 10 feet from the rear property line.; 20 feet when adjacent to any other~~
31 ~~district.~~

32
33 Exceptions:

34 Townhouse development is exempt from the side yard setbacks (interior lot lines only) if
35 platted on separate lots.

36
37 Not more than 8 bedrooms are allowed per unit for residential uses except
38 Fraternity/Sorority Houses, Rooming/Boarding Houses, or Overnight Shelters.

39
40 The maximum height of buildings is limited to two stories for buildings located within 50
41 feet of the R-1 district.

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

1 ~~Whenever any development in an R-3 Multi-Family District is located adjacent to an R-1~~
2 ~~Single-Family District, a buffer yard shall be provided in accordance with Section 42-230.6~~
3 ~~and meeting the width and landscaping standards for a "Buffer Yard A".~~

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

8
9

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

- 2 1. The following uses are permitted “by-right” in the R-4, Urban Multi-family District:
3 a. Detached Single-family Dwellings
4 b. Two-family (Duplex) dwellings
5 c. Townhouses
6 d. Rooming/Boarding Houses
7 e. Multi-Family (no maximum density)
8 f. Churches and other places of worship
9 g. Community Center
10 h. Residential group homes
11 i. Family child care homes
12 j. Adult day care home
13 k. Fraternity/sorority houses
14 l. Child care centers
15 m. Parking lots and Garages
16 n. Mixed-residential Use with up to 10,000 total square feet of Commercial Use
17 o. Civic and Social Organizations

- 18
19 2. The following uses are permitted with approval of a Conditional Use Permit in the
20 R-4, Urban Multi-family District:
21 a. Commercial Use if demonstrated to be compatible with the surrounding area
22 b. Seasonal Sales
23 c. Transitional Housing
24 d. Overnight Shelters

- 25
26 3. The following minimum requirements for subdivision and building applies in the R-
27 4, Urban Multi-family District:

28 Minimum size of lot:

- 29 • Area: Minimum 4,000 sq. ft.

30 Lot frontage: 25 feet at front lot line.

31 Width: 25 feet at building line.

32 Maximum height of buildings/structures:

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

34 Minimum setback dimensions:

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

40
41 Exceptions:

42 Townhouse development is exempt from the minimum lot size and side yard setbacks
43 (interior lot lines only) if platted on separate lots.

44
45 Not more than 8 bedrooms are allowed per unit for residential uses except
46 Fraternity/Sorority Houses and Overnight Shelters.

47

1 **R-MH, Residential Manufactured Home District**

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

- 11
- 12 1. ~~Single family attached and detached dwellings on individual lots not less than 8,000~~
13 ~~square feet in area.~~
- 14 2. ~~Manufactured homes for single family residential occupancy on individual~~
15 ~~manufactured home spaces of not less than 4,000 square feet.~~
- 16 3. ~~Recreational facilities for the exclusive use of the occupants of the manufactured~~
17 ~~home park.~~
- 18 4. ~~Accessory structures and uses customarily incident to the above uses, which are~~
19 ~~required for the direct servicing and well-being of park residents and proper~~
20 ~~management and maintenance of the park, in accordance with Section 42-204.~~
- 21 5. ~~Customary home occupations, in accordance with Section 42-207.~~
- 22 6. ~~Outdoor storage areas, including storage areas for recreational vehicles. Such areas~~
23 ~~shall be screened from adjoining uses and shall occupy, in total, not more than five~~
24 ~~(5) percent of the area of the manufactured home park. Use of such storage area~~
25 ~~shall be limited to the occupants of the manufactured home park.~~
- 26

27 **Minimum size of lot:**

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

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

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

29 **Maximum separation between manufactured homes:**

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

33 **Minimum setbacks:**

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

37

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

42

43 **Sec 42.216 – 42.219 Reserved**

44

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. Wherever this chapter refers to an “industrial district”, the intent is to refer only to the M, Manufacturing district.

~~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. Commercial Use up to 12,000 square feet
- 48 22. Mixed-residential Use up to two (2) units per lot
- 49

- 1 The following uses are permitted with approval of a Conditional Use Permit in the C-1,
 2 Neighborhood Commercial District:
 3 ~~1. Pharmacies.~~
 4 ~~2. Commercial greenhouses, nurseries and garden stores.~~
 5 ~~3. Community treatment center.~~
 6 ~~4. Grocery stores~~
 7 ~~5. Wearing apparel and/or shoe stores~~
 8 ~~6. Hardware stores.~~
 9 ~~7. Print shops, photocopying.~~
 10 ~~8. Veterinarian services, animal hospitals, customary agricultural activities.~~
 11 ~~9. Trailers and mobile homes for residential use only, excluding sales and service (see~~
 12 ~~Section 39 "Trailers and Mobile Homes").~~
 13 10. Commercial Uses over 12,000 square feet
 14 11. Seasonal Sales
 15 12. Temporary Use
 16 13. Mixed-residential Use with more than two (2) units

17
 18 The following minimum requirements for subdivision and building applies in the C-1,
 19 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 ~~Whenever any development in a C-1 Neighborhood Business District is located adjacent to~~
2 ~~a residential, office, government or PUD zoning district, screening and buffer yards shall be~~
3 ~~provided in accordance with Section 42-231.~~
4 Businesses are not permitted to operate between the hours of 11:00 PM and 7:00 AM.
5 Alcohol sales are not permitted to constitute more than 50% of the sales for any business.
6 An Outdoor Use may be required to be screened from any adjacent residential property.
7 An Outdoor Use may be required to be screened from any adjacent property or roadway if
8 determined to be necessary by the Community Development Director.
9

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

11 ~~This District is intended for uses that provide community-wide personal and business~~
12 ~~services, shopping centers and specialty shops which depend upon high visibility, generate~~
13 ~~high traffic volumes or cater to the traveling public. The District is also intended for on-site~~
14 ~~production of hand-crafted items in conjunction with retail sales. No un-screened outside~~
15 ~~display of merchandise is permitted, except where indicated. Commercial uses permitted in~~
16 ~~this District are generally required to conduct business activities indoors. The need for~~
17 ~~community-wide accessibility dictates that this district be located along or at the~~
18 ~~intersection of two or more arterial or higher classification streets.~~
19

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

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

- 1 27. ~~Recreation vehicle or mobile home sales or service (outside storage permitted).~~
- 2 28. ~~Restaurant, on-site sales and consumption of alcoholic beverages permitted.~~
- 3 29. ~~Retail stores and other shops for custom work or making of articles to be sold at~~
- 4 ~~retail on the premises.~~
- 5 30. ~~Retail establishments which provide supplies and/or services primarily to~~
- 6 ~~commercial and industrial customers, such as janitorial services, packaging and~~
- 7 ~~shipping service, locksmith services, lithographing and engraving, and blueprinting~~
- 8 ~~businesses.~~
- 9 31. ~~Recording studios.~~
- 10 32. ~~Second hand goods store and pawn shops.~~
- 11 33. ~~Second hand or used car sales yard, not including wrecking and repairing (outside~~
- 12 ~~display permitted).~~
- 13 34. ~~Skating rinks, swimming pools, gymnasiums, commercial.~~
- 14 35. ~~Sporting goods sales.~~
- 15 36. ~~Store and restaurant fixture sales.~~
- 16 37. ~~Taxi and limousine transportation services.~~
- 17 38. ~~Theaters, motion picture and performing arts.~~
- 18 39. ~~Tobacco product sales.~~
- 19 40. ~~Water, bottled, sales.~~
- 20 41. ~~Video game arcades.~~
- 21 42. ~~Seasonal businesses; such as fireworks stands, Christmas tree lots, snow cone~~
- 22 ~~venders, and similar outlets that are temporary uses.~~
- 23 43. Commercial Use
- 24 44. Industrial Use up to 15,000 square feet
- 25 45. Churches and other places of worship
- 26 46. Seasonal Sales
- 27 47. Temporary Use
- 28 48. Mixed-residential Use up to two (2) units per lot
- 29 49. Medical Marijuana Dispensary Facility
- 30 50. Parking Lots and Garages
- 31 51. Sexually-oriented Business as permitted by Section 42.423

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

- 35 1. ~~Bars, cocktail lounges, and night clubs (including dance halls).~~
- 36 2. ~~Billiard or pool halls.~~
- 37 3. ~~Convenience stores, with or without gas pumps.~~
- 38 4. ~~Package liquor stores.~~
- 39 5. ~~Cabinet or carpentry shop.~~
- 40 6. ~~Advertising services (sign shop).~~
- 41 7. ~~Laboratories, offices and other facilities.~~
- 42 8. ~~Medical Marijuana Testing Facility.~~
- 43 9. All other Industrial Uses, if the scale and intensity can be demonstrated to be
- 44 compatible with surrounding uses
- 45 10. Medical Marijuana-Infused Products Facility
- 46 11. Multi-family up to twenty-six (26) units per acre
- 47 12. Mixed-residential Use (more than two (2) units per lot)
- 48 13. Wind and Solar Generation
- 49 14. Overnight Shelters
- 50 15. Soup Kitchens

- 1 16. Amusement and Recreation Use
- 2 17. Any other use not listed in any district

3

4 The following minimum requirements for subdivision and building applies in the C-2,

5 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

6 Exceptions:

7 ~~Whenever any development in a C-2 general retail district is located adjacent to a~~

8 ~~residential, office, government or PUD zoning district, screening and buffer yard shall be~~

9 ~~provided in accordance with Section 42-231.~~

- 10 a. Not more than 20% of a property or portion of a property used for commercial
- 11 purposes may be used for an Outdoor Use unless such property has frontage or
- 12 access to an arterial or collector road.
- 13 b. An Outdoor Use may be required to be screened from any adjacent residential
- 14 property.

- 1 c. An Outdoor Use may be required to be screened from any adjacent property or
2 roadway if determined to be necessary by the Community Development
3 Director.
4

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

6 **Sec. 42-192. Purpose of the Highway Commercial District.**

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

15 **Sec. 42-192.1. Uses Permitted.**

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

49 **Sec. 42-192.2. Conditional Uses.**
50
51

- 1 In accordance with Division 16 of this Article and with the issuance of a Conditional Use
2 Permit, the following uses are permitted in the C-3 zoning district.
- 3 1. Advertising services
 - 4 2. Bus terminals, maintenance shops
 - 5 3. Cabinet or carpentry shops
 - 6 4. Canvas goods shops, tents and awnings, manufacture, sales and rental
 - 7 5. Concrete batching or transit mix plant (temporary use only)
 - 8 6. Irrigation sales and services
 - 9 7. Laboratories, offices and other facilities for research, basic and applied
 - 10 8. Private utilities
 - 11 9. Produce markets, wholesale.
 - 12 10. Medical Marijuana-Infused Products Facility

13 **Sec. 42-192.3. Area Requirements.**

14 **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

15
16 **Sec. 42-192.4. Buffer Yard Requirements.**

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

20
21

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 G1 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. Commercial Use
- 17 7. Townhouses
- 18 8. Detached Single-family Dwelling
- 19 9. Two-family (Duplex) Dwelling
- 20 10. Mixed-residential Use
- 21 11. Parking Lots and Garages

22
23 The following uses are permitted with approval of a Conditional Use Permit in the C-C,
24 Center-City Commercial District:

- 25 1. Industrial or Outdoor Use if the scale and intensity can be demonstrated to be
26 compatible with surrounding uses and conducted within a building
- 27 2. Multi-family
- 28 3. Fraternity/Sorority House
- 29 4. Temporary Use
- 30 5. Medical Marijuana Testing Facility
- 31 6. Medical Marijuana Infused Products Facility
- 32 7. Transitional Housing
- 33 8. Soup Kitchens

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

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

38 ~~Minimum size of lot: No minimum~~

39 ~~Maximum number of occupants per dwelling unit:~~

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

41 ~~Lot frontage: No minimum 15 feet~~

42 ~~Width: No minimum.~~

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

44 ~~Maximum height of buildings: No maximum~~

45 ~~Minimum setback dimensions:~~

46 Building setback requirements:

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

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

49 ~~Side yard – Corner lot: 0 feet~~

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

51

- 1 Exceptions:
2 Minimum parking requirements: None for commercial uses, except for new construction
3 where sufficient land area exists to allow the provision of adequate parking consistent with
4 the requirements of this Article.
5 a. Not more than 20% of a property or portion of a property used for commercial
6 purposes may be used for an Outdoor Use.
7 b. An Outdoor Use may be required to be screened from any adjacent residential
8 property.
9 c. An Outdoor Use may be required to be screened from any adjacent property or
10 roadway if determined to be necessary by the Community Development
11 Director.
12

13 **Sec 42.231 M 1, Light Manufacturing District**

14 This District is intended to allow industrial operations and activities that do not create
15 applicable nuisances or hazards. Industrial operations and activities are permitted as long
16 as they do not have an adverse impact on neighboring properties resulting from dust,
17 fumes, noxious odors, glare, vibration, or other atmospheric influence. M-1 light
18 manufacturing activities are generally conducted inside a building, although related
19 outdoor storage and display is permitted.
20

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

- 1 31. Machine shops.
- 2 32. Mattress and bedding manufacturer and renovator.
- 3 33. Magazine and newspaper printing.
- 4 34. Monument manufacture.
- 5 35. Motor freight terminals and depots.
- 6 36. Oil well equipment service, supply and storage.
- 7 37. Pharmaceutical manufacture.
- 8 38. Paper products manufacturing.
- 9 39. Plastic processing and converting.
- 10 40. Prefabricated house manufacture.
- 11 41. Printing, publishing, book binding.
- 12 42. Private utilities.
- 13 43. Produce markets, wholesale.
- 14 44. Sash and door manufacturing.
- 15 45. Seed storage and warehousing.
- 16 46. Sheet metal workshops.
- 17 47. Spray painting.
- 18 48. Store and restaurant fixture manufacturing.
- 19 49. Storage of baling or rags.
- 20 50. Textile manufacturing.
- 21 51. Welding shops, industrial equipment and supply sales.
- 22 52. Wholesale operations, sales office/warehouse combination.
- 23 53. Accessory structures and uses, in accordance with Section 42-204.
- 24 54. Medical Marijuana Cultivation Facility.
- 25 55. Medical Marijuana-Infused Products Facility.

26
27 Minimum size of lot: Area: 10,000 square feet.

28 Lot frontage: 100 feet at front lot line.

29 Width: 100 feet at building line.

30 Maximum percentage of lot that may be occupied by building: All buildings: 85 percent

31 Maximum height of buildings: No maximum

32 Minimum setback dimensions:

33 Front yard: 35 feet measured from front lot line.

34 Side yard: 10 feet measured from side lot line.

35 Rear yard: 20 feet measured from rear lot line.

36

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

40

41 Businesses located in the M-1 Light Industrial District shall meet the following
42 environmental standards to remain conforming uses:

- 43 1. The emission of smoke, gases, particulate matter shall comply with the standards
44 contained in the Air Quality Standards and Air Pollution Control Regulations for
45 outstate Missouri as published by the Missouri Air Conservation Commission.
- 46 2. No hazardous waste, as defined and published in the list maintained by the
47 Missouri Hazardous Waste Management Commission, shall be generated, unless
48 such waste is limited to less than one hundred (100) kilograms of hazardous waste
49 in one (1) calendar month. If the industry meets this small quantities test, it shall
50 handle those wastes in a accordance with the published rules of the Missouri
51 Hazardous Waste Management Commission.

3. ~~The noise level at any point along the property line shall not exceed standards established by the U.S. Department of Housing and Urban Development Noise Assessment Guidelines. Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured in compliance with standards prescribed by the American Standards Association.~~
4. ~~Certification shall be provided by the Fire Chief that all manufacturing, storage, and waste handling processes on the site shall meet the safety and environmental standards of the National Fire Code.~~

Sec 42.224 M, Manufacturing District

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

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

1. ~~Any use permitted in the M-1 light manufacturing district.~~
2. ~~Aluminum manufacture.~~
3. ~~Asphalt manufacture or refining.~~
4. ~~Blast furnaces.~~
5. ~~Boiler making, repairing and boiler works.~~
6. ~~Brick, tile, pottery or terra cotta manufacturing.~~
7. ~~Canning or preserving manufacture.~~
8. ~~Celluloid or similar cellulose material manufacture.~~
9. ~~Cement, lime, gypsum or plaster manufacturing.~~
10. ~~Central power or lighting plant.~~
11. ~~Concrete products manufacturing.~~
12. ~~Cooperage works.~~
13. ~~Corrugated metal manufacture.~~
14. ~~Cotton baling, compressing or ginning.~~
15. ~~Cotton storage, open.~~
16. ~~Cotton seed products manufacturing.~~
17. ~~Curing, tanning or storage of hides.~~
18. ~~Die casting manufacture.~~
19. ~~Distillation of bones, coal or wood.~~
20. ~~Dye stuff manufacture.~~
21. ~~Electroplating.~~
22. ~~Emery cloth and sandpaper manufacture.~~
23. ~~Fat rendering.~~
24. ~~Feed grinding and processing.~~
25. ~~Fertilizer manufacture.~~
26. ~~Flour mills.~~
27. ~~Forge plants, foundry or smelter.~~
28. ~~Galvanizing.~~
29. ~~Glue or gelatin manufacture.~~
30. ~~Match manufacture.~~

- 1 31. Milling, custom.
- 2 32. Oil cloth and linoleum manufacture.
- 3 33. Paint manufacture.
- 4 34. Paper and rag processing and storage.
- 5 35. Paving plants.
- 6 36. Railroad roundhouse, shops, and yards.
- 7 37. Refrigerator manufacture.
- 8 38. Rubber products manufacture or treatment.
- 9 39. Salt works.
- 10 40. Sand blasting.
- 11 41. Septic tank service.
- 12 42. Shoe polish manufacture.
- 13 43. Soap manufacture.
- 14 44. Soda and compound manufacture.
- 15 45. Steel fabrication plants.
- 16 46. Stone cutting.
- 17 47. Tank manufacture.
- 18 48. Tile roofing manufacture.
- 19 49. Wool pulling or scouring.
- 20 50. Yeast plants.
- 21 51. Medical Marijuana Cultivation Facility.
- 22 52. Medical Marijuana-Infused Products Facility.
- 23 53. Medical Marijuana Testing Facility
- 24 54. Industrial Uses
- 25 55. Commercial Uses
- 26 56. Temporary Use
- 27 57. Parking Lots and Garages
- 28 58. Sexually-oriented Business as permitted by Section 42.423

29
 30 The following uses are permitted with approval of a Conditional Use Permit in the M,
 31 Manufacturing District:

- 32 1. Overnight Shelters
- 33 ~~1. Arsenals and munitions storage or manufacture.~~
- 34 ~~2. Manufacture and bulk storage of flammable liquids or gases for wholesale, subject~~
 35 ~~to the provisions of the National Fire Codes.~~
- 36 ~~3. Scrap or salvage yards, including automobile wrecking or salvage yards.~~
- 37 ~~4. Bleaching powder or chlorine manufacture.~~
- 38 ~~5. Hazardous chemical manufacture, creosote treatment or manufacture, disinfectant~~
 39 ~~and insecticide manufacture, poisonous gases, tar distillation, acid and ammonia~~
 40 ~~production.~~
- 41 ~~6. Coal yards, oil compounding, barreling or reclamation plants.~~
- 42 ~~7. Collection and transfer facilities for hazardous wastes, solid wastes that contain~~
 43 ~~hazardous substances from off-site sources and radioactive substances.~~
- 44 ~~8. Permanent storage or disposal of hazardous substances (as defined under the~~
 45 ~~Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30;~~
 46 ~~261.31; 261.32; 261.33), industrial and municipal sludge.~~
- 47 ~~9. Processing, reprocessing and storage of PCB containing oils.~~

- 1 ~~10. Quarries and mining operations.~~
- 2 ~~11. Landfill operations, including waste compacting and incineration.~~
- 3 ~~12. Mixing plant paving materials.~~
- 4 ~~13. Asphalt manufacture/refining.~~

5

6 The following minimum requirements for subdivision and building applies in the M,

7 Manufacturing District:

8

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
Side yard	<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>
Side yard – Corner lot	<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

- 9 Exceptions:
- 10 ~~Whenever any development in an M-2 heavy manufacturing district is located adjacent to a~~
- 11 ~~residential, commercial, government, PUD, or M-1 zoning district, screening and buffer-~~
- 12 ~~yard shall be provided in accordance with Section 42-231.~~
- 13 Outdoor Uses are permitted.
- 14 **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 **NOTE:** Text to be removed is shown with ~~STRIKETHROUGH~~. Text to be added is shown with
2 UNDERLINE.

3 4 **Section 300 General Provisions**

5 6 **Sec 42.300 General Provisions**

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

8 9 **Sec 42.301 – 42.309 Reserved**

10 11 **Section 310 Parking**

12 13 **Sec 42.310 Parking**

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

20
21 A "parking space" shall mean:

- 22 1. a space of a minimum of 162 ~~approximately two hundred (200)~~ square feet; and
23 having a minimum width of nine (9) feet, exclusive of drives or aisles giving access
24 thereto, accessible to streets or alleys or aisles leading to streets or alleys and to be
25 usable for the storage or parking of motor vehicles whenever such parking space is
26 not marked or delineated;
- 27 2. A space within a garage or carport a minimum area of 162 square feet and a
28 minimum width of nine (9) feet;
- 29 3. An area marked or delineated for the parking of vehicles; or
- 30 4. A space meeting the definition of an accessible parking space in the Americans with
31 Disabilities Act.

32
33 Truck loading and unloading space as may be required by ordinance shall not be construed
34 as supplying required off-street parking space.

35
36 When a determination of the number of parking spaces required by this Division results in a
37 fractional space, the fraction shall be rounded up to counted as one (1) parking space for all
38 non-residential uses. For residential uses, a fraction of less than 0.5 spaces may be rounded
39 down.

40
41 ~~The parking spaces required of two (2) or more uses located on the same lot may be~~
42 ~~combined and used together, however the aggregate number of off-street parking spaces~~
43 ~~required for all such uses shall be provided.~~

44
45 The required number of parking spaces may be computed in the following methods, as
46 specified in this sections:

- 47 1. Floor Area: ~~In the case of offices, merchandising or service types of uses shall mean~~
48 ~~the gross floor~~ area used or intended to be used for a service to the public as
49 customers, patrons, clients or patients, or as tenants, including areas occupied by

1 fixtures and equipment used for display or sale of merchandise, for show windows,
2 or for offices incidental to the management or maintenance of stores or buildings.
3 Floors or parts of floors used principally for toilet or rest rooms or for utilities, or
4 for fitting rooms, dressing and alterations rooms, restaurant/retail back offices,
5 halls, storage rooms, file rooms, stairways, elevators shall be excluded.

- 6 2. Hospital Beds: In hospitals, bassinets shall not be counted as beds.
- 7 3. Seating Space: In stadiums, sports arenas, churches and other places of assembly in
8 which patrons or spectators occupy benches, pews or other similar seating
9 facilities, each twenty (20) lineal inches of such seating facilities shall be counted as
10 one seat for the purpose of determining requirements hereunder.
- 11 4. Number of Employees: The number of employees shall be computed on the basis
12 of the greatest number of persons to be employed at any one period during the
13 day or night.

14
15 The exceptions to and the applicability of parking regulations and standards is as follows:

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

42 43 **Sec 42.311 Cooperative Parking Plan**

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

1 information submitted by the applicant subject to the requirements for off-street parking in
2 this Division.

3
4 The owners of the entire land area to be included in the Plan shall file an application for a
5 Cooperative Parking Plan with the Community Development Director. The application shall
6 include plans showing the location of the use, buildings, or structures for which shared off-
7 street parking spaces are to be provided, the location and layout of the parking area, and a
8 parking demand schedule. A parking demand schedule shall include:

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

14
15 Cooperative Parking Plans may be amended or withdrawn, pursuant to the process for the
16 initial approval, provided that all parties to the Cooperative Parking Plan consent and that
17 the parking regulations of this Division are substantially satisfied.

18
19 ~~Except for parking facilities that have been approved through cooperative parking plans,~~
20 ~~parking spaces and driveways shall be fully contained on the same premises as the building~~
21 ~~or land use it is required to serve. Shared driveways and other types of driveways may be~~
22 ~~used if each lot using another lot for access has been issued the appropriate access~~
23 ~~easement(s) that allow them to cross another's property.~~

24 25 **Sec 42.312 Required Parking Spaces**

- 26 1. Residential and Lodging Uses:
 - 27 ~~1. **Single family attached and detached, two family, manufactured homes**~~
28 ~~**where permitted: All Residential Uses:** 0.66 parking spaces for each~~
29 ~~bedroom with a minimum of two parking spaces for a two bedroom units~~
30 ~~single-family detached dwelling, two-family dwelling, or townhouse unit on~~
31 ~~a separate platted lot. and above. Actual parking spaces will be rounded up~~
32 ~~over .5 spaces and rounded down under .5 spaces.~~
 - 33 2. ~~**Multi family dwellings:** 0.66 spaces for each bedroom with a minimum of~~
34 ~~two parking spaces for two bedroom units and above. Actual parking~~
35 ~~spaces will be rounded up over .5 spaces and rounded down under .5~~
36 ~~spaces.~~
 - 37 3. ~~**Boarding/rooming and lodging houses:** One (1) for each lodging room.~~
 - 38 4. ~~**Dormitories fraternities, single student housing, and sororities:** Two (2)~~
39 ~~for each three (3) occupants based on the capacity of the building plus any~~
40 ~~additional parking required for public assembly requirements of this~~
41 ~~Section.~~
 - 42 5. ~~**Hotels and motels:** One (1) for each sleeping room, plus any spaces~~
43 ~~required for accessory uses such as restaurants, cocktail lounges, meeting~~
44 ~~rooms, etc.~~
- 45
46 2. Business and Commercial Uses:
 - 47 ~~1. **Restaurants:** One (1) for each three (3) seats provided for patrons use for~~
48 ~~restaurants, including night clubs, bars, lunch counters, diners and all other~~
49 ~~similar dining or drinking establishments with no pick up or drive thru~~
50 ~~service. Restaurants with only pick up service or drive in facilities, including~~
51 ~~seasonal shaved ice or ice cream stands, shall provide at least one off-~~

1 street parking space for every ~~seventy-five (75) square one hundred (100)~~
2 feet of ~~gross floor area and outdoor dining area, and in no case less than six~~
3 ~~(6) off-street parking spaces.~~

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

17
18 3. Industrial and Warehouse Uses:

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

31
32 4. Schools, Institutions and Places of Public Assembly:

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

1
2 Exceptions and reductions from the required parking:

- 3 1. Large uses: The required parking may be reduced by 10% for uses which
4 require more than one hundred (100) parking spaces.
5 2. Shared parking: The required parking may be reduced by up to 10% for
6 shared parking areas if a shared parking agreement and/or cross access
7 easements are executed.
8 3. Motorcycle/scooter parking: A minimum of two (2) spaces and up to 10%
9 of all vehicle parking spaces may be converted into motorcycle/scooter
10 parking.
11 4. Electric vehicle charging: Electric vehicle charging spaces count towards the
12 minimum parking requirements.
13 5. An approved Cooperative Parking Plan reduces the required amount of
14 parking for the duration of the plan being in effect.
15 6. Approval of a PUD, variance, or CUP may reduce the required parking if the
16 reduction is specifically approved.
17 7. No minimum parking requirements apply to commercial properties located
18 in the C-C, Center City district. Parking for residential uses may be reduced
19 by providing parking off-site, providing parking passes for residents, paying
20 an impact fee for parking (if established), or by providing bicycle parking for
21 all dwelling units as specified in this section.
22 8. Tandem Parking: The Community Development Director may approve
23 tandem parking for certain commercial uses, two or more bedroom
24 residential units, or fraternities/sorority houses.
25

26 **Sec 42.313 General Requirements**

27 ~~Except for accepted gravel, driving surfaces in the Rural Residential District, every required~~
28 ~~parking and/or driving surface area shall be paved with an all-weather surface. Such~~
29 ~~requirement shall only apply to areas used for parking or on-site traffic circulation.~~
30

31 Areas used for storage, overflow parking areas, and access for uses which do not generate
32 traffic such as telecommunications towers may use a gravel surface, if approved by the City
33 Engineer.
34

35 A gravel surface may be approved for single-family uses by the City Engineer in locations
36 where stormwater drainage will not wash the gravel, provided that the portions of the
37 driveway within fifty (50) feet of the right-of-way line is paved.
38

39 All vehicles or trailers, etc. may only be parked or stored on an approved surface in a front
40 yard. Continued parking or storage of vehicles on a grass, dirt, or other unapproved surface
41 is a zoning violation.
42

43 Pavement may include concrete, asphalt, chip and seal, engineered permeable pavement,
44 or paver bricks.
45

46 ~~The exits and entrances shall be approved by the City Engineer. Driving surfaces shall be~~
47 ~~constructed to meet the requirements of existing or developed soil conditions of the site.~~
48 ~~These areas shall be constructed with a crushed stone base course and an asphaltic~~
49 ~~concrete wearing surface. Both courses must be compacted to a density of not less than~~
50 ~~ninety-five percent of the standard compacting test. In lieu thereof, the parking and/or~~
51 ~~driving surface area may be constructed of a Portland concrete wearing course. As a~~

1 minimum, the pavements shall meet the requirements of cul-de-sac as outlined in the
2 current City design standard manual. The developer shall be responsible for determining
3 any site soil conditions and the selection of the pavement used.

4
5 If weather conditions limit the completion of the parking lot at the time of the issuance of a
6 certificate of occupancy, the owner may, with the approval of the City Engineer, post a
7 performance bond with the City to guarantee the completion of this work.

8
9 Any lights used to illuminate parking areas shall be so arranged and hooded as to confine all
10 direct light rays entirely within the boundary lines of the parking area.

11
12 Delineated parking spaces must conform to the following dimensional requirements:

- 13 1. Parking spaces generally must be a minimum of nine (9) feet in width and eighteen
14 (18) feet in length
- 15 2. Designated "Compact Only" parking spaces may be reduced in width to eight (8)
16 feet and length to sixteen (16) feet
- 17 3. Designated parking compliant with the Americans with Disabilities Act may use the
18 width and length dimensions as specified in those regulations
- 19 4. Designated parking for motorcycles/scooters must be a minimum of four and a half
20 (4.5) feet in width and eight (8) feet in length

21
22 Parking designated for compact vehicles must have signage to designate them for compact
23 vehicles and must be grouped together and located as close to the main entryway as
24 possible. Compact parking is not intended to be used to fill in excess areas within a parking
25 lot. A maximum of 10% of the total provided parking may be designated for compact
26 vehicles.

27
28 All required parking must be demarcated by paint, change in pavement material or color,
29 delineators, or some other means which clearly defines the area of each parking space.
30 Storage, display, and overflow parking areas are not required to be demarcated.

31
32 All required parking must be located on the property for which the parking is required, or
33 may be located on property which is adjacent, across the street, or within two hundred
34 (200) feet of the subject property, provided that off-site parking areas are zoned for non-
35 residential uses.

36
37 Parking which is compliant with the Americans with Disabilities Act (ADA) or related
38 guidance from the Department of Justice must be provided. For convenience, the
39 requirements for the number of required spaces at the time of the adoption of these
40 zoning regulations is provided below:

41

<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>

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

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

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

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

Sec 42.314 Bicycle Parking

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

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

Number. A minimum of one-half (0.5) bicycle parking spaces must be provided for each residential unit. A minimum of two (2) bicycle parking spaces must be provided for each business space, except office uses or uses which do not offer any services to the public.

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

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

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

1 Sec 42.315 – 42.319 Reserved

2 Section 320 Projections, Encroachments, Obstructions, 3 and Fencing

4 Sec 42.320 Projections, Encroachments, Obstructions, and Fencing

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

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

9

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

12

13

1. ~~Meets the criteria described in Subsection 42-210.4(a)~~

14

2. ~~If permitted by a variance, special exception, or an approved Planned Unit
15 Development~~

16

3. ~~Where an irregular shaped lot has more area than required for its particular
17 district, lot width may be computed including the most usable portion satisfying
18 the minimum area requirements.~~

19

4. ~~Where a residential building is located in a commercial district, the setback
20 required in the residential district shall apply.~~

21

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

25

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

28

29 1. Where compliance with the yard regulations cannot reasonably be accomplished
30 because of irregular shaped lots or hillside lots; the Board of Adjustment may
31 modify such regulations through approval of a variance.

32

2. ~~Where an irregular shaped lot has more area than required for its particular
33 district, lot width may be computed at the most usable portion of the lot.~~

34

35 Sec 42.321 Projections

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

38

1. Cornices, eaves, gutters, belt courses, sills, and other similar architectural features,
39 may shall not extend project into a required side yard by no more than two (2) feet
40 and may shall not extend project into a required front or rear yard by up to more
41 than three (3) feet;

42

2. Awnings, arcades, canopies, marquees, and galleries are permitted to encroach
43 into the right-of-way by up to ten (10) feet and not less than the sidewalk to within
44 two feet (2) from of the curb, in the C-C Center City district but must clear the
45 sidewalk vertically by at least eight feet. ~~Such awnings, etc. must provide for a~~
46 minimum clearance of seven (7) feet above any pedestrian way. Awnings etc. may
47 project up to five (5) feet into any required yard, provided that they are set back a
48 minimum of one (1) foot from any property line. A license agreement may be
49 required for such projections.

50

1
2
3 **Sec 42.322 Encroachments**

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

44
45 **Sec 42.323 Obstructions**

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

- 48
49 1. ~~On any lot where a front yard is required or corner lot, no building, wall, parking~~
50 ~~space, fence or other structure shall be constructed and no hedge, tree, shrub, or~~
51 ~~other growth or object of any kind shall be maintained in such location within the~~

1 yard so as to obstruct the view of pedestrians and motorists, ~~as determined by the~~
2 ~~City Engineer.~~

- 3 2. A clear sight triangle of a minimum of twenty five (25) feet is required at all local
4 street intersections and at all driveways.
- 5 3. A clear sight triangle is determined by the City Engineer at all other street
6 intersections.
- 7 4. The City Engineer may determine that additional clear sight triangle distance is
8 needed at any location.

9 10 **Sec 42.324 Setback Exceptions**

11 A setback of twenty (20) feet is required for the rear yard in all residential districts along
12 any arterial street.

13
14 ~~Where buildings exist on adjacent lots (lots that are near, but not necessarily abutting) that~~
15 ~~front the same street as an empty lot, the required front or street side setback for new~~
16 ~~buildings on the empty lot may be reduced to align with the frontages of the other adjacent~~
17 ~~existing buildings rather than the provisions of this Article. However, in the usage of this~~
18 ~~provision, no front or street-side side setback shall be reduced to less than five (5) feet for~~
19 ~~interior lots and less than ten (10) feet for corner lots. If the required setback is reduced in~~
20 ~~this manner, the structure will be considered to be conforming to the setback provisions of~~
21 ~~this chapter article and will not be given the status of a nonconforming structure.~~

22 23 **Sec 42.325 Fences, Walls, and Hedges**

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

- 1 1. Cast-off, secondhand, or other items not originally intended to be used for
2 constructing or maintaining a fence;
- 3 2. Plywood less than five-eighth (5/8) inches thick and/or plywood not of a
4 grade approved for exterior use, particle board, paper, visqueen plastic,
5 plastic tarp, or sheet metal;
- 6 3. Electrified fencing, barbed wire, razor wire, and other similar fencing
7 materials capable of inflicting significant physical injury ~~shall be prohibited,~~
8 unless used in an ~~R-R (Rural Residential District),~~ commercial or
9 manufacturing zoning district for security fencing or property containing
10 livestock if approved for use by the Community Development Director
11 Codes Administrator.

12 10. All wooden fencing shall be installed finished-side facing out to any adjoining lot or
13 street.

14 ~~11. No provision of this Article shall be construed as granting a right for a property~~
15 ~~owner to erect a fence or wall on a public easement for any purpose.~~

16 ~~12. Maximum fence height in areas zoned for residential use or in the C-O (Office~~
17 ~~District) and C-1 (Neighborhood Business District) shall be limited to seven (7) feet,~~
18 ~~except as provided in Section 42-211.1.~~

19 ~~13. Maximum fence height in areas zoned C-2 (General Retail District) and CC (Center~~
20 ~~City District) shall be limited to eight (8) feet, except as provided in Section 42-~~
21 ~~211.1.~~

22 ~~14. In areas zoned C-3 (Highway Commercial District), M-1 (Light Manufacturing~~
23 ~~District), or M-2 (Heavy Manufacturing District), fence height shall be limited to~~
24 ~~fourteen (14) feet in height, except as provided in Section 42-211.1, when such~~
25 ~~fencing is immediately adjacent to property zoned for residential use or where the~~
26 ~~fence height and location would adversely affect sight distance at~~
27 ~~intersections. Commercial and/or Industrial buildings must be at least fifty~~
28 ~~thousand square feet (50,000 sq. ft.) in area to qualify for the fourteen (14) foot~~
29 ~~fence.~~

30 ~~1. Any fence over ten (10) feet in height and over fifty (50%) screening must~~
31 ~~submit engineered plans.~~

32 ~~2. Minimum lot size shall be at least two acres.~~

33
34 **Sec 42.325 – 42.329 Reserved**
35
36

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 one hundred (100)
32 feet.

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

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

- 1 6. Strict compliance with these landscaping requirements shall not be required if it
- 2 would cause visibility obstructions, particularly at intersections.
- 3 ~~7. The requirements set forth herein may be modified by the Community~~
- 4 ~~Development Director to the extent necessary to mitigate unnecessary economic~~
- 5 ~~hardship.~~
- 6 ~~8. Buffer yard and parking lot perimeter landscaping shall be provided in such a~~
- 7 ~~requirements set forth herein may be modified to the extent necessary to manner~~
- 8 ~~as to minimize their impact on utilities construction and maintenance~~
- 9 ~~requirements.~~
- 10 9. Plantings in ~~on~~ utility easements shall be limited to ornamental or under-story
- 11 trees, shrubs and hedges. In this instance, each required canopy tree shall be
- 12 replaced with two (2) ornamental or under-story trees to reduce conflicts with
- 13 overhead utilities. Plantings in or adjacent to a utility easement shall be
- 14 coordinated with the effected utility company.
- 15 10. Potted plants or other forms of decoration may be considered to replace or reduce
- 16 the landscaping and buffering requirements on a case-by-case basis if compliance
- 17 with the requirements is impractical due to existing site conditions.
- 18

19 **Sec 42.334 Required Screening**

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

25
26 ~~Consolidated refuse storage areas, for all uses other than single family and two family~~
27 ~~dwelling, Dumpsters which may be visible from the adjacent residential property lines or~~
28 ~~streets shall be visually screened by a solid fence or wall, not less than the height of the~~
29 ~~refuse storage containers, on all sides except the side used for refuse pickup service.~~

30
31 ~~Whenever a buffer yard is required per this Article, the screening required by this section~~
32 ~~shall be construed to be an additional requirement.~~

34 **Sec 42.335 Buffer yards**

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

37
38 Buffer-yards shall be required as shown on the Table of Buffer-yard Requirements. A
39 buffer-yard shall be provided for a proposed ~~commercial or industrial~~ development when it
40 will be located in a zoning district listed in the left-most column of the table and the
41 development is adjacent to a zoning district listed across the top of the table.

42
43 ~~Commercial or industrial developments adjacent to a PUD district shall provide a buffer-~~
44 ~~yard based on the corresponding zoning district of the existing or proposed uses permitted~~
45 ~~in the PUD district as determined by the Community Development Director.~~

46
47 Buffer-yards are not required if there is an intervening public street between the districts
48 with a right-of-way width of fifty (50) feet or more or if a railroad right-of-way separates
49 the two districts.

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

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

7
 8 **Table of Buffer-Yard Requirements**

Adjacent Zoning District

Development 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>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>R-3</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>R-MH</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>C-1</u>	<u>B-A</u>	<u>B-A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>A</u>	<u>A</u>
<u>C-2</u>	<u>D-C</u>	<u>D-C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>C</u>	<u>C</u>
<u>C-3</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>C</u>	<u>C</u>
<u>M-1</u>	<u>F-E</u>	<u>F-E</u>	<u>E</u>	<u>E</u>	<u>D-C</u>	<u>D-C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>*</u>	<u>*</u>	<u>C-E</u>	<u>C-E</u>
<u>M-2</u>	<u>G</u>	<u>G</u>	<u>F-G</u>	<u>F-E</u>	<u>E</u>	<u>E</u>	<u>D-C</u>	<u>D-C</u>	<u>D-C</u>	<u>C</u>	<u>*</u>	<u>C-G</u>	<u>C-G</u>

9 * No buffer yard required

10

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</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</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>	<u>**</u>	<u>**</u>	<u>**</u>	<u>**</u>	<u>**</u>	-	-	-	-	-

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

13
 14 ** A buffer-yard may be required by the Planning and Zoning Commission depending on
 15 the type of development and location.

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

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

1
 2 Buffer yard C and D also require the installation of a six (6) foot solid wood fence, a six (6)
 3 foot solid masonry/brick wall or a six (6) foot solid evergreen hedge. The required
 4 evergreen trees and half of the shrubs must be planted between the fence and the
 5 adjacent property. The fence may be set back from the property line to allow adequate
 6 space for landscaping.

7
 8 **Required plantings per 100 linear feet**

	Canopy tree(s)	Under-story trees	Evergreen trees	Shrubs	<u>Minimum Width</u>
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>3-2</u>	<u>2</u>	<u>2-3</u>	<u>16-15</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>4-3</u>	<u>3</u>	<u>4</u>	<u>24-20</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>5-4</u>	<u>4</u>	<u>5</u>	<u>34-20</u>	<u>50 feet</u>

- 9
 10
 11
 12
 13
- ~~(b) Buffer yards A and B shall have a minimum width of fifteen (15) feet.~~
 - ~~Buffer yards C and D shall have a minimum width of twenty (20) feet.~~
 - ~~Buffer yards E and F shall have a minimum width of thirty (30) feet.~~
 - ~~Buffer yard G shall have a minimum width of thirty-five (35) feet.~~

<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>

14
 15 **Sec 42.336 General Standards for Trees**

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

- 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
1. Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a minimum caliper diameter of one and one-half (1 and 1/2) inches at the time of planting.
 2. Under-story trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All under-story trees shall have a minimum caliper diameter of one (1) inch at time of planting.
 3. Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have a minimum caliper width of one (1) inch at time of planting.
 4. Evergreen or conifer trees shall have a minimum height of twenty (20) feet at maturity. All evergreen trees shall be at least six (6) feet high at time of planting.

1 5. Smaller trees may be substituted where the applicant establishes that the location
2 of driveways or unique physical characteristics of the property would not allow the
3 plantings as required.
4

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

11
12 **Sec 42.337 – 42.339 Reserved**

13
14

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 one hundred (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 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 ~~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 one hundred (100) feet away from any lot line fronting a street or not visible
28 from any street.
- 29 5. In nonresidential districts, if the signs are four square feet or less in area and four
30 feet or less in height, and located adjacent to the driveway(s) serving the property
31 and outside the street right-of-way ~~one pole sign at each exit and each entrance of~~
32 ~~any property.~~
- 33 6. Flags. This provision does not include banners or feather flags. However, flags and
34 supporting structures that lawfully project into the public rights-of-way shall not
35 hang below seven feet in height over a sidewalk.
- 36 7. Internal signs, including lettering painted on or attached to a window or door and
37 window signs located inside a building, but excluding flashing signs that do not
38 conform to the regulations of this Division related to electronic message center
39 signs.
- 40 ~~8. Balloons (does not include balloon signs) that are less than 36 inches in diameter.~~
41 ~~Balloons that are deflated or faded will be deemed unmaintained and required to~~
42 ~~be removed.~~
- 43 9. A sign that is integrated into or on a menu board, coin-operated machine, credit-
44 card machine, vending machine, gasoline pump, gasoline station canopy, or
45 telephone booth.
- 46 ~~10. Signs printed on or attached to a public bench if it does not interfere with driver~~
47 ~~vision or pedestrian movement and does not extend beyond the public bench's~~
48 ~~structural width and height.~~
- 49 11. Signs carved into a building or raised in integral relief on a building.
- 50 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 twenty (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 (5) feet between the full building frontage of the tenant space and
15 the street ~~public's rights-of-way~~, certain types of signs and other objects may be
16 placed in or project over the street ~~public's right-of-way~~, but not in or over any
17 roadway. ~~Apart from all other provisions that apply, Subsection 42-244.7(f) and the~~
18 following provisions listed below describe the applicability and the restrictions of
19 such an 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 (7) feet and the object shall not occupy space beyond a vertical plane
23 of two (2) 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 (5)
26 feet.
 - 27 3. One flag or temporary freestanding sign may be located in each city-owned
28 flowerpot if the sign is less than two (2) square feet in area, the object does
29 not exceed five (5) feet in height when in the flowerpot, the flowerpot is
30 watered and maintained by the tenant, and those flowerpots are on a
31 public sidewalk and abut the tenant space responsible for locating such a
32 sign in said flowerpot.
 - 33 4. ~~See Subsection 42-244.7(f) for all other restrictions pertaining to this~~
34 ~~allowance. Temporary and portable signage on sidewalks are subject to~~
35 additional requirements in this section.
- 36 7. *Permission.* The party constructing/installing/placing the sign or object on private
37 property is responsible for obtaining the permission of the property owner before
38 such action is taken.
- 39 8. *Setbacks.* ~~Unless exempt by Subsection 42-244.4(f),~~ all signs, including temporary
40 signs and exempt signs but not including signage which is allowed within street
41 rights-of-way, shall conform to the side and rear setback requirements of the
42 zoning district they are located in. No setback applies to a front yard or along any
43 street. However, no sign over ten (10) feet in height is permitted within or over a
44 utility easement. In addition, signs must not impair the sight distance requirements
45 for driveways or street intersections. However, the front of the lot shall be defined
46 as any lot line that fronts a street. Such signs shall have a minimum rear yard
47 setback of ten feet and a minimum side yard setback of five feet.
- 48 9. *Sign Sounds Residential Protection.* Even if a sign is exempt under Section 42-244.2,
49 no sign that ~~makes~~ emits sound ~~noise~~ shall be permitted in or within one hundred
50 (100) feet of a residential zoning district, not including zoned rights-of-way that is
51 ~~not the public's 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 C-2 and C-C zoning districts. Roof signs shall not exceed the building height limit of
12 the 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.~~
- 48
49

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

36
37 **Sec. 42.345 Sign Regulations for Non-Residential Zoning Districts.**

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

- 1 2. Number. Each premises is permitted an unlimited amount of wall signs and
2 is permitted one projecting sign for each tenant space. In addition, all
3 premises are permitted one (1) ~~two~~ permanent freestanding sign signs (i.e.
4 ground signs and pole signs) for each one hundred (100) feet of road
5 frontage if there is a distance of five hundred (500) feet or more between
6 pole ~~the two~~ signs with a minimum of one (1) sign allowed for each lot
7 frontage. ~~Corner lots and parcels shall be permitted one permanent~~
8 ~~freestanding sign per street frontage, up to two signs, if each sign is located~~
9 ~~along a different street, regardless of distance between the two signs.~~
10 ~~Otherwise, there must be 500 feet of separation between the signs in order~~
11 ~~for two signs to be permitted on such premises.~~
12 3. Sign Area. Maximum wall sign area shall be determined by multiplying the
13 lineal feet of building wall frontage facing a street by two (2) square feet.
14 Projecting signs shall not exceed twenty (20) square feet in area, regardless
15 of the amount of other signage on the premises. Each Pole or ground sign
16 shall be limited to one hundred (100) square feet each.
17 4. Height and Clearance. Ground and pole signs shall be limited to a maximum
18 height of twenty (20) feet. Projecting signs shall have a minimum clearance
19 of seven (7) feet.
20 3. Sign standards properties located in C-2, ~~C-3~~, ~~CC~~, M-1, ~~M-2~~, or ~~P-G~~ Zoning Districts
21 ~~and, unless otherwise restricted by a final development plan, any PUDs with~~
22 ~~commercial, industrial, or civic uses:~~
 - 23 1. Type. Same as Subsection 42-244.6(b)(1), ~~except that~~ mechanical
24 movement and revolving signs are also permitted. In addition, roof signs
25 are only permitted in ~~C-2 C-3 and C-C~~ zoning districts and such signs will be
26 considered wall signs in the calculation of maximum sign area. If a
27 mechanical movement or revolving sign is attached to a building it will be
28 considered a projecting sign and if such signs are not connected to a
29 building, they will be considered a permanent freestanding sign (i.e. ground
30 signs and pole signs).
31 2. Number. Same as Subsection 42-244.6(b)(2).
32 3. Sign Area. Maximum wall sign area shall be determined by multiplying the
33 lineal feet of building wall frontage facing a street by four square feet.
34 Projecting signs shall not exceed twenty (20) square feet in area, regardless
35 of the amount of other signage on the premises. Each Pole or ground sign
36 shall be limited to four hundred (400) square feet each.
37 4. Height and Clearance. Ground and pole signs shall be limited to a maximum
38 height of forty (40) feet. ~~Roof signs shall not exceed the building height~~
39 ~~limit of the zoning district in which the sign is located.~~ Projecting signs shall
40 ~~have a 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 fourteen (14) consecutive
12 days in any given quarter of a year and such signage shall be removed within
13 fourteen (14) days of receiving notice from the City of Rolla. A vacant parcel shall
14 be permitted an unlimited number of temporary freestanding signs only, but the
15 total sign area of such signs shall not exceed ninety-six (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 thirty-two (32) square feet.
 - 27 2. Sandwich board signs shall not exceed sixteen (16) square feet
 - 28 3. Inflatable signs and balloon signs are limited to seventy-five (75) square
29 feet ~~(See Subsection 42-244.1(z)(7) for the method of calculating area for~~
30 ~~three-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~~ (7) feet in height.
 - 34 2. ~~Feather flags, balloon signs, banners, streamers, and inflatable signs shall~~
35 be limited to twenty-four (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 (7) feet tall shall be
2 permitted within one hundred (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 (5) feet in width.
- 17 3. Sandwich board signs that are on a public sidewalk shall be located within
18 twelve (12) feet of the primary public entrance of the tenant's
19 establishment.
- 20 4. Sandwich board signs shall be weighted, temporarily secured, or
21 strategically placed to avoid being carried away by high winds.
- 22 5. Sandwich board signs and merchandise shall not be displayed on any
23 sidewalk during hours of non-operation.
- 24 6. No signs shall obstruct pedestrian and wheelchair access from the sidewalk
25 to parking spaces or access ramps designated for people with disabilities or
26 building exits, including fire escapes.

27 7. Installation and Maintenance

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

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

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

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

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

- 47 1. The maximum height of a billboard along Interstate 44 shall not exceed
48 forty-five (45) feet. No part of structure shall extend below fifteen (15)
49 feet.
- 50 2. The maximum surface area along Interstate 44 shall be six hundred
51 seventy-two (672) square feet with a maximum sign height of twenty (20)

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

- ~~1. The proposed location of the sign on the property.~~
 - ~~2. The distance from the proposed sign location to any buildings upon the property, and adjoining street right-of-way lines, and driveway 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 one hundred (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

- 1 be changed by right, and such change does not constitute a structural alteration
2 nor trigger loss of nonconforming status.
- 3 ~~2. Nonconforming temporary signs must be removed within 30 days of the passage of~~
4 ~~this language.~~
- 5 3. Once a sign is altered to conform or is replaced with a conforming sign, the
6 nonconforming rights for that sign are lost and a nonconforming sign may not be
7 reestablished.
- 8 ~~4. Loss of nonconforming sign status.~~
- 9 ~~1. If a sign is discontinued, it loses its nonconforming status. Except for signs~~
10 ~~that were legally established as Billboards according to state and/or federal~~
11 ~~law, a sign shall be considered discontinued if, for one year, the services or~~
12 ~~products advertised are no longer available at the destination or if the sign~~
13 ~~no longer has an advertising message other than the name of the sign~~
14 ~~owner on any part of the sign (Beginning dates of discontinuance can be~~
15 ~~validated by identifying the termination date of business licenses).~~
- 16 ~~2. Destruction: When a sign or sign structure is removed or intentionally~~
17 ~~destroyed, replacement signs and sign structures must comply with the~~
18 ~~current standards. However, if a sign or sign structure that has~~
19 ~~nonconforming elements is partially or totally damaged by fire or other~~
20 ~~causes beyond the control of the owner, the sign and sign structure may be~~
21 ~~rebuilt to the same size and height using the same materials.~~
- 22 5. Once a sign loses its nonconforming status, it must be removed before any other
23 permits for signs shall be issued for the premises on which the sign that has lost its
24 nonconforming status exists.
- 25 6. A sign may be replaced if the structure is in danger of an imminent failure which
26 would cause danger to the general public, as determined by a structural engineer.
- 27 ~~7. If structural alteration is needed to maintain the sign's structural integrity, the sign~~
28 ~~shall be removed and no building or sign permits shall be issued until its removal.~~
- 29 ~~8. In cases of doubt or on a specific question raised whether a nonconforming sign~~
30 ~~exists, it shall be a question of fact decided by the Codes Administrator and such a~~
31 ~~determination shall be subject to appeal to the Board of Adjustment.~~
- 32

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 eight (8) units in length when fronting along a street
12 (150) one hundred fifty linear feet in total frontage;
- 13 2. ~~The building fronts of attached townhomes that exceed groups of four (4) units~~
14 ~~that have unbroken wall and roof planes surfaces of (60) sixty feet or more are~~
15 ~~prohibited.~~ At least every sixty (60) linear feet, wall or roof planes shall contain
16 offsets or setbacks of at least two (2) feet or by providing a front porch for each
17 unit with a minimum depth of five (5) feet and a minimum width of eight (8) feet.
- 18 3. A change in texture, material or the use of architectural features to differentiate
19 individual units to ensure that buildings have a multi-faceted exterior in which
20 building fronts are combined with window and door placements as well as other
21 architectural details, such as the use of dormers, gabled roof front stoops, flower
22 boxes, and or shutters may be used in-lieu of 2 above.

23

24 **Sec. 42.352 – 42.359 Reserved**

25

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 five (5) feet in width.
 - 14 b. Sidewalks shall be required on both sides of the street adjacent to any
15 property within the C-C, Center City district. Such sidewalks shall be a
16 minimum of ten (10) feet in width. In instances where the distance
17 between the right-of-way line and the edge of the pavement is less than
18 ten (10) feet, the 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-4, Urban; P, Public R-3b, Multi-
21 family; GI, Government and Institutional; C-O, Office; C-1, Neighborhood
22 Commercial; C-2, General Commercial; and C-3, Highway Commercial
23 zoning districts. Such sidewalks shall be a minimum of five (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 U-R, Urban Residential RMH, Residential
27 Manufactured Home zoning districts. Such sidewalk shall be a minimum of
28 5 feet in width. Such sidewalks shall be located on the north or east side of
29 the street unless an alternative location is approved by an alternative
30 sidewalk plan, PUD, or as determined by the Community Development
31 Director to avoid placement conflicts. In the event that an adjoining
32 property has a sidewalk, the sidewalk must be extended across the
33 frontage of the subject property unless waived by the Community
34 Development Director.
- 35 2. Not required. Sidewalks are not required or may be waived in the following
36 circumstances:
 - 37 a. Sidewalks are not required on cul-de-sacs less than six hundred (600) feet
38 in length with fifteen (15) or fewer lots or dwelling units.
 - 39 b. Sidewalks are not required on local streets adjacent to the M-1, Light
40 Manufacturing and M-2, Heavy Manufacturing districts.
 - 41 c. Sidewalks are not required along designated Interstate highways.
 - 42 d. Sidewalks may be waived by the Planning and Zoning Commission on local
43 streets in single-family residential large lot subdivisions. A large lot
44 subdivision shall be defined as a subdivision with all lots of greater than
45 25,000 sq. ft. in area.
 - 46 e. Sidewalks are not required for the construction of a one or two family
47 structure in previously subdivided developments where both adjoining
48 properties do not have sidewalks.
 - 49 f. Sidewalks may be waived where only a portion of a property is developed
50 or redeveloped. In such case, sidewalks shall only be required adjacent to

1 the portions of the property which are developed or redeveloped as
2 determined by the Community Development Director. Sidewalks are not
3 required for development projects that do not require any driveway
4 modification or on-site concrete pavement.

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

44 **Sec. 42.362 Exterior Lighting Standards**

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

1 The following standards are required of all exterior lighting, subject only to the exemptions
2 permitted in this section Section 42-213.2.

- 3 1. The light source or luminary for all exterior lighting shall have a cutoff so that the
4 bare light bulb, lamp or light source is completely shielded from the direct view of
5 an observer at ground level at the property line ~~adjacent to a public right-of-way or~~
6 adjacent to property within a residential zoning district ~~property zoned residential~~
7 ~~or, if a buffer yard is required, at the interior line of the buffer yard.~~
- 8 2. No flickering or flashing lights shall be permitted.
- 9 ~~3. Light sources or luminaries shall not be located within buffer yard areas except on~~
10 ~~pedestrian walkways.~~
- 11 4. A photometric study may be required to be submitted for non-residential
12 development which includes exterior lighting and is within or adjacent to a
13 residential zoning district to demonstrate compliance with this section.
- 14 5. Spillover light may not exceed 0.5 foot-candle onto adjacent property in the R-1 or
15 R-2 districts; 2 foot-candle onto adjacent property in other residential districts; or
16 5.0 foot-candle onto public streets.

17
18 The following exceptions apply to this section:

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

32
33 **Sec. 42.363 Driveway Access**

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

36
37 On Collector streets, one driveway may be permitted for each one-hundred (100) feet of lot
38 frontage. Such driveways must be located a minimum of fifty (50) feet from the right-of-
39 way of any intersecting street.

40
41 On Arterial streets, one driveway may be permitted for each one-hundred-twenty-five
42 (125) feet of lot frontage. Such driveways must be located a minimum of two-hundred
43 (200) feet from the right-of-way of any intersecting street. No driveway will be permitted
44 for any lot with less than one-hundred-twenty-five (125) feet of lot frontage unless there
45 are no other viable options for access as determined by the City Engineer.

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

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

1
2 The maximum width of a driveway measured at the property line for residential uses is
3 highly dependent on the location, use, and need for on-street parking. In general, the
4 following widths may be approved:

- 5 a. Single-family use in R-1 district: thirty-two (32) feet
- 6 b. Two-family use: forty (40) feet
- 7 c. Three-family and Four-family dwellings: twenty-two (22) feet per unit, up to
8 four (4) driveways
- 9 d. Other multi-family: Treated as commercial driveway
- 10 e. Locations in older areas of city: To be determined by City Engineer

11
12 The maximum width of a driveway may be divided between up to two separate
13 driveways for residential properties with one or two dwelling units. An additional
14 driveway may be permitted for corner lots.

15
16 The minimum width of a driveway measured at the property line for non-residential and
17 multi-family uses is twelve (12) feet for a one lane one-way driveway and twenty (20) feet
18 for a two lane driveway. The maximum width is fifteen (15) feet for a one lane driveway;
19 twenty-four (24) feet for a two lane driveway; and thirty-four (34) feet for a driveway with
20 an additional left turn exit lane. The City Engineer may approve wider driveways that
21 primarily serve truck traffic.

22
23 Unless no other access is possible, no additional driveways may be permitted on Lions Club
24 Rd between US 63 and Hwy 72. Where such driveway is necessary, the City Engineer may
25 approve the minimum number of shared driveways necessary to provide access to all lots.

26
27 **Sec. 42.364 Traffic Impact Analysis**

- 28 1. A traffic impact analysis may be required for any new development that will
29 generate one hundred (100) or more peak hour trips using current Institute of
30 Traffic Engineers Trip Generation Manual, or accessing a street or road or near an
31 intersection with a known level of service of D, E, or F.
- 32
33 2. The following situations may trigger the requirement for a traffic impact analysis to
34 be submitted:
 - 35 a. A subdivision plat which would/could result in greater than 100 dwelling
36 units.
 - 37 b. Low rise multifamily with greater than 179 units
 - 38 c. High rise multifamily with greater than 278 units
 - 39 d. A hotel with greater than 167 rooms
 - 40 e. A shopping center with greater than 26,000 square feet of gross floor area
 - 41 f. A gas station with greater than 2,000 square feet of gross floor area

42
43 **Sec. 42.365 – 42.399 Reserved**

1 **NOTE:** Text to be removed is shown with ~~STRIKETHROUGH~~. Text to be added is shown with
2 UNDERLINE.

3 4 **Section 400 Special Regulations**

5 6 **Sec 42.400 Special Regulations**

7 The following sections apply to specific uses. The requirements are intended to be in
8 addition to any applicable zoning requirements. The intent is to provide requirements and
9 limitations for uses which by their nature may require additional regulation.

10
11 **Secs. 42-401 to 42-409. Reserved.**

12 13 **Sec 42.410 Home Occupations**

14 This section is designed to define what constitutes a home occupation and to enumerate
15 the particular home occupations that are permitted. Customary home occupations are
16 defined as any activity carried out for compensation in a residential dwelling unit or in an
17 accessory building. Generally, a customary home occupation includes working from home
18 or working with customers by appointment.

19
20 Customary home occupations include the following activities:

- 21 1. Home offices ~~for architects, engineers, lawyers, realtors, insurance agents, brokers,~~
22 ~~ministers, rabbis, priests, salesmen, sales representatives, manufactures~~
23 ~~representatives, home builders, home repair contractors and similar occupations;~~
- 24 2. Studios for artists, sculptors, authors, photographers, musicians, and composers;
- 25 3. Computer programming and data processing;
- 26 4. Direct sale product distribution (Amway, Avon, Tupperware, etc.) provided parties
27 for the purpose of selling merchandise or taking orders shall not be held more than
28 once a month, shall be limited to ten (10) customers and shall be held between the
29 hours of 9:00 a.m. and 10:00 p.m.;
- 30 5. Dressmakers, seamstresses, and tailors;
- 31 6. Home crafts, such a model making, rug weaving, woodworking, ceramics (with a
32 kiln up to six (6) cubic feet) and similar activities, ~~provided that no machinery or~~
33 ~~equipment shall be used or employed other than that which would customarily be~~
34 ~~found in the home or machinery and equipment that would ordinarily be employed~~
35 ~~in connection with a hobby or avocation;~~
- 36 7. Mail order sales, not including retail sales from site;
- 37 8. Retail and sales, by appointment only;
- 38 9. Music and art teachers or other tutoring services, with classes limited to ten (10)
39 persons per day;
- 40 ~~10. Renting sleeping rooms and serving meals to not more than two (2) persons not~~
41 ~~members of the family occupying the dwelling unit provided one (1) off street~~
42 ~~parking space is provided for each person;~~
- 43 11. Telephone answering service;
- 44 12. Washing and ironing service;
- 45 13. Services such as hair salon, nail salon, pet grooming;
- 46 14. Food preparation and catering with proper Health Department licensure;
- 47 15. Professional services such as counselling and massage therapy;
- 48 16. Sale of foods grown on the property;
- 49 17. "Work at home" activities where employees of a business, located at another
50 location, perform work for the business in their own residence, provided all

1 physical contact between the business and the employee occurs at the place of
2 business and not the residence, other than the initial installation of any equipment
3 or other work facilities. The work activities of the employee shall conform to all
4 other requirements of this Section.
5

6 No home occupation shall be permitted if it:

- 7 1. Changes the outside appearance of the dwelling or is visible from the street;
- 8 2. Generates traffic or parking, ~~sewage, water use or noise~~ in excess of what is
9 normally found in a residential neighborhood. Excess traffic is defined as more than
10 ten (10) vehicle trips per day or more than two (2) vehicles associated with the
11 home occupation on a regular basis;
- 12 3. Creates a hazard to person or property, results in electrical interference or
13 becomes a nuisance; or
- 14 4. Results in outside ~~activities~~, storage or display.

15
16 The following limitations for home occupations uses apply:

- 17 ~~1. No person other than someone related by blood, marriage, adoption or custodial~~
18 ~~relationship to the person conducting the home occupation and who also resides in~~
19 ~~the dwelling unit shall be employed in the home occupation;~~
- 20 2. The home occupation shall be conducted entirely within the principal residential
21 building and shall be limited to one (1) room;
- 22 ~~3. No manufacturing or processing of any sort whatsoever shall be done, except as~~
23 ~~permitted by Section 42-207.2. (6);~~
- 24 ~~4. No stock in trade, except articles produced by members of the family residing on~~
25 ~~the premises, shall be stored on the premises;~~
- 26 ~~5. No alteration of the principal residential building shall be made which changes the~~
27 ~~character thereof as a dwelling;~~
- 28 6. The home occupation shall not produce offensive noise, vibration, smoke, electrical
29 interference, dust, odors or heat. Any noise, vibration, smoke, electrical
30 interference, dust odors, or heat detectable beyond the property lines or beyond
31 the walls of the dwelling unit, if the unit is part of a multifamily structure, shall
32 constitute a violation;
- 33 ~~7. No mechanical or electrical equipment other than normal domestic or household~~
34 ~~equipment shall be used;~~
- 35 ~~8. There shall be no outdoor storage of equipment or materials used in the home~~
36 ~~occupation;~~
- 37 9. The receipt or delivery of merchandise, goods or supplies for use in a home
38 occupation shall be limited to the United States mail, similar parcel delivery service,
39 or private vehicles with a gross vehicle weight rating of 24,000 pounds or less; and
- 40 10. Not more than one commercial vehicle utilized in the business shall be parked on
41 site.
- 42 11. Signage is limited to one sign up to 4 square feet in area.
- 43 12. The number of employees and customers is not permitted to exceed the occupancy
44 limit for the residential building.

45
46 In particular, the following uses are not permitted as a customary home occupation:

- 47 ~~1. Animal hospitals, stables or kennels;~~
- 48 ~~2. Auto repairing and painting;~~
- 49 ~~3. Barber shops and beauty parlors with more than one (1) operator;~~
- 50 ~~4. Boarding and lodging houses, unless permitted by district regulations;~~
- 51 ~~5. Dispatching of transfer and moving vans, taxi cab services; and~~

1 ~~6. Palm reading, fortune telling, tattoo or body piercing parlors.~~

2
3 A business license may be required for any customary home occupation which requires that
4 customers or patrons come to the property.

5
6 A Special Exception may be granted by the Board of Adjustment to allow for a customary
7 home occupation for any use not listed or similar to a listed use.

8
9 **Sec 42.411 to 42.419 Reserved**

10 11 **Section 420 Adult Uses**

12 13 **Sec 42.420 Adult Uses**

14 **NOTE:** *This section is copied from the entirety of Chapter 29. The chapter is recommended*
15 *to be removed as a stand-alone chapter and added to Chapter 42, as it primarily deals with*
16 *a particular land use.*

17
18 ~~Purpose:~~ It is the purpose of this ~~section Chapter~~ to regulate the display of explicit sexual
19 material and sexually oriented businesses in order to promote the health, safety, morals,
20 and general welfare of the citizens of Rolla, Missouri, and to establish reasonable and
21 uniform regulations to prevent the deleterious location and concentration of sexually
22 oriented businesses within the City.

23
24 The provisions of this ~~section Chapter~~ have neither the purpose nor effect of imposing a
25 limitation or restriction on the content of any communicative materials, including explicit
26 sexual materials. Similarly, it is not the intent nor effect of this ~~section Chapter~~ to restrict or
27 deny access by adults to explicit sexual materials protected by the First Amendment, or to
28 deny access by the distributors and exhibitors of sexually oriented entertainment to their
29 intended market. Neither is it the intent or effect of this ~~section Chapter~~ to condone or
30 legitimize the distribution of obscene or offensive material of a sexual nature.

31
32 ~~Findings:~~ Based on evidence concerning the adverse secondary effects of adult uses on
33 communities as outlined in numerous studies/reports generally available for consideration,
34 and on findings incorporated in a series of cases as found and included herein by reference
35 to the IML Model Ordinance on Sexually Oriented Business Regulation, the City Council
36 finds that:

- 37 (1) Sexually oriented businesses lend themselves to ancillary unlawful and
38 unhealthy activities that are presently uncontrolled by the operators of the
39 establishments. Further, there is no mechanism to make the owners of
40 these establishments responsible for the activities that occur on their
41 premises.
- 42 (2) Employees of certain sexually oriented businesses engage in higher
43 incidences of certain types of illicit sexual behavior than employees of
44 other establishments and that by offering or providing such locations may
45 thereby create unhealthy conditions, unless properly regulated.
- 46 (3) At least fifty (50) communicable diseases may be spread by activities
47 occurring in sexually oriented businesses including but not limited to,
48 syphilis, gonorrhea, human immunodeficiency virus infections (HIV-AIDS),
49 genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections
50 and shigella infections. According to the best scientific evidence, AIDS and

- 1 HIV infection, as well as syphilis and gonorrhea, are principally transmitted
2 by sexual acts.
- 3 (4) The number of cases of ~~syphilis and other~~ sexually transmitted diseases has
4 been on the rise or remain at high levels in the United States.
- 5 (5) The findings noted above raise substantial governmental concerns by
6 establishing that sexually oriented businesses have operational
7 characteristics that should be reasonably regulated in order to protect the
8 public interest and to address substantial governmental concerns.
- 9 (6) A reasonable licensing procedure is an appropriate mechanism to place the
10 burden of that reasonable regulation on the owners and the operators of
11 the sexually oriented businesses. Further, such a licensing procedure will
12 place an incentive on the operators to see that the sexually oriented
13 business is managed in a way consistent with the health, safety, and
14 welfare of its patrons and employees, as well as the general public. It is
15 appropriate to require reasonable assurances that the licensee is the actual
16 operator of the sexually oriented business, fully in possession and control
17 of the premises and activities occurring therein.
- 18 (7) Removal of doors on adult booths and requiring sufficient lighting on
19 premises with adult booths advances a substantial governmental interest in
20 curbing the illegal and unsanitary sexual activity occurring in adult theaters.
- 21 (8) Requiring licensees of sexually oriented businesses to keep information
22 regarding current employees and past employees will help reduce the
23 incidence of certain types of criminal behavior by facilitating the
24 identification of potential witnesses or suspects and by preventing minors
25 from working in such establishments.
- 26 (9) The disclosure of certain information by those persons ultimately
27 responsible for the day to day operation and maintenance of the sexually
28 oriented business, where such information is substantially related to the
29 significant governmental interest in the operation of such uses, will aid in
30 preventing the spread of sexually transmitted diseases.
- 31 (10) In the prevention of the spread of communicable diseases, it is desirable to
32 obtain a limited amount of information regarding certain employees who
33 may engage in conduct that this section ~~Chapter~~ is designed to prevent, or
34 who are likely to be witnesses to such conduct.
- 35 (11) The fact that an applicant for an adult use license who has been convicted
36 of a sexually related crime leads to the rational assumption that the
37 applicant may engage in that conduct in contravention of this section
38 ~~Chapter~~.
- 39 (12) The barring of such individuals from the management of adult uses serves
40 as a deterrent to, and prevents conduct that leads to the transmission of
41 sexually transmitted diseases.
- 42 (13) The general welfare, health, morals, and safety of the citizens of Rolla,
43 Missouri will be promoted by the enactment of this section ~~Chapter~~.

44
45 **Sec 42.421 Adult Use Definitions**

46 Words and phrases contained in this section ~~Chapter~~ shall be deemed to have certain
47 meanings, as follows:

48
49 (a) *Explicit sexual material* means:

- 50 (1) Any picture, photograph, or other pictorial or visual representation, that
51 depicts actual or simulated "specified sexual activities"; or

1 (2) Any ~~portion~~ of a book, magazine, newspaper or other printed or written
2 material; or any video tape, DVD, or any other recorded medium whose
3 content is made up in whole or in dominant part of depictions or
4 descriptions of "specified sexual activities" or "specified anatomical areas".
5

6 (b) *Sexually oriented business* means any business enterprise that:

7 (1) Has as a regular and substantial business purpose for the sale, display or
8 rental of goods that are designed for use in connection with "specified
9 sexual activities," or that emphasize matters depicting, describing or
10 relating to "specified sexual activities" or "specified anatomical areas"; or

11 (2) Has one of the following as a regular and substantial business purposes:
12 the providing of entertainment where the emphasis is on performances,
13 live or otherwise, that depict, portray, exhibit or display "specified
14 anatomical areas" or "specified sexual activities"; or the providing of
15 services that provide "specified sexual activities" or "specified anatomical
16 areas" ancillary to other pursuits, or allow participation in "specified sexual
17 activities" ancillary to other pursuits,

18 (3) The definition of "Sexually oriented business" also includes, but is not
19 limited to, any and all of the following as defined herein:

20 (i) "Adult retail establishments" means an establishment that has as a
21 regular and substantial business purpose, offers for sale or rent,
22 any one or more of the following: instruments, devices, gifts, or
23 paraphernalia that are designed for use in connection with
24 "specified sexual activities" or clothing that graphically depicts
25 "specified anatomical areas" or any materials, such as printed
26 materials, photographs, slides, films, videotapes or DVD, sold or
27 rented in an adult bookstore, adult news rack, or adult news stand
28 that are characterized by their emphasis on matter depicting,
29 describing or relating to "specified sexual activities" or "specified
30 anatomical areas".

31 (ii) "Adult entertainment business" means any establishment to which
32 the general public, patrons or members are invited or admitted and
33 wherein an entertainer provides "adult entertainment", as defined
34 herein. These establishments include, but are not limited to, adult
35 theater, adult entertainment cabaret, adult entertainment studio,
36 adult encounter parlors, and body painting studios.

37 (iii) "Adult motion picture theater" means an establishment containing
38 a room that seats facing a screen or projection areas, where a
39 regular and substantial portion of its business is the exhibition to
40 customers of films, videotapes, or other such devices that are
41 intended to provide sexual stimulation or sexual gratification to the
42 customers and that are distinguished by an emphasis on matter
43 depicting, describing or relating to "specified sexual activities" or
44 "specified anatomical areas".

45 (iv) "Bath house" means an enterprise where a regular and substantial
46 portion of its business is offering baths with other persons present
47 who are nude or displaying "specified anatomical areas".

48 (v) "Adult motel" means an enterprise where a regular and substantial
49 portion of its business is offering public accommodations for
50 consideration for the purpose of viewing closed circuit television
51 transmissions, films, motion pictures, videotapes, slides or other

1 photographic reproductions that are distinguished or characterized
2 by an emphasis on the depiction or description of "specified sexual
3 activities" or "specified anatomical areas" and rents room
4 accommodations for less than six hours at a time.
5

- 6 (c) *Adult entertainment* means any live or recorded exhibition, performance, display or
7 dance of any type, including but not limited to, talking, singing, reading, listening,
8 posing, massaging, serving food or beverages, soliciting for the sale of food,
9 beverages or entertainment, pantomiming, modeling, removal of clothing, or any
10 service offered for amusement on a premises where such exhibition, performance,
11 display or dance is intended to seek to arouse or excite the sexual desires of the
12 entertainer, other entertainers or patrons, or if the entertainment involves a
13 person who is nude or in such attire, costume or clothing as to expose to view any
14 portion of the human genitals, pubic region, vulva, pubic hair, buttocks, female
15 breast or breasts below a point immediately above the top of the areola or nipple
16 or the human male genitals in a discernibly erect state, even if completely and
17 opaquely covered to include, but not limited to establishments commonly known
18 as gentlemen's clubs, juice bars, and adult book stores, etc.
19
- 20 (d) *Employee* means any and all persons, including managers, entertainers and
21 independent contractors, who work in or at or render any services directly related
22 to the operation of an adult entertainment business.
23
- 24 (e) *Entertainer* means any person who provides adult entertainment within adult
25 entertainment premises as defined in this section whether or not a fee is charged
26 or accepted for entertainment.
27
- 28 (f) *Knowingly* means having knowledge of the character and content of any material
29 described herein or failure on notice to exercise reasonable inspection, which
30 would disclose the content and character of the same.
31
- 32 (g) *Manager* means any person who manages, directs, administers, or is in charge of
33 the affairs and/or conduct of any portion of any activity involving adult
34 entertainment occurring at any adult entertainment premises.
35
- 36 (h) *Material* means any book, magazine, or other printed or written material, or any
37 picture, drawing, photograph, videotape, or other pictorial representation, figure, object or
38 article.
39
- 40 (i) *Operator* means any person who manages, directs, administers, or is in charge of
41 the affairs and/or conduct of any portion of any activity involving adult
42 entertainment occurring at any adult entertainment premises.
43
- 44 (j) *Person* means any individual partnership, corporation, trust, incorporated or
45 unincorporated association marital community joint venture, governmental entity,
46 or other entity or group of persons however organized
47
- 48 (k) *Public place* means any area generally visible to public view and includes streets,
49 sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles
50 whether moving or not.
51

- 1 (l) *Sadomasochistic abuse* means flagellation or torture by or upon a person who is
2 nude or clad in undergarments or in revealing or bizarre costume, or the condition
3 of being fettered, bound or otherwise physically restrained on the part of one so
4 clothed.
5
- 6 (m) *Server* means any person who serves food or drink at an adult entertainment
7 business.
8
- 9 (n) *Specified anatomical areas* means (1) uncovered or exposed human genitals, pubic
10 region or pubic hair; or buttock; or female breast or breasts below a point
11 immediately above the top of the areola or nipple, or any combination of the
12 foregoing; or (2) human male genitals in a discernible erect state, even if
13 completely and opaquely covered.
14
- 15 (o) *Specified sexual activities* means sexual conduct, being actual or simulated, acts of
16 human masturbation, sexual intercourse, or physical contact, in an act of apparent
17 sexual stimulation or gratification, with a person's clothed or unclothed genitals,
18 pubic area, buttocks, or the breast of a female, or any sadomasochistic abuse or
19 acts including animals or any latent objects in an act or apparent sexual stimulation
20 or gratification, as such terms are defined in the pornography and related offenses
21 chapter of the Missouri Criminal Code.
22
- 23 (p) *Substantial business purpose* means 1) ten percent (10%) or more of the gross floor
24 area is devoted to that purpose; or 2) ten percent (10%) or more of the retail floor
25 space is devoted to that purpose; or 3) ten percent (10%) or more of the gross sales
26 of the business are derived from that purpose
27
- 28 (q) *Display* means:
29 (1) To expose in whole or in part; or
30 (2) To permit an unfolding, viewing or examination.
31

32 **Sec 42.422 Adult Use License**

33 It shall be unlawful for any person to operate or maintain a sexually oriented business in
34 the City unless the owner, operator or lessee thereof has obtained an adult entertainment
35 business license and any required zoning approvals from the City, or to operate such
36 business after such license has been revoked or suspended by the City.
37

38 It shall be unlawful for any person to knowingly work as an entertainer, server or manager
39 at a sexually oriented business unless said business is licensed in the City.
40

41 It shall be prima facia evidence that any sexually oriented business that fails to post the
42 required adult entertainment business license in the manner prescribed herein shall be
43 operating unlawfully. In addition it shall be prima facia evidence that any entertainer,
44 employee or manager who performs any service or entertainment in a sexually oriented
45 business in which an adult business license is not posted as specified herein, shall have
46 knowledge that such business is not licensed.
47

48 Any licensed sexually oriented business shall be deemed to have consented to a periodic
49 inspection of the business premises by appropriate City officials. This inspection shall take
50 place during hours when such sexually oriented business is open to the public, unless

1 otherwise requested by the sexually oriented business, and shall not unreasonably
2 interfere with the conduct of such business.

3
4 It is unlawful for any person to work as an entertainer, server or manager at a sexually
5 oriented business without first obtaining a license to do so from the City, or to work as an
6 entertainer, server or manager at a sexually oriented business after such person's license to
7 do so has been revoked or suspended.

8
9 The license year for all fees required under this chapter shall be from January 1 through
10 December 31.

11 (a) The classification of licenses and fees for each shall be as follows:

12 Adult entertainment business license fee is \$500.00 per year.

13 Adult entertainment manager's license fee is \$50.00 per year.

14 Adult entertainer's license fee is \$20.00 per year.

15 Adult entertainment server's license fee is \$20.00 per year.

16 (b) ~~Fees shall be paid by certified/cashier check or money order.~~ The
17 application is not complete until the fee is paid. Licenses are for specific
18 locations as indicated on the license and are nontransferable. Any change
19 in the type of sexually oriented business shall invalidate the adult business
20 license. No more than one sexually oriented business may occupy a
21 business premise at one time.

22
23 A prospective licensee (owner, server, entertainer or manager) shall provide:

24 (a) A notarized application to the ~~Rolla Police Department and Collector~~
25 Finance Department of the City of Rolla with his or her name, address
26 (mailing and residence), phone number, principal occupation, recent
27 photograph (2" X 3" color), date of birth, place of birth, driver's license,
28 social security number, signed permission for FBI check and similar
29 information for all partners or stockholders in the venture, as well as a
30 description of the proposed business.

31 (b) A statement from the applicant, that the applicant has not been convicted
32 of, released from confinement for conviction of, or diverted from
33 prosecution on:

34 (1) A felony criminal act within five years immediately preceding the
35 application, or a misdemeanor criminal act within two years
36 immediately preceding the application where such felony or
37 misdemeanor criminal act involved sexual offenses, prostitution,
38 sexual abuse of a child, pornography or related offenses as defined
39 in the Missouri Criminal Code, or involved controlled substances or
40 illegal drugs or narcotics offenses as defined in the Missouri
41 Controlled Substances Act or other statutes or ordinances.

42 (2) Upon submission of each such application, the Police Department
43 shall review the information contained therein and verify the
44 qualifications of the applicant. The City Council shall, within 45
45 days, consider the application at a regular session. The applicant
46 shall be present in person at the meeting when said application is
47 considered by the City Council. If the application meets all the
48 requirements as set forth in this Chapter, the City Council may
49 issue a license for operation of the sexually oriented business.
50 Those opposing such a license could present objections at this
51 time. Granting the license requires a super majority vote.

- 1 (c) No person is eligible nor shall a license be issued to a sexually
2 oriented business applicant if one or more of the following conditions exist:
- 3 (1) The applicant's premises is located within seven hundred fifty (750)
4 feet of a school, church, hospital, City Park, or licensed childcare
5 center or property zoned for residential use as measured in a
6 straight line of property boundary.
 - 7 (2) The applicant's premises is located within one thousand (1,000)
8 feet of any other sexually oriented business for which there is a
9 license issued.
 - 10 (3) The applicant failed to supply all of the information requested on
11 the application.
 - 12 (4) The applicant gave material false, fraudulent or untruthful
13 information on the application.
 - 14 (5) The applicant's proposed business premises does not comply with
15 or meet the requirement of the applicable health, zoning, building
16 code, fire and property maintenance ordinances of the City of
17 Rolla.
 - 18 (6) The applicant has been convicted, released from incarceration for
19 conviction, or diverted on any of the crimes set forth in said
20 section.
 - 21 (7) The applicant has had an adult entertainment license revoked or
22 suspended in this City or any other City or County during the past
23 five years.

24
25 Upon receipt of a complete application for an adult entertainment business license, the
26 Finance Department shall transmit one copy of the application to the Police Department for
27 investigation of the application and one copy to the Community Development Department
28 ~~Codes Administrator~~.

29
30 It shall be the duty of the Police Chief or a designee to investigate the application to
31 determine whether the information contained therein is accurate and whether the
32 applicant has qualified to be issued the license. The results of this investigation shall be
33 forwarded to the Finance Department no later than ten (10) working days from the
34 application date.

35
36 It shall be the duty of the Director of Community Development ~~Codes Administrator~~ to
37 determine compliance with the requirements of this section ~~Chapter~~ and the applicable
38 health, zoning, building code, fire and property maintenance ordinances of the City. The
39 Director ~~Codes Administrator~~ shall provide his report to the Finance Department within ten
40 (10) working days from the application date.

41
42 Upon receipt of these reports, the Finance Department shall either issue or deny the
43 license, provided the license applications for sexually oriented businesses, entertainers,
44 servers, and managers shall be approved or disapproved within forty-five (45) days from
45 the filing date. If the license is disapproved, the applicant shall be notified in writing by
46 certified mail to the applicant's last known address, and the notification shall state the basis
47 for disapproval.

48
49 Any person found to be in violation of any provision of this Code, though he may have been
50 previously issued a license as provided herein shall have his license revoked immediately
51 forthwith. Prior to revocation said licensee shall have notice of said violations, and the

1 matter of revocation shall be placed before the next regularly scheduled meeting of the
2 City Council for hearing. Should the City Council find said violations did occur, and upon
3 motion of the City Council after hearing, the revocation shall be issued from the City Clerk,
4 all licenses previously issued surrendered, for a period of one (1) year unless the City
5 Council may by motion direct a shorter time.

6
7 **Sec 42.423 Adult Use Requirements and Standards**

8 (a) Display. It is unlawful for a person knowingly to:

- 9 (1) Display any explicit sexual material or sadomasochistic abuse at
10 newsstands or any other business establishment frequented by minors
11 under the age of eighteen (18) years or where said minors are or may be
12 invited as a part of the general public; or
13 (2) Permit or authorize the display of any explicit sexual material or
14 sadomasochistic abuse at newsstands or any other business establishments
15 frequented by minors under the age of eighteen (18) years or where said
16 minors are or may be invited as a part of the general public; or
17

18 When requested by the police department of the City, to fail to promptly remove
19 from display from property in his possession or under his control, any explicit
20 sexual material or sadomasochistic abuse, at newsstands or other business
21 establishments frequented by minors under the age of eighteen (18) years or
22 where said minors are or may be invited as a part of the general public.
23

24 (b) Removal. Where it appears that this section Chapter or any part of this section
25 Chapter is being or about to be violated, the mayor or city attorney of the City of
26 Rolla, may commence and maintain, in the name of the City, an action in the circuit
27 court to enjoin the display of any explicit sexual material. No provisions of this
28 Section shall be construed to prohibit the prosecution for violation of the
29 provisions of this Section in the municipal court.
30

31 (c) Penalty. Any person violating this section Chapter shall be deemed guilty of a
32 misdemeanor, and upon conviction thereof, shall be fined not less than two
33 hundred dollars (\$200.00) or be imprisoned in jail for not less than five (5) days or
34 be punished by both such fine and imprisonment or be fined not more than five
35 hundred dollars (\$500.00) or be imprisoned in jail for not more than sixty (60) days
36 or be so punished by both such fine and imprisonment.
37

38 (d) Employees. No employee of any business responsible for selling or renting sexually
39 explicit material shall be less than eighteen (18) years of age.
40

41 (e) Restrictions. Nothing in this section Chapter shall be construed so as to prohibit or
42 restrict any political subdivision or any department, agency, office or facility
43 thereof, or any employee or agent thereof when engaged in the performance of his
44 official duties, or any person in the conduct of a legitimate activity for bona fide
45 educational, scientific or medical purposes.
46

47 (f) Design. The facility shall be designed in such a fashion that all openings, entries and
48 windows prevent view into such facilities from any pedestrian, sidewalk, walkway,
49 street or other public area. No business activities shall take place outside the
50 sexually oriented business visible from the exterior.
51

1 (g) Signage. The facility in which such a use is located shall be limited to one (1) wall
2 mounted advertising sign no greater than one (1) square foot of sign per linear foot
3 of wall length, not to exceed a total of fifty (50) square feet. Said sign shall not
4 flash, blink or move by mechanical means and shall not extend above the roof line
5 of the building. No flashing lights and/or lighting that leaves the impression of
6 motion or movement shall be permitted.
7

8 (h) Merchandise Display. ~~Further,~~ No merchandise or pictures of products or
9 entertainment on the premises shall be displayed in window areas or any area
10 where such merchandise or pictures can be viewed from the sidewalk in front of
11 the building.
12

13 (i) Lighting. Lighting in the parking area must provide a minimum light level of 0.25
14 foot candles over the entire parking area, but in no point shall the light level exceed
15 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at
16 the lot line. The interior premises of sexually oriented businesses must be equipped
17 with overhead lighting of sufficient intensity to illuminate every place to which
18 customers are permitted access at an illumination of not less than one foot candle
19 as measured at the floor level, and such illumination must be maintained at all
20 times that any customer or patron is present in or on the premises.
21

22 (j) Conduct. No owner, operator, manager or other person in charge of the premises
23 of a sexually oriented business premises shall:
24 1. Knowingly permit alcoholic liquor or cereal malt beverages to be brought
25 upon or consumed on the premises, (unless otherwise permitted pursuant
26 to Chapter 4, Alcoholic Beverages, of the City Code).
27 2. Knowingly allow or permit the sale, distribution, delivery or consumption of
28 any controlled substance or illegal drug or narcotic on the premises.
29 3. Knowingly allow or permit any person under the age of 18 years of age to
30 be in or upon the premises in any capacity as entertainer, server or
31 customer.
32 4. Knowingly allow or permit any act of prostitution or patronizing
33 prostitution on the premises, or
34 5. Knowingly allow or permit a violation of this section ~~Chapter~~ or any other
35 City ordinance provision or state law.
36

37 (k) Hours of Operation. Hours of operation shall not exceed 10 A.M. to 1 A.M.
38

39 (l) Standards of Conduct. The following standards of conduct shall be used by all adult
40 entertainment business licensees, their employees and all sexually oriented business
41 managers, servers and entertainers and patrons of sexually oriented businesses while on or
42 about the premises of the establishment:

43 1. Any manager, server or entertainer issued a license by the City under the
44 provisions of this section ~~Chapter~~ shall, at all times while working in a
45 sexually oriented business, have in their possession a valid Identification
46 card issued by the City, bearing the permit number, the signature of the
47 City Clerk, individual's name, age, weight, eye color, and height. Such card
48 shall be laminated to prevent alteration.
49 2. No manager, employee, server, entertainer or patron in a sexually oriented
50 business, other than a licensed bath house, shall appear nude, unclothed,

1 in less than opaque attire or in any fashion that exposes to view any
2 "specified anatomical area".

- 3 3. No manager, employer, server, entertainer or patron of a sexually oriented
4 business shall perform any "specified sexual activities", wear or use any
5 device or covering exposing to view an image that simulates any "specified
6 anatomical areas", use artificial devices or other objects to perform or
7 depict any "specified sexual activities", or participate in any act of
8 prostitution.
- 9 4. No manager, employee, server, entertainer or patron of a sexually oriented
10 business shall knowingly touch, fondle or caress any "specified anatomical
11 area" of another person whether such "specified anatomical area" is
12 clothed, unclothed, covered or exposed to view.
- 13 5. A manager shall be on duty at all times on the premises when the sexually
14 oriented business is open. The manager shall verify that any person who
15 provides adult entertainment or works as a server possesses a current and
16 valid adult entertainment license. It shall also be the manager's duty to
17 insure that no person under the age of eighteen (18) enters the premises.
18

19 (m) Sanitation. The premises of all sexually oriented businesses shall be kept in a
20 sanitary condition. Separate dressing rooms and restrooms for men and women
21 shall at all times be maintained and kept in a sanitary condition.
22

23 (n) Performances. Performances shall always take place on a stage of at least twenty-
24 four (24) inches above the floor level of the audience. Entertainers shall be at least
25 ten (10) feet from customers and shall not touch customers or be touched by
26 customers. Customers shall not be permitted on the stage at any time. No
27 entertainer shall be permitted to demand or collect any payment or gratuity from
28 any employee or patron of the sexually oriented business.
29

30 (o) Visibility. The premises of all sexually oriented businesses shall be physically
31 arranged so that the entire interior portion of any booths, cubicles, room or stalls
32 are visible from a common area. The use of video cameras to meet this
33 requirement is not allowed. Visibility shall not be blocked or obscured by doors,
34 curtains, drapes or any other obstruction. The manager shall be required to
35 position himself/herself so as to be able to view the entire interior portion of the
36 premises while on duty.
37

38 (p) License Posting. Every person, corporation, partnership, or association licensed
39 under this Chapter as a sexually oriented business shall post such license in a
40 conspicuous place and manner on the premises of the business.
41

42 (q) Required Signage. All sexually oriented businesses shall have conspicuously
43 displayed in the common area at the entrance to the premises a sign of which
44 uppercase letters shall be at least two (2) inches high and lowercase letters at least
45 one inch high, which read as follows:
46

47 "THIS SEXUALLY ORIENTED BUSINESS IS REGULATED AND LICENSED BY THE CITY OF
48 ROLLA, MISSOURI ENTERTAINERS ARE:
49

50 Not permitted to engage in any type of sexual conduct or prostitution on the
51 premises or to fondle caress or touch the breasts, pubic region, buttocks or genitals

1 of any employee, patron, or other entertainer or to permit any employee, patron,
2 or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks
3 or genitals of said entertainer.

4
5 Not permitted to be nude, unclothed, or in less than opaque attire, costume or
6 clothing so as to expose to view any portion of the breasts below the top of the
7 areola, or any portion of the pubic region, buttocks and or genitals.

8
9 Not permitted to demand or collect any payment or gratuity from any patron for
10 entertainment.

11
12 Not permitted to perform, except on a stage of at least twenty-four (24) inches
13 above the floor level of the audience and to maintain at least a ten (10) foot
14 separation from any patron at all times while performing.

15
16 PATRONS ARE:

17
18 Not permitted to be upon the stage at any time.

19
20 Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or
21 genitals of any employee, server or entertainer or engage in solicitation for
22 prostitution.”

23
24 (r) Location. No sexually oriented business is permitted to locate within an area
25 circumscribed by a circle which has a radius of seven hundred-fifty (750) feet, as
26 measured by a straight line drawn from the lot line of any proposed sexually
27 oriented business, to any residential zoning district, school, park, or church.

28
29 **Sec 42.424 – 42.429 Reserved**

30

Section 430 Telecommunications

Sec 42.430 Telecommunications

Statement of Purpose. The general purpose of this ~~section~~ ~~Division 22~~ ("Division") is to regulate the placement, construction, and modification of telecommunications Wireless Communications Facilities to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Rolla. Specifically, this ~~section~~ ~~Division~~ is intended to:

1. Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the City of Rolla;
2. Minimize adverse visual impacts of Wireless Communications Facilities through careful design, siting, landscape screening, and innovative camouflaging techniques that provide predictability for nearby property owners and others that future uses will not materially alter such approved aesthetic protections without zoning hearing procedures and input from interested parties;
3. Ensure that any new Wireless Communications Facilities are compatible with the neighborhood or surrounding community to the extent possible; and
4. Ensure that regulation of Wireless Communications Facilities does not have the effect of prohibiting the provision of personal wireless services, does not unreasonably discriminate among functionally equivalent providers of such service and promotes the provision and availability of communication services within the City, and is no more burdensome than regulations applied to other types of infrastructure deployments.

Applicability; preemption. Notwithstanding any ordinance to the contrary, the procedures set forth in this ~~section~~ ~~Division~~ shall be applicable to all Wireless Communications Facilities existing or installed, built, or modified after the effective date of this Division to the fullest extent permitted by law. No provision of this ~~section~~ ~~Division~~ shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any ~~section~~, subsection, sentence, clause, phrase, or portion of this ~~section~~ ~~Division~~ is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

Notwithstanding any right that may exist for a governmental entity to operate or construct Wireless Communications Facilities, it shall be unlawful for any person to erect or operate for any private commercial purpose any Wireless Communications Facilities in violation of any provision of this ~~section~~ ~~Division~~, regardless of whether such Wireless Communications Facilities are located on land owned by a governmental entity.

Sec 42.431 Definitions

As used in this ~~section~~ ~~Division~~, the following terms shall have the meanings and usages indicated:

1. *Accessory Use*: Any use authorized herein that exists in addition to the principal use of the property.
2. *Antenna*: Any device that transmits and/or receives wireless radio waves for voice, data, or video communications purposes including, but not limited to, television, AM/FM radio, texts, microwave, cellular telephone, and similar forms of

1 communications. The term shall exclude satellite earth station antenna less than
2 two meters in diameter (mounted within twelve (12) feet of the ground or building-
3 mounted) and any receive-only home television antenna.

- 4 3. *AGL (Above Ground Level)*: Ground level shall be determined by the elevation at the
5 center location of measurement.
- 6 4. *Authority Pole*: A Utility Pole that is owned and/or operated by the City but shall
7 not include municipal electric utility distribution poles or facilities.
- 8 5. *Cabinet*: A structure for the protection and security of communications equipment
9 associated with one or more Antenna where direct access to equipment is provided
10 from the exterior and that has horizontal dimensions that do not exceed four (4)
11 feet by six (6) feet, and vertical height that does not exceed six (6) feet.
- 12 6. *Director*: The Community Development Director or his/her designee or official
13 acting in such capacity.
- 14 7. *Disguised Support Structure*: Any freestanding, artificial structure designed for the
15 support of Antenna, the presence of which is camouflaged or concealed as an
16 appropriately placed and designed architectural or natural feature. Depending on
17 the location and type of disguise used, such concealment may require placement
18 underground of the utilities leading to the structure. Such structures may include
19 but are not limited to clock towers, campaniles, observation towers, light
20 standards, flagpoles, and artificial trees. For purposes of this definition, a structure
21 "camouflaged or concealed as an appropriately-placed and designed architectural
22 or natural feature" shall mean:
 - 23 1. It is consistent with and contributes to and does not detract from the
24 character and property values and use of the area and neighborhood in
25 which it is located;
 - 26 2. It does not contain distorted proportions, size, or other features not
27 typically found on the type of structure or feature to which it is designed to
28 replicate;
 - 29 3. It cannot be identified as a Support Structure by persons with reasonable
30 sensibilities and knowledge;
 - 31 4. Its equipment, accessory buildings, or other aspects or attachments
32 relating to the Disguised Support Structure are wholly concealed using a
33 manner consistent with and typically associated with the architectural or
34 natural structure or feature being replicated; and
 - 35 5. It is of a height, design, and type that would ordinarily occur at the location
36 and neighborhood selected.
- 37 8. *Existing Structure*: Any structure capable of supporting Wireless Communication
38 Facilities (other than a Support Structure) in full conformance with the design and
39 other requirements of this Division and is: (1) existing prior to the date of all
40 applicable permit applications seeking City authorization for installation of such
41 facilities thereon and (2) not built or installed in anticipation of such specific
42 installation or erected as a means to evade approvals applicable to a non-existing
43 structure.
- 44 9. *FAA*: The Federal Aviation Administration.
- 45 10. *Fast-Track Small Wireless Facility or Fast-Track*: A Small Wireless Facility that meets
46 the following requirements for an Antenna and associated equipment:
 - 47 1. No more than seven (7) cubic feet in volume (comprised of no more than
48 twenty-seven (27) square feet of exterior surface area, excluding the
49 surface width equal to the width of the Existing Structure or Utility Pole to
50 which it is mounted, on an imaginary enclosure around the perimeter
51 thereof, excluding cable or cable conduit of four (4) inches or less). Volume

- 1 shall be the measure of the exterior displacement of the Antenna and
2 associated equipment;
- 3 2. Located with the consent of the owner on an Existing Structure or Utility
4 Pole, or concealed within or on a replacement Utility Pole if appearance is
5 not materially altered and the replacement Existing Structure or Utility Pole
6 is no more than five (5) feet taller;
- 7 3. Not exceeding six (6) feet above the top of an Existing Structure or Utility
8 Pole for a total height not exceeding fifty (50) feet nor taller than more
9 than six (6) feet above the average of similar poles within three hundred
10 (300) feet.
- 11 11. *FCC*: The Federal Communications Commission.
- 12 12. *Height*: The vertical distance measured from the center location of measurement at
13 ground level to its highest point and including the main structure and all
14 attachments thereto.
- 15 13. *Person*: An individual, corporation, limited liability company, partnership,
16 association, trust, or other entity or organization, including the City.
- 17 14. *Right of Way*: The area on, below, or above a public roadway, highway, street, or
18 alleyway, but not including:
- 19 1. The airwaves above a public right-of-way with regard to cellular or other
20 nonwire telecommunications or broadcast service;
- 21 2. Easements obtained by utilities or private easements in platted
22 subdivisions or tracts;
- 23 3. Railroad rights-of-way and ground utilized or acquired for railroad facilities;
24 or
- 25 4. Poles, pipes, cables, conduits, wires, optical cables, or other means of
26 transmission, collection or exchange of communications, information,
27 substances, data, or electronic or electrical current or impulses utilized by a
28 municipally owned or operated utility pursuant to Missouri law.
- 29 15. *Shelter*: A building for the protection and security of communications equipment
30 associated with one or more Antenna and where access to equipment is gained
31 from the interior of the building. Human occupancy for office or other uses or the
32 storage of other materials and equipment not in direct support of the connected
33 Antenna is prohibited.
- 34 16. *Small Wireless Facility*: Antennas and associated equipment that meet the
35 following:
- 36 1. Each Antenna could fit within an enclosure of no more than six (6) cubic
37 feet in volume; and
- 38 2. All other associated equipment, to the extent permitted by applicable law
39 to be calculated, of cumulatively no more than twenty-eight (28) cubic feet
40 in volume; provided that no single piece of equipment on the Authority
41 Pole shall exceed nine (9) cubic feet in volume, and no single piece of
42 ground mounted equipment shall exceed fifteen (15) cubic feet in volume.
- 43 17. *Support Structure*: A Tower or Disguised Support Structure.
- 44 18. *Tower*: A structure designed for the support of one or more Antenna and including
45 guyed towers, self-supporting (lattice) towers, or monopoles, but not Disguised
46 Support Structures, Utility Poles, or buildings. The term shall also not include any
47 Support Structure that includes attachments of fifty (50) feet or less in height
48 owned and operated solely for use by an amateur radio operator licensed by the
49 FCC.

- 1 19. *Utility Pole*: A pole or similar structure that is or may be used for wireline
2 communications, electric distribution, lighting, traffic control, signage, or a similar
3 function, or for the collocation of Small Wireless Facilities or Fast Track.
- 4 20. *Wireless Communications Facility*: Any Antenna, Small Wireless Facility, Fast Track,
5 Cabinet, Shelter, and Support Structure and associated equipment.

6
7 **Sec 42.432 Application Procedures; Timing**

- 8 1. Applications. Applications for permitted, administrative, or conditional uses
9 pursuant to this section ~~Division~~ shall be subject to the supplementary procedures
10 in this section ~~Division~~. Applications shall be submitted to the City as a complete
11 application on forms provided by the City. A "complete application" shall be an
12 application submitted on the forms provided by the City, fully executed by the
13 applicant, identifying the specific approval sought, and containing all attachments,
14 fees as may be established to reimburse the City for its inspection and review costs,
15 and information as required thereon or by the City, consistent with this section
16 ~~Division~~. Applications shall be accompanied by a building permit application and
17 other applicable forms.
- 18 2. Proof of Owner Consent. Applications for permitted, administrative, or conditional
19 uses pursuant to this section ~~Division~~ shall be required to provide proof of owner
20 consent, which shall minimally include:
 - 21 1. Written consent to pursue the application by all fee simple owners of the
22 underlying real estate (or where located in street rights-of-way, the rights-
23 of-way owner thereof), including when the proposed location is also in a
24 utility easement; and
 - 25 2. Written consent to pursue the application of the owner of the structure on
26 which such Facility is to be placed, if different than applicant.
- 27 3. Timing. Applications shall be decided upon within a reasonable time, subject
28 further to state or federal specific additional time requirements as may apply to the
29 particular application.
- 30 4. Consolidated Applications for Small Wireless Facilities. An applicant may submit a
31 consolidated application and receive a single permit for up to twenty (20)
32 collocated Small Wireless Facilities, provided that they are for the same or
33 materially the same design of Small Wireless Facility being collocated on the same
34 or materially the same type of Utility Pole or Support Structure. Denial of one or
35 more Small Wireless Facilities in a consolidated application shall not delay
36 processing of any other Small Wireless Facilities in the same consolidated
37 application.
- 38 5. Opportunity to Cure. In case of a denial, the applicant may cure the deficiencies
39 identified by the City and resubmit the application within thirty (30) days of the
40 denial without paying an additional application fee. The City shall approve or deny
41 the revised application within thirty (30) days of resubmission and limit its review
42 to the deficiencies cited in the original denial.

43
44 **Sec 42.433 General Requirements**

- 45 1. Applicability. The requirements set forth in this section ~~Division~~ shall be applicable
46 to all Wireless Communications Facilities within the City installed, built, or modified
47 after the effective date of this section ~~Division~~ to the full extent permitted by law.
48 Such zoning review and approvals required in this section ~~Division~~ shall be in
49 addition to any other generally applicable permitting requirement, including
50 applicable building, excavation, rights-of-way, or other permits or approvals.

- 1 2. Principal or accessory use. Towers may be either a principal or accessory use in all
2 non-residential zoning districts, subject to any applicable requirement relating to
3 yard or setback. An accessory use subject to a leasehold interest of a person other
4 than the lot owner may be approved for a Tower only if the leasehold area
5 separately meets all requirements for a separate subdivided lot, including
6 dedicated access, parking, setbacks, and lot size, applicable to a principal use in the
7 district in which the use is proposed as if it was a separate subdivided lot. No other
8 district shall allow Towers unless required by law. All other Wireless
9 Communications Facilities and Utility Poles other than Towers, may be a principal
10 or accessory use in all districts subject to the requirements herein.
- 11 3. Building codes, safety standards, and zoning compliance. Wireless Communications
12 Facilities shall be constructed and maintained in compliance with all standards
13 contained in applicable state and local building codes. A certified engineer's
14 structural report shall be required for all applications to construct a new or modify,
15 or any way alter, a Support Structure, a Utility Pole, or Antenna, including Small
16 Wireless Facility and Fast Track, unless waived upon application to the Director
17 stating why such report is unnecessary to the specific application and a
18 determination in the discretion of the Director approving such statement. In
19 addition to any other approvals required by this Division, no Wireless
20 Communication Facility or portion thereof, except for a modification under 47
21 U.S.C. § 1455(a), shall be erected, replaced, or expanded prior to receipt of a
22 Certificate of Zoning Compliance, unless otherwise required by law, and the
23 issuance of a Building Permit. For sites within City rights-of-way, (1) the most
24 restrictive adjacent underlying zoning district classification shall apply unless
25 otherwise specifically zoned and designated on the official zoning map, (2) Wireless
26 Communications Facilities shall be installed and maintained as not to obstruct or
27 hinder the usual travel or public safety on the rights-of-way or obstruct the legal
28 use of such rights-of-way by authorities or authorized rights-of-way users; and (3)
29 such use shall be required to obtain applicable permits and comply with the City's
30 ROW management rules and regulations set forth in Article III of Chapter 36.
- 31 4. Regulatory compliance. All Wireless Communications Facilities shall meet or exceed
32 current standards and regulations of the FAA, FCC, and any other local, state, or
33 federal agency with the authority to regulate Wireless Communications Facilities,
34 and including all required licenses, permits, and taxes applicable to such structure
35 and/or modification. Should such standards or regulations be amended, then the
36 owner shall bring such devices and structures into compliance with the revised
37 standards or regulations within the time period mandated by the controlling
38 agency. No approval for any placement, construction, or modification of any
39 Wireless Communications Facilities permitted by this Division shall be granted for
40 any applicant having an uncured violation of this Division, any zoning regulation
41 regarding the lot on which the structure is proposed, or any other governmental
42 regulatory, licensing, or tax requirement applicable to such Wireless
43 Communications Facilities within the City unless preempted by applicable law.
44 Modifications under 47 U.S.C. § 1455(a) shall be approved without regard to zoning
45 regulations regarding the lot on which the modification is proposed.
- 46 5. Security. All Wireless Communications Facilities shall be protected from
47 unauthorized access by appropriate security measures. A description of proposed
48 security measures shall be provided as part of any application to install, build, alter,
49 or modify Wireless Communications Facilities. Additional measures may be
50 required as a condition of the issuance of a Building Permit as deemed necessary by
51 the Director or by the City Council in the case of a Conditional Use Permit.

- 1 6. Lighting. Antenna, Small Wireless Facilities, Fast Track, and Support Structures shall
2 not be lighted unless required by the FAA or other state or federal agency with
3 authority to regulate, in which case a description of the required lighting scheme
4 will be made a part of the application to install, build, alter, or modify the Antenna,
5 Small Wireless Facilities, Fast Track, or Support Structure. Lighting may also be
6 approved as a consistent component of a Disguised Support Structure. Equipment
7 Cabinets and Shelters may have lighting only as approved by the Director or City
8 Council on the approved site plan.
- 9 7. Advertising. Except for a Disguised Support Structure in the form of an otherwise
10 lawfully permitted sign, the placement of advertising on Wireless Communications
11 Facilities is prohibited other than on-premises signage of not greater than one
12 square foot on ground equipment or required safety signage.
- 13 8. Design.
 - 14 1. Color. Subject to the requirements of the FAA or any applicable state or
15 federal agency, Wireless Communications Facilities and attachments shall
16 be painted a neutral color consistent with the natural or built environment
17 of the site or an alternative painting scheme approved by the Director, or
18 the City Council in the case of Conditional Use Permits, consistent with the
19 requirements of this Division.
 - 20 2. Ground equipment. When authorized, equipment Shelters, or Cabinets
21 shall have an exterior finish reasonably compatible with the natural or built
22 environment of the site and shall also comply with any design guidelines as
23 may be applicable to the particular zoning district in which the facility is
24 located unless not feasible. All ground equipment shall be either placed
25 underground, contained in a single Shelter or Cabinet, or concealed within
26 a building or approved walled compound.
 - 27 3. Antenna design. Antenna attached to a Disguised Support Structure ~~or~~
28 ~~Tower~~ shall be contained within the Disguised Support Structure or within
29 or mounted flush on the surface to which they are mounted. Antenna
30 attached to an existing building, Utility Pole, or structure shall be of a color
31 matching the surface to which they are mounted. Antenna on the rooftop
32 or attached to a building shall be screened or constructed and/or colored
33 to match the structure to which they are attached. ~~All Antenna shall be~~
34 ~~designed to be disguised and maximally concealed on or within the Support~~
35 ~~Structure or other structure. Exposed Antenna on "crow's nest" or other~~
36 ~~visible platforms or extensions are prohibited.~~
 - 37 4. Height. Support Structures and Antenna shall not exceed the height
38 limitation of any airport overlay zone as may be adopted by the City or
39 other regulatory agency. Support Structures and Utility Poles may exceed
40 underlying zoning district height restrictions for buildings and structures
41 only where shown to be necessary, provided that no reasonable and
42 feasible alternative exists. To the extent permitted by applicable law,
43 district height restrictions shall be considered by the City in determining
44 the appropriateness of the design and location of the application under the
45 applicable standards for approval. No Support Structure shall be approved
46 at a height exceeding one hundred-twenty (120) feet AGL unless the
47 applicant clearly demonstrates that such height is required for the proper
48 function of the applicant's system.
 - 49 5. Monopole design. All Towers shall be of a monopole design. Lattice, guyed
50 Towers, or other non-monopole Tower designs shall not be permitted.

- 1 6. Compound walls/landscaping. All Towers shall be surrounded by a
2 minimum of a six (6) foot high decorative wall constructed of brick, stone,
3 or comparable masonry materials and a landscape strip of not less than ten
4 feet in width and planted with materials, which will provide a visual barrier
5 to a minimum height of six (6) feet. The landscape strip shall be exterior to
6 any security wall. In lieu of the required wall and landscape strip, an
7 alternative means of screening may be approved by the Director, or by the
8 City Council in the case of a Conditional Use Permit, upon demonstration
9 by the applicant that an equivalent degree of visual screening will be
10 achieved. Landscaping or other improvements may be required for
11 Disguised Support Structures if needed to implement an approved disguise.
- 12 7. Setbacks. All Support Structures, ~~including any portions of any Wireless~~
13 ~~Communications Facilities thereon and associated structures, fences, and~~
14 ~~walls (except for parking associated with the Wireless Communications~~
15 ~~Facility)~~ shall be separated from any rights-of-way, sidewalk or street, alley,
16 parking area, playground, or other building which is located on a another
17 property, and from the property line of any adjacent property at least a
18 horizontal distance equal to 25% of the height of the Support Structure,
19 ~~including any portions of any Wireless Communications Facilities thereon.~~
- 20 8. Storage. Vehicle or outdoor storage on any Wireless Communications
21 Facilities site is prohibited, unless otherwise permitted by the zoning
22 district.
- 23 9. Parking. One hard-surfaced parking spot per Support Structure for periodic
24 maintenance and service shall be provided.
- 25 10. Decorative poles. In districts where there are Utility Poles that were
26 specifically designed for their aesthetic nature and compatibility with the
27 built environment of that district, as determined by the City, such Utility
28 Poles shall be deemed to be decorative Utility Poles. Such decorative Utility
29 Poles, when authorized to be replaced by an applicant for Wireless
30 Communications Facilities pursuant to applicable law and in compliance
31 with this Division and Code, shall only be replaced with a substantially
32 similar decorative Utility Pole that matches the aesthetics and decorative
33 elements of the original decorative Utility Pole being replaced. Such
34 replacement expenses shall be bore wholly by the applicant seeking to
35 place Wireless Communications Facilities on such decorative Utility Pole.
- 36 9. Public property. Wireless Communications Facilities located on property owned,
37 leased, or otherwise controlled by the City shall be subject to the requirements of
38 this Division. A license or lease with the City authorizing the location of such
39 Wireless Communications Facilities shall be required for each site.
- 40 10. As-built plans. Within sixty (60) days of completion of the initial construction and
41 any additional construction, three complete sets of plans drawn to scale and
42 certified as accurately depicting the location of all Wireless Communications
43 Facilities constructed shall be furnished to the City.
- 44 11. Historic preservation; Thirty (30) day hearing period. To the extent permitted by
45 law, approval shall not be issued for any Wireless Communications Facility that the
46 Director or City Council determines would create a significant negative visual
47 impact or otherwise have a significant negative impact on the historical character
48 and quality of any property within a Historic Preservation District or such District as
49 a whole. For collocation of any certified historic structure as defined in Section
50 253.545 RSMo., in addition to all other applicable time requirements, there shall be
51 a thirty (30) day time period before approval of an application during which one or

1 more public hearings on collocation to a certified historic structure are held. The
2 City may require reasonable, technically feasible and technological neutral design
3 and concealment measures as a condition of approval of a Wireless
4 Communication Facility within a historic district or on a historic structure.

- 5 12. Administration. The Director shall have the authority to establish forms and
6 procedures consistent with this Division and applicable federal, state, and local law
7 to ensure compliance and to facilitate prompt review and administration of
8 applications.
9

10 **Sec 42.434 Permitted Use**

- 11 1. Permitted use. The placement of Wireless Communications Facilities fully
12 conforming with the applicable General Requirements in this section ~~Division~~ are
13 permitted in all zoning districts (including the right-of-way) only as follows:
14 1. Towers in industrial districts. Antennas attached to towers in industrial
15 districts are a permitted use.
16 2. Collocations on Existing Support Structures. The attachment of Antenna
17 including Small Wireless Facilities, or associated equipment to any existing
18 fully conforming Support Structure or Utility Pole, or as otherwise
19 authorized by state or federal law where local zoning is preempted,
20 provided that building permit requirements, national safety codes, and
21 other applicable codes including recognized accepted industry standards
22 for structural, safety, capacity, reliability, and engineering are satisfied,
23 including specifically the requirement to submit a certified structural
24 engineering report ~~as provided in Section 42-399.~~
25 3. Antenna on high-voltage Towers. The mounting of Antenna on or within
26 any existing high-voltage electric transmission Tower, but not exceeding
27 the height of such Tower by more than ten (10) feet, provided that all
28 requirements of this Division and the underlying zoning ordinance are met,
29 except minimum setbacks provided in this Division shall not apply.
30 4. Antenna on existing buildings/structures. In all districts, except not on
31 single-family residential or two-family dwellings, the mounting of Antenna
32 on any existing and conforming building or structure (other than a Support
33 Structure or Utility Pole) provided that the presence of the Antenna and
34 equipment is concealed by architectural elements or fully camouflaged or
35 concealed by painting a color identical to the surface to which they are
36 attached, and further provided that all requirements of this Division and
37 the underlying zoning ordinance are met.
38 5. Collocation of Small Wireless Facilities on Authority Poles. In accordance
39 with Section 67.5112 RSMo, a wireless provider may collocate Small
40 Wireless Facilities and install, maintain, modify, operate, and replace
41 Authority Poles, at heights below the height limitations outlined in this
42 Subdivision, which shall be a permitted use in all districts except single-
43 family residential and historic districts subject to Subsection b of this
44 Section below.
45 1. New, replacement, or modification of Authority Poles under the
46 following circumstances shall not be considered a permitted use
47 under this Section:
48 1. Proposals to construct or modify an Authority Pole that
49 exceeds the greater of fifty (50) feet AGL or more than ten
50 feet above the tallest existing Authority Pole as of January

1 1, 2019 within 500 feet of the proposed Authority Pole in
2 the City; and

3 2. Proposals to collocate on an existing Authority Pole in place
4 on August 28, 2018, that exceeds the height of the existing
5 Authority Pole by more than ten feet.

6 2. Application procedure. Application for a Permitted Use under this Section shall
7 require submission of an application with proof of owner consent ~~as required by~~
8 ~~Section 42-398~~ and an application fee of \$100.00 per Small Wireless Facility and an
9 application fee of \$500.00 for the installation, modification, or replacement of a
10 Utility Pole and collocation of a Small Wireless Facility thereon as required to partly
11 cover the City's actual costs, and not to exceed such amounts as may be limited by
12 law. If the applicant is not a Wireless Services Provider, the applicant must submit
13 evidence of agreements or plans, or otherwise provide attestations to the same,
14 which conclusively demonstrate to the City that the proposed site(s) will become
15 operational and used by a Wireless Services Provider within one year of the
16 permit's issuance date. For any application for a Small Wireless Facility, the
17 applicant shall provide an attestation that the proposed Small Wireless Facility
18 complies with the volumetric limitations as required to meet the definition of a
19 Small Wireless Facility in accordance with this Division and pursuant to applicable
20 law. Applicant shall also submit a certified structural analysis as required in the
21 General Requirements of this Division. Applications requesting any information that
22 is prohibited by federal or state law under the applicable circumstance shall be
23 deemed inapplicable to the subject application. The Director shall issue a decision
24 on the application for a permitted use within the time frame permitted by
25 applicable law. A decision to deny an application shall be made in writing and state
26 the specific reasons for the denial. With respect to a proposed collocation of a
27 Small Wireless Facility or installation, modification, or replacement of a Utility Pole,
28 the Director may deny the application only if the proposal could reasonably be
29 expected to:

- 30 1. Materially interfere with the safe operation of traffic and control
31 equipment or City-owned communications equipment;
- 32 2. Materially and demonstrably interfere with the safe operation of traffic
33 control equipment or City-owned communications equipment;
- 34 3. Materially and demonstrably interfere with sight lines or clear zones for
35 transportation, pedestrians, or non-motorized vehicles;
- 36 4. Materially interfere with compliance with the American Disabilities Act, or
37 similar federal or state standards regarding pedestrian access or
38 movement;
- 39 5. Materially obstruct or hinder the usual travel or public safety on the rights-
40 of-way;
- 41 6. Materially obstruct the legal use of the rights-of-way by the City, utility, or
42 other third-party;
- 43 7. Fail to comply with the spacing requirements ~~within Section 36-29.b;~~
- 44 8. Fail to comply with applicable national safety codes, including recognized
45 engineering standards for Utility Poles or Support Structures;
- 46 9. Fail to comply with the decorative pole replacement requirements herein;
47 or
- 48 10. Fail to comply with undergrounding requirements ~~within Section 36-29.b;~~

1 **Sec 42.435 Administrative Approval**

2 1. Administrative approval. The placement of Wireless Communications Facilities fully
3 conforming with the General Requirements in this ~~section~~ Division are permitted in
4 all zoning districts (including the right-of-way) by Administrative Permit approved
5 by the Director only as follows:

6 1. Disguised Support Structures. Any Disguised Support Structure shall have as
7 a condition of approval, unless expressly exempted in the approval, an
8 obligation that is recorded on the property that runs with the land for the
9 benefit of the public, prohibiting modifications to the Disguised Support
10 Structure that defeats the disguise, unless such proposed modification is
11 approved by a duly authorized zoning or conditional use approval
12 approved. If the applicant does not wish to have such a condition, the
13 application shall not qualify for Administrative Permit approval, unless
14 another mechanism is proposed and approved to ensure that the disguise
15 is not subsequently defeated. A Disguised Support Structure proposed to
16 be located within a public or private right-of-way, street, or other
17 pedestrian or vehicular way may be exempted from the General
18 Requirements of this Article relating to parking/access and setbacks, unless
19 determined by the Director as applicable to the specific location for safety
20 reasons or other applicable reasons.

21 2. Fast-Track Small Wireless Facilities. An application for a Fast-Track may be
22 approved administratively by the Director, subject to meeting the following
23 requirements:

24 1. General requirements. The following requirements shall generally
25 apply to all Fast-Track located within the City:

- 26 1. The Fast-Track shall substantially match any current
27 aesthetic or ornamental elements of the Existing Structure
28 or Utility Pole, or otherwise be designed to maximally
29 blend in to the built environment, with attention to the
30 current uses within the district at the proposed site;
- 31 2. Any portion above the Existing Structure or Utility Pole
32 shall be concealed and of the same dimensions and
33 appearance so as to appear to be a natural extension of the
34 Existing Structure or Utility Pole in lieu of an enclosure or
35 concealment;
- 36 3. The Fast-Track equipment shall not emit noise audible from
37 the building line of any residentially zoned or used
38 property; and
- 39 4. Location, placement, and orientation of the Fast-Track
40 shall, to the extent feasible, minimize the obstruction to, or
41 visibility from, the closest adjacent properties unless
42 otherwise required by the City for safety reasons.

43 2. Additional requirements when sited near pedestrian and vehicle
44 ways. When a Fast-Track is proposed to be located on an Existing
45 Structure or Utility Pole on or adjacent to public or private streets,
46 sidewalks, or other pedestrian or vehicle ways:

- 47 1. The height of all portions of the Fast-Track shall be located
48 at least eight (8) feet above ground level;
- 49 2. No ground equipment shall be permitted; and

- 1 3. No portions of the Fast-Track shall extend horizontally from
2 the surface of the Utility Pole or Existing Structure more
3 than sixteen (16) inches.
- 4 3. Waiver for good cause shown. Additionally, the Director may for
5 good cause shown increase any one or more of the maximum
6 volumetric specifications from the definition of a Fast-Track by up
7 to 50% if the applicant demonstrates that it:
 - 8 1. Does not in any location nationally use equipment capable
9 of meeting the specifications and the purpose of the
10 equipment; and
 - 11 2. Cannot feasibly meet the requirements as defined and
12 described.
- 13 4. The City Council may further waive one or more of the
14 requirements found in the definition of Fast-Track, or from the
15 General Requirements or the Additional Requirements When Sited
16 Near Pedestrian or Vehicle Ways of this Subdivision, upon good
17 cause shown by the applicant, and provided a showing that the
18 waiver is the minimum necessary to accomplish the purposes of
19 this Division. The burden of proof for any waiver shall be wholly on
20 the applicant.
- 21 2. Application procedures. Applications for Administrative Permits shall be made on
22 the appropriate forms to the Director consistent with the requirements of this
23 section ~~Division~~. Applications requesting any information that is prohibited by
24 federal or state law under the applicable circumstance shall be deemed
25 inapplicable to the subject application.
 - 26 1. General application requirements. Applicant shall submit along with its
27 completed application form:
 - 28 1. An application fee of not more than \$100.00 per "Fast Track" Small
29 Wireless Facility as required to partly cover the City's actual costs,
30 and an application fee of not more than \$500.00 for an application
31 for a Disguised Support Structure and collocation of a Small
32 Wireless Facility thereon and not to exceed such amounts as may
33 be limited by law; any amount not used by the City shall be
34 refunded to the applicant upon written request after a final
35 decision;
 - 36 2. A detailed site plan, based on a closed boundary survey of the host
37 parcel, shall be submitted indicating the exact location of the
38 facility, all dimensions and orientations of the facility and
39 associated equipment, in addition to all existing and proposed
40 improvements including buildings, drives, walkway, parking areas,
41 and other structures, rights-of-way, the zoning categories of the
42 subject and adjoining properties, the location of and distance to
43 off-site residential structures, required setbacks, required buffer
44 and landscape areas, hydrologic features, and the coordinates and
45 height AGL of the Utility Pole or Existing Structure, if applicable and
46 determined by the Director to be necessary to determine
47 compliance with this Division;
 - 48 3. Specifications, dimensions, photos, or drawings of the completed
49 installation;
 - 50 4. Proof of owner consent ~~as required by Section 36-29.b.~~

5. Certified structural analysis as required in the General Requirements of this Division;
 6. If the applicant is not a Wireless Services Provider, the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permit's issuance date; and
 7. All other information necessary to show compliance with the applicable requirements of this Division.
2. Fast-Track specific application requirements. In addition to the above general application requirements, applications for a Fast-Track shall include the following:
 1. An attestation that the proposed Fast-Track meets the volumetric and other requirements to meet the definition of Fast-Track provided in this Division; and
 2. Information demonstrating that the applicant's proposed plans are in compliance with § 67.5113.3(9) RSMo. to the satisfaction of the City.
 3. Review. The application shall be reviewed by the Director to determine compliance with the above standards, including specifically design, location, safety, and appearance requirements and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
 4. Additional information may be required. In reviewing an application, the Director may require the applicant to provide additional information, including technical studies, to the extent permitted by applicable law, and contained in an applicable code provision, ordinance, application, or other public guideline.
 5. Decisions; denials required in writing. The Director shall issue a decision on the permit within the time frame permitted by applicable law. The Director may deny the application or approve the application as submitted or with such modifications or conditions as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens and property values consistent with and to affect the purposes of this Division, and subject to applicable law. The Director may consider the purposes of this Division and the factors established herein. A decision to deny an application shall be made in writing and state the specific reasons for the denial. Provided that with respect to a proposed collocation of a Small Wireless Facility or installation, modification, or replacement of a Utility Pole, the Director may deny the application only for the reasons outlined in ~~Section 42-400(b)~~ above.

Sec 42.436 Conditional Use Permit

1. Conditional Use Permit Required. All proposals to construct or modify a Wireless Communications Facilities in a commercial district (not permitted in any residential district) and not permitted by the previous sections Section 42-400 or Section 42-401 or not fully complying with the General Requirements of this Division and except for modifications under 47 U.S.C. § 1455(a) which must be approved, shall be permitted only upon the approval of a Conditional Use Permit ~~authorized consistent with Division 16 of Chapter 42 following a duly advertised public~~

1 hearing, subject to the following additional requirements, procedures, and
2 limitations:

- 3 1. Applications. Applications for Conditional Use Permits shall be filed on such
4 forms required by the Director and processed subject to the requirements
5 of and in the manner established by applicable law, herein, and for
6 Conditional Use Permits in the Zoning Code and, in addition to such other
7 requirements, shall be accompanied by a deposit of \$1,500.00, to the
8 extent permitted by applicable law to the specific Wireless
9 Communications Facility. Any amount not used by the City shall be
10 refunded to the applicant upon written request after a final decision.
11 Applications requesting any information that is prohibited by federal or
12 state law under the applicable circumstance shall be deemed inapplicable
13 to the subject application.
- 14 2. Decision and findings required. A decision shall be contemporaneously
15 accompanied by substantial evidence supporting the decision, which shall
16 be made a part of the written record of the meeting at which a final
17 decision on the application is rendered. Evidence shall be under oath and
18 may be submitted with the application or thereafter or presented during
19 the public hearing by the applicant or others.
- 20 3. Additional minimum requirements. No Conditional Use Permit shall be
21 issued unless the applicant has clearly demonstrated by substantial
22 evidence that placement of Wireless Communications Facilities pursuant to
23 the previous sections of these regulations Section 42-400 or Section 42-401
24 ~~of this Division~~ is not technologically or economically feasible. The City may
25 consider current or emerging industry standards and practices, among
26 other information, in determining feasibility.
- 27 4. Findings required. In addition to the determinations or limitations specified
28 herein and by the applicable provisions of ~~Division 16 of Chapter 42 of this~~
29 Zoning Code for the consideration of Conditional Use Permits, no
30 Conditional Use Permit shall be approved by the City Council unless
31 findings in the affirmative are made that the following conditions exist:
 - 32 1. That the design of the Wireless Communications Facilities,
33 including ground layout, maximally reduces visual degradation and
34 otherwise complies with provisions and intent of this Division;
 - 35 2. That the design is visually compatible with the area, will not
36 distract from the view of the surrounding area, is maximally
37 concealed or blended in with the environment, and will not
38 adversely affect property values;
 - 39 3. That such conditional use shall not be inconsistent or adversely
40 affect the regular permitted uses in the district in which the same is
41 located; and
 - 42 4. That the proposal fully complies with applicable law including the
43 General Requirements herein; provided that an exception to the
44 General Requirements, other than building or safety code
45 compliance, may be approved upon evidence that compliance is
46 not feasible or is shown to be unreasonable under the specific
47 circumstances shown.

48
49 **Sec 42.437 Removal of Support Structure**

50 Any Wireless Communications Facility or portion thereof that is no longer in use for its
51 original communications purpose shall be removed at the owner's expense. In the case of

1 multiple operators sharing use of a single Support Structure, this removal requirement shall
2 not apply to the Support Structure until all users cease operations of the same.

3

4 **Sec 42.438 Penalty**

5 Except as may otherwise be provided by law, any person violating any provision in this
6 section ~~Division~~ shall be subject to penalties as provided by the zoning codes and subject
7 state and federal laws ~~Section 1-7~~.

8

9 **Sec 42.439 Appeals**

10 The procedures of the Board of Adjustment, ~~pursuant to Division 21 of Chapter 42~~ shall
11 govern appeals by any aggrieved person of a final action of any City Officer, employee,
12 board, commission, or the City Council that are claimed by an aggrieved person to be
13 unlawful or an unconstitutional taking of property without compensation. To the fullest
14 extent permitted by law, the review procedures of Board of Adjustment, ~~pursuant to~~
15 ~~Division 21 of Chapter 42~~ shall be exhausted before any action may be filed in any court
16 against the City or its officers, employees, boards, officials or commissions. Nothing herein
17 shall be deemed to unlawfully limit any remedy that is required to be available as a matter
18 of law.

19

20

Section 440 Manufactured Home Parks

Sec 42.440 Manufactured Home Parks

NOTE: Chapter 39 is copied here for review. The entire chapter is recommended to be removed and relocated to Chapter 42.

The following regulations apply to any new or expanded mobile home park in addition to any conditions of approval which may be imposed.

Sec 42.441 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

~~**Dependent trailer** – A trailer which is dependent upon a service building for toilet and lavatory facilities.~~

~~**License** - A written license issued by the city clerk allowing a person to operate and maintain a manufactured mobile home park or travel trailer park under the provisions of this section Chapter and regulations of the zoning code issued hereunder.~~

~~**Manufactured Home** – A transportable dwelling unit suitable for year-round occupancy which is constructed at an off-site location and meets the National Manufactured Housing Construction and Safety Standards Act of 1974 and/or any subsequent building regulations.~~

~~**Mobile home** - A transportable dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing that is not constructed to the standards the National Manufactured Housing Construction and Safety Standards Act of 1974. Due to the age and standards of construction of mobile homes, mobile homes are not permitted within the city limits of Rolla.~~

~~**Mobile Manufactured home lot** - A parcel of land for the placement of a single manufactured mobile home and the exclusive use of its occupants, being at least forty feet by eighty feet in dimension.~~

~~**Mobile Manufactured home park** - A parcel of land which has been planned and improved for the placement of manufactured mobile homes for non-transient use.~~

~~**Mobile Manufactured home stand** - That part of an individual lot which has been reserved for the placement of the manufactured mobile home, appurtenant structures or additions.~~

~~**Permit** – A written permit issued by the city clerk permitting the construction, alteration and extension of a mobile home park or travel trailer park under the provisions of this Chapter and regulations issued hereunder.~~

~~**Person** – Any individual, firm, trust, partnership, public or private association or corporation.~~

~~**Sanitary station** – A facility used for removing and disposing of wastes from trailer hold tanks.~~

~~**Self-contained trailer** – A trailer which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.~~

~~**Service building** – A structure housing toilet, lavatory and such other facility as may be required by this Chapter.~~

~~**Service sink** – A slop sink with a flushing rim for the disposal of liquid wastes from trailers.~~

- 1 ~~**Sewer connection**—The connection consisting of all pipes, fittings and appurtenances from~~
2 ~~the drain outlet of the mobile home or travel trailer to the inlet of the corresponding sewer~~
3 ~~riser pipe of the sewage system serving the mobile home park or travel trailer parking area.~~
4 ~~**Sewer riser pipe**—That portion of the sewer lateral which extends vertically to the ground~~
5 ~~elevation and terminates at each mobile home or travel trailer space.~~
6 ~~**Trailer space**—A parcel of land in a trailer parking area for the placement of a single trailer~~
7 ~~and the exclusive use of its occupants.~~
8 ~~**Trailer stand**—That part of an individual space which has been reserved for the placement~~
9 ~~of a single trailer and its accessory structures.~~
10 ~~**Travel trailer**—Any of the following:~~
11 ~~1.—Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used~~
12 ~~as a temporary dwelling for travel, recreational and vacation uses, permanently~~
13 ~~identified "Travel Trailer" by the manufacturer of the trailer and, when factory~~
14 ~~equipped for the road, it shall have a body width not exceeding eight feet, and a~~
15 ~~body length not exceeding thirty-two feet.~~
16 ~~2.—Pick up Coach. A structure designed to be mounted on a truck chassis for use as a~~
17 ~~temporary dwelling for travel, recreation and vacation.~~
18 ~~3.—Motor home. A portable, temporary dwelling to be used for travel, recreation and~~
19 ~~vacation, constructed as an integral part of a self-propelled vehicle.~~
20 ~~4.—Camping Trailer. A canvas, folding structure, mounted on wheels and designed for~~
21 ~~travel, recreation and vacation use.~~
22 ~~**Travel trailer parking area**—A parcel of land in which two or more spaces are occupied or~~
23 ~~intended for occupancy by trailers for transient dwelling purposes.~~
24 ~~**Water connection**—The connection consisting of all pipes, fittings and appurtenances from~~
25 ~~the water riser pipe to the water inlet pipe of the distribution system within the mobile~~
26 ~~home or trailer.~~
27 ~~**Water riser pipe**—That portion of the water supply system serving the mobile home park or~~
28 ~~travel trailer parking areas which extends vertically to the ground elevation and terminates~~
29 ~~at a designated point at each mobile home lot or each trailer space.~~
30 ~~**Watering station**—A facility for supplying water storage tanks of trailers with potable~~
31 ~~water.~~

32

33 **Sec 42.442 General Requirements for Manufactured Housing**

34 It shall be unlawful, within the limits of the city, for any reason to park, store, or place any
35 trailer or mobile manufactured home on any street, alley or highway, or other public place,
36 or on any tract of land owned by a person, occupied or unoccupied, within the city, except
37 as provided by this section Chapter; provided, however, that this provision shall not apply
38 to any trailer used by the owner for recreational purposes only and not occupied or used
39 for any purpose while so parked.

40

41 ~~Emergency or temporary stopping or parking is permitted on any street, alley or highway~~
42 ~~for not longer than two hours subject to any other and further prohibitions, regulations or~~
43 ~~limitations imposed by the traffic and parking regulations or ordinances for that street,~~
44 ~~alley or highway.~~

45

46 ~~Unoccupied trailer houses for demonstration and sales purposes only may be placed on any~~
47 ~~vacant premises within the local business district, provided in the Zoning Ordinance of the~~
48 ~~city; provided, that a certificate of occupancy has first been procured from the city engineer~~
49 ~~to do so; provided, further, that such trailer houses are located on such premises in a~~
50 ~~manner as approved by the city engineer.~~

51

1 The city engineer and codes administrator are hereby authorized and directed to make
2 such inspections as are necessary to determine satisfactory compliance with section this
3 ~~Chapter and regulations issued hereunder.~~ The city engineer and codes administrator shall
4 have the power to enter at reasonable times upon any private property for the purpose of
5 inspecting and investigating conditions relating to the enforcement of this section Chapter
6 ~~and regulations issued hereunder.~~

7
8 ~~The city assessor shall have the power to inspect the register containing a record of all~~
9 ~~residents of the mobile home park or travel trailer park.~~

10
11 ~~It shall be the duty of the owners or occupants of mobile home or travel trailer park, or of~~
12 ~~the person in charge thereof, to give the city engineer free access to such premises at~~
13 ~~reasonable times for the purpose of inspection.~~

14
15 ~~It shall be the duty of every occupant of a mobile home park or travel park to give the~~
16 ~~owner thereof or his agent or employee access to any part of such mobile home park or~~
17 ~~travel trailer park or its premises at reasonable times for the purpose of making such~~
18 ~~repairs or alterations as are necessary to effect compliance with this Chapter and~~
19 ~~regulations issued hereunder, or with any lawful order issued pursuant to the provisions of~~
20 ~~this Chapter.~~

21
22 ~~Whenever the city engineer determines that there has been a violation of any provision of~~
23 ~~this Chapter, or regulations issued hereunder, the city engineer shall give notice of such~~
24 ~~alleged violation to the person to whom the permit or license was issued, as hereinafter~~
25 ~~provided. Such notice shall (1) be in writing; (2) include a statement of the reasons for its~~
26 ~~issuance; (3) allow a reasonable time for the performance of any act it requires; (4) be~~
27 ~~served upon the owner or his agent when a copy thereof has been sent by registered mail~~
28 ~~to his last known address, or when he has been served with such notice by any method~~
29 ~~authorized or required by the laws of the state; (5) contain an outline of remedial action~~
30 ~~which, if taken, will effect compliance with the provisions of this Chapter and regulations~~
31 ~~issued hereunder.~~

32
33 ~~Any person affected by any notice which has been issued in connection with the~~
34 ~~enforcement of any provision of this Chapter, or regulation issued hereunder, may request~~
35 ~~and shall be granted a hearing on the matter before the city council; provided, that such~~
36 ~~person file in the office of the city clerk a written petition requesting such hearings and~~
37 ~~setting forth a brief statement of the grounds therefore within ten days after the day the~~
38 ~~notice is served. The filing of the request for a hearing shall operate as a stay of the notice~~
39 ~~and of the suspension except in the case of an order issued under subsection (e) herein.~~
40 ~~Upon receipt of such petition, the city clerk shall set a time and place for such hearing and~~
41 ~~shall give the petitioner written notice thereof. At such hearing the petitioner shall be given~~
42 ~~an opportunity to be heard and to show why such notice should be modified or withdrawn.~~
43 ~~The hearing shall be commenced not later than fifteen days after day on which the petition~~
44 ~~was filed; provided, that upon application of the petitioner the city council may postpone~~
45 ~~the date of the hearing for a reasonable time beyond such fifteen-day period when in its~~
46 ~~judgment the petitioner has submitted good and sufficient reasons for such postponement.~~

47
48 ~~After such hearing the city council shall make findings as to compliance with the provisions~~
49 ~~of this Chapter and regulations issued hereunder and shall issue an order in writing~~
50 ~~sustaining, modifying or withdrawing the notice which shall be served as provided in~~
51 ~~subsection (a) (4). Upon failure to comply with any order sustaining or modifying a notice,~~

1 the license of the mobile home park or travel trailer park affected by the order shall be
2 revoked.

3
4 The proceedings at such a hearing, including the findings and decision of the city council
5 and together with a copy of every notice and order related thereto shall be entered as a
6 matter of public record in the office of the city clerk but the transcript of the proceedings
7 need not be transcribed unless judicial review of the decision is sought as provided by this
8 Section. Any person aggrieved by the decision of the city council may seek relief therefrom
9 in any court of competent jurisdiction, as provided by the laws of this state.

10
11 Whenever the city engineer finds that an emergency exists which requires immediate
12 action to protect the public health, he may without notice or hearing issue an order reciting
13 the existence of such an emergency and requiring that such action be taken as he may
14 deem necessary to meet the emergency including the suspension of the permit or license.
15 Notwithstanding any other provisions of this Chapter, such order shall be effective
16 immediately. Any person to whom such an order is directed shall comply therewith
17 immediately, but upon petition to the mayor shall be afforded a hearing as soon as
18 possible. The provisions of subsection (c) and (d) shall be applicable to such hearing and the
19 order issued thereafter.

20
21 The city engineer is hereby authorized to make and, after public hearing and approval of
22 the city council, to adopt such written regulations as may be necessary for the proper
23 enforcement of the provisions of this Chapter. Such regulations shall have the same force
24 and effect as the provisions of this Chapter. and the penalty for violation of the provisions
25 thereof shall be the same as the penalty for violation of the provisions of this Chapter, as
26 hereinafter provided.

27
28 Any person who violates any provision of this Chapter shall upon conviction be punished by
29 a fine of not less than one dollar nor more than one hundred dollars; and each day's failure
30 of compliance with any such provision shall constitute a separate violation.

31
32 **Sec 42.443 Requirements for Manufactured Home Parks**

33 The person to whom a license for a manufactured mobile home park or travel trailer park is
34 issued shall operate the park in compliance with this section Chapter and regulations issued
35 hereunder and shall provide adequate supervision to maintain the park, its facilities and
36 equipment in good repair and in a clean and sanitary condition.

37
38 The park management shall notify park occupants of all applicable provisions of this section
39 Chapter and inform them of their duties and responsibilities under this section Chapter and
40 regulations issued hereunder.

41
42 The park management shall supervise the placement of each manufactured mobile home
43 or travel trailer on its stand which includes securing its stability and installing all utility
44 connections.

45
46 The park management shall maintain a register containing a record of all manufactured
47 homes trailers and occupants. Such register shall be available to any authorized person
48 inspecting the manufactured home park trailer parking area and shall be preserved for the
49 period required by the health authority. Such register shall contain:

- 50 1. The names and permanent addresses of all trailer occupants;
51 2. The make, model and license number of the trailer and tow vehicle; and

3.— The dates of arrival and departure of a trailer or its occupants.

~~The park management shall notify the health authority immediately of any suspected communicable or contagious disease within the park.~~

The park manager must ensure that all required building permits are obtained prior to moving a manufactured home onto the property.

RV's, travel trailers, tiny houses on wheels, park model homes and similar domiciles which have not been constructed to the standards of a manufactured home are not permitted to be placed, parked, stored, or occupied in a manufactured home park without approval of a Conditional Use Permit specifically for that use.

The manufactured home park occupant shall comply with all applicable requirements of this section Chapter and regulations issued hereunder and shall maintain their manufactured his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

~~The park occupant shall be responsible for proper placement of his trailer on its stand and proper installation of all utility connections in accordance with the instructions of the park management.~~

~~No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any lot.~~

A manufactured mobile home shall not be occupied for dwelling purposes unless it is properly secured placed on a mobile home stand and connected to water, sewerage and electrical utilities.

~~Travel trailer spaces shall be rented by the day or week only, and the occupant of a trailer space shall remain in the same travel trailer parking area not more than seven days.~~

All manufactured mobile homes shall be located at least ten (10) feet from any manufactured home park property boundary line abutting upon a public street or highway and at least fifteen feet from other park property boundary lines, ~~except the rear property line~~. ~~There shall be a minimum distance of ten feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas.~~

Off-street parking areas shall be provided in all manufactured mobile home parks for the use of park occupants ~~where streets are less than thirty four feet in width~~. ~~Such areas shall be furnished at the rate of at least 1.25 car spaces for each mobile home lot.~~ Parking may be provided through a shared parking lot(s) or by provision for parking on each manufactured home lot. If parking is provided on each lot, a minimum of two (2) spaces are required per lot. If parking is provided by a shared parking area, a minimum of one and a half (1.5) spaces are required for each manufactured home lot the parking area is intended to serve.

Required car parking spaces shall be so located as to provide convenient access to the manufactured mobile home, but shared parking shall not exceed a distance of two hundred feet (200) by walking distance along a sidewalk or drive from the manufactured mobile home that it is intended to serve.

1 General requirements. All parks shall be provided with safe, convenient, all season
2 pedestrian access of adequate width for intended use, durable and convenient to maintain;
3 between individual mobile homes, the park streets and all community facilities provided for
4 park residents. Sudden changes in alignment and gradient shall be avoided.

5
6 Common walk system. A common walk system shall be provided and maintained between
7 locations where pedestrian traffic is concentrated. Such common walks shall have a
8 minimum width of two feet.

9
10 Individual walks. All mobile home stands shall be connected to common walks, to paved
11 streets, or to paved driveways or parking spaces connecting to a paved street. Such
12 individual walks shall have a minimum width of two feet.

13
14 Sidewalks are required to be constructed along the street frontage of a manufactured
15 home park, connecting to the sidewalk on all street frontages, along all manufactured
16 home park streets or drives serving lots within the park, and connecting to all common
17 facilities.

18
19 One or more storm shelters constructed to meet ICC-500 are required to serve all residents
20 for manufactured home parks with ten (10) or more lots.

21
22 A Site Plan submitted for approval of a new or expanded manufactured home park must
23 include the following elements in addition to all applicable elements of a site plan:

- 24 1. Proposed manufactured home lots
- 25 2. Proposed streets or drives to serve each lot
- 26 3. Required sidewalks
- 27 4. Proposed common facilities including any clubhouse, office, pools, storm shelters,
28 laundry facilities, recreation areas, storage areas, etc.
- 29 5. Proposed parking areas
- 30 6. Proposed lighting
- 31 7. Locations of any proposed private utilities

32
33 **Sec. 39-16. Permits.**

34 a. ~~It shall be unlawful for any person to construct, alter or extend any mobile home~~
35 ~~park or travel trailer park within the limits of the city unless he holds a valid permit~~
36 ~~issued by the city engineer in the name of such person for the specific construction,~~
37 ~~alteration or extension proposed.~~

38 b. ~~All applications for permits shall be made to the city engineer and shall contain the~~
39 ~~following:~~

- 40 1. ~~Name and address of applicant.~~
- 41 2. ~~Interest of the applicant in the mobile home park or travel trailer park.~~
- 42 3. ~~Location and legal description of the mobile home park or travel trailer~~
43 ~~park.~~
- 44 4. ~~Complete engineering plans and specifications of the proposed park~~
45 ~~showing:~~
 - 46 a. ~~The area and dimensions of the tract of land;~~
 - 47 b. ~~The number, location and size of all lots;~~
 - 48 c. ~~The location of service buildings and any other proposed~~
49 ~~structures;~~
 - 50 d. ~~The location and width of roadways and walkways;~~
 - 51 e. ~~The location of water and sewer lines and riser pipes;~~

- 1 f. ~~Plans and specifications of the water supply, refuse and sewage~~
2 ~~disposal facilities;~~
3 g. ~~Plans and specifications of all buildings constructed or to be~~
4 ~~constructed within the mobile home park or trailer park; and,~~
5 h. ~~The location and details of lighting and electrical systems.~~
6 e. ~~All applications shall be accompanied by the deposit of a fee of fifty dollars for~~
7 ~~mobile home parks and fifty dollars for travel trailer parks.~~
8 d. ~~When upon review of the application, the city engineer is satisfied that the~~
9 ~~proposed plan meets the requirements of this Chapter and regulations issued~~
10 ~~hereunder, a permit shall be issued.~~
11 e. ~~Any person whose application for a permit under this Chapter has been denied may~~
12 ~~request and shall be granted a hearing on the matter before the city council under~~
13 ~~the procedure provided by Section 39-5 of this Chapter. (Ord. 1421, §2.)~~

14
15 **Sec 42.444 Manufactured Home Park License**

16 It shall be unlawful for any person to operate any manufactured ~~mobile home park or~~
17 ~~travel trailer park~~ within the limits of the city unless he holds a valid license issued annually
18 by the city clerk in the name of such person for the specific manufactured ~~mobile home~~
19 ~~park or travel trailer park.~~

20
21 All applications for licenses shall be made to the city clerk who shall issue a license upon
22 compliance by the applicant with provisions of this section ~~Chapter and regulations issued~~
23 ~~hereunder~~ and of other applicable legal requirements, ~~as certified by the city engineer.~~

24
25 Every person holding a license shall give notice in writing to the city clerk within twenty-
26 four hours after having sold, transferred, given away, or otherwise disposed of interest in
27 or control of any manufactured ~~mobile home park or travel trailer park~~. Such notice shall
28 include the name and address of the person succeeding to the ownership or control of such
29 manufactured ~~mobile home park or travel trailer park~~. Upon application in writing for
30 transfer of the license and deposit of a fee of thirty-five dollars (\$35.00), the license shall be
31 transferred if the manufactured ~~mobile home park or travel trailer park~~ is in compliance
32 with all applicable provisions of this section ~~Chapter and regulations issued hereunder.~~

33
34 Application for original licenses shall be in writing, signed by the applicant, accompanied by
35 an affidavit of the applicant, as to the truth of the application and by the payment of a
36 license fee of thirty-five dollars (\$35.00), and shall contain the name and address of the
37 applicant; the location and legal description of the manufactured ~~mobile home park or~~
38 ~~travel trailer park~~; and a site plan of the mobile home park or travel trailer park, showing all
39 lots, structures, roads, walkways and other service facilities.

40
41 Applications for annual renewals of licenses shall be made in writing by the holders of the
42 licenses and shall be accompanied by the payment of a fee of thirty-five dollars (\$35.00)
43 and shall contain any change in the information submitted since the original license was
44 issued or the latest renewal granted.

45
46 Any person whose application for a license under this section ~~Chapter~~ has been denied may
47 request and shall be granted a hearing on the matter before the Board of Adjustment ~~city~~
48 ~~council, under the procedure provided by Section 39-5 of this Chapter.~~

49
50 Whenever, upon inspection of any mobile home park or travel trailer park, the city
51 engineer or codes administrator finds that conditions or practices exist which are in

1 violation of any provision of this ~~section Chapter~~ or other regulations issued hereunder, the
2 city engineer or codes administrator shall give notice in writing ~~in accordance with Section~~
3 ~~39-5(a)~~ to the person to whom the license was issued that unless such condition or
4 practices are corrected within a reasonable period of time specified in the notice by the city
5 engineer or codes administrator, the license shall be suspended. At the end of such period,
6 the city engineer or codes administrator shall re-inspect such manufactured mobile home
7 ~~park or travel trailer park~~ and, if such conditions or practices have not been corrected, he
8 shall suspend the license and give notice in writing of such suspension to the person to
9 whom the license is issued. Upon receipt of notice of suspension, such person shall cease
10 operation of such manufactured mobile home park or travel trailer park, ~~except as~~
11 ~~provided in Section 39-5(b).~~

12
13 Any person whose license has been suspended, or who has received notice from the city
14 engineer, that his license will be suspended unless certain conditions or practices at the
15 manufactured mobile home park or travel trailer park are corrected, may request an appeal
16 to an administrative decision to ~~and shall be granted a hearing on the matter before the~~
17 Board of Adjustment city council, ~~under the procedure provided by Section 39-5 of this~~
18 ~~Chapter; provided, that when no petition for such hearing shall have been filed within ten~~
19 ~~days following the day on which the notice of suspension was served, such license shall be~~
20 ~~deemed to have been automatically revoked at the expiration of such ten-day period.~~

21
22 A temporary license, ~~upon written request therefore, shall be issued by the city clerk for~~
23 ~~every mobile home park or travel trailer park in existence upon the effective date of this~~
24 ~~Chapter,2 permitting the mobile home park or travel trailer park to be operated during the~~
25 ~~period ending one hundred eighty days after the effective date of this Chapter in~~
26 ~~accordance with such conditions as the city may require, and if, at the end of such one~~
27 ~~hundred eighty day period, the conditions set by the city have been met, then, in that~~
28 ~~event, an annual license shall be issued on payment of required license fee, and renewed~~
29 ~~annually under the provisions of subsection (c) (2) herein.~~

30
31 **~~ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS~~**
32 **~~DIVISION 2. ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS~~**
33 **~~SUBDIVISION I. IN GENERAL~~**

34 **~~Sec. 39-23. General requirements.~~**
35 ~~Conditions of soil, ground water level, drainage and topography shall not create hazards to~~
36 ~~the property or the health or safety of the occupants. The site shall not be subject to~~
37 ~~unpredictable or sudden flooding, subsidence or erosion which would expose persons or~~
38 ~~property to hazards.~~

39
40 **~~Sec. 39-24. Soil and ground cover.~~**
41 ~~Exposed ground surfaces in all parts of every mobile home park or travel trailer park shall~~
42 ~~be paved, or covered with stone screenings, or other solid material, or protected with a~~
43 ~~vegetative growth that is capable of preventing soil erosion and of eliminating~~
44 ~~objectionable dust.~~

45
46 **~~Sec. 39-25. Site drainage.~~**
47 ~~The ground surface in all parts of every mobile home park or travel trailer park shall be~~
48 ~~graded and equipped to drain all surface water in a safe, efficient manner.~~

49
50 **~~Sec. 39-26. Use of park areas for nonresidential purposes.~~**

1 No part of any park shall be used for nonresidential purposes, except such uses that are
2 required for the direct servicing and well-being of park residents and for the management
3 and maintenance of the park.
4

5 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

6 **DIVISION 2. ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS**

7 **SUBDIVISION II. TRAVEL TRAILER PARKS**

8 **~~Sec. 39-32. Required separation between travel trailers.~~**

9 Trailers shall be separated from each other and from other structures by at least ten feet.
10 Any accessory structure such as attached awnings, carports, or individual storage facilities
11 shall, for purposes of these separation requirements, be considered to be part of the
12 trailer.
13

14 **~~Sec. 39-33. Density requirement.~~**

15 The density shall not exceed twenty-five trailer spaces per acre of gross site area; except,
16 that the city council may, under special circumstances, permit a higher density provided all
17 other environmental, open space, and access requirements of this Chapter and regulations
18 issued hereunder are adhered to. Any person desiring a higher density shall make
19 application for such exemption to the city council, specifying the reasons therefore. If a
20 higher density is permitted, the city clerk shall issue a special license specifying the location
21 of the parking area, the expiration date of the license, and the conditions of issuance.
22

23 **~~Sec. 39-34. Required setbacks from public streets.~~**

24 All trailers shall be located at least twenty five feet from any parking area boundary line
25 abutting upon a public street or highway.
26

27 **~~Sec. 39-35. Recreational area.~~**

28 In all travel trailer parking areas there shall be at least one recreation area which shall be
29 easily accessible from all trailer spaces. The size of such recreation area shall be not less
30 than eight percent of the gross site area or two thousand five hundred square feet, which
31 ever is greater.
32

33 **~~Sec. 39-36. Park street System.~~**

- 34 a.— General requirements. All parking areas shall be provided with safe and convenient
35 vehicular access from abutting public streets or roads to each trailer space.
36 Alignment and gradient shall be properly adapted to topography. Surfacing and
37 maintenance shall provide a smooth, hard and dense surface which shall be well
38 drained.
- 39 b.— Access. Access to travel trailer parking areas shall be designed to minimize
40 congestion and hazards at their entrance or exit and allow free movement of traffic
41 on adjacent streets. All traffic into or out of the parking areas shall be through such
42 entrances and exits.
- 43 c.— Internal streets. Surfaced roadways shall be of adequate width to accommodate
44 anticipated traffic and in any case shall meet the following minimum requirements;
45 One-way, with no parking, eleven feet, is acceptable only if less than five hundred
46 feet total length and serving less than twenty-five trailer spaces. One-way, with
47 parking on one side only, or two-way, with no parking, eighteen feet, is acceptable
48 only if serving less than fifty trailer spaces.
49

50 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

51 **DIVISION 2. ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS**

1 **SUBDIVISION III. MOBILE HOME PARKS**

2 **Sec. 39-42. Required separation between mobile homes.**

- 3 a. Mobile homes shall be separated from each other and from other buildings and
4 structures by at least fifteen feet; provided, that mobile homes placed end-to-end
5 may have clearance of ten feet where opposing rear walls are staggered.
- 6 ~~b. An accessory structure which has a horizontal area exceeding twenty five square
7 feet is attached to a mobile home or located within ten feet of its window, and has
8 an opaque top or roof that is higher than the nearest window shall, for purposes of
9 all separation requirements, be considered to be part of the mobile home.~~

10
11 **Sec. 39-44. Recreation areas.**

- 12 ~~a. In all parks accommodating or designed to accommodate twenty five or more
13 mobile homes, there shall be one or more recreation areas which shall be easily
14 accessible to all park residents.~~
- 15 ~~b. The size of such recreation area shall be based upon a minimum of one hundred
16 square feet for each lot. No outdoor recreation area shall contain less than two
17 thousand five hundred square feet.~~
- 18 c. Recreation areas shall be so located as to be free of traffic hazards and should,
19 where the topography permits, be centrally located.

20
21 **Sec. 39-45. Park street system.**

- 22 ~~a. General requirements. All mobile home parks shall be provided with safe and
23 convenient vehicular access from abutting public streets or roads to each mobile
24 home lot. Alignment and gradient shall be properly adapted to topography.~~
- 25 ~~b. Access. Access to mobile home parks shall be designed to minimize congestion and
26 hazards at the entrance or exit and allow free movement of traffic on adjacent
27 streets. The entrance road connecting the park streets with a public street or road
28 shall have a minimum road pavement width of thirty four feet where parking is
29 permitted on both sides, or a minimum road pavement width of twenty seven feet
30 where parking is limited to one side. Where the primary entrance road is more than
31 one hundred feet long and does not provide access to abutting mobile home lots
32 within such distance, the minimum road pavement width may be twenty four feet,
33 provided parking is prohibited on both sides.~~
- 34 ~~c. Internal streets. Surfaced roadways shall be of adequate width to accommodate
35 anticipated traffic, and in any case shall meet the following minimum
36 requirements:~~
- 37 ~~1. All streets, except minor streets, twenty four feet.~~
- 38 ~~2. Minor streets, with no parking, eighteen feet, is acceptable only if less than
39 five hundred feet long and serving less than twenty five mobile homes or
40 of any length if one-way and providing access to abutting mobile home lots
41 on one side only.~~
- 42 ~~3. Dead-end streets shall be limited in length to one thousand feet and shall
43 be provided at the closed end with a turn-around having an outside
44 roadway diameter of at least sixty feet.~~
- 45 ~~d. Required illumination. All parks shall be furnished with lighting units so spaced and
46 equipped with luminaries placed at such mounting heights as will provide the
47 following average maintained levels of illumination for the safe movement of
48 pedestrians and vehicles at night:~~
- 49 ~~1. All parts of the park street systems: 0.6 footcandle, with a minimum of 0.1
50 footcandle.~~

1 2.— Potentially hazardous locations, such as major street inter- sections and
2 steps or stepped ramps: individually illuminated, with a minimum of 0.3
3 footcandle.

4 e.— Street construction and design standards:

- 5 1.— PAVEMENT. All streets shall be provided with a smooth, hard and dense
6 surface which shall be durable and well drained under normal use and
7 weather conditions. Pavement edges shall be protected to prevent raveling
8 of the wearing surface and shifting of the pavement base. Street surfaces
9 shall be maintained free of cracks, holes and other hazards.
- 10 2.— GRADES. Grades of all street shall be sufficient to insure adequate surface
11 drainage, but shall be not more than eight percent. Short run with a
12 maximum grade of twelve percent may be permitted, provided traffic
13 safety is assured by appropriate paving, adequate leveling areas and
14 avoidance of lateral curves.
- 15 3.— INTERSECTIONS. Within one hundred feet of an intersection, streets shall
16 be approximately at right angles. A distance of at least one hundred fifty
17 feet shall be maintained between center lines of offset intersecting streets.
18 Intersections of more than two streets at one point shall be avoided.

19
20 **Sec. 39-48. Mobile home stand requirements.**

21 The area of the mobile home stand shall be improved to provide an adequate foundation
22 for the placement and tie down of the mobile home, thereby securing the superstructure
23 against uplift, sliding, rotation, and overturning.

- 24 a.— The mobile home stand shall not heave, shift or settle unevenly under the weight
25 of the mobile home due to frost action, inadequate drainage, vibration or other
26 forces acting on the superstructure.
- 27 b.— The mobile home stand shall be provided with anchors and tie downs such as cast
28 in place concrete "dead men," eyelets imbedded in concrete foundations or
29 runways, screw augers, arrowhead anchors, or other devices securing the stability
30 of the mobile home.
- 31 c.— Anchors and tie downs shall be placed at least at each corner of the mobile home
32 stand and each shall be able to sustain a minimum tensile strength of two thousand
33 eight hundred pounds.

34
35 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

36 **DIVISION 3. WATER SUPPLY**

37 **Sec. 39-54. General requirements.**

38 An accessible, adequate, safe and potable supply of water shall be provided in each mobile
39 home park or travel trailer parking area. Where a public supply of water of satisfactory
40 quantity, quality and pressure is available, connection shall be made thereto and its supply
41 used exclusively. When a satisfactory public water supply is not available, a private water
42 supply system may be developed and used as approved and used as approved by the state
43 board of health.

44
45 **Sec. 39-55. Storage facilities.**

46 All water storage reservoirs shall be covered, watertight and constructed of impervious
47 material. Overflows and vents of such reservoirs shall be effectively screened. Manholes
48 shall be constructed with overlapping covers so as to prevent the entrance of contaminated
49 material. Reservoir overflow pipes shall discharge through an acceptable air gap.

50
51 **Sec. 39-56. Distribution system.**

- a. The water supply system of the mobile home park or travel trailer parking area shall be connected by pipes to all buildings and other facilities requiring water.
- b. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the health authority.
- c. The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.
- d. The system shall be so designed and maintained as to provide a pressure of not less than twenty pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

Sec. 39-57. Water supply outlets for travel trailers.

Each travel trailer parking area shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. Such water outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of backflow and back siphonage.

Sec. 39-58. Individual water service connections.

The following requirements shall apply:

- a. Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of mobile homes or travel trailers.
- b. Water riser pipes shall extend at least four inches above ground elevation. The pipe size shall be three-quarter inch.
- c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.
- d. Underground stop and waste valves shall not be installed on any water service.
- e. Valves shall be provided near the outlet of each water service connection. They should be turned off and the outlets capped or plugged when not in use.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

DIVISION 4. SEWAGE DISPOSAL

Sec. 39-64. General requirements.

An adequate and safe sewerage system shall be provided in all mobile home parks or travel trailer parking areas for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with the state and local laws.

Sec. 39-65. Sanitary stations for travel trailers.

- a. A sanitary station shall be provided consisting of at least: a tapped four-inch sewer riser pipe, connected to the travel trailer parking area sewerage system, surrounded at the inlet end by a concrete apron sloped to the drain, and provided with a suitable hinged cover; and a water outlet with the necessary appurtenances, connected to the parking area water supply system to permit periodic washdown of the immediate adjacent areas.
- b. Each travel trailer parking area shall be provided with a sanitary station in the ratio of one for every one hundred trailer spaces or fractional part thereof.
- c. Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any trailer space by a distance of at least fifty feet.

1 **Sec. 39-66. Sewer lines.**
2 All sewer lines shall be located in trenches of sufficient depth to be free of breakage from
3 traffic or other movements and shall be separated from the water supply system at a safe
4 distance. Sewers shall be a grade which will insure a velocity of two feet per second when
5 flowing full. All sewer lines shall be constructed of materials approved by the health
6 authority, shall be adequately vented and shall have watertight joints.

7
8 **Sec. 39-67. Individual sewer connections.**
9 If facilities for individual sewer connections are provided, the following requirements shall
10 apply:
11 a. The sewer riser pipe shall have at least a four-inch diameter, shall be trapped
12 below the ground surface and shall be so located on the trailer space that the
13 sewer connection to the trailer drain outlet will approximate a vertical position.
14 b. The sewer connection (see definition) shall have a nominal inside diameter of at
15 least three inches, and the slope of any portion thereof shall be at least one-fourth
16 inch per foot. The sewer connection shall consist of one pipe only without any
17 branch fittings. All joints shall be watertight.
18 c. All materials used for sewer connections shall be corrosive resistant, nonabsorbent
19 and durable. The inner surface shall be smooth.
20 d. Provision shall be made for plugging the sewer riser pipe when a trailer does not
21 occupy the space. Surface drainage shall be diverted away from the riser.

22
23 **Sec. 39-68. Sink wastes.**
24 No liquid wastes from sinks shall be discharged onto or allowed to accumulate on the
25 ground surface.

26
27 **Sec. 39-69. Approval of proposed facilities; effluent discharge.**
28 Where the sewer lines of the mobile home park or travel trailer parking area are not
29 connected to a public sewer, all proposed sewage disposal facilities shall be approved by
30 the health authority prior to construction. Effluents from sewage treatment facilities shall
31 not be discharged into any waters of the state except with prior approval of the health
32 authority.

33
34 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**
35 **DIVISION 5. ELECTRICAL DISTRIBUTION SYSTEM**

36 **Sec. 39-75. General requirements.**
37 Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment
38 and appurtenances which shall be installed and maintained in accordance with applicable
39 codes and regulations governing such systems

40
41 **Sec. 39-76. Power distribution lines.**
42 a. Main power lines not located underground shall be suspended at least eighteen
43 feet above the ground. There shall be a minimum horizontal clearance of three feet
44 between overhead wiring and any mobile home or travel trailer, service building or
45 other structure.
46 b. All direct burial conductors or cable shall be buried at least eighteen inches below
47 the ground surface and shall be insulated and specially designed for the purpose.
48 Such conductors shall be located not less than one foot radial distance from water,
49 sewer, gas or communication lines.

50
51 **Sec. 39-77. Individual electrical connections.**

- 1 a.— Each mobile home lot shall be provided with an approved disconnecting device and
 2 over current protective equipment. The minimum service per outlet shall be
 3 120/240 volts AC, 50 amperes.
 4 b.— If individual travel trailer spaces are connected to the electrical wiring system, an
 5 approved type of disconnecting device and over current protective equipment shall
 6 be provided. The service per outlet shall be 120 volts AC, 15 amperes or 30
 7 amperes.
 8 c.— Outlet receptacles at each trailer stand shall be located not more than twenty-five
 9 feet from the over current protective devices in the trailer and a three-pole, four-
 10 wire grounding type shall be used. Receptacles shall be of weatherproof
 11 construction and configurations shall be in accordance with American Standard
 12 Outlet Receptacle C-73.1.
 13 d.— The mobile home or travel trailer shall be connected to the outlet receptacle by an
 14 approved type of flexible cable with connectors and a male attachment plug.
 15 e.— Where the calculated load of the mobile home is more than 50 amperes either a
 16 second outlet receptacle shall be installed or electrical service shall be provided by
 17 means of permanently installed containers
 18

19 **Sec. 39-78. Grounding of all exposed noncurrent metal parts.**

20 All exposed noncurrent carrying metal parts of mobile homes or travel trailers and all other
 21 equipment shall be grounded by means of an approved grounding conductor with branch
 22 circuit conductors or other approved method of grounded metallic wiring. The neutral
 23 conductor shall not be used as an equipment ground for mobile homes or travel trailers or
 24 other equipment.
 25

26 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**
 27 **DIVISION 6. SERVICE BUILDINGS AND OTHER SERVICE FACILITIES**

28 **Sec. 39-84. Generally.**

29 The requirements of this division shall apply to service buildings, recreation buildings and
 30 other service facilities such as:

- 31 a.— Management offices, repair shops and storage areas.
 32 b.— Sanitary facilities
 33

34 **Sec. 39-85. Central service building and sanitary facilities travel trailer parks.**

35 a.— A central service building containing the necessary toilet and other plumbing
 36 fixtures specified shall be provided in travel trailer parking areas which provide
 37 parking spaces for dependent trailers. Service building shall be conveniently located
 38 within a radius of approximately three hundred feet to the spaces to be served.

(Suggested Sanitary Facilities)

# of Parking Spaces (a)	Toilets		Urinals	Lavatories		Showers		Other Fixtures (b)
	Men	Women	Men	Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1	1 Service sink with a flushing rim (c)
16-30	1	2	1	2	2	1	1	
31-45	2	2	1	3	3	1	1	
-	2	3	2	3	3	2	2	
-	3	4	2	4	4	2	2	
-	3	4	2	4	4	3	3	

b.—

NOTE:

a.— Parking spaces for dependent trailers.

b.— Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

c.— A service sink with a flushing rim shall be provided for disposal of liquid wastes unless a sanitary station is conveniently accessible for this purpose.

c.— Where a travel trailer parking area is designed for and exclusively limited to use by self-contained trailers, only the following minimum emergency sanitary facilities shall be required: For each one hundred trailer spaces, or fractional part thereof, there shall be one flush toilet and one lavatory for each sex.

d.— When a travel trailer parking area requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business established shall be in excess of those required by the schedule for trailer space and shall be based on the total number of persons using such facilities.

e. Any person desiring to furnish temporary facilities for accommodating a travel rally, or other group of trailers assembled for the purpose of traveling together, shall make application for such activity to the mayor. The requirements for a service building and other sanitary and physical facilities may be waived by the health authority on the determination that the public health will not be endangered; but the location of the site, the facilities which are provided, and the method of conduction of such rally shall be acceptable to the health authority before a special license shall be issued specifying the location of the site, the period of operation not to exceed ten days, and any conditions of issuance.

Sec. 39-86. Emergency sanitary facilities for mobile home parks.

Every park shall be provided with the following emergency sanitation facilities: For such one hundred mobile home lots, or fractional part thereof, there shall be one flush toilet and one lavatory for each sex.

Sec. 39-87. Structural requirements, illumination levels, etc., for buildings.

a.— All portions of the structure shall be properly protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

b.— All rooms containing sanitary or laundry facilities shall:

1.— Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.

2.— Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of floor area served by them.

3.— Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

c.— Toilets shall be located in separate compartments equipped with self-closing doors. The shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

d.— Illumination levels shall be maintained as follows:

- 1 1.—general seeing tasks five footcandles;
- 2 2.— laundry room work area forty footcandles;
- 3 3.— toilet room, in front of mirrors forty footcandles.
- 4 e.— Hot and cold water shall be furnished to each lavatory, sink, bathtub, shower and
- 5 laundry fixture, and cold water shall be furnished to every water closet and urinal.

6
7 **Sec. 39-88. Requirements for barbeque pits, fireplaces, etc.**

8 Cooking shelters, barbeque pits, fireplaces, wood-burning stoves and incinerators shall be
9 so located, constructed, maintained and used as to minimize fire hazard and smoke
10 nuisance both on the property on which used and on neighboring property. No open fire
11 shall be left unattended. No fuel shall be used and no material burned which emits dense
12 smoke or objectionable odors.

13
14 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

15 **DIVISION 7. REFUSE HANDLING IN TRAVEL TRAILER PARKS**

16 **Sec. 39-94. Generally.**

- 17 a.— The storage, collection and disposal of refuse in travel trailer parking area shall be
18 so conducted as to create no health hazards, rodent harborage, insect breeding
19 areas, accident or fire hazards, or air pollution.
- 20 b.— All refuse shall be stored in fly tight, watertight, rodent-proof containers, which
21 shall be located not more than one hundred fifty feet from any trailer space.
22 Containers shall be provided in sufficient number and capacity to properly store all
23 refuse.
- 24 c.— Refuse collection stands shall be provided for all refuse containers. Such container
25 stands shall be so designed as to prevent containers from being tipped, to minimize
26 spillage and container deterioration and facilitate cleaning around them.
- 27 d.— All refuse containing garbage shall be collected at least twice weekly. Where
28 suitable collection service is not available from the city, the owner or operator of
29 the trailer parking area shall provide this service. All refuse shall be collected and
30 transported in covered containers.
- 31 e.— Where municipal disposal service is not used, the owner or operator of the trailer
32 parking area shall dispose of the refuse by transporting to a disposal site approved
33 by the health authority.

34
35 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

36 **DIVISION 8. INSECT AND RODENT CONTROL**

37 **Sec. 39-100. Generally.**

- 38 a.— Grounds, buildings and structures shall be maintained free of insect and rodent
39 harborage and infestation. Extermination methods and other measures to control
40 insects and rodents shall conform with the requirements of the health authority.
- 41 b.— Parking areas shall be maintained free of accumulations of debris which may
42 provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- 43 c.— Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe
44 and other building material shall be stored at least one foot above the ground.
- 45 d.— Where the potential for insect and rodent infestation exists, all exterior openings in
46 or beneath any structure shall be appropriately screened with wire mesh or other
47 suitable materials.
- 48 e.— The growth of brush, weeds and grass shall be controlled to prevent harborage of
49 ticks, chiggers and other noxious insects. Parking areas shall be so maintained as to
50 prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other

1 noxious weeds considered detrimental to health. Open areas shall be maintained
2 free of heavy undergrowth of any description.
3

4 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

5 **DIVISION 9. FUEL SUPPLY AND STORAGE**

6 **Sec. 39-106. Natural gas systems.**

- 7 a. Natural gas piping systems (when natural gas shall be available) shall be installed
8 and maintained in accordance with applicable codes and regulations governing
9 such systems.
- 10 b. Each mobile home or travel trailer lot provided with piped gas shall have an
11 approved manual shutoff valve installed upstream of the gas outlet. The outlet
12 shall be equipped with an approved cap to prevent accidental discharge of gas
13 when the outlet is not in use.

14 **Sec. 39-107. Liquefied petroleum gas systems.**

- 15 a. Liquefied petroleum gas systems shall be installed and maintained in accordance
16 with applicable codes and regulations governing such systems.
- 17 b. Systems shall be provided with safety devices to relieve excessive pressures and
18 shall be arranged so that the discharge terminates at a safe location.
- 19 c. Systems shall have at least one accessible means for shutting off gas. Such means
20 shall be located outside the mobile home and shall be maintained in an effective
21 operating condition.
- 22 d. All LPG piping outside of the mobile homes or travel trailers shall be well supported
23 and protected against mechanical injury. Undiluted liquefied petroleum gas in
24 liquid form shall not be conveyed through piping equipment and systems in mobile
25 homes or travel trailers.
- 26 e. Liquefied petroleum gas containers installed on a mobile home or travel trailer lot
27 shall be securely but not permanently fastened to prevent accidental overturning.
28 Such containers shall not be less than twelve nor more than sixty U.S. gallons gross
29 capacity.
- 30 f. No liquefied petroleum gas vessel shall be stored or located inside or beneath any
31 storage cabinet, carport, mobile home or any other structure, unless such
32 installations are approved by the health authority.
33

34 **Sec. 39-108. Fuel oil supply systems.**

- 35 a. All fuel oil supply systems shall be installed and maintained in accordance with
36 applicable codes and regulations governing such systems.
- 37 b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be
38 permanently and securely fastened in place.
- 39 c. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall
40 not be located inside or beneath any mobile home or less than five feet from any
41 mobile home exit.
- 42 d. Storage tanks located in areas subject to traffic shall be protected against physical
43 damage.
44

45 **ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

46 **DIVISION 10. FIRE PROTECTION**

47 **Sec. 39-114. Generally.**

- 48 a. The trailer park area shall be subject to the rules and regulations of the city
49 prevention authority.
- 50 b. Trailer parks shall be kept free of litter, rubbish and other flammable materials.
51

- 1 ~~c.— Portable fire extinguishers of a type approved by the fire prevention authority shall~~
- 2 ~~be kept in service buildings and at all other locations designated by such fire~~
- 3 ~~prevention authority and shall be maintained in good operating condition.~~
- 4 ~~d.— Fires shall be made only in stoves and other equipment intended for such~~
- 5 ~~purposes.~~
- 6 ~~e.—~~
- 7 ~~1.— Fire hydrants shall be installed in mobile home parks if the park water is~~
- 8 ~~capable to serve them in accordance with the following requirements:~~
- 9 ~~a.— The water supply system shall permit the operation of a minimum~~
- 10 ~~of two, one and one-half inch hose streams.~~
- 11 ~~b.— Each of two nozzles, held four feet above the ground, shall deliver~~
- 12 ~~at least seventy five gallons of water per minute at a flowing~~
- 13 ~~pressure of at least thirty pounds per square inch at the highest~~
- 14 ~~elevation point of the park.~~
- 15 ~~2.— Fire hydrants, if provided, shall be located within five hundred feet of any~~
- 16 ~~mobile home, service building or other structure in the park.~~

17
18 **Sec 42.445 to 42.449 Reserved**

19

Section 450 Special Uses

Sec 42.450 Special Uses

The following section provides for regulations and requirements for special and particular types of land uses.

Sec 42.451 Accessory Structures and Uses

An accessory structure is a building or structure that is located on the same lot as the main or primary building or structure and is subordinate to and detached from the main building, but is not used for human habitation. Accessory uses are consistent with and supplemental to the permitted uses in the zoning district.

Any structure or use that meets the definition of an accessory structure or use may be allowed in any district. Accessory structures include, but are not limited to, the following list of examples:

1. Garages;
2. Utility sheds, or;
3. carports;
4. Private in-ground swimming pools and above-ground swimming pools more than two (2) feet high deep and associated bath houses;
5. Green houses;
6. Satellite dishes;
7. Gazebos, pergolas or pavilions;
8. Barns;
9. Well and wash houses.
10. Towers
11. Temporary Accessory Storage — Portable On-Demand Storage Units (PODS) or other temporary accessory storage units are allowed for the purposes of storage of household items, construction tools or materials for a period not to exceed sixty (60) days unless used in conjunction with a renovation or new construction project and then must be removed within sixty (60) days of the approved final inspection or the building permit expiration. Temporary accessory storage must be placed on a drive, parking area, or any other hard surfaced area on the property except when the construction or renovation project will not allow for the use of these areas. Temporary accessory storage shall not be placed on a street or other public area without the approval of the Director of Public Works. Temporary accessory storage shall be defined as cargo or storage containers, cargo crates, box trailers, box or utility vans or trucks, van bodies or boxes removed from trailers or other similar vehicles. Temporary accessory storage shall not be required to meet the setback requirements of other permitted accessory buildings or structures due to the temporary nature of their use on site.

An accessory building or structure in a residential district is subject to the setbacks of the zoning district in which the property is located, except: shall be located:

1. Not less than forty (40) feet back of the front building line for the main building, for pools and portable buildings;
2. Not less than five (5) feet from the main building, when not constructed, intended, or used for human occupancy at any time;

- 1 3. The minimum rear setback may be reduced to five (5) feet; Not less than
- 2 five (5) feet from the rear lot line;
- 3 4. ~~(Repealed by Ord. 3611, §6);~~
- 4 5. Not less than five (5) feet from the side lot line.
- 5 6. Not less than ten (10) feet from any lot line for two or more-story
- 6 accessory building or structure;
- 7 7. ~~No accessory building or structure on a corner lot shall project beyond the~~
- 8 front yard building line; and
- 9

10 Accessory buildings or structures shall comply with the height restrictions of the zoning
11 district, except as provided elsewhere in this code.

12
13 The location of accessory buildings or structures in a non-residential commercial or
14 manufacturing zoning district shall be located consistent with the height, setback, and bulk
15 standards of the zoning district in which the property is located.

16
17 Accessory structures such as light poles, flag poles, and statuary are not subject to setback
18 requirements, however, such structure may be prohibited in an easement, depending on
19 the size and ease of removal.

20
21 The Board of Adjustment may grant a Special Exception to allow an accessory building
22 within a side or rear setback if written approval is provided from the adjacent property
23 owner.

24
25 Temporary Accessory Storage – Portable On Demand Storage Units (PODS) or other
26 temporary accessory storage units are allowed for the purposes of storage of household
27 items, construction tools or materials for a period not to exceed sixty (60) days unless used
28 in conjunction with a renovation or new construction project and then must be removed
29 within sixty (60) days of the approved final inspection or the building permit
30 expiration. Temporary accessory storage must be placed on a drive, parking area, or any
31 other hard surfaced area on the property except when the construction or renovation
32 project will not allow for the use of these areas. Temporary accessory storage shall not be
33 placed on a street or other public area without the approval of the Director of Public
34 Works. Temporary accessory storage shall be defined as cargo or storage containers, cargo
35 crates, box trailers, box or utility vans or trucks, van bodies or boxes removed from trailers
36 or other similar vehicles. Temporary accessory storage shall not be required to meet the
37 setback requirements of other permitted accessory buildings or structures due to the
38 temporary nature of their use on site.

39
40 A storage unit, shipping container, or other similar product up to two hundred (200) square
41 feet in size may be permitted for use as an accessory structure. Such structure must be
42 approved with a building permit. If located in a residential district, such structure must be
43 sided with a siding similar in appearance to the principal structure.

44
45 Accessory structure less than two hundred (200) square feet in area may not require a
46 building permit, but are subject to the setback requirements of this section. Such
47 structures which are not attached to a foundation and have an empty weight of less than
48 two hundred (200) pounds may be located within utility easements.

49
50 Accessory structures are required to be on the same lot as the related principal structure.
51 Specifically, an accessory structure is not permitted on a lot with no principal structure. In

1 the event that a platted lot is proposed to be subdivided such that an accessory building(s)
2 is located on a different lot than the principal structure or the principal structure is
3 demolished or destroyed through any means, the property owner will have one year from
4 the date of approval/demolition/destruction to construct a principal structure on the lot
5 with the accessory building(s) or demolish the accessory structure, unless additional time is
6 granted by the Building Official.

7
8 **Sec 42.452 Child Care**

9 The following definitions apply to this section:

10
11 *Child day care:* The care of a child away from his own home on either a commercial or non-
12 commercial basis for any part of a twenty- four (24) hour period.

13
14 *Child care center:* ~~A state licensed child day care facility serving permitted to serve more~~
15 ~~than ten (10) unrelated children and required to utilize a commercial grade kitchen.~~

16
17 ~~*Child Daycare Center:* A child daycare center or centers, licensed by the Department of~~
18 ~~Health and Senior services of the State of Missouri where care is provided for children not~~
19 ~~related to the child care provider for any part of the twenty four (24) hour day.~~

20
21 *Child day care home:* ~~An unlicensed child day care facility serving permitted to serve no~~
22 ~~more than five (5) four (4) unrelated children, with no more than three (3) children under~~
23 ~~the age of two. For the purposes of this section, children who live in the caregiver's home~~
24 ~~and who are eligible for enrollment in public kindergarten, elementary, or high school shall~~
25 ~~not be considered in the total number of children being cared for.~~

26
27 *Family Child care home, family:* ~~A state licensed child care facility serving permitted to serve~~
28 ~~no more than ten (10) unrelated children. For the purposes of this section, children who~~
29 ~~live in the caregiver's home and who are eligible for enrollment in public kindergarten,~~
30 ~~elementary, or high school shall not be considered in the total number of children being~~
31 ~~cared for.~~

32
33 Permit. A permit application for a family child care home shall be completed and filed with
34 the Community Development Department on forms prescribed for that purpose and
35 accompanied by a processing fee of fifty dollars (\$50.00). Family child care homes shall
36 satisfy, in addition to satisfying all Missouri Department of Health and Phelps/Maries
37 County Health Department standards, the following requirements as a condition for
38 receiving a permit from the City of Rolla:

- 39 1. The residence for which a permit is sought shall be the permanent residence of the
40 child day care provider (operator);
- 41 2. No alteration of the principal residential building shall be made that changes the
42 character or appearance of the building to appear to be a commercial use so as to
43 ~~be inconsistent with the appearance of dwellings in the immediate area around the~~
44 ~~family child care home.~~
- 45 3. ~~No~~ Not more than one (1) person, other than someone related by blood, marriage,
46 adoption or custodial relationship to the operator and who also resides in the
47 dwelling unit, shall be employed in the family child care home;
- 48 4. Outdoor play areas shall only be located in the rear yard of a family child care
49 home; and
- 50 5. One (1) exterior, flush-mounted attached sign is permitted not to exceed one (1)
51 square foot in area.

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Sec 42.453 Residential Group Homes

Residential group homes for eight (8) or fewer unrelated mentally or physically handicapped persons that may include up to two (2) house parents or guardians are permitted in residential zoning districts according to state statutes and the following limitations when:

1. ~~The structure, building, landscaping, fencing, etc. for the residential group home suits the character of the immediate neighborhood. The structure is not permitted to be altered to appear to be a commercial building.~~
2. ~~There are no other~~ Not more than one (1) residential group homes are permitted to locate with three hundred (300) feet of another residential group home unless such home is not located on the same street within fifteen hundred (1,500) feet.
3. No sign identifying the residential group home is permitted to exceed one (1) exceeds four (4) square feet in area.
4. Signs may not be illuminated and must be attached to the residential group home.
5. ~~There are no more than two (2) residents are permitted per bedroom.~~

Sec 42.454 ~~Family Entertainment and Recreation Complex (FERC)~~

~~**Purpose.** It is hereby declared to be the policy of the City of Rolla, Missouri to license and regulate Family Entertainment and Recreation Complexes for the purpose of preserving and caring for the safety, health, comfort and general welfare of residents and visitors who may be attracted to and use such a facility, having in mind that many young persons require more care and attention than those of a more mature age. These rules are fashioned to the end that order may be maintained, property protected and the purpose, specified above, preserved.~~

~~**Definitions.** For the purposes of interpretation and enforcement, and unless the context requires otherwise, words and terms used in this section shall have the meanings ascribed to them as follows:~~

~~*Family Entertainment and Recreation Complex (FERC):* A for profit business primarily engaged in the provision of multiple and diversified recreation and entertainment venues designed to support a range of entertainment and recreational needs of varied age groupings. Specific services or activities in a FERC may include a variety of complementary, mixed uses, such as movie theaters or other theatre, billiard or pool rooms, arcade games, laser tag, ball pit, snack bar/restaurant (with or without liquor sales, establishments offering mechanical or electronic amusement devices, bowling alley, ice or roller rink, miniature golf, concerts, dancing, and all other similar places of entertainment or recreation.~~

~~*Mechanical or Electronic Amusement Devices:* Any machine, which, upon the payment of a charge or upon the insertion of a coin, slug, token, disc, etc. may be operated by the public as a game, entertainment, or amusement, whether or not registering a score. This definition includes electronic video games, marble machines, pinball machines, skill ball, mechanical grab machines, electronic bowling machines, electronic driving machines, electronic baseball, football, hockey or basketball machines, any and all air-propelled machines or games, shooting games, billiard/pool tables, snooker table, foosball, and all games, operations or transactions similar thereto under whatever name they may be indicated, whether or not electronically operated. This definition does not include any~~

1 ~~devise the possession or use of which is prohibited by law. The above enumeration devices~~
2 ~~shall not be deemed to be exclusive.~~

3
4 ~~*Billiard or Pool Hall:* Any premise, business, or establishment that maintains six (6) or more~~
5 ~~regulation billiard or pool tables available for public use.~~

6
7 ~~*Operator:* Any person, firm, corporation, partnership, or association or club who sets up for~~
8 ~~operation by another or leases a FERC.~~

9
10 ~~*Proprietor:* Any person, firm, corporation, partnership, or association or club who as the~~
11 ~~owner and/or lessee has under his or its control a FERC.~~

12
13 ~~License. No person, corporation, partner, association, trust or firm shall engage in the~~
14 ~~business of a FERC in Rolla without obtaining a FERC business license (and an alcohol sales~~
15 ~~license if alcohol is sold and/or consumed on site); if alcohol is sold and/or consumed on~~
16 ~~site it shall be permitted only if sales do not exceed fifty (50) percent or more of the~~
17 ~~business's gross income derived from all business activity on premise;~~

18
19 All applications for a FERC license shall be in writing in a manner required by the Finance
20 Director, signed and sworn to by the applicant and shall set forth:

- 21 1. ~~The name, mailing address, email address, and telephone number~~
22 ~~(including cell phones), of all applicants;~~
- 23 2. ~~The physical address of the FERC location;~~
- 24 3. ~~A description of the number, types, location and age level to be served by~~
25 ~~each mechanical or electronic amusement devices to be used in the FERC;~~
- 26 4. ~~Submission of a security and safety plan to the Fire Marshal and Chief of~~
27 ~~Police for review.~~
- 28 5. ~~A parking space layout showing the minimum number of spaces and~~
29 ~~location;~~
- 30 6. ~~Proposed hours of operation;~~
- 31 7. ~~The maximum number of persons permitted to occupy the FERC at any~~
32 ~~time under any situation, as determined by the Codes Administrator and~~
33 ~~Fire Marshal;~~
- 34 8. ~~A completed liquor license application, if applicable;~~
- 35 9. ~~Additional information as may be necessary in order for the Finance~~
36 ~~Director to make a determination required by this sub-section.~~

37
38 ~~Upon receipt of a completed license application for a FERC and after approval for zoning~~
39 ~~compliance by the Codes Administrator, the Finance Director shall cause an inspection of~~
40 ~~the premise to be made by the Fire Marshal/Codes Administrator to determine whether~~
41 ~~the applicant has complied with the ordinances they are charged with enforcing. The Fire~~
42 ~~Marshal/Codes Administrator and members of his staff shall have the right to enter upon~~
43 ~~any premise for which a FERC is sought for the purpose of making such an inspection during~~
44 ~~normal business hours. Further inspections of the premises may be made after a license~~
45 ~~has been issued if deemed necessary by the Finance Director in coordination with the~~
46 ~~Codes Administrator and Fire Marshal.~~

47
48 ~~No FERC license shall be issued to any person who has pled guilty to or been convicted of~~
49 ~~any Class A felony.~~

50

1 Applications for renewal shall be received by the Finance Director at least sixty (60) days
2 before expiration and shall be in the form as required for the original license. If the license
3 is denied, the Finance Director shall notify the holder of the license of the reasons for
4 denial upon which this determination was made in writing not later than thirty (30) days
5 before expiration of the license. —

6
7 Each license granted hereunder shall be valid for a term of twelve (12) months from the
8 date of issuance, unless revoked or suspended. Fees paid for less than a full year shall be
9 prorated on a quarterly basis. Fees are otherwise non-refundable. —

10
11 The initial application for a FERC license shall be accompanied by an application fee of two
12 hundred dollars (\$200). The annual license renewal fee shall not exceed one hundred
13 dollars (\$100) if the mechanical or electronic amusement devices available in the FERC have
14 not been changed over the previous twelve (12) month term. —

15
16 Operation. The following rules and regulations shall apply to the operation of a FERC in
17 Rolla:

- 18 1. ~~Nothing in this sub-section shall be construed to permit any person to conduct,~~
19 ~~sponsor, or operate any FERC, which is not allowed under the Rolla Planning and~~
20 ~~Zoning Code. A FERC may be located in a C-2 (general retail district) as a~~
21 ~~conditional use. A FERC shall not be located within one hundred (100) feet of a~~
22 ~~school or church.~~
- 23 2. ~~Nothing in this sub-section shall be construed to permit any person to conduct,~~
24 ~~sponsor, or operate any FERC, which creates a nuisance.~~
- 25 3. ~~No minor under the age of fourteen (14) shall be allowed to operate any~~
26 ~~mechanical or electronic amusement device in a FERC unless such minor is~~
27 ~~accompanied by a parent or guardian or during the hours when such person's~~
28 ~~school is in session. Such a restriction notice shall be posted in a conspicuous place~~
29 ~~near the entrance to the FERC.~~
- 30 4. ~~No cash rewards shall be offered or given in any contest, tournament, league or~~
31 ~~individual play or on any mechanical or electronic amusement device; and no such~~
32 ~~device shall be permitted to operate if said device delivers or may readily be~~
33 ~~converted to deliver to the player any coins, slugs, or tokens, unless such coins,~~
34 ~~slugs, or tokens can only be used to purchase prizes from an onsite store. They~~
35 ~~cannot be redeemed for cash.~~
- 36 5. ~~The licensee of any FERC shall comply with all provisions of federal, state, or local~~
37 ~~laws and ordinances pertaining to the operation and maintenance of a FERC.~~
- 38 6. ~~The operator and/or proprietor of a FERC shall comply with all notices, rules, and~~
39 ~~regulations of the City of Rolla governing the occupation and use of a FERC.~~
- 40 7. ~~The issued license for a FERC shall be posted in a conspicuous place within the~~
41 ~~FERC.~~
- 42 8. ~~The operator or proprietor of a FERC shall not permit at any time a greater number~~
43 ~~of persons within the FERC than capacity as approved by the Fire Marshal/Codes~~
44 ~~Administrator and set forth on the FERC license form.~~
- 45 9. ~~The operator and/or proprietor of a FERC shall maintain good order at all times in~~
46 ~~the FERC including onsite parking areas. The lack of good order shall include~~
47 ~~fighting and rowdy behavior, gambling, illegal, or excessive consumption of~~
48 ~~alcoholic beverages, and any other illegal drug use onsite.~~

49
50 Revocation and Suspension of License. ~~Every FERC license issued under authority of this~~
51 ~~ordinance is subject to the right, which is hereby expressly reserved, to be revoked or~~

1 suspended should the operator or proprietor, directly or indirectly, permit the operation of
2 any FERC, including any mechanical or electronic amusement device contrary to the
3 provisions of this ordinance or the laws of the State of Missouri. Revocation or suspension
4 of a FERC license may also be caused where the applicant for the license has knowingly or
5 negligently made false or misleading statements when applying for this license. Failure to
6 comply with all other statutes, codes, or ordinances, particularly building and fire codes,
7 shall be a justification for revocation or suspension of a FERC license.

8
9 ~~Hearing.~~ Any person aggrieved by the denial of a license to operate a FERC or denial of the
10 renewal of such license, may request a hearing before City Council, at which hearing such
11 person shall be afforded the opportunity to be heard on all facts or issues involved. The
12 request for a hearing must be made in writing no less than ten (10) days following the
13 denial and sent by certified mail to the City Administrator. The City Administrator shall,
14 upon receiving a request for a hearing shall schedule a hearing not later than fifteen (15)
15 days from the date of actual receipt of the request and shall notify all parties of the time
16 and place thereof. The City Council shall have ten (10) days following the date of the
17 hearing to render a decision in writing. A request for a hearing shall stay any license
18 revocation or suspension until such time as a hearing has been held and a decision
19 rendered therein; provided, however, that if the Chief of Police or the Fire Marshal has
20 found that a public safety imperatively requires emergency action, the license shall
21 continue to be summarily suspended pending a hearing and decision in accordance with
22 this section.

23
24 ~~Penalties.~~ Any person who shall act as a FERC operator without a valid license or who shall
25 violate any of the provisions of this code or who shall continue to act subsequent to the
26 revocation of his license shall be guilty of a misdemeanor and upon conviction thereof shall
27 be fined not more than three hundred (\$300) dollars per day, for each day of
28 noncompliance.

29
30 ~~Exemptions.~~ This ordinance shall not apply to, and no license required for, the operation of
31 a FERC of the kind herein specified:

- 32 1. ~~Wherein the proceeds there from are to be devoted exclusively to charitable,~~
33 ~~benevolent or religious purposes.~~
- 34 2. ~~Where the operation thereof is upon the property and premises of a private~~
35 ~~membership club and for the benefit of its members or their guests; provided, that~~
36 ~~said exemption will terminate if said private membership club operates any device~~
37 ~~for the use or enjoyment of the general public.~~
- 38 3. ~~Any business that could be classified as a FERC that has been legally conducting~~
39 ~~business at the same location for a minimum of five (5) years are exempted from~~
40 ~~FERC licensing requirements. The exemption will be terminated if the business~~
41 ~~relocates to another location.~~

42 43 **Sec 42.454 Medical Marijuana Uses**

44 Definitions. The following definitions apply to the Medical Marijuana Uses section:

45
46 *Marijuana or Marihuana:* Cannabis Indica, Cannabis sativa, and Cannabis ruderals, hybrids
47 of such species, and any other strains commonly understood within the scientific
48 community to constitute marijuana, as well as seed thereof and resin extracted from the
49 plant and marijuana-infused products. Marijuana does not include industrial hemp
50 containing a crop-wide average tetrahydrocannabinol concentration that does not exceed

1 three-tenths of one percent on a dry weight basis, or commodities or products
2 manufactured from industrial hemp.

3
4 *Marijuana-Infused Products*: products that are infused with marijuana or an extract thereof
5 and are intended for use or consumption other than by smoking, including, but not limited
6 to, edible products, ointments, tinctures, and concentrates.

7
8 *Medical Marijuana Cultivation Facility*: a facility licensed by the State of Missouri to
9 acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary
10 Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products
11 Manufacturing Facility.

12
13 *Medical Marijuana Dispensary Facility*: a facility licensed by the State of Missouri to
14 acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug
15 paraphernalia used to administer marijuana as provided for in this section to a qualifying
16 patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical
17 Marijuana Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.

18
19 *Medical Marijuana-Infused Products Facility*: a facility licensed by the State of Missouri, to
20 acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical
21 Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical
22 Marijuana-Infused Projects Facility.

23
24 *Medical Marijuana*: marijuana that is available only by prescription and used to treat a
25 variety of medical conditions.

26
27 *Medical Marijuana Testing Facility*: a facility certified by the State of Missouri, to acquire,
28 test, certify, and transport marijuana.

29
30 *Medical Marijuana Use* means any facility or premises which is used for a Medical
31 Marijuana Dispensary, Infused Products Facility, or Cultivation Facility.

32
33 *“Then existing”* means any school, child day-care center, or church with a written building
34 permit from the city to be constructed, or under construction, or completed and in use at
35 the time the prospective state applicant for a Medical Marijuana Use first notifies the City
36 of Rolla of the applicant's contingent legal right to operate at the proposed location by
37 putting the subject property under contract.

38
39 General. The following generally applies to Medical Marijuana Uses:

- 40 a. In determining compliance with the measured separation, the distance shall be
41 determined by the nearest building corner of the Medical Marijuana Dispensary
42 applicant to the nearest building corner of any school, church or regular place of
43 worship as measured in a straight line.
44 b. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise
45 consumed on the premises of any Medical Marijuana Use facility during regular
46 business hours.
47 c. Display of Licenses Required. The Medical Marijuana Use license issued by the
48 State of Missouri shall be displayed in a prominent place in plain view near the
49 front entrance of the facility.
50

1 Medical Marijuana Dispensaries. No Building shall be constructed, altered or used for a
2 Medical Marijuana Dispensary without complying with the following regulations in this
3 section subchapter:

- 4 a. No Medical Marijuana Dispensary shall be located within 500' (five hundred feet) of
5 a then existing elementary or secondary school, child daycare center, or
6 church. ~~Measurement shall be in a method consistent with the city's existing liquor
7 license measurement standard.~~
- 8 b. ~~* "Then existing" shall mean any school, child day care center, or church with a
9 written building permit from the city to be constructed, or under construction, or
10 completed and in use at the time the prospective state applicant for a Medical
11 Marijuana Dispensary first notifies the City of Rolla of the applicant's contingent
12 legal right to operate at the proposed location by putting the subject property
13 under contract.~~
- 14 c. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise
15 consumed on the premises of a Medical Marijuana Dispensary building.~~
- 16 d. Hours of Operation. All sales or distribution of Medical Marijuana and any other
17 products sold to the public through a Medical Marijuana Dispensary shall take place
18 between the hours of 8:00 a.m. and 8:00 p.m., Monday – Sunday. Medical
19 Marijuana Dispensaries shall be secured and closed to the public after the hours
20 listed in this subsection and no persons not employed by the Medical Marijuana
21 Dispensary may be present in such a facility at any time it is closed to the public.
- 22 e. ~~Display of License Required. The Medical Marijuana Dispensary license issued by
23 the State of Missouri shall be prominently displayed in a highly visible location,
24 easily seen by patients on the dispensary's sales floor.~~
- 25 f. Site Plan Review. Any plans for a Medical Marijuana Dispensary shall meet the
26 standard new construction requirements.
- 27 g. Spacing. No Medical Marijuana Dispensary shall be operated or maintained within
28 500' (five-hundred feet) of another Medical Marijuana Dispensary except when
29 marijuana sales represent less than 5% of the dollar volume of a state or federally
30 licensed pharmacy.

31
32 Medical Marijuana-Infused Products Facility. No building shall be constructed, altered or
33 used for a Medical Marijuana-Infused Products Facility without complying with the
34 following regulations:

- 35 1. Distance Requirement. No Medical Marijuana-Infused Products Facility using any
36 shall be located within 500' (five-hundred feet) of a then existing elementary or
37 secondary school, licensed child day care center, or church.
- 38 2. Outdoor Operations or Storage. All operations and all storage of materials,
39 products, or equipment shall be within a fully secured area inside the building
40 structure or outdoors on the property in an area enclosed by a razor wire fence at
41 least ten (10) feet in height, not including the razor wire.
- 42 3. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise
43 consumed on the premises of any Medical Marijuana-Infused Products Facility
44 during regular business hours.~~
- 45 4. Hours of Operation. All Medical Marijuana-Infused Products Facilities shall be
46 closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons
47 not employed by the business shall be on the premises at any time without being
48 approved entry and logged in by building security personnel and are required to
49 obtain a visitor pass.

5. ~~Display of License Required. The Medical Marijuana-Infused Products Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.~~
6. Site Plan Review Required. Any plans for a Medical Marijuana-Infused Products Facility shall meet standard new construction requirements.

Medical Marijuana Cultivation Facility. No building shall be constructed, altered or used for a Medical Marijuana Cultivation Facility without complying with the following regulations:

1. Distance requirement. No Medical Marijuana Cultivation Facility shall be located within 1,000' (one thousand feet) of a then existing elementary or secondary school, state-licensed child daycare center or church.
2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.
3. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility during regular business hours.~~
4. Hours of Operation. All Medical Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
5. ~~Display of Licenses Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.~~
6. Site Plan Review Required. Any plans for an indoor "Medical Marijuana Cultivation Facility" shall meet the standard new construction requirements of the "Heavy Manufacturing District" outlined in this Title. Any outdoor "Medical Marijuana Cultivation Facility" shall meet the standard requirements for any other crop, except as otherwise set forth herein. No outdoor "Medical Marijuana Cultivation Facility" shall be permitted within 1,000' (one thousand feet) of a then existing elementary or secondary school, state-licensed child daycare center or church* or within 1,000' (one thousand feet) from any residentially zoned property.

Sec 42.456 Bed and Breakfasts

~~The purpose of these requirements is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets.~~

Approval Standards. All applicants for a Conditional Use Permit for bed and breakfasts shall comply with the following requirements:

1. ~~The property use shall front on a collector street or higher classification street;~~
2. ~~The number of proposed guest rooms in the bed and breakfast shall be stated in the Conditional Use Permit application;~~
3. ~~Only short term lodging shall be permitted; no monthly rentals.~~
4. ~~There shall be no individual cooking facilities.~~
5. ~~The facilities may be rented for receptions, parties, weddings or similar activities.~~

- ~~6. Potential negative impacts, including, but not limited to, traffic, parking and noise, shall be addressed in the use permit application.~~
- ~~7. One (1) additional paved parking space per guest room shall be provided in the rear or side yard.~~
- ~~8. The operator shall live at the bed and breakfast.~~
- ~~9. Only resident's guests shall be served meals.~~
- ~~10. One (1) sign no larger than six (6) square feet shall be permitted. Signs may be illuminated.~~
- ~~11. A business license shall be obtained annually.~~
- ~~12. No bed and breakfast shall be located within three hundred (300) feet of another bed and breakfast as measured along continuous public street rights of way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.~~

Sec 42.455 Noncommercial, Not-For-Profit Neighborhood Facilities

Purpose. The purpose of these requirements is to provide opportunities for necessary and desirable noncommercial, not-for-profit neighborhood facilities while minimizing possible adverse impacts of such facilities on the surrounding neighborhood.

Standards. The following standards apply to noncommercial, not-for-profit neighborhood facilities:

1. The proposed structure(s) shall not be located within any front or rear yards required by this Article or within ten (10) feet of the property line adjacent to the side yards of the lot on which the structures are located. Swimming pool pump and filter operations shall ~~not adhere to these standards, but in no event will they be~~ located closer than twenty (20) feet to a side or rear property line.
2. Any outdoor swimming pool will be enclosed by a fence or wall with a minimum height of six (6) feet with gates that shall be self-closing and latching.

Sec 42.456 Accessory Dwelling Units

Accessory structures shall be allowed under the following conditions:

- ~~1. On any lot in a residential an "R" District having less than twenty thousand (20,000) square feet, accessory structures, other than residences, may be permitted with no plumbing fixtures required for human habitation, except for a washing machine and/or a janitor type sink;~~
- ~~2. On any lot in a residential an "R" District having more than twenty thousand (20,000) square feet or greater, accessory structures with plumbing fixtures may be used for servant's quarters housing, as long as the structure is occupied by a servant employed on premises by the household occupying the main building; and~~
- ~~3. On any lot in a non-residential "C" or "M" District accessory structures used for residential purposes are not permitted unless used for security and are built as part of and/or connected to the main building.~~
4. One accessory dwelling unit may be permitted on any residential or commercial lot, except for multi-family uses.
5. An accessory dwelling unit is limited to a maximum of eight hundred (800) square feet in habitable area, except when located in an existing building. In such case, the accessory dwelling unit may utilize the entire basement, floor, or attic area.
6. An accessory dwelling unit may be attached to an existing structure, constructed within the existing structure, or may be constructed as a septate structure.

- 1 7. Additional off-street parking may be required to meet the minimum parking
2 requirements.
- 3 8. No accessory dwelling unit will be permitted to have separate utilities, utility
4 metering, or addressing from the principal use.
- 5 9. Accessory dwelling units are intended to be used as a guest house, security
6 quarters, servants quarters, or for living quarters for the owner or employee of the
7 attached business.
- 8 10. The accessory dwelling unit may be used as a rental unit. In no case may both the
9 accessory dwelling unit and principal dwelling both be rented separately. The
10 property owner is required to live on the property.

11 **Sec. 42.457 Overnight Shelter, Soup Kitchens, and Transitional Housing Uses**

12 The following requirements for overnight shelters, soup kitchens, and transitional housing
13 uses are intended to help mitigate the impacts of such uses.

14 **Sec. 42.457.1 Overnight Shelter Uses**

15 These Overnight Shelter requirements are intended to help mitigate the impacts of an
16 overnight shelter use on public safety services and surrounding properties. Such facilities
17 should generally be located such that clients will have access to jobs, counseling, and other
18 resources for assistance. Any Overnight Shelter use, except shelters which meet the
19 definition of a domestic violence shelter, must adhere to the following requirements:

- 20 1. No individual or family shall reside in an overnight shelter for more than 30 days
21 without entering into case management to obtain housing. Clients shall not reside
22 on the premises for more than six (6) months unless extenuating circumstances are
23 present and documented by the facility.
- 24 2. A written operations plan must be submitted and approved by the Chief of Police
25 and Community Development Director. The plan must include the following
26 information: contact information for key staff, floorplan, security and exterior
27 lighting plan, health and safety protocols, occupancy policies, intake procedures
28 and tracking outcomes, and an outreach plan for surrounding property owners and
29 residents.
- 30 3. A log of each person receiving temporary housing must be kept, including the
31 person's name, last place of residence, and a photo of the person and/or their
32 government issued identification. Such logs are to be submitted to the Rolla Police
33 Department upon request.
- 34 4. The operator must conduct a background check on the MO Sex Offender Registry
35 and MO Casenet before any person may reside at the property overnight.
- 36 5. Any facility providing overnight shelter services must be located a minimum of one
37 thousand (1,000) feet from any other property operating an overnight shelter
38 facility.
- 39 6. Overnight shelters must be located a minimum of seven hundred-fifty (750) feet
40 from any school, playground, or daycare, as measured from the closest point of the
41 shelter facility to the closest point of such school, playground, or daycare.
- 42 7. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the
43 property.
- 44 8. Security cameras are required at a minimum to film any persons using the building
45 entrances, exits and outdoor assembly areas. Such recordings shall be maintained
46 for at least 72 hours and made available for law enforcement if a crime is alleged or
47 committed.
- 48 9. Adequate off-street parking for employees, volunteers, and any residents with
49 vehicles must be provided or made available through written agreements.

- 1 10. The operator of such facility must allow the City Administrator, or designee, access
2 to monitor the operation for compliance with the city codes, any conditions of
3 approval, and any other directives to mitigate impact to surrounding properties. If
4 the director finds any deficiencies, the director must notify the operator and
5 provide thirty (30) days to bring the operation into compliance (unless a life-safety
6 condition exists in which immediate action is required). If the operator fails to
7 correct the deficiencies, the Community Development Director is authorized to
8 terminate the conditional use permit or occupancy permit. The operator may
9 appeal the termination to the City Council.
- 10 11. An initial inspection fee of \$300 must be submitted prior to commencing
11 operations and an annual inspection fee of \$100 must be submitted annually
12 thereafter.

13 **Sec. 42457.2 Domestic Violence Shelter Uses**

14 These Domestic Violence Shelter requirements are intended to help mitigate the impacts of
15 a domestic violence shelter use on public safety services and surrounding properties. Any
16 overnight shelter which meets the definition of a domestic violence shelter use must
17 adhere to the standards established by the Missouri Coalition Against Domestic and Sexual
18 Violence and any other state or federal requirements, or must meet the following
19 requirements:

- 20 1. No individual or family shall reside in an overnight shelter for more than thirty (30)
21 days without entering into case management to obtain housing. Clients shall not
22 reside on the premises for more than six (6) months unless extenuating
23 circumstances are present and documented by the facility.
- 24 2. Prior to commencing operation, the operator must submit the following to the
25 Chief of Police and Fire Chief: contact information for key staff, floorplan, and
26 occupancy policies.
- 27 3. The operator must conduct a background check on the MO Sex Offender Registry
28 and MO Casenet before any person may reside at the property overnight.
- 29 4. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the
30 property.
- 31 5. Adequate off-street parking for employees, volunteers, and any residents with
32 vehicles must be provided or made available through written agreements.
- 33 6. The operator of such facility must allow the City Administrator, or designee, access
34 to monitor the operation for compliance with the city codes, any conditions of
35 approval, and any other directives to mitigate impact to surrounding properties. If
36 the director finds any deficiencies, the director must notify the operator and
37 provide thirty (30) days to bring the operation into compliance (unless a life-safety
38 condition exists in which immediate action is required). If the operator fails to
39 correct the deficiencies, the Community Development Director is authorized to
40 terminate the conditional use permit or occupancy permit. The operator may
41 appeal the termination to the City Council.
- 42 7. Such shelters are required to maintain confidentiality for their residents.
- 43 8. An initial inspection fee of \$300 must be submitted prior to commencing
44 operations and an annual inspection fee of \$100 must be submitted annually
45 thereafter.

46 **Sec 42.457.3 Soup Kitchen Uses**

47 These Soup Kitchen Use requirements are intended to help mitigate the impacts of a soup
48 kitchen use. Such facilities should generally be located such that clients will have easy
49

1 access by transit or walking. Any Soup Kitchen Use use must adhere to the following
2 requirements:

- 3 1. A written operations plan must be submitted and approved by the Chief of Police
4 and Community Development Director. The plan must include the following
5 information: contact information for key staff, floorplan, security and exterior
6 lighting plan, health and safety protocols, occupancy policies, and outreach plan for
7 surrounding property owners and residents.
- 8 2. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the
9 property.
- 10 3. Security cameras are required at a minimum to film any persons using the building
11 entrances.
- 12 4. Adequate off-street parking for employees, volunteers, and any residents with
13 vehicles must be provided or made available through written agreements.
- 14 5. The operator of such facility must allow the City Administrator, or designee, access
15 to monitor the operation for compliance with the city codes, any conditions of
16 approval, and any other directives to mitigate impact to surrounding properties. If
17 the director finds any deficiencies, the director must notify the operator and allow
18 30 days to bring the operation into compliance. If the operator fails to correct the
19 deficiencies, the director is authorized to terminate the conditional use permit or
20 occupancy permit. The operator may appeal the termination to the City Council.

21
22 **Sec. 42.457.4 Transitional Housing Uses**

23 Such facilities must be located a minimum of five hundred (500) feet from another
24 transitional housing facility located on a separate property.

25
26 **Sec 42.458 RV Parks**

27 Businesses which provide overnight accommodation for one or more recreational vehicles
28 or trailers must adhere to the following requirements:

- 29 1. One or more storm shelters meeting the requirements of ICC-500 must be
30 provided on the site for all residents and employees.
- 31 2. Recreational vehicles and trailers are not permitted to remain in one rental
32 space for more than six (6) months.
- 33 3. No rental spaces may be established within a regulated floodplain.
- 34 4. RV Parks must be designed to meet the requirements of NFPA 1194.

35
36 **Sec 42.459 – 42.469 Reserved**

37

1 **Section 470 Floodplain Development**

2
3 **Sec 42.470 Floodplain Development**

4
5 **NOTE:** *Could consider things over and above the FEMA requirements such as setbacks from*
6 *streams, protection of riparian area, storm water quality basins, encouragement of bio-*
7 *swales, policy on dedication to the city, requirement for drainage easements, move to a 500*
8 *year floodplain.*

9
10 ~~Special provisions shall apply within Zone A (100 year floodplain) on the City's Flood~~
11 ~~Insurance Rate Maps or Flood Hazard Boundary Maps, and within such parts of Zones B,~~
12 ~~and C and X (500 year floodplain and areas not in the flood hazard zones) on said Maps as~~
13 ~~are required by the City Engineer to be protected. In these areas, subdivision proposals and~~
14 ~~other proposed development shall be reviewed to determine whether such proposals will~~
15 ~~be reasonably safe from flooding. Proposals shall be reviewed to assure that:~~

- 16 ~~1. All such proposals minimize potential flood damage;~~
- 17 ~~2. All public utilities and streets are located and constructed to minimize flood~~
18 ~~damage; and~~
- 19 ~~3. Storm drainage facilities to be provided shall conform to standards established for~~
20 ~~City street and storm drainage now or hereafter promulgated by the City Engineer~~
21 ~~or as adopted by City Council.~~

22
23 Subdivision proposals and other proposed new development, including manufactured
24 home parks or subdivisions, located within special flood hazard areas are required to assure
25 that:

- 26 1. All such proposals are consistent with the need to minimize flood damage;
- 27 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are
28 located and constructed to minimize or eliminate flood damage;
- 29 3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
- 30 4. All proposals for development, including proposals for manufactured home parks
31 and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include
32 within such proposals base flood elevation data.

33
34 **Sec 42.471 – 42.499 Reserved**

1 **NOTE:** Text to be removed is shown with ~~STRIKETHROUGH~~. Text to be added is shown with
2 UNDERLINE.

3 4 **Section 500 Subdivision Regulations**

5 6 **Sec 42.500 Subdivision Regulations - General**

7 ~~The City Council shall approve or disapprove plats for the~~ These subdivision regulations
8 apply to any subdivision or re-subdivision of land within the City jurisdiction. These
9 regulations ~~This Article shall apply to all land which has been subdivided if the subdivision~~
10 ~~was recorded after November 1, 1973, and to any lot or lots which re-subdivided after~~
11 ~~November 1, 1973. It is not the intent of this Article to interfere with or impair existing~~
12 ~~provisions of other laws, ordinances or covenants, except those specifically repealed by this~~
13 ~~Article. Where this section Article imposes greater restriction upon land than is imposed or~~
14 ~~required by any other such existing laws, ordinances, or covenants, the provisions of this~~
15 section Article shall control.

16
17 ~~The planning and zoning commission shall recommend and the council may by ordinance~~
18 ~~adopt regulations governing the subdivision of land within its jurisdiction. The regulations,~~
19 ~~in addition to the requirements provided by law for the approval of plats may provide~~
20 ~~requirements for the coordinated development of the municipality; for the coordination of~~
21 ~~streets within subdivisions with other existing or planned streets or with other features of~~
22 ~~the city plan or official map of the municipality; for adequate open spaces for traffic,~~
23 ~~recreation, light, and air; and for a distribution of population and traffic. The regulations~~
24 ~~may include requirements as to the extent and the manner in which the streets of the~~
25 ~~subdivision or any designated portions thereto shall be graded and improved as well as~~
26 ~~including requirements as to the extent and manner of the installation of all utility facilities,~~
27 ~~and compliance with all of these requirements is a condition precedent to the approval of~~
28 ~~the plat.~~

29
30 ~~No plat of a subdivision of land lying within the municipality shall be filed or recorded until~~
31 ~~it has been submitted to the city for review and approval through the processes detailed in~~
32 ~~this section and a report and recommendation thereon made by the commission to the city~~
33 ~~council and the council has approved the plat as provided by law.~~

34
35 ~~The regulations or practices of the council may provide for the tentative approval of the~~
36 ~~plat previous to the improvements and installations; but any tentative approval shall not be~~
37 ~~entered on the plat. The regulations may provide that, in lieu of the completions of the~~
38 ~~work and installations previous to the final approval of a plat, the council may accept a~~
39 ~~bond in the amount and with surety and conditions satisfactory to it, providing for and~~
40 ~~securing the actual construction and installation of the improvements and utilities within a~~
41 ~~period specified by the council and expressed in the bond; and the council may enforce the~~
42 ~~bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu~~
43 ~~of the completion of the work and installation previous to the final approval of a plat, for an~~
44 ~~assessment or other method whereby the council is put in an assured position to do the~~
45 ~~work and make the installations at the cost of the owners of the property within the~~
46 ~~subdivision. The regulations may provide for the dedication, reservation or acquisition of~~
47 ~~lands and open spaces necessary for public uses indicated on the city plan and for~~
48 ~~appropriate means of providing for the compensation, including reasonable charges against~~
49 ~~the subdivision, if any, and over a period of time and in a manner as is in the public interest.~~

1 Before adoption of its subdivision regulations or any amendment thereof, a duly advertised
2 public hearing shall be held by the commission and the council.
3
4 No county recorder shall receive for filing or recording any subdivision plat required to be
5 approved by a city council or planning and zoning commission unless the plat has endorsed
6 upon it the approval of the city council under the hand of the clerk and the seal of the city,
7 or by the secretary of the commission.
8
9 No owners, or agent of the owner, of any land located within the platting jurisdiction of the
10 city, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to
11 sell that land by reference to or by other use of a plat of any purported subdivision of the
12 land before the plat has been approved by the council or the commission and recorded in
13 the office of the appropriate county recorder. Any person violating the provisions of this
14 Section shall forfeit and pay to the municipality a penalty not to exceed three hundred
15 dollars for each lot transferred or sold or agreed or negotiated to be sold, and the
16 description by metes and bounds in the instrument of transfer or other documents used in
17 the process of selling or transferring shall not exempt the transaction from this penalty. A
18 municipality may enjoin or vacate the transfer or sale or agreement by legal action and may
19 recover the penalty in such action.
20
21 No owners may sell property within the jurisdiction of the city which is not in compliance
22 with these Subdivision Regulations.
23
24 Any property which is found to have been sold without complying with the Subdivision
25 Regulations will not be eligible to receive any building permits until the regulations have
26 been complied with.
27
28 No person shall divide a lot, tract or parcel of land into two (2) or more lots, tracts, or
29 parcels nor shall any person install a new street, alley, easement, water, sewer or electrical
30 line or any other public improvement except in conformity with this Article; provided,
31 however, that a real estate transaction involving the sale or exchange of a tract or parcel
32 between contiguous platted properties, said tract or parcel sold or exchanged not being in
33 excess of five thousand (5,000) square feet in area, where such sale or exchange does not
34 create an additional lot(s), require any new public improvements or dedications, or violate
35 provisions of the zoning code, shall be exempt from the requirements of this Article.
36
37 Recording a Plat: No property description of any subdivision shall be entitled to be
38 recorded in the county Recorder's office or have any validity until it shall have been
39 approved in the manner prescribed herein. In the event any such un-approved property
40 description is recorded, it shall be considered invalid and the City Attorney may cause
41 proceedings to be instituted to have such plat or deed declared invalid. Recording of the
42 property description approved in the manner herein prescribed shall be conclusive
43 evidence of the validity of the subdivision.
44
45 Sale of Land in a Subdivision: No owner or agent of the owner of any land located in the
46 City shall transfer, sell, offer, or agree to sell any land by metes and bounds description or
47 other reference when the sale, transfer, or development of the land would affect a
48 subdivision of land within the meaning of this Article and before such land has been
49 subdivided in accordance with these regulations and recorded in the office of the Recorder
50 of Deeds of Phelps County.
51

1 Permits: The Community Development Department shall not issue permits of any kind for
2 improvement on land which do not meet the definition of "lot" as contained herein. For the
3 purposes of constructing a building, permits may be issued for a tract or parcel of land
4 consisting of two (2) or more contiguous lots or one lot and a portion of another lot and
5 considered as a single lot if the proposed building(s) shall cross interior lot lines rather than
6 being placed closer to a side, rear, or front lot line than otherwise allowed by ordinance.

7
8 Public Improvements: The City and its Boards, Commissions and agents shall withhold all
9 public improvements of whatever nature, including the furnishing or maintenance of
10 streets, utilities and sewerage facilities from all subdivisions subject to this ordinance which
11 have not been approved, and from all areas dedicated to the public which have not been
12 accepted by the City Council, in the manner prescribed herein. Upon notice from the
13 Community Development Director or the City Engineer to the Rolla Municipal Utilities of a
14 violation of this ordinance, it shall be unlawful for the Utility to supply utility services to the
15 subject property until properly subdivided as prescribed herein.

16
17 Revision of a Plat. After Approval: No changes, erasures, modification or revisions shall be
18 made in any final plat of a subdivision or in any metes and bounds description after
19 approval has been given under the provisions of these regulations unless approved through
20 the subdivision process.

21
22 Before any plat shall be recorded or be of any validity, it shall have been presented to the
23 Commission and approved by City Council as having fulfilled the provisions of these
24 regulations and other applicable ordinances. The provisions of these regulations, unless
25 otherwise stated, shall be administered by the Director. In the administration of these
26 regulations, the Director shall:

- 27 (1) Receive and maintain current permanent records for all applications for
28 subdivision approval. The Director shall, in conjunction with the City Engineer,
29 review applications for completeness and substantial compliance with the
30 subdivision regulations.
31 (2) Insure that copies of the subdivision regulations are available for public review
32 and distribution.
33 (3) Provide such technical and consultative assistance as may be required by the
34 Commission, City Council, and other agencies of the City in the exercise of their
35 duties relating to these regulations.

36
37 Applications and material submitted to the Director for processing under the provisions of
38 this Article shall conform to the specifications prescribed herein.

39 **Sec 42.501 Definitions**

40 For the purpose of this Zoning and Subdivision Regulations Article, the following terms,
41 phrases, words, and their derivatives shall have the meaning herein given. When not
42 inconsistent with the context, words used in the present tense include the future, words in
43 the plural number include the singular number, and words in the singular number include
44 the plural number.

45
46 *Affordable Housing*: The standard for defining affordable housing shall utilize the maximum
47 home value or rental rate statistics used by the Missouri Housing Development
48 Commission.

49
50 *Alley*: A public way, which affords a secondary access point to an abutting lot.
51

1
2 *Arterial Street*: A street that provides primarily for through traffic movement between
3 areas and across the City.
4
5 *Block*: A tract of land bounded by streets or a combination of streets and other rights-of-
6 way, parks or similar uses or fronting on a cul-de-sac.
7
8 ~~Building: Shall include any part thereof; includes the word structure.~~
9
10 ~~City: City of Rolla, Missouri.~~
11
12 ~~City Council: The City Council of Rolla, Missouri.~~
13
14 ~~City Engineer: The Public Works Department Director or his designee.~~
15
16 *Collector Street*: A street that provides for traffic movement between arterials and minor
17 streets.
18
19 *Comprehensive Plan*: A series of plans for the physical development of the City, consisting
20 of goals and objectives, Major Thoroughfare Plan, land use plans, and other elements
21 included by the City Council.
22
23 *Common Land*: Land set aside for open space, including storm water drainage areas,
24 retention ponds, and recreational use areas for the owners of the lots in a subdivision,
25 conveyed in trust for the benefit and enjoyment of the lot owners.
26
27 *Common Lot*: A lot which contains common amenities, open space, unbuildable areas, or
28 shared areas such as parking lots which is not intended to be used for residential or
29 commercial uses.
30
31 *Contiguous Properties*: Tracts or lots which abut one another along the side and/or rear lot
32 lines.
33
34 *Cul-de-Sac*: A street which terminates in a circular turnaround.
35
36 ~~Director: The Community Development Department Director.~~
37
38 *Easement*: Authorized by a property owner for the use by another party, for a specified
39 purpose, of any designated part of said property.
40
41 *Final Plat*: The final map, drawing or chart on which the subdivider's plan of subdivision is
42 presented for approval, and which, if approved, will be submitted to the County Recorder
43 for filing.
44
45 *Flag Lot*: A lot which is served by a minimal frontage and consisting of an ~~with two (2)~~
46 ~~distinct portions described as follows: Access portion. That portion of the lot having~~
47 ~~frontage on or abutting a public street, with frontage for a private drive to serve the~~
48 ~~building portion. And a Building portion. That portion of the lot not fronting on or abutting~~
49 ~~a public street, which contains the buildable areas of the lot but connected to a public~~
50 ~~street by the access portion of the lot.~~
51

1 *Local Street:* See Minor Street.
2
3 *Lot:* A property as designated An undivided tract or parcel of land under one ownership
4 having access to a street, which parcel is designated as a separate tract identified by a lot
5 number if in a duly approved and recorded subdivision or by a metes and bounds
6 description on a recorded instrument prior to November 1, 1973.
7
8 *Lot Consolidation:* A process to combine two or more adjoining lots under common
9 ownership into one lot for the purposes of building permitting and setbacks.
10
11 *Lot-line Adjustment:* A process to move a lot line which does not result in any additional
12 lots.
13
14 *Minor Street:* A street primarily providing direct access to abutting property and designated
15 to accommodate low volume, low speed traffic.
16
17 *Major Subdivision:* Any subdivision not classified as a minor subdivision, lot consolidation,
18 or lot line adjustment, generally involving more than five lots and/or dedication of
19 easements/rights-of-way.
20
21 *Minor Subdivision:* Any subdivision containing not more than five (5) lots ~~fronting on an~~
22 ~~existing City street or highway and not requiring the extension or improvement of any~~
23 ~~street.~~
24
25 *Official Map:* The map established by the City Council showing streets and highways
26 previously laid out, adopted and established by law and any amendments or additions
27 thereto adopted by City Council through the subdivision process.
28
29 *Owner:* Any individual, firm, association, syndicate, partnership, corporation, trust or any
30 other legal entity having sufficient proprietary interest in the land proposed for subdivision
31 to effectuate transfer of the property once subdivided.
32
33 *Person:* See Owner.
34
35 *Preliminary Plat:* The preliminary map, drawing, or chart indicating the proposed layout of
36 the subdivision initially required in the subdivision process.
37
38 *Right-of-Way:* This term, for land platting purposes, shall mean that right-of-way hereafter
39 established and shown on a final plat to be separate and distinct from lots or parcels
40 adjoining such right-of-way, and not included within the dimensions or area calculations of
41 such lots or parcels.
42
43 *Re-plat/Re-subdivision:* A process for a modification or revision of a plat.
44
45 *Setback or Building Line:* A line specifically established upon the plat or established by the
46 zoning code which identifies an area into which no part of a building shall project.
47
48 ~~Shall, May:~~ The word "Shall" is mandatory and the word "May" is permissive.
49
50 *Sketch plat:* An process used to solicit comments from the city staff and Planning and
51 Zoning Commission for a proposed subdivision.

1
2 *Subdivider*: Any person commencing proceedings under this Article to effectuate a
3 subdivision of land.
4

5 *Subdivision*: The subdivision of land into two (2) or more lots, ~~tracts or parcels~~ for the
6 purpose of ownership transfer or development, ~~or, if a new street or easement of access is~~
7 ~~involved, any division of a land parcel.~~ The term includes re-subdivisions and Planned Unit
8 Development.
9

10 *Subdivision, Cluster*: A form of development that permits reductions in lot area and bulk
11 requirements, provided there is no increase in overall permitted density and that the
12 resultant undeveloped land area is devoted to open space or other public purpose.
13

14 **Sec 42.501 Major Subdivision Process**

15 ~~All land subdivision not otherwise classified as a minor subdivision shall be considered a~~
16 ~~major subdivision and subject to the procedures in this section. A public hearing shall be~~
17 ~~held for such proposals and the Community Development Department shall notify the~~
18 ~~public of the hearing and proposal according to the prescribed procedures and standards~~
19 ~~described in Section 42-143 of the Rolla Planning and Zoning Code.~~
20

21 A Major Subdivision requires that a Preliminary Plat and a Final Plat be filed.
22

23 ~~Regulation of the subdivision of land and the attachment of reasonable conditions is a valid~~
24 ~~exercise of the police power delegated by the State of Missouri to the City. The subdivider~~
25 ~~has the duty of compliance with reasonable conditions established by the Commission and~~
26 ~~City Council may impose reasonable conditions of approval for design, dedication,~~
27 ~~improvement and land use so as to conform to the appropriate and economic development~~
28 ~~of the City; and to promote the safety and general welfare of future landowners in the City.~~
29 ~~The subdivision of land is a privilege conferred through these regulations to private~~
30 ~~property owners.~~
31

32 **Sec 42.502 Sketch Plat**

33 The subdivider must hold a property owners meeting to present a sketch plat or conceptual
34 plan and solicit input from nearby property owners prior to submitting a preliminary plat
35 which proposes to create more than thirty (30) lots. Such meeting is encouraged to occur
36 early in the design process to allow for input to be incorporated. Such meeting must be
37 conducted by the subdivider or their surveyor/engineer at a public location. Notice for the
38 meeting must be mailed by the subdivider no less than seven (7) days prior to the meeting.
39 Notice must also be provided to the Community Development Department. A
40 representative from the Community Development Department will be required to attend
41 the meeting.
42

43 ~~**Sketch Plat:** The subdivider may submit a sketch plat and supporting information prior to~~
44 ~~the delivery of a preliminary plat. City staff shall review this material and provide input to~~
45 ~~the subdivider concerning design standards and improvement requirements. If desired by~~
46 ~~the subdivider, the sketch plat may be presented to the Planning and Zoning Commission~~
47 ~~for review and input.~~
48

49
50 The sketch plat is intended to be conceptual in nature and, ~~while accuracy and legibility are~~
51 ~~essential, the submission of detailed and finished plans is discouraged.~~ Sketch plats should

1 provide information sufficient to determine general compliance with ~~this Article and other~~
2 City regulations and policies. The sketch plat should include the property to be subdivided
3 ~~and all adjacent unplatted property under the same ownership, and shall comply with the~~
4 ~~following requirements:~~

5
6 A property owner or authorized representative may request a review of a sketch plat by
7 submitting the following:

- 8 1. Completed application on forms supplied by the Community Development
9 Department;
- 10 2. Letter authorizing a representative to apply on behalf of the property owner, if
11 applicable;
- 12 3. No application or fees are required for review of a sketch plat;
- 13 4. Three (3) paper copies of the sketch plat and an electronic copy (pdf preferred).
14

15 At a minimum, the sketch plat should include the following information for review:

- 16 1. ~~Three (3) copies of the sketch plat shall be submitted drawn to a scale of one~~
17 ~~hundred (100) feet to an inch, including scale, north arrow and date prepared.~~
- 18 2. The sketch plat shall list the proposed subdivision or project name and the name
19 and address of the owner and/or subdivider.
- 20 3. A map insert or description shall accurately locate the property by lot, section,
21 township, range or other appropriate description. ~~Metes and bounds description is~~
22 ~~not required.~~
- 23 4. Data table with current zoning, total number of proposed lots, and setbacks
24 required by the zoning district.
- 25 5. The general dimensions of the property including property lines, existing
26 easements, public and railroad right-of-way, buildings/structures, cemeteries,
27 watercourses, flood prone areas, and other natural or manmade features that may
28 impact development on or adjacent to the site.
- 29 6. The classification, location, dimensions, and name of all existing streets adjacent to
30 the property ~~shall be shown.~~
- 31 7. The approximate location, width, and proposed name ~~classification~~ of proposed
32 streets or alleys ~~on or adjacent to the site shall be shown.~~
- 33 8. ~~Topography at intervals not to exceed two (2) feet based on U.S.G.S. data shall be~~
34 ~~shown.~~
- 35 9. The approximate location and size of all existing sewer and water mains on or
36 immediately adjacent to the site.
- 37 10. ~~The approximate location and size of existing and proposed culverts, storm sewers,~~
38 ~~impoundments and other storm water management facilities on or immediately~~
39 ~~adjacent to the site shall be shown.~~
- 40 11. The approximate location, dimensions and configuration of all proposed ~~or existing~~
41 lots ~~shall be shown.~~
- 42 12. The approximate location and general layout of proposed water lines and sewage
43 collection and disposal systems ~~shall be shown.~~

44 45 **Sec 42.503 Preliminary Plat**

46 A preliminary plat is a more precise drawing of the proposed subdivision plan than the
47 sketch plat and is intended for detailed review by City, utility, and other officials. The
48 purpose is to provide a preliminary design for a more conceptual review. Review of a
49 preliminary plat is required for a major subdivision. ~~Only technical changes should~~
50 ~~differentiate the preliminary from the final plat, although the final plat need not include~~

1 topography. The preliminary plat shall include the property intended to be subdivided plus
2 all immediately adjacent property owned by the same person.

3
4 ~~**Preliminary Plat:**~~ The applicant or agent of the applicant shall submit to the Director a
5 subdivision application, the major subdivision application fee found in the Fee Schedule in
6 Section 42.143.1 of the Rolla Planning and Zoning Code, the appropriate recording fees, any
7 improvement plans or supplementary materials, and five copies of the preliminary plat to
8 the Director who, upon determining that the preliminary plat is complete, shall place the
9 application on the Commission's agenda.

10
11 A property owner or authorized representative may request a review of a preliminary plat
12 by submitting the following:

- 13 1. Completed application on forms supplied by the Community Development
14 Department;
- 15 2. Letter authorizing a representative to apply on behalf of the property owner, if
16 applicable;
- 17 3. Filing fee;
- 18 4. Five (5) Three (3) paper copies of the preliminary plat and an electronic copy (pdf
19 preferred) shall be provided, drawn to a scale of at least one (1) inch equals one
20 hundred (100) feet, (multiple sheets are acceptable). In addition, one (1) 8.5 x 11
21 copy of the preliminary plat shall be provided. Preliminary development plans
22 should be, whenever possible, provided at the time the preliminary plat is
23 submitted.

24
25 Drafting of the Plat: Preliminary plats shall include the following information:

- 26 1. ~~the~~ name of the subdivision;
- 27 2. Title indicating the plat to be a preliminary plat;
- 28 3. ~~the~~ name and address of the subdivider and ~~or~~ owner;
- 29 4. surveyor or engineers name;
- 30 5. north arrow, scale, date of preparation and any revisions, key, ~~or~~ location
31 map showing the subdivision location in the land section with major streets
32 identified and other pertinent data including:
- 33 6. A legal description of the land to be subdivided, with the total acreage
34 listed;
- 35 7. Data table with the current property zoning, total number of proposed lots,
36 and setbacks required by the zoning district;
- 37 8. Boundary lines showing traverse bearings and internal angles with
38 dimensions in hundredths of feet to close the traverse within a maximum
39 of one (1) foot in ten thousand (10,000) feet;
- 40 9. If a resubdivision, ~~the plat shall list~~ the lot or block numbers and the name
41 of the original subdivision;
- 42 10. All property lines, names of adjacent subdivisions, easements, rights-of-
43 way, street/alley/sidewalk pavement, and other significant features within
44 twenty-five (25) feet of the boundary of the plat; The name and location of
45 all adjoining subdivisions shall be drawn to the same scale and shown in
46 dotted lines on the plat in sufficient detail to accurately establish the
47 names of existing streets and their right of way widths, alleys and other
48 features that may impact the development. Adjacent unplatted land shall
49 be shown.

- 1 11. ~~The location, widths, grades, center line bearings of existing and proposed~~
2 ~~streets and distances;~~
- 3 12. Names of proposed and existing streets within and adjacent to the
4 subdivision;
- 5 13. ~~The location and dimensions of all existing and proposed alleys, easements,~~
6 ~~and other public rights-of-way shall be shown;~~
- 7 14. ~~The location of all existing property lines, buildings, sewer or water mains,~~
8 ~~electric power lines, gas mains, storm sewers and other underground~~
9 ~~structures;~~
- 10 15. ~~The arrangement, location, and dimensions of all proposed or existing lots,~~
11 ~~land to be dedicated for public use, and common lots, including lot area;~~
- 12 16. Lot and block numbers;
- 13 17. ~~Lot line bearings and angles, if other than ninety (90) degrees, shall be~~
14 ~~shown as they intersect with street, alley, or crosswalk lines;~~
- 15 18. Zoning district boundaries, when the property has more than one zoning;
- 16 19. Intended Building setback lines and dimensions shall be shown;
- 17 20. ~~Location, size, and area of any proposed land to be dedicated for public use~~
18 ~~or to be reserved by deed or covenant for the use of property owners in~~
19 ~~the subdivision and any conditions of such dedication or reservation;~~
- 20 21. ~~Protective covenants, is any, shall also be included;~~
- 21 22. Topography with contour intervals of not more than two (2) feet, referred
22 to USGS datum on and within twenty-five (25) feet of the boundary of the
23 plat;
- 24 23. ~~The locations of watercourses, wetlands, ravines, culverts, bridges, ponds,~~
25 ~~and other relevant features that might impact development;~~
- 26 24. Extents of any 100 and 500 year floodplain and the approximate BFE;
- 27 25. Proposed phases for development and filing of final plats, if applicable;
- 28 26. ~~The location and size of proposed sewers (storm and sanitary), together~~
29 ~~with information regarding any necessary improvements of such channels,~~
30 ~~as well as similar data regarding the location, size, and type of construction~~
31 ~~of any culverts, bridges, or facilities for disposing of either storm water or~~
32 ~~sanitary sewerage.~~
- 33 27. ~~Data regarding the area served by the facilities, the estimated volume of~~
34 ~~run-off and other related information shall accompany the development or~~
35 ~~construction plans. Proposed extents of stormwater detention;~~
- 36 28. ~~Any easement needed to accommodate the sewers or storm sewers shall~~
37 ~~be shown on the plat.~~
- 38 29. ~~Survey data: The plat shall provide information necessary to establish an~~
39 ~~accurate description and location including all arcs, radii, internal angles,~~
40 ~~points of curvature and tangent boundaries, and other pertinent survey~~
41 ~~data. Survey data shall meet standards promulgated by the State of~~
42 ~~Missouri, "Missouri Minimum Standards for Property Boundary Surveys",~~
43 ~~Division of Geology and Land Survey, Missouri Department of Natural~~
44 ~~Resources. Curve tables and line tables, if needed;~~
- 45 30. Signature block for the chairman of the Planning and Zoning Commission;

46
47 The Commission shall approve, conditionally approve, or disapprove the preliminary plat by
48 resolution. In any case, a notation of the action taken and the reason(s) the action was
49 taken shall be entered in the records of the Commission. ~~The preliminary plat and~~
50 ~~supplementary material along with the record of the Commission proceedings shall be~~
51 ~~forwarded to the City Council for consideration.~~

1
2 The approval of a plat by the commission does not constitute or effect an acceptance by
3 the municipality or public of the dedication to public use of any street or other ground
4 shown upon the plat. The final approval and acceptance of dedications is by the City
5 Council.

6
7 If disapproved, the subdivider may appeal the commission's decision to the City Council
8 within ninety days after the Commission's action. ~~No person shall present~~ If testimony to
9 the City Council that is substantially and materially different from that presented to the
10 Commission, the City Council may refer, unless the party can demonstrate that the
11 introduction of such evidence before the Commission was not in good faith reasonably
12 possible at the time of the Commission meeting. If the Director does not agree that such
13 evidence could not reasonably be presented at the time of the Commission meeting, the
14 matter shall be referred back to the Commission for their review with the new information
15 or evidence if it is found to be substantially or materially different from what had been
16 presented. The City Council may vote to override the Commission disapproval with a vote
17 of 2/3 of the City Council.

18
19 ***Effective Period of Preliminary Plat Approval:*** The approval of a preliminary plat shall be
20 effective for one year, unless a final plat is approved for any phase shown on the
21 preliminary plat. Once a final plat phase has been approved, the remainder of the
22 preliminary plat is effective for a period of ten (10) years, provided that any subsequent
23 final plat must adhere to any changes in the city codes since the approval of the preliminary
24 plat. The final plat must be submitted for approval within the one-year period or be
25 rendered null and void, except that the Commission may extend the effective period in six-
26 month increments with the written request by the subdivider justifying the extension. The
27 approved submission of a partial or phased final plat for a portion of a preliminary plat area
28 shall validate the remainder of the preliminary plat for a one-year period.

29
30 **Sec 42.504 Final Plat**

31 ***Final Plat:*** Following approval of the preliminary plat by the Planning and Zoning
32 Commission, the applicant shall prepare a final plat together with development plans for
33 the required public improvements, drawn under the supervision of a registered
34 professional engineer and attested to by his signature and seal, all in accordance with
35 applicable standards. The final plat shall be in substantial conformance to the approved
36 preliminary plat, as determined by the Director. Review of a final plat is required for all
37 major subdivision and minor subdivision requests which involve the dedication of
38 easements and/or rights-of-way.

39
40 The final plat is reviewed by city staff and comments are provided for needed revisions.
41 Once revised, the plat may be scheduled for review by the Planning and Zoning
42 Commission. The commission will make a recommendation to the City Council for approval,
43 disapproval, or approval with conditions.

44
45 Five copies of the original reproducible plat shall be submitted to the Director who shall
46 determine its completeness and substantial conformity. In addition, one 8.5" x 11" or one
47 11" x 17" copy of the final plat shall be submitted to the Director. The applicant shall submit
48 three digital copies of the final plat in a form that is acceptable to the Community
49 Development Department. The final plat and any supporting materials shall be submitted
50 to the City Council for their approval. The City Council may accept the final plat, accept the

1 final plat and impose changes or conditions, or may reject the final plat if it is found to be
2 inconsistent with any City ordinance.

3
4 ~~Once the preliminary plat is approved by the Commission, the applicant shall submit five (5)~~
5 ~~copies plus one (1) original of the final plat reflecting any required changes. In addition, one~~
6 ~~(1) 8.5 x 11 or one (1) 11 x 17 copy of the final plat with revisions shall be submitted. Copies~~
7 ~~of the final plat shall be delivered to the Director for distribution to City and utility company~~
8 ~~personnel. The final plat shall resemble in all material respects the preliminary plat,~~
9 ~~excluding topography, except that required changes or modifications shall be shown on the~~
10 ~~final plat.~~

11
12 Final development plans shall be submitted for review along with the final plat. Computer
13 source copies of the final plat and development plans shall be prepared and submitted
14 using Computer Assisted Drafting and Design (CADD) format that is compatible with the
15 latest version of AutoCAD (dwg.format) used by the City. ~~The development plans shall be~~
16 ~~filed within thirty (30) days following the submittal of the final plat. CADD files shall be~~
17 ~~submitted referenced to the Missouri Coordinate System of 1983 (Revised 1996) Standards~~
18 ~~of Practice No. 7.~~

19
20 A property owner or authorized representative may request a review of a final plat by
21 submitting the following:

- 22 1. Completed application on forms supplied by the Community Development
23 Department;
- 24 2. Letter authorizing a representative to apply on behalf of the property owner, if
25 applicable;
- 26 3. Filing fee;
- 27 4. Three (3) paper copies of the final plat and an electronic copy (pdf preferred);
- 28 5. Civil plans for any proposed streets, sanitary sewers, storm sewer, or other public
29 infrastructure;
- 30 6. Copy of proposed HOA documents, protective covenants, private easements, cross-
31 access agreements, maintenance agreements, etc., if applicable.

- 32
33 Final plats must include the following information:
- 34 1. Name of the subdivision;
 - 35 2. Name and address of the subdivider and owner;
 - 36 3. Surveyor or engineers name;
 - 37 4. North arrow, scale, date of preparation and any revisions, key, location
38 map showing the subdivision location in the land section with major streets
39 identified;
 - 40 5. A legal description of the land to be subdivided, with the total acreage
41 listed;
 - 42 6. Boundary lines showing traverse bearings and internal angles with
43 dimensions in hundredths of feet to close the traverse within a maximum
44 of one (1) foot in ten thousand (10,000) feet;
 - 45 7. If a resubdivision, the lot or block numbers and the name of the original
46 subdivision;
 - 47 8. Location, widths, and names of existing and proposed streets;
 - 48 9. Location and dimensions of all existing and proposed alleys, easements,
49 and other public rights-of-way;

- 1 10. Arrangement, location, and dimensions of all proposed lots, land to be
2 dedicated for public use, and common lots (setbacks should not be shown
3 on a final plat);
4 11. Lot and block numbers;
5 12. Lot line bearings and angles;
6 13. Curve tables and line tables, if needed;
7 14. Building or Construction Permits: To be placed on the plat.
8

9 ~~SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANT AS TO THE~~
10 ~~ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS. THE UNDERSIGNED~~
11 ~~OWNERS OF THE TRACT OF LAND HEREIN PLATTED DO HEREBY IMPOSE~~
12 ~~UPON SAID PROPERTY AND DO HEREBY MAKE THE FOLLOWING~~
13 ~~RESTRICTIVE COVENANT: NO CONSTRUCTION MAY BE COMMENCED UPON~~
14 ~~THE ABOVE DESCRIBED PROPERTY UNTIL ALL NECESSARY BUILDING AND~~
15 ~~CONSTRUCTION PERMITS HAVE BEEN ISSUED BY THE CITY OF ROLLA,~~
16 ~~MISSOURI AND THAT IT IS UNDERSTOOD BY THE UNDERSIGNED THAT NO~~
17 ~~SUCH PERMITS SHALL BE ISSUED FOR ANY LOTS HEREIN PLATTED UNTIL~~
18 ~~THE COMPLETION OF ALL PUBLIC IMPROVEMENTS APPERTAINING TO SUCH~~
19 ~~LOTS OR UNTIL A CASH BOND EQUAL TO THE REASONABLE COSTS OF~~
20 ~~COMPLETING SUCH PUBLIC IMPROVEMENTS HAS BEEN RECEIVED AND~~
21 ~~APPROVED BY THE CITY OF ROLLA, MISSOURI. THE ABOVE MENTIONED~~
22 ~~PUBLIC IMPROVEMENTS SHALL BE COMPLETED PURSUANT TO THE~~
23 ~~AGREEMENT BETWEEN THE UNDERSIGNED AND THE CITY OF ROLLA,~~
24 ~~MISSOURI FOR THE COMPLETION OF SUCH IMPROVEMENTS AS REQUIRED~~
25 ~~BY ARTICLE II, CHAPTER 42 OF THE CITY CODE OF ROLLA, MISSOURI.~~

- 26 15. Surveyor's Certificate: To be placed on the plat.
27

28 KNOW ALL MEN BY THESE PRESENTS:

29
30 THAT I, _____, DO HEREBY CERTIFY THAT THIS PLAT MEETS
31 MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS
32 AND WAS PREPARED UNDER MY SUPERVISION FROM ACTUAL SURVEY OF
33 THE LAND HEREIN DESCRIBED PREPARED BY _____ DATED
34 _____ AND SIGNED BY _____ L.S. NO. _____ AND THAT
35 CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE
36 PLACED UNDER THE PERSONAL SUPERVISION OF _____ L.S. NO.
37 _____ IN ACCORDANCE WITH ARTICLE II, CHAPTER 42, OF THE CITY CODE
38 OF ROLLA, MISSOURI.

- 39 16. Deeding: If applicable, An express deeding to the public use the streets,
40 alleys, rights-of-way, easements and any parkland or open space to be
41 deeded to the public shall be shown on the plat with a notarized signature
42 block for of the owner(s).
43

44 _____ OWNER(S) OF THE PROPERTY SHOWN AND DESIGNATED
45 HEREON, HEREBY DEED AND CONVEY THE STREETS, ALLEYS, RIGHTS-OF-
46 WAY, EASEMENTS, PARKS, AND PUBLIC DEDICATIONS SHOWN HEREON TO
47 THE CITY OF ROLLA, MISSOURI. FURTHER, (I OR WE) CERTIFY THAT THERE
48 ARE NO SUITS, ACTIONS, LIENS, OR TRUSTS ON THE PROPERTY DEEDED
49 AND CONVEYED HEREIN, AND WARRANT GENERALLY AND SPECIFICALLY
50 THE PROPERTY DEEDED AND CONVEYED HEREIN FOR PUBLIC USE AND
51 WILL EXECUTE SUCH FURTHER ASSURANCES AS MAY BE REQUIRED.

- 1 17. If applicable, a release of any liens or mortgages on any areas to be
 2 dedicated for public use.
 3 18. ~~And~~, Where land is dedicated to a cooperative association as open space,
 4 common area or facilities under a Planned Unit Development or cluster
 5 subdivision development the owner(s) shall place the following statement
 6 with notarized signatures on the final plat.
 7

8 _____ OWNER(S) OF THE PROPERTY SHOWN AND DESIGNATED
 9 HEREON, HEREBY DEED AND CONVEY THE OPEN SPACE, COMMON AREA
 10 OR COMMON FACILITIES SHOWN HEREON TO _____.
 11 FURTHER, (I OR WE) CERTIFY THAT THERE ARE NO SUITS, ACTIONS, LIENS,
 12 OR TRUSTS ON THE PROPERTY DEEDED AND CONVEYED HEREIN, AND
 13 WARRANT GENERALLY AND SPECIFICALLY THE PROPERTY DEEDED AND
 14 CONVEYED HEREIN FOR COMMON USE AND WILL EXECUTE SUCH FURTHER
 15 ASSURANCES AS MAY BE REQUIRED.

- 16 19. ~~Access Limitation:~~The following note shall be placed on all final plats
 17 where access limitations to collector streets, arterial streets or highways
 18 has been placed by the City Council: "LIMITS OF NO ACCESS." The lots and
 19 area affected by such limitation shall be clearly indicated. ~~Appropriate~~
 20 ~~release of such access limitation shall be included in the dedication on the~~
 21 ~~plat.~~
 22 20. ~~Improvement Acceptance:~~ If applicable, the acceptance and/or
 23 acknowledgement of all required public improvements and dedications, as
 24 shown on the development plans on file with the City Engineer, shall be
 25 attested on the final plat by the signatures of the City Engineer, the General
 26 Manager of Rolla Municipal Utilities, and the Parks Director.
 27 21. ~~Planning and Zoning Commission Approval:~~ The Chairman of the Planning
 28 and Zoning Commission ~~and the Community Development Director~~ shall
 29 sign the final plat to certify the Commissions approval:
 30

31 APPROVED THE _____ DAY OF _____, 20__, BY THE
 32 PLANNING AND ZONING COMMISSION OF ROLLA, MISSOURI

- 33 22. ~~City and County Tax Release:~~ The City of Rolla Finance Director and the
 34 Phelps County Collector of Revenue shall sign and date the final plat to
 35 certify that all taxes have been paid.
 36 23. ~~Certificate of City Council Approval:~~ The Mayor shall sign the final plat and
 37 his signature shall be attested by the City Clerk.
 38 24. ~~Recorder's Certificate:~~ The Recorder of Deeds for Phelps County shall sign
 39 the final plat upon recordation identifying the cabinet and file number of
 40 the plat.
 41

42 Within sixty (60) days after the submission of a plat to the Planning and Zoning commission,
 43 the commission shall recommend the City Council to approve or disapprove the plat;
 44 otherwise the plat is deemed recommended for approved by the commission, except that
 45 the commission, with the consent of the applicant for the approval, may extend the sixty
 46 (60) day period to address any deficiencies or recommended changes. ~~The ground of~~
 47 ~~disapproval of any plat by the commission shall be made a matter of record.~~
 48

49 The City Council may accept the plat dedications and authorize the mayor to sign the plat
 50 by ordinance. If accepted by the City Council, the plat may be recorded with the Phelps
 51 County Recorder of Deeds once all required signatories have signed the plat, all fees have

1 been paid, and the public improvements have been constructed or the required guarantees
2 have been submitted the Director shall sign and record the plat after all other signatures
3 have been obtained and the provisions of Section 42-30 the Rolla City Code concerning
4 public improvements have been satisfied.

5
6 The applicant is responsible for the recording of the plat with the Phelps County Recorder
7 of Deeds and all associated costs. The applicant must provide the record number to the
8 Community Development Department after recording the plat. The plat will be deemed
9 invalid if not recorded within one (1) year of the acceptance by City Council. A copy of the
10 recorded plat must be provided to the Community Development Department.

11
12 The Community Development Director may approve minor changes to the plat after City
13 Council acceptance and prior to recording for corrections, minor adjustments, or changes
14 needed due to field conditions when constructing infrastructure.

15
16 If not approved ~~rejected~~, the Director shall attach a statement to the plat outlining the
17 reasons for such ~~disapproval~~ ~~rejection~~ for return to the applicant.

18
19 The final plat shall not be approved by City Council until the development plans have been
20 accepted by the City Engineer and the Rolla Municipal Utilities Engineering Department and
21 the infrastructure has been built and is ready for acceptance or the improvement
22 guarantee has been provided.

23
24 **Sec 42.505 Minor Subdivision**

25 A minor subdivision is an administrative process for subdivisions which create no more than
26 five (5) additional lots.

27
28 If street, waterline, sewer line, or storm sewer infrastructure is found to be needed for the
29 proposed lots of a minor subdivision, the applicant may submit improvement plans for the
30 needed infrastructure, construct the infrastructure, and cause said infrastructure to be
31 accepted by the city prior to pursuing the minor subdivision application; or the applicant
32 may submit the request following the process for a final plat.

33
34 If additional easements or other dedications are found to be required due to the
35 subdivision, the applicant may submit the request following the process for a final plat or
36 may submit the dedications by separate instrument and cause such instruments to be
37 accepted and recorded prior to approval of the minor subdivision.

38
39 If no street, waterline, sewer line, or storm sewer infrastructure or additional dedications
40 are needed for the proposed subdivision, the applicant may follow the abbreviated process
41 of this sub-section.

42
43 A property owner or authorized representative may request a review of a minor subdivision
44 by submitting the following:

- 45 1. Completed application on forms supplied by the Community Development
46 Department;
- 47 2. Letter authorizing a representative to apply on behalf of the property owner, if
48 applicable;
- 49 3. Filing fee; and
- 50 4. Three (3) paper copies of the final plat and an electronic copy (pdf preferred).

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Minor subdivision plats must include the following information:

1. All information required of a preliminary plat for a first submittal.
2. All information required of a final plat for the final submittal to be recorded, except that the signature block for the Planning and Zoning Commission must be replaced with a signature block for the Community Development Director; and the dedication language must be replaced with a signature block for the property owners to state that they are causing the plat to be created.

The Community Development Department receives the plat submittals and coordinates review by city staff. The applicant may submit the final version of the plat once all comments are addressed.

If approved, the plat may be recorded with the Phelps County Recorder of Deeds once all required signatories have signed the plat and all fees have been paid.

The applicant is responsible for the recording of the plat with the Phelps County Recorder of Deeds and all associated costs. The applicant must provide the record number to the Community Development Department after recording the plat. The plat will be deemed invalid if not recorded within one (1) year of approval.

If disapproved, the applicant may appeal the decision to the Board of Adjustment or may request the subdivision be processed following the processes for a final plat.

~~The required submission of a preliminary plat may be waived for land use actions that are carried out through the minor subdivision process. The application and approval procedures for land use actions that are carried out through the minor subdivision process are as follows:~~

- ~~1. The applicant or agent of the applicant shall submit to the Director a subdivision application, the minor subdivision application fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code, the appropriate recording fees, five copies of the final plat, and any improvement plans or other supplementary materials.~~
- ~~2. The Director shall place the final plat on the Commission's agenda following review by City and utility companies' staff. If revisions are requested from staff, those requests shall be communicated to the applicant or agent responsible for considering such requests.~~
- ~~3. The Commission shall review the final plat and supplementary material and any recommendations from agencies or officials. The Commission may approve as submitted, approve with conditions, or disapprove the final plat. If disapproved, the Commission shall express its reasons for this action, which shall become part of the official record.~~
- ~~4. The final plat and supplementary material along with the record of the Commission proceedings shall be forwarded to the City Council for consideration. If approved by the City Council, the Director shall sign the final plat and ensure that the provisions of Section 42-30 the Rolla City Code concerning public improvements have been satisfied prior to its recording with the Recorder of Deeds of Phelps County. The applicant shall submit three digital copies of the final plat in a form that is acceptable to the Community Development Department.~~

- 1 5. ~~If disapproved by the Commission, the subdivider may appeal the decision to the~~
2 ~~City Council within ninety days after the Commission's action.~~
3
4

5 **Sec 42.506 Lot Consolidation and Lot Line Adjustments**

6 Lot consolidations and lot line adjustment applications are reviewed administratively. A lot
7 consolidation is recorded on the city records to enable the interior lot lines to be
8 disregarded for setbacks, bulk standards, etc. A lot line adjustment allows for the lot lines
9 to be relocated if such change follows all zoning requirements.

10
11 No street or utility extensions or dedications must be necessary for the lot consolidation or
12 lot line adjustment.

13
14 A property owner or authorized representative may request a review of a lot consolidation
15 or lot line adjustment by submitting the following:

- 16 1. Completed application on forms supplied by the Community Development
17 Department;
18 2. Letter authorizing a representative to apply on behalf of the property owner, if
19 applicable;
20 3. Filing fee;
21 4. One (1) paper copy of a lot consolidation/lot line adjustment exhibit and an
22 electronic copy (pdf preferred); and
23 5. Proposed legal descriptions of the affected lots.
24

25 The lot consolidation/lot line adjustment exhibit is not required to be prepared by a
26 registered land surveyor, but the exhibit must:

- 27 1. be prepared to be to scale;
28 2. show the entirety of all affected lots;
29 3. provide an approximate distance from proposed property lines to any
30 existing buildings if the building could potentially be within a required
31 setback;
32 4. show the approximate location of sewer and water service lines; and
33 5. include the property address(s), the property owner(s) names, north arrow,
34 and scale.
35

36 The Community Development Director may reject an exhibit not prepared by a surveyor if
37 the exhibit does not show the required information and/or does not clearly indicate the
38 purpose of the lot consolidation/lot line adjustment.

39
40 The Community Development Department receives the application and submittals and
41 coordinates review by city staff.
42

43 For a lot consolidation, the prepared deeds must include the following language:

44 The intent of this instrument is to permanently combine the lots included in the
45 legal description to allow them to be treated as one lot for the purposes of building
46 permits and zoning. The lot(s) may not be separated unless approved by the City of
47 Rolla.
48

1 If approved, the applicant may record a deed(s) to combine the lots or to adjust the lot
2 lines with the Phelps County Recorder of Deeds. The applicant must provide a copy of the
3 recorded deeds to the Community Development Department.

4
5 The approval of the lot consolidation/lot line adjustment will be deemed invalid if deeds
6 are not recorded within one (1) year of approval.

7
8 If disapproved, the applicant may appeal the decision to the Board of Adjustment.

9
10 **Sec 42.507 Subdivision Exceptions**

11 The Commission may approve a subdivision exception variance from the provisions of this
12 section Article where it finds that an undue hardship or practical difficulty may result from
13 requiring strict compliance with this section Article. A subdivision exception variance may
14 be approved so that substantial justice may be achieved and the public interest secured,
15 provided that any such variance shall not have the effect of nullifying the expressed
16 purpose of this Zoning and Subdivision Code Article.

17
18 No application for preliminary plat which would create conditions requiring a variance or
19 exception from zoning regulations by the Board of Adjustment, shall be submitted to the
20 Commission unless and until the applicant's petition for variance or exception shall have
21 been first approved by the Board of Adjustment.

22
23 No subdivision exception variance shall be granted by the Commission unless it is found
24 that:

25 (1) The granting of the subdivision exception variance would not be detrimental to
26 the public safety, health, or welfare or be injurious to other property or
27 improvements in the vicinity of the subject property; and

28 (2) The conditions upon which the request for subdivision exception variance is
29 based are unique to the property for which the subdivision exception variance is
30 sought, are generally not applicable to other properties, and are not self-imposed;
31 and

32 (3) Because of the particular physical surroundings, shape or topographical feature
33 of the specific property involved, a particular hardship to the owner would result,
34 as distinguished from a mere inconvenience, depriving the owner of the reasonable
35 use of his land should the strict interpretation of these regulations be enforced;
36 and

37 (4) The subdivision exception variance will not in any manner abrogate the goals,
38 objectives, or policies of the Rolla Comprehensive Plan.

39
40 The Commission shall be empowered to grant subdivision exceptions variances with
41 respect to the improvements and the design standards relative to ~~lot dimension~~ and
42 arrangement, street location, alignment, the location and alignment of easements, ~~building~~
43 ~~lines~~ and similar standards. The Commission may establish certain conditions on
44 subdivision exception variance approval that will, in the judgment of the Commission,
45 substantially secure the purpose of this Zoning and Subdivision Code Article.

46
47 If denied by the Commission, the City Council shall review the ~~any~~ denial for a variance ~~or~~
48 ~~any conditions attached to a variance approval only~~ upon a written appeal by an applicant
49 ~~and only upon the written record made before the Commission.~~

50
51 Variances shall be reviewed in accordance with one of the following procedures:

1
2 Requests for subdivision exceptions ~~variances~~ may be submitted concurrently with the
3 review of the preliminary plat; or final plat if it is a minor subdivision ~~and reviewed with the~~
4 ~~subdivision~~. The written subdivision exception variance request shall state precisely the
5 provisions from which a subdivision exception variance is needed along with the reasons
6 for the subdivision exception variance, particularly as the request relates to the conditions
7 of subdivision exception variance approval.

8
9 Requests for subdivision exceptions ~~variances~~ may be submitted independent of plat
10 review if the applicant can show good cause why such request was not made when the plat
11 was filed. Such requests must be approved by both the Commission and the City Council.

12
13 ~~Within thirty (30) days after Commission has acted on a variance, the City Council may elect~~
14 ~~to disapprove a preliminary or final plat based on the approval of a subdivision exception~~
15 ~~by the Commission conduct an independent review of any variance request and may grant,~~
16 ~~reverse, modify, or affirm the decision by the Commission based on the conditions for~~
17 ~~variance approval.~~

18
19 **Sec 42.508 – 42.509 Reserved**

20
21

1 **Sec 42.510 Subdivisions – Additional Options**

2
3 Phasing. Proposed phasing should be shown on the preliminary plat. The Director, with
4 input from the City Engineer, shall determine if the proposed phasing of the final plat
5 satisfies the following these requirements. The final plat for any major subdivision that has
6 received preliminary approval may be submitted in sections or phases provided: (a) each
7 phase satisfies the requirements set forth in this Subdivision Code Article and other City
8 ordinances; (b) all required improvements are provided for each phase along with any
9 other necessary improvements to secure the subdivision's orderly development; and (c)
10 adequate assurances are made for the completion of improvements required for each
11 phase.

12
13 Re-platting/Re-subdivision. Re-subdivision shall be required to change an approved or
14 recorded final plat through the final plat process when such change will affect public right-
15 of-way, areas reserved for public use, easements, ~~or any lot line, dimension or bearing.~~
16 ~~However,~~ the vacation of right-of-way, areas reserved for public use and easements
17 dedicated to the City ~~on the plat may be approved by the City Council pursuant to~~
18 ~~applicable regulations without re-subdivision.~~

19
20 Purpose: Cluster subdivisions. Cluster subdivisions may be approved which will result in
21 improved living and working environments; which will promote affordable housing by
22 reducing development costs and encourage a variety of dwelling types; which will support
23 ingenuity and originality in total subdivision design; and which will preserve open space for
24 recreational, scenic and public service purposes. To achieve these purposes:

- 25 1. Variations in lot areas, widths, lot coverage and setbacks are permitted as
26 long as overall dwelling unit densities established for the respective
27 residential zoning district are not exceeded;
- 28 ~~2. Flexibility in the forms of property ownership and building types are~~
29 ~~allowed as long as only the uses in the particular zoning district are~~
30 ~~permitted;~~
- 31 3. Procedures are established to assure adequate maintenance and restricted
32 use of open space areas for the inhabitant's benefit only or for dedication
33 to public use; and
- 34 4. Procedures are established to assure adequate protection of existing and
35 potential developments adjoining the proposed cluster subdivision.

36
37 ~~Cluster Subdivision Standards:~~ The minimum size of a lot of record within a residential
38 cluster subdivision shall be three-thousand (3,000) square feet ~~in the R-R (rural residential~~
39 ~~district) and R-1 (single family district) Two thousand (2,000) square feet in the R-2 (two~~
40 ~~family district); and One thousand (1,000) square feet in the R-3 (multi-family district).~~

41
42 ~~Cluster Open Space Requirements:~~ All lot size reductions shall be compensated for by an
43 equivalent amount of land permanently preserved as open space or common area;
44 excluding parking lots, private drives, open storage areas or any land which has been or will
45 be conveyed to a public agency under a purchase agreement or to meet the park land
46 dedication requirements. The open space may be dedicated to the public in the manner
47 prescribed herein or may remain in private ownership. ~~If privately owned, the subdivider~~
48 ~~shall provide documentation satisfactory to the Director of Community Development,~~
49 ~~Commission and City Council that the appropriate legal arrangements have been or will be~~
50 ~~put in place to assure its maintenance and preservation.~~

1 ~~Cluster Subdivision Approval:~~ Cluster subdivisions shall be considered as a major
2 subdivision regardless of the number of proposed lots and shall be approved using the
3 ~~procedure outlined in Sec. 42-25.2., except that~~ The sketch plan review shall be mandatory.
4

5 The Commission must find that the proposed cluster subdivision is ~~shall be~~ consistent with
6 the Rolla Comprehensive Plan; ~~and:~~ Will provide usable and accessible open space for
7 recreation or public use based on the size, shape, and topographic characteristics of the
8 site; and Will include open space with significant and irreplaceable natural and manmade
9 features.

10
11 The plat must describe all reductions in lot size, setbacks, lot coverage, etc. approved by
12 the plat.

13
14 ~~Will be adequately served by essential public facilities and services such as streets,~~
15 ~~sewerage, public water and electric supply, police and fire protection, and storm water~~
16 ~~drainage structures; or the person responsible for the establishment of the proposed~~
17 ~~cluster subdivision will provide these facilities and services;~~

18
19 Zero lot line. The purpose of zero lot line construction is to permit a procedure for
20 development that will result in improved living and working environments; which will
21 promote more economic subdivision layout; which will encourage a variety of types of
22 residential dwellings; which will support ingenuity and originality in total subdivision
23 design; and which can preserve open space to serve the recreational, scenic and public
24 service purposes related thereto, all within the densities established by the zoning district
25 in which the zero lot line construction is permitted.

26
27 The required side yard setback in the R-1 and R-2 Districts may be zero (0) on one side of
28 the lot provided:

- 29 1. The lot adjacent to that side is also owned by the applicant or proof of consent is
30 provided from the adjacent lot owner at the time of initial construction and the
31 minimum side yard setback for such adjacent lot is either zero (0) or not less than
32 ten (10) feet;
- 33 2. The opposite side yard must be a minimum of ten (10) feet;
- 34 3. The adjacent side yard setback is perpetually maintained free and clear of any
35 obstructions other than a three (3) foot eave encroachment, normal landscaping,
36 patios, garden walls or fences unless it is a zero (0) side yard;
- 37 4. The wall located at the zero (0) side yard setback is constructed with easily
38 maintained, solid material without windows, except clerestory windows;
- 39 5. No portion of the dwelling or architectural features project over any property lines;
40 and
- 41 6. The zero (0) side yard is not adjacent to a public or private street or alley right-of-
42 way.

43
44 ~~The required rear yard setback in the R-1 and R-2 Districts may be zero (0) provided:~~

- 45 ~~1. The lot adjacent to the rear yard is also owned by the applicant or proof of consent~~
46 ~~is provided from the adjacent lot owner at the time of initial construction and the~~
47 ~~minimum rear yard setback satisfies the rear yard setback requirements of the~~
48 ~~zoning district, however, in no case shall the minimum rear yard be less than ten~~
49 ~~(10) feet unless it is zero (0);~~
- 50 ~~2. The adjacent rear yard setback is perpetually maintained free and clear of any~~
51 ~~obstructions other than a three (3) foot eave encroachment, permitted accessory~~

1 uses, such as a swimming pool or garage, as well as normal landscaping, patios,
2 garden walls or fences unless it is a zero (0) rear yard;

3 ~~3. The wall located at the zero (0) rear yard setback is constructed with easily
4 maintained, solid materials without windows;~~

5 ~~4. No portion of the dwelling or architectural features project over any property lines;
6 and~~

7 ~~5. The zero (0) rear yard is not adjacent to a public or private street or alley right-of-
8 way.~~

9
10 No lot may have both a zero (0) side yard and a zero (0) rear yard.

11
12 Appropriate private maintenance and use easements shall be shown included on the final
13 plat for all affected properties. ~~Where a final plat is not required,~~ the maintenance and use
14 easement shall be included in the deed or deeds for all affected properties. A separate
15 private covenant or easement must be filed for the private maintenance and use easement.

16
17 The zero (0) side ~~or rear yard~~ wall shall be placed precisely on the lot (property line) with a
18 perpetual maintenance easement on the adjacent lot.

19
20 A zero lot line lot may be created through a minor subdivision or major subdivision. Before
21 construction of a zero lot line dwelling commences, an application, accompanied by a
22 precise site plan, shall be submitted to the Planning and Zoning Commission and approved
23 or conditionally approved by the Commission prior to the issuance of building permits for
24 the dwelling. Said plan shall delineate all structures proposed for initial construction. The
25 Commission, after review, may approve, conditionally approve, or deny the proposed plan.
26 In its review, the Commission shall consider placement of all structures, building material,
27 finishing of the wall constructed along the side or rear lot line, and any impacts on adjacent
28 property owners.

30 **Sec 42.511 Design Requirements – General**

31
32 In addition to the requirements established herein, all subdivision plats shall comply with
33 the relevant laws, rules, and regulations, such as the City's zoning code, and regulations of
34 the Phelps County Health Department and/or appropriate State agencies, Missouri
35 Department of Transportation if abutting a State highway, and appropriate State and
36 federal agencies. ~~Subdivision lot lines shall conform to the municipal boundary lines when a~~
37 ~~subdivision abuts unincorporated land.~~

38
39 The proposed name of the subdivision shall not duplicate or sound like the name of any
40 other subdivision, any existing or platted street, or any unrelated established business or
41 development in Phelps County. Whenever final plats of a subdivision are approved in
42 phases, each submittal for final approval shall be numbered consecutively.

43
44 Re-plats may be approved with a different subdivision name from the original plat, or may
45 numbered consecutively. The sub-title of any re-plat must reference the original plat and
46 refer to the re-plat as a re-plat or re-subdivision, i.e. "YYY Subdivision, a Re-plat of ZZZ
47 Subdivision, Lot 1"; or "ZZZ Subdivision Number 2, a Re-plat of ZZZ Subdivision, Lot 1".

48 49 **Sec 42.512 Design Requirements – Streets**

50 Conformity: The character, extent, width, grade, and location of all streets shall conform to
51 the Comprehensive Plan Official Map or Major Thoroughfare Plan and shall be considered

1 in their relation to existing and planned streets, to topographic conditions, to public
2 convenience and safety, and in their relation to proposed adjoining land uses. Where not
3 shown on any map or plan, the arrangement and other design standards of streets shall
4 conform to the provisions found herein.

5
6 Relation to Adjoining Streets: The arrangement of streets in new subdivisions shall make
7 provision for the continuation of the existing streets into the abutting subdivision or tract
8 where appropriate and must connect to adjoining streets or street rights-of-way which
9 dead end at the boundary line.

10
11 Projection Extension of Streets: The Planning and Zoning Commission may require that
12 street rights-of-way be extended to the property line to facilitate future connectivity.
13 Generally, streets should be extended to larger, undeveloped/developable property at
14 intervals of approximately 500 to 1,200 feet, except in cases where site conditions would
15 make connection unnecessary, undesirable, or impractical. ~~When a new subdivision adjoins~~
16 ~~unplatted or undeveloped land, new streets shall be carried to the boundaries of such tract.~~
17 A temporary turnaround approved by the City Engineer shall be installed at this point
18 unless the terminus of the new street is less than two hundred (200) feet from the
19 intersecting right-of-way of an existing street.

20
21 Secondary access: All new subdivisions must adhere to the International Fire Code,
22 Appendix D, as amended and adopted, for emergency vehicle access. ~~of twenty five (25)~~
23 ~~lots or more shall be designed to provide at least two means of ingress and egress to the~~
24 ~~subdivision using a public street. The City Engineer may approve the use of dead end~~
25 ~~streets abutting undeveloped property with the understanding that a connecting street will~~
26 ~~be constructed to provide ingress and egress once said abutting property is developed.~~

27
28 Street Jogs Prohibited: Street jogs with centerlines offsets of less than one hundred fifty
29 (150) feet shall be prohibited.

30
31 Dead-end Street or Cul-de-Sac: Dead-end streets or cul-de-sacs shall require a turnaround
32 at intervals not to exceed six hundred (600) feet and shall be provided at the closed end
33 with a turnaround having an outside roadway diameter of at least eighty four (84) feet and
34 a minimum property line diameter of one hundred (100) feet. If a dead-end street is of a
35 temporary nature, the City Engineer may require a similar turnaround along with provisions
36 made for the future extension of the street. The City Engineer may approve alternative
37 turnaround standards, such as "hammerhead" or "Y" configurations, if adequately designed
38 to provide traffic circulation and better land use.

39
40 Dead-end Street or Cul-de-sacs generally discouraged, except in limited cases, as
41 determined by the Commission, where adjacent properties are fully developed, drainage
42 ways, areas with steep slopes, areas with existing buildings or common areas, railroads,
43 highways, and adjacent to properties with a different zoning classification. The Commission
44 may require that dead ends or cul de sacs be eliminated, where possible.

45
46 Marginal Access or Service Streets: ~~Where a subdivision abuts or contains an existing~~
47 ~~arterial street or highway the Commission may require marginal access streets or other~~
48 ~~treatment as may be necessary for adequate protection of residential areas and to separate~~
49 ~~through and local traffic.~~

50

1 Minor Streets: Minor streets shall be arranged so as to discourage through traffic, to permit
2 efficient drainage and utility systems, and to require the minimum number of streets
3 necessary to provide convenient and safe access to all properties. Minor streets should
4 provide connectivity within a neighborhood and connectivity between neighborhoods.
5

6 Street Widths: The street pavement width required must adhere to the latest typical street
7 section standards published by the Rolla Department of Public Works. The right-of-way
8 width required to be dedicated and the pavement width required to be constructed shall
9 be:

Street Type	Right of Way Width***	Pavement Width****
Cul-de-Sac	50'	30'
Lane*	50'	30'
Minor (Local)*	50'	30'
Collector**	50'	34'
Collector-Commercial	60'	34'
Arterial	80'	34'
Highway/Freeway	variable	variable

* Parking permitted on both sides of the street

** Parking permitted on one side only.

*** Greater right-of-way widths may be required as determined by traffic projections
made

by the City Engineer for commercial or industrial areas.

**** Measured from the back of the curb.

10
11 Street widths in commercial and industrial zones: Greater right-of-way widths may be
12 required as determined by traffic projections made by the City Engineer for commercial or
13 industrial zones.
14

15 Right-of-way dedication: Additional rights-of-way may be required for adjacent streets and
16 roads which for which the existing rights-of-way are not adequate.
17

18 Street width reduction: The right-of-way and pavement width required for public or private
19 streets may be reduced for developments which provide for off-street parking. Such street
20 paving and right-of-way width may be reduced as determined by the City Engineer if
21 adequate easements for utilities are provided. Barrier curbs and appropriate signage are
22 required to prevent parking on the street. A minimum of one space for each lot/dwelling
23 unit of private off-street parking must be provided for guests. Sidewalks are required on
24 both sides of the street.
25

26 ~~Low-Density Residential Subdivisions: In low-density, single-family residential subdivisions,~~
27 ~~pavement widths of minor streets not designed to accommodate through traffic may be~~
28 ~~reduced to twenty (20) feet. Sidewalks may not be required along minor streets. The City~~
29 ~~Engineer may waive requirements for curb and guttering if adequate provisions have been~~
30 ~~made for storm water drainage. The subdivision must comply with the following criteria:~~

- 31 • ~~(a) Overall density may not exceed one (1) dwelling unit per two (2) acres.~~
- 32 • ~~(b) Lot width abutting the street is not less than two hundred fifty (250) feet at the~~
33 ~~building line.~~

- ~~• (c) In all other respects, street paving and related public improvements shall be provided in accordance with the design standards contained or referenced herein.~~

Intersections: Streets shall intersect one another at as near a ninety (90) degree angle as is possible. No intersection of streets at angles less than seventy (70) degrees shall be approved. At each street intersection the property line at the block corner shall be rounded with a curve having a radius of not less than twenty five (25) feet. The intersection of more than two (2) streets at any one (1) point shall be prohibited.

Subdivision into Tracts Larger than Ordinary Building Lots: Where a tract is subdivided into larger parcels than ordinary building lots, as determined by the Director, such parcels shall be arranged so as to allow the opening of future streets and future subdivision.

Curves: A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all streets, except for minor streets.

~~Street Grades: The subdivider shall provide the City Engineer with development plans and drawings which show the grades of all streets and curbs within each subdivision. Street grades shall not exceed five (5) percent for arterial streets, seven (7) percent for collectors, and nine (9) percent for minor or lesser streets. No street grades shall be less than one-half (1/2) of one (1) percent.~~

~~Reserve Strips: Reserve strips that control access to abutting streets and, as determined by the Director, do not provide sufficient area to be of practical use under the area's existing zoning classification, shall be prohibited except under conditions approved by the Commission and City Council or for double or reversed frontage lots.~~

~~Parallel Streets: Where a subdivision borders on or contains a railroad or a limited access street right-of-way, the Commission may require the construction of a parallel street on one (1) or both sides of such right-of-way, at a distance suitable for the appropriate use under present zoning of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grade separation.~~

~~Half-Street Prohibited: Half-streets, streets for which less than the full required rights-of-way are dedicated, shall be prohibited except to complete the remaining half of an existing half-street where essential to the reasonable development of a subdivision in conformity with the other requirements of this Article and with the approval of the City Engineer. ~~Wherever a half street is adjacent to a tract to be subdivided, the other half of the street right-of-way shall be platted within such tract.~~~~

~~Street Names and Numbers: Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of, or in alignment with and within two thousand (2,000) feet, the existing or platted street. In such cases, it shall carry the name of the existing street. Names shall be easily spelled and pronounced. ~~Street addresses shall be assigned in compliance with the addressing system of the City.~~~~

~~Access to Streets Across Ditches: The subdivider shall provide access from all platted lots to all proposed streets across drainage or other ditches in accordance with standards of the Public Works Department.~~

1 ~~Private Streets: Private streets may be required where the street would not provide access~~
2 ~~for individual platted lots. Private streets shall be improved in accordance with City~~
3 ~~standards and specifications. Private streets are discouraged and may be permitted only~~
4 ~~where the City Council finds:~~
5 ~~a. that private ownership, control and maintenance of street right-of-way is~~
6 ~~integral to the design and function of the subdivision;~~
7 ~~b. provision has been made for the continuing and adequate maintenance of such~~
8 ~~streets;~~
9 ~~c. there is evidence that the property rights, including rights of access of persons~~
10 ~~purchasing land within and adjacent to the subdivision, are safeguarded to the~~
11 ~~degree they would be protected if the streets were dedicated to the public;~~
12 ~~d. the public interest and welfare is not jeopardized.~~

14 Gated Subdivisions: Gated subdivisions are discouraged and may only be approved where
15 all impacted streets are private. Adequate provisions for turnarounds must be provided.

17 Alleys: Alleys may be platted in any subdivision with right-of-way widths of no less than
18 twenty (20) feet. Dead-end alleys shall not be permitted, except where adequate
19 turnaround is provided.

21 ~~Access: All existing tracts of record are guaranteed at least one driveway to a public street~~
22 ~~or right of way, either directly or by access easement, except as set forth below: Collector~~
23 ~~Streets: Access to existing properties fronting on collector streets is subject only to design~~
24 ~~and construction standards. However, when New tracts or lots in the R-1 and R-2 districts~~
25 ~~are created through the subdivision process with frontage on a collector or arterial street,~~
26 ~~residential lots accommodating less than five (5) dwelling units will not be allowed direct~~
27 ~~access to a collector or arterial street unless no other access is possible. For nonresidential~~
28 ~~subdivisions or mixed use developments, one (1) driveway shall be allowed for each two~~
29 ~~hundred (200) feet of frontage and shall, at a minimum, be located fifty (50) feet from the~~
30 ~~near right-of-way line of any intersecting street. Tracts less than two hundred (200) feet in~~
31 ~~width may share a common access with adjoining lots or take access from a minor street.~~
32 ~~Arterial Streets: Access to existing properties fronting on arterial streets is subject only to~~
33 ~~design and construction standards. When new tracts or lots are created through the~~
34 ~~subdivision process with frontage on an existing or proposed arterial street, access shall be~~
35 ~~limited to one (1) driveway for each two hundred fifty (250) feet of frontage. Driveway~~
36 ~~entrances shall be at least two hundred (200) feet from the near right-of-way line of any~~
37 ~~intersecting street. Tracts of less than two hundred fifty (250) feet in width must either~~
38 ~~share a common access with adjoining lots or take access from a minor or collector street.~~
39 ~~Highway Access: No direct access is allowed from any property to a highway unless no~~
40 ~~other direct access or indirect access (via easement) is available. All other properties will be~~
41 ~~required to take access from a minor, collector, or arterial streets. Shared access~~
42 ~~easements may be required for any proposed lots fronting on collector or arterial streets.~~
43 Any needed access easements must be shown on the plat.

45 Access Restrictions. Access restrictions may be created by covenant on a plat. Access may
46 be limited on collector and arterial streets.

48 **Sec 42.513 Design Requirements – Utilities**

49 An easement for utilities ~~shall be provided~~ may be required along the side, and/or rear lot
50 lines where necessary to form a continuous easement of at least ten (10) feet in width.

1 A ten (10) foot utility easement may be required along the frontage of lots along streets
2 with less than sixty (60) feet of right-of-way width; and collector and arterial streets.

3
4 If necessary to accommodate the extension of water or sewer lines, to provide space for
5 pole guys for overhead lines along the periphery of a subdivision, or when unusual
6 circumstances require additional space, a total utility easement width of twenty (20) feet or
7 greater may be required.

8
9 A five (5) foot utility easement may be required as needed for street lighting.

10
11 Where possible, utility easements shall connect to easements already established in
12 adjoining properties.

13
14 Drainage easements of varying widths and locations for storm water management may also
15 be required as determined by the City Engineer.

16
17 ~~The City and all authorized utility providers shall have ingress and egress rights to all~~
18 ~~dedicated easements.~~

19
20 **Sec 42.514 Design Requirements – Platting**

21 Blocks. Block lengths shall not exceed thirteen hundred twenty feet (1320) feet, nor be less
22 than ~~two-hundred-fifty (250) three-hundred (300) feet, except as permitted by the~~
23 ~~Commission and City Council because of unusual conditions.~~ Pedestrian crosswalks of not
24 less than six (6) feet in width or an alley located in the center of the block may be required
25 for blocks in excess of thirteen hundred twenty (1320) feet in length. ~~A block shall be so~~
26 ~~designed as to provide two (2) tiers of lots.~~

27
28 ~~Lot Dimensions: Lot dimensions shall conform to the requirements of the zoning ordinance~~
29 ~~minimum standards, but may reflect greater area and lot widths. Building area lines shall be~~
30 ~~shown to establish required setback distances.~~

31
32 Lot Location: All residential lots, parcels, or tracts shall abut by their required full frontage
33 on a publicly dedicated street right-of-way. As an option for non-residential development,
34 access to a publicly dedicated street may be provided through a recorded private cross or
35 access easement a minimum of forty (40) feet in width, of sufficient width to accommodate
36 ~~emergency vehicles, to permit the installation of utilities, to provide access for public~~
37 ~~services, and that is where~~ not detrimental to the future subdivision of adjacent land. The
38 easement shall be recorded as part of the platting process. ~~In all cases, each individual lot,~~
39 ~~parcel, or tract shall be assured safe and reasonable vehicular access to and from an~~
40 ~~approved public street on an all-weather surfaced private street or driveway constructed in~~
41 ~~accordance with Sec. 42-241.~~

42
43 Lot Lines: Side lot lines ~~should~~ shall be substantially at right angles to straight street lines or
44 radial to curved street lines.

45
46 Corner Lots: Corner lots ~~should~~ shall be provided extra width to permit required building
47 setbacks.

48
49 Flooding: Lots located entirely within the FEMA designated 100 or 500 year floodplain Zone
50 A, B, or C on the City's Flood Insurance Rate Map subject to periodic flooding and deemed
51 by the Director and the City Engineer to be a danger to public health and safety if

1 developed for residential use shall not be platted ~~or used for human habitation~~. Lots or
2 tracts subject to periodic flooding may be ~~platted and~~ dedicated to the city, combined with
3 adjacent lots, or used for recreational use, open space, or other uses that will not increase
4 the potential flood hazard in the drainage basin.

5
6 Stream Buffer Crossings: The minimum number of road crossings of a stream buffer should
7 be used within each subdivision, and no more than one crossing is allowed for every three
8 hundred (300) feet of buffer. The Stream Buffer requirements are described in Chapter 15
9 of the Rolla Municipal Ordinances.

10
11 Lot Remnants: All lot remnants below the minimum permitted size shall be added to
12 adjacent lots, rather than permitted to remain as unusable parcels. Such lots may be
13 platted as common lots.

14
15 ~~Double Frontage and Reverse Frontage~~ Lots: Double frontage lots should ~~or reverse~~
16 ~~frontage lots shall~~ be avoided, except where required to provide separation of
17 development from highway or arterial streets or to overcome specific topographic
18 disadvantages.

19
20 Flag Lots: Flag lots may be platted when the following criteria are met:

- 21 1. Flag lots will be allowed provided the minimum lot area is consistent with the
22 requirements of the respective zoning district designation.
- 23 2. The access portion of such lots shall have a minimum width of twenty-five (25) feet
24 for lots less than three acres in size, and not forty (40) feet and not shorter than
25 twenty-five (25) feet or longer than two hundred fifty (250) feet in length. For lots
26 greater than three acres in size, the access portion must have a minimum width of
27 fifty (50) feet.
- 28 3. The access portion of such lots may serve up to two lots with a shared driveway
29 and cross-access easement. In such case, the access portion of each lot may be
30 reduced to twelve and a half (12.5) feet to share the driveway.
- 31 4. Flag lots with an access portion more than one hundred (100) feet in length must
32 be served by a driveway which meets the width and construction standards for fire
33 access, as determined by the fire department.
- 34 5. ~~Flag lots shall not be further subdivided into additional lots unless a public right of~~
35 ~~way is dedicated and a street is constructed that meets City standards.~~
- 36 6. ~~No more than one (1) flag lot may be platted from a single parcel or tract of land.~~
- 37 7. ~~The building setback lines for flag lots shall be established on the building portion~~
38 ~~of the lot in accordance with the provisions of the particular zoning district.~~

39
40 **Sec 42.515 Design Requirements – Parks Dedication**

41 ~~The Purpose of this section is to: A parks dedication is required in order to~~ Provide an
42 adequate level of public park facilities and services to new development based on the open
43 space needs generated by the development and to ensure that such development occurs in
44 a manner that is consistent with the components of the City's comprehensive plan. ~~Define~~
45 ~~the obligation of developers to meet the public park and open space needs generated by~~
46 ~~new development. Outline the provision of adequate parkland through the subdivision~~
47 ~~process. This section should~~ Encourage the placement of parks within new residential
48 developments or near or within a walkable distance of such developments, or will Provide
49 for the development of neighborhood or community parks by considering cash payment in
50 lieu of parkland dedication.

1 Applicability: This provision shall apply to all residentially zoned subdivisions or re-
2 subdivisions that have not been previously subject to parkland dedication or fee in lieu of
3 which create additional developable lots. This provision does not apply to boundary line
4 adjustments or lot consolidations. The requirement for a fee-in-lieu payment also applies
5 when a lot is rezoned from a non-residential district to a residential district, to be due prior
6 to issuance of a building permit for development/redevelopment of the lot.

8 Prior to Recording Final Plat: The applicant shall, ~~as part of the final plat process,~~ provide a
9 warranty deed to the City in a form that is acceptable to the City or provide an equivalent
10 fee-in-lieu payment, prior to recording the final plat which will be for public use only.

12 Dedication Requirements: The area to be dedicated shall be clearly labeled and delineated
13 on the subdivision plat and shall meet the following requirements:

- 14 1. Topography: At least 50 percent of the tract shall have a grade of less than four
15 percent. The balance may be covered with slope, streams, ponds, or other natural
16 features. Retention areas or detention basins which are required by the City's
17 storm water regulations, drainage easements, or water detention areas will not
18 qualify for the parkland requirement.
- 19 2. Public Use: This requirement shall be in addition to any private open space or
20 recreation facilities designated for the sole benefit of the subdivision residents.
- 21 3. Location: The parkland shall have access on a public street with a minimum
22 frontage of sixty (60) feet. Consideration shall be given to placing parks where they
23 can be added to by future subdivisions or as an addition to an existing park.
24 Consideration may be given to the existing and planned park facilities in the
25 vicinity.
- 26 4. Size and shape: The tract size shall not be less than one (1) acre in size, unless, in
27 the opinion of the Parks and Recreation Director and the Parks Advisory
28 Commission, this land can be added to an adjacent existing park or future park.
- 29 5. Approval: The Parks Advisory Commission and the Parks and Recreation Director
30 shall recommend the tract as suitable for use as a public park if the requirements
31 listed above have been deemed satisfied before the plat can be approved by the
32 City Council. The area of the tract shall be based upon a calculation using the
33 following schedule:
 - 34 ~~• R-R, Rural Residential: 5% of total residential area subdivided.~~
 - 35 • R-1, R-2, U-R, districts Single-family: 5% of total residential area subdivided.
 - 36 ~~• Two-family: 5% of total residential area subdivided.~~
 - 37 • R-3, R-4 districts Multi-family: 7% of total residential area subdivided.

39 Computation: The percentage of land deeded shall be based upon the total area of the
40 development or subdivision used for residential uses (lots), excluding any non-residential
41 uses. Non-residential uses shall include such areas as right-of-way, dedicated conservation
42 areas, or private amenities, provided there are no residences on these areas. If, during the
43 subdivision process, a rezoning is proposed for the same property, this provision will apply
44 at the rate that is consistent with the newly proposed zoning district.

46 Parks Director: The required dedication or fee is calculated by the Parks Director. The Parks
47 Director will provide a report to the appropriate City departments, the Commission, and
48 the City Council for final determination that describes the suitability of the proposed land
49 to be dedicated and the way in which the parkland dedication requirement was calculated
50 and, if applicable, the way in which the fee in lieu of was calculated and the amount due by
51 the applicant.

1
2 Encumbrances: The deeded land shall be free of liens, special assessments, and other
3 encumbrances and shall have all taxes paid to the date of deeding.
4

5 Use of Dedications: Nothing herein shall prevent the City from using such deeded park
6 property as allowed by Sec. 77.140 RSMo.
7

8 Fee in Lieu of Park Dedication: If the land available within the subject subdivision proposal
9 does not meet the requirements and stipulations ~~of this section listed above in Section 42-~~
10 ~~27.3 or would produce less than one acre of ground,~~ a fee in lieu of parkland dedication
11 shall apply. ~~The Parks Director will provide a report to the appropriate City departments,~~
12 ~~Commission, and City Council that confirms that a cash payment shall be paid by the~~
13 ~~applicant.~~ The payment shall be calculated at a rate of \$15,000 per acre of the parkland
14 acreage requirements as calculated above. Any fractional parts of an acre shall be prorated.
15 This rate will apply unless the developer can demonstrate to the satisfaction of the Parks
16 Director and the Parks Advisory Commission that the current fair market value should be
17 used.
18

19 Payment of Fee in Lieu: All fee-in-lieu payments shall be deposited into the Parks and
20 Recreation Land Escrow Account. The applicant shall deposit the required amount into this
21 account without recourse or the right of recovery. Such cash deposit shall be made prior to
22 the recording of the ~~development's Final Plat Map and before the issuance of any building~~
23 ~~permits.~~
24

25 Use of Fee in Lieu Payments: These cash payments shall ~~be spent within five years of~~
26 ~~deposit and shall be used for the following purposes in priority as determined by the City~~
27 ~~Council with the advice and recommendation of the Parks Director and the Parks Advisory~~
28 ~~Commission:~~

- 29 a. Acquisition of neighborhood or community parks within one-half (1.5) ~~of a~~ mile of
30 the applicable subdivision.
 - 31 b. Improvements to existing parks within one (1) mile of the applicable subdivision.
 - 32 c. Acquisition or improvement of larger regional or community-wide parks ~~within two~~
33 ~~miles of the applicable subdivision.~~
- 34

35 Reassessment of Rates: The dollar amount per acre value established herein will be
36 reassessed not sooner than every five years from June 4, 2018 based on the cost of
37 inflation/increase in property values undeveloped real estate values in the City of Rolla. ~~A~~
38 ~~report and recommendation shall be presented to the City Council for their consideration.~~
39

40 **Sec 42.516 Design Requirements – Other**

41 The improvements required in any subdivision shall be in accordance with the following
42 and shall conform to the City of Rolla "Standards and Specifications" which are hereby
43 adopted as the design standards for the public improvements required by this Zoning and
44 Subdivision Code Article.
45

46 ~~Arterial street screening. A ten (10) foot landscape easement strip shall be reserved in~~
47 ~~addition to any setback requirement, across which there shall be no right of access, along~~
48 ~~the lots abutting an such highway or arterial street for the construction of a six (6) foot tall~~
49 ~~solid fence or, berm, or wall and landscaping other improvement (including walls, plantings,~~
50 ~~berms, etc.). This easement strip shall be shown on the plat along with any required~~
51 ~~improvements. At a minimum, the easement must be landscaped with turf and one (1) tree~~

1 ~~for each fifty (50) feet of frontage. Additional landscaping is encouraged. The improvement~~
2 ~~plans must include the provision for the fence, wall, berm, and landscaping.~~
3

4 Streets and Alleys: The subdivider shall grade and pave all new streets and alleys (if any)
5 within the subdivision. ~~All streets shall be bound by curb and gutter, unless exempted.~~ It is
6 the City's policy to participate in or contribute only to certain additional costs for the
7 construction of collector or arterial streets over and above the normal construction costs
8 for minor street standards, when such collector and arterial streets are identified on ~~the~~
9 ~~Official Map~~, the Major Thoroughfare Plan, or when designated by the City Engineer. Such
10 participation is not mandatory and is solely at the election of the City Council.
11

12 Sanitary Sewers: The subdivider shall extend sanitary sewer access and install sanitary
13 sewer connections for each lot. When sanitary sewers are not available, as determined by
14 the City Engineer, the subdivider shall install within the subdivision capped sewer mains
15 and house connections to each lot in addition to other required onsite sewerage facilities.
16 Prior to final approval of the plat, the subdivider shall provide the City Engineer, for his
17 approval, detailed construction plans for the proposed sanitary sewer system. The city may
18 participate in the costs of installing sewer for sewer lines which may serve a large area
19 beyond the properties owned by the subdivider.
20

21 Storm Sewers: The subdivider is responsible for construction of all needed storm sewer and
22 storm water collection and storage systems necessary for development. Construction plans
23 for storm sewer facilities shall be shown both in plan and profile with details of all
24 necessary facilities. The data regarding the area to be served by the facilities and the
25 estimated run-off from the area tributary to the facilities beyond the subdivision shall
26 accompany the detailed plans. The city may participate in the costs of installing storm
27 water facilities if such facilities may serve a large area beyond the properties owned by the
28 subdivider.
29

30 Survey Standards and Monuments: The subdivider's surveyor shall establish, or confirm the
31 prior establishment, of permanent monuments at each controlling corner on the boundary
32 of the subdivision and at all block corners, point of intersections, points of curvature, and
33 points of tangency within the subdivision ~~before final plat approval by City Council.~~
34 Monuments may be selected from the types described by the "Minimum Standards for
35 Property Boundary Surveys" of the Missouri Department of Natural Resources, ~~but shall be~~
36 ~~made of concrete.~~ In addition, the subdivider's surveyor shall establish at least two (2)
37 permanent monuments as approved by the City Engineer for each block in the subdivision.
38 Monuments shall be placed so as to create base lines in each block from which all points
39 and lines in that block are laid out.
40

41 ~~Permits: The subdivider shall be responsible for obtaining all applicable permits or licenses~~
42 ~~from state and federal agencies for sanitary sewers, storm sewers, and all utilities.~~
43

44 Sidewalks: The subdivider shall be responsible for the construction of sidewalks along all
45 proposed and existing streets within and adjacent to the development as required by this
46 Zoning and Subdivision Code Section 42-228.01.

47 (a) Construction of sidewalks may be deferred per the requirements of this
48 section Section 42-30.

49 (b) The Planning Commission may approve an alternative sidewalk plan to allow
50 modifications to the sidewalk requirements ~~in Section 42-233, for example, or in a~~
51 Planned Unit Development, where the subdivider has submitted a proposed

1 pedestrian circulation plan that provides more direct and safer movement of
2 pedestrian traffic.

3
4 ~~Utilities: Utilities, including but not limited to water, sewer, natural gas, electric, and cable
5 or telephone lines, shall be provided by the subdivider to the lots in accordance with the
6 standards and specifications governing their installation as have been or are hereafter
7 adopted by the City or respective utility companies. It shall be the subdivider's
8 responsibility to repair any damage caused in the public right-of-way as a result of this
9 work. As part of the subdivision process, all easements in, on or across the subdivision,
10 which shall be requested in behalf of the City Engineer or the General Manager of the City
11 Municipal Utilities, shall be granted and shown on the final plat.~~

12
13 ~~Underground Wiring: All electric, cable and telephone lines shall be installed underground,
14 except those overhead distribution feeder lines necessary to serve that subdivision and in
15 locations as approved by the City Engineer and Rolla Municipal Utilities. Cable switching
16 enclosures, pad mounted transformers, and service pedestals may also be installed above
17 ground where approved by the City Engineer and Rolla Municipal Utilities. The Commission
18 may approve above ground installations in whole or in part for nonresidential subdivisions
19 when documentation is provided that demonstrates the impracticability of such
20 underground installation.~~

21
22 Fire Hydrants: Fire hydrants shall be placed by the subdivider in accordance with the
23 requirements of the City's Fire Chief, International Fire Code, Rolla Municipal Utilities, and
24 the state inspection bureau of Missouri.

25 26 **Sec 42.517 Subdivision Improvement Guarantees**

27 Before the final plat of any subdivision is recorded, the subdivider shall provide for the
28 improvements described in this ~~section~~ Article to be extended to all lots shown on the final
29 plat ~~at no cost to the City.~~ Subdivision Improvements includes all streets, alleys, waterlines,
30 sewer lines, storm sewers, stormwater detention basins, sidewalks, and any other
31 infrastructure which the developer will construct to serve the development. In lieu of
32 completion of the said improvements prior to recording, the subdivider or other person
33 who agrees with the City to make public improvements on behalf of the subdivider, may
34 post surety bond with one or more corporate sureties engaged in the business of signing
35 surety bonds in Missouri, an escrow agreement, letter of credit or other appropriate
36 security agreement, as approved by the City Engineer, that will insure that the
37 improvements will be completed by the subdivider.

38
39 The amount of corporate surety bond, escrow agreement, or other appropriate security
40 agreement shall not be less than the estimated cost of the public improvements as
41 determined by the City Engineer. The infrastructure may be divided into phases of
42 construction.

43
44 The City Engineer may, during the period of such bond, accept substitution of principal or
45 sureties on the bond or a substitution of a letter of credit, escrow or other approved
46 security agreement.

- 47 1. The City Engineer may require that certain improvements, such as storm water
48 facilities, be made and refuse to accept security for such improvements when he
49 determines that the improvements are necessary for immediate protection of
50 adjacent property. Otherwise, all improvements shall be completed within two (2)
51 years after recording the plat.

- 1 2. The Commission, upon proof of hardship, may extend the completion date for
2 improvements stated in the bond agreements for a maximum period of one (1)
3 additional year; provided the request is made prior to the end of the second year
4 following recordation and provided the security amount is revised if required by
5 the City Engineer.
- 6 3. The Commission may also defer at the time of final plat approval, subject to
7 appropriate conditions, the provision of any such improvements as, in its judgment,
8 are not appropriate because of incompatible grades, future planned public
9 improvements, inadequate or lack of connecting facilities, or other reasons.
- 10 4. ~~For large subdivisions, the City Engineer may accept a bond or other agreement for
11 less than the entire subdivision if the subdivider provides adequate assurances that
12 all building permit requests will be confined to lots for which improvements will be
13 provided under said bond or other agreement.~~

14
15 The release or reduction of required surety bonds, escrow agreement or other security
16 agreement shall be in accordance with the following:

- 17 1. When a petition for improvements by the tax bill method is filed and when said
18 petition has passed the required remonstrance petition assuring the City that all
19 improvements will be provided, said bond or agreements posted by the subdivider
20 may be released by the City Engineer.
- 21 2. The City Engineer may release or reduce said bond or agreements when he has
22 determined that all or a portion of the required improvements have been
23 satisfactorily completed and are free of any liens or other encumbrances. Any
24 reduction in the bond or agreements shall not exceed the ratio of the cost of the
25 completed improvements bears to the total estimated cost of all public
26 improvements for the plat.

27
28 Said improvement guarantee expires two (2) years after being executed, or another date
29 provided by the document. If all improvements are not complete after the expiration the
30 guarantee must re-negotiated with current costs of construction for all remaining
31 infrastructure to be built.

32
33 In particular, it is expected that the developer will construct all remaining sidewalks within
34 the development if the development is not fully built-out within the first two (2) years.

35
36 If the improvements are not complete after the terms of the guarantee and the guarantee
37 is not re-negotiated, the city has the right to demand payment of the guarantee, pursuant
38 to state statutes, to pay for the cost of completing the improvements.

39
40 **Sec 42.518 Building Permits After Platting**

41 No building permits may be issued prior to the final plat being recorded.

42
43 No certificate of occupancy may be issued for a building in the development until the
44 infrastructure in the development, or phase of construction, if applicable, has been
45 completed and accepted by the city.

46
47 Sidewalks adjacent to the developed lot and any adjacent lots under the same ownership
48 (other than the developer) must be constructed prior to the issuance of a certificate of
49 occupancy.

1 **Sec 42.519 Common Lots and Open Space**

2 The regulations set forth in this sub-Section shall apply in all developments where the
3 following features are held in common ownership by persons owning property within a
4 development.

- 5 1. All lands in common open space, not a part of individual lots, designed for the
6 mutual benefit of a group of persons owning property within a development,
7 where such lands are not dedicated to or conveyed for public use; whether or not
8 such lands are required by the provisions of this section Article; and
9 2. All private streets, driveways, parking facilities, and buildings or portions thereof, as
10 may be provided for common use, benefit and/or enjoyment of the development
11 occupants; whether or not such improvements are required by the provisions of
12 this Zoning and Subdivision Code Article.

13
14 All common open space and improvements shall be protected by legal arrangements that
15 are satisfactory to the City and sufficient to assure their maintenance and preservation for
16 the purposes intended. Covenants or other legal arrangements shall specify ownership of
17 the common open space and common improvements, method of maintenance,
18 responsibility for maintenance, maintenance taxes and insurance; compulsory membership
19 and compulsory assessment provisions; guarantees that any association formed to own and
20 maintain common open space and common improvements will not be dissolved without
21 the consent of the City, and other specifications deemed necessary by the City.

22
23 All subdivision of property containing common lots, open space and common
24 improvements shall be considered a subdivision and subject to review in accordance with
25 the provisions of the Subdivision Regulations Article II, Subdivisions.

26
27 **Sec 42.520 Condominium Development**

28 Condominium Property Act. Except where it can be demonstrated that the provisions of
29 this Section can be satisfied by other means, all lands and improvements, as set forth in this
30 Section shall be established and maintained in accordance with the Condominium Property
31 Act, Chapter 448, Missouri State Statutes.

32
33 Platting. A condominium plat must be submitted for review in order to create a
34 condominium ownership arrangement. The plat may be reviewed following the minor
35 subdivision process if five (5) or fewer units are proposed; otherwise the plat must be
36 reviewed following the final plat review process.

37
38 Condominium plat covenants. Any restrictive covenants, rules and by-laws of the
39 ownership unit, as prepared in accordance with Chapter 448, Missouri State Statutes, shall
40 be approved by the City before any final plat is recorded. ~~Such documents, once approved,~~
41 ~~shall become part of the recorded subdivision plat.~~ The covenants and restrictions shall
42 provide:

- 43 1. For the establishment of the condominium or homeowners association or trust
44 prior to the sale of any property;
45 2. For the method of maintenance;
46 3. That open space restrictions and maintenance shall be permanent;
47 4. That the homeowners are liable for the payment of maintenance fees and capital
48 assessments;
49 5. That unpaid homeowners fees and assessments will be a lien on the property of the
50 delinquent homeowners;

- 1 6. That the association or trustee shall be responsible for liability insurance, taxes and
- 2 perpetual maintenance;
- 3 7. That membership shall be mandatory for each homeowner and any successive
- 4 buyer;
- 5 8. That each homeowner, at the time of purchase, shall be furnished with a copy of
- 6 the approved restrictions or conditions;
- 7 9. That any association or trust formed to own and maintain common open space and
- 8 common improvements will not be dissolved without consent of the City; and
- 9 10. That the City of Rolla shall assume no responsibility for the enforcement of private
- 10 restrictive covenants.

11
12 ~~Maintenance. The City may require that, in order to assure adequate maintenance of~~

13 ~~common open space and improvements, any restrictive covenants, rules and by laws~~

14 ~~created for the unit of ownership specify that the City may serve written notice to the~~

15 ~~association as to their failure to maintain the common open space and improvements in~~

16 ~~reasonable order. The notice shall describe how the unit of ownership has failed to~~

17 ~~maintain the common open space and improvements in reasonable condition and shall~~

18 ~~require that such deficiencies be remedied within thirty (30) days, setting a date and place~~

19 ~~of a public hearing. Said hearing shall be held within twenty (20) days of notice.~~

20
21 ~~Preservation of property. If said deficiencies are not corrected, the City may enter upon the~~

22 ~~common open space and improvements to maintain the same for one (1) year in order to~~

23 ~~preserve the taxable values of the properties within the development and to prevent the~~

24 ~~common open space and improvements from becoming a public nuisance. Entry upon and~~

25 ~~maintenance of the common open space and improvements shall not grant the public any~~

26 ~~rights to use the facilities, unless the owners dedicate the same to the public.~~

27
28 ~~Assessment. At or before the expiration of one (1) year, the City shall give notice and hold~~

29 ~~another public hearing to determine if the ownership unit is capable of adequately~~

30 ~~maintaining the common open space and improvements. The City may, at its discretion,~~

31 ~~continue to maintain the common open space and improvements for one (1) or more~~

32 ~~additional years if it finds that the ownership unit is not able to adequately maintain the~~

33 ~~common open space and improvements. The rules and by laws creating the ownership unit~~

34 ~~shall provide that the cost of such City maintenance shall be assessed ratably against the~~

35 ~~individual properties within the development that have a right to use the common open~~

36 ~~space and improvements. This assessment shall constitute a lien against all properties~~

37 ~~within the unit ownership.~~

38
39 ~~Initial maintenance. The initial maintenance of the common open space and improvements~~

40 ~~within the development shall be the responsibility of the developer until the restrictive~~

41 ~~covenants, rules, and by laws of the unit of ownership are established and maintenance~~

42 ~~responsibility is transferred to a duly constituted owner's association. The developer shall~~

43 ~~retain this maintenance responsibility, regardless of the status of the ownership unit, until~~

44 ~~fifty (50) percent of the development has been sold to the unit owners or other clients. The~~

45 ~~developer maintenance responsibility shall be specifically indicated in a letter of agreement~~

46 ~~between the developer and the City, submitted at the time of Final Plat Review.~~

47
48 **Sec 42.521 – 42.599 Reserved**

49

1 **NOTE:** Text to be removed is shown with ~~STRIKETHROUGH~~. Text to be added is shown with
2 UNDERLINE.

3 4 **Section 600 Form-Based Code**

5
6 **Sec 42.600 – 42.699 Reserved**
7

8 **Section 700 Appendix**

9 10 **Sec 42.700 Definitions**

11 Words found in the text or tables of this Zoning and Subdivision Regulations Article shall be
12 interpreted in accordance with the provisions set forth in this Section. Additional
13 definitions may be found in the sections where they would be most applicable. The
14 definitions herein are intended to apply to the entire code. Where words have not been
15 defined, the standard dictionary definition shall prevail. The following terms are hereby
16 defined:
17

18 *Accessory structure or building:* A structure which is subordinate to and serves a principal
19 structure; is subordinate in area, extent or purpose; and is located on the same lot with the
20 main use or building.
21

22 *Accessory Dwelling Unit:* Living quarters within a detached accessory building located on
23 the same premises with the main building; or within the principal dwelling, for use by
24 temporary guests of the occupants of the premises, or rented for the use by another family
25 or occupant.
26

27 *Acre:* ~~A measure of land area containing forty three thousand five hundred sixty (43,560)~~
28 ~~square feet.~~
29

30 *Adult day care home:* ~~That portion of a residence wherein the owner or occupier of the~~
31 ~~residence provides care and supervision to meet the needs of up to eight (8) functionally~~
32 ~~impaired adults for periods of less than twenty-four (24) consecutive hours, without~~
33 ~~overnight accommodations.~~
34

35 *Agricultural activity:* ~~The provisions of Chapter 5 Rolla City Code—Animals & Fowl~~
36 ~~notwithstanding, the production, keeping or maintenance, for sale, lease or personal use,~~
37 ~~of any bovines or equines, excluding feed lots, stockyards, and animal slaughter or meat~~
38 ~~processing facilities.~~
39

40 *Alley:* A public way that extends only secondary means of access to abutting property
41 located within a block.
42

43 *Alteration, structural:* Any alteration to any component of a structure that supports any
44 vertical load in addition to its own weight.
45

46 *Apartment:* ~~A room or suite of rooms in an apartment house arranged, designed or~~
47 ~~occupied as the residence of an individual or family.~~
48

49 *Apartment structure:* ~~Same as "Dwelling, multi-family."~~

1
2 ~~*Attached Single Family or Townhouse:* An attached single family dwelling unit or~~
3 ~~townhouse with at least one private exterior entrance, constructed in a group of two or~~
4 ~~more attached single family units or townhouse in which each unit extends from the~~
5 ~~foundation to roof with open space on at least two sides. Attached single family or~~
6 ~~townhouse shall be limited to 35 (thirty five) feet in height (2 stories) or 45 (forty five) feet~~
7 ~~in height (3 stories), provided a secondary means of egress shall be constructed on the~~
8 ~~third floor with an automatic sprinkler system throughout the building as required per~~
9 ~~International Building Code (IBC), Residential Group R-2.~~
10
11 ~~*Automobile sales:* An open area, other than a street or required automobile parking space~~
12 ~~used for the display or sale of new or used automobiles or trailers, and where no repair~~
13 ~~work is done except minor incidental repair of automobiles or trailers to be displayed and~~
14 ~~sold on the premises.~~
15
16 ~~*Automobile service station:* Any premises used for supplying gasoline, oil, diesel and~~
17 ~~liquefied petroleum gases, at retail direct to the customer, including minor accessories and~~
18 ~~services for vehicles.~~
19
20 ~~*Automobile wrecking or salvage yard:* An open area used for dismantling or wrecking of any~~
21 ~~type of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or~~
22 ~~their parts and accessories.~~
23
24 ~~*Bar:* See Tavern. An establishment where fifty (50) percent or more of gross income is~~
25 ~~derived from the sale of alcoholic beverages for consumption on premise and where the~~
26 ~~selling of food and non alcoholic beverages, as well as the sale of package liquors, are~~
27 ~~accessory activities.~~
28
29 ~~*Berm:* A mound of earth, typically located in a buffer-yard to shield or block noise, lights or~~
30 ~~other nuisances.~~
31
32 ~~*Boarding, rooming and lodging house:* A building other than a motel where lodging and/or~~
33 ~~meals is provided by the owner or operator for three (3), but not more than five (5) persons~~
34 ~~for compensation.~~
35
36 ~~*Buffer-yard:* Land area typically containing trees, shrubs and other plants, berms, fences or~~
37 ~~walls and used to visibly separate one use from another or to limit nuisances.~~
38
39 ~~*Building:* A structure having a roof supported by columns or walls.~~
40
41 ~~*Building codes:* The *Building Code* of the City of Rolla, Missouri together with electrical,~~
42 ~~plumbing, fire, and any related code(s), including any regulations adopted in conformance~~
43 ~~therewith.~~
44
45 ~~*Building Design Standards.* Buildings designed for Attached Single Family or Townhouse—~~
46 ~~1.—Buildings shall not exceed (150) one hundred fifty linear feet in total frontage;~~
47 ~~2.—The building fronts of attached townhomes that exceed groups of four (4) units~~
48 ~~that have unbroken wall and roof planes surfaces of (60) sixty feet or more are~~
49 ~~prohibited. At least every 60 linear feet, wall or roof planes shall contain offsets or~~
50 ~~setbacks of at least two (2) feet.~~

1 3.—A change in texture, material or the use of architectural features to differentiate
2 individual units to ensure that buildings have a multi-faceted exterior in which
3 building fronts are combined with window and door placements as well as other
4 architectural details, such as the use of dormers, gabled roof front stoops, flower
5 boxes, and or shutters may be used in lieu of 2 above.

6
7 ~~*Building unit, group:* Two or more buildings (other than dwellings) grouped upon a lot and
8 held under single ownership, such as universities, hospitals, and institutions.~~

9
10 ~~*Building line:* A line located a distance corresponding to the district minimum front setback
11 from the front lot line between the side lot lines a minimum horizontal distance from the
12 center of the street and parallel thereto, beyond which no part of a building shall extend.~~

13
14 ~~*Building, front of or frontage:* The side of a building most nearly parallel with and adjacent
15 to the front of the lot on which it is situated.~~

16
17 ~~*Building, principal:* A building in which is conducted the principal use of the lot on which it
18 is situated.~~

19
20 ~~*Bulk requirements:* Bulk requirements (synonymous with bulk regulations) provide a zoning
21 envelope for buildings by horizontal measurement. Such regulations include setbacks,
22 minimum street frontage, maximum lot coverage, and minimum lot size.~~

23
24 ~~*Bulk storage:* The storage of chemicals, petroleum products and other materials in
25 aboveground containers for resale to distributors or retail dealers or outlets.~~

26
27 ~~*Cemetery:* Property used for the interring of the dead, including mausoleums.~~

28
29 ~~*Church:* A building or structure(s), which by design are primarily intended for the
30 conducting of religious services and associated accessory uses. At a minimum, a church
31 includes a body of believers or communicants that assembles regularly in order to worship
32 and reasonably available to the public.~~

33
34 ~~*Clinic, medical or dental:* An institution or station for the examination and treatment of all
35 ill and affected out patients where overnight lodging is limited to one (1) night.~~

36
37 ~~*College:* An institution that provides post-secondary educational program, including
38 classrooms, laboratory and administration buildings, libraries, dormitories, dining halls,
39 student centers, auditoriums, chapels, gymnasiums, stadiums, fraternities, sororities, etc.~~

40
41 ~~*Community center:* A building for social, educational, and recreational activities of a
42 neighborhood or community, provided any such use is not operated primarily for
43 commercial gain.~~

44
45 ~~*Community treatment center:* Structures and land used for the inpatient and/or outpatient
46 treatment of alcohol and other drug abuse, for the evaluation of treatment needs, and /or
47 for services to family members of patients in a program accredited by the Department of
48 Mental Health/Division of Alcohol and Drug Abuse, the Commission for the Accreditation of
49 Rehabilitation Facilities, the Joint Commission for the Accreditation of Hospitals, or the
50 American Osteopathic Association.~~

1 ~~Convenience store: A retail establishment typically having a gross floor area of five~~
2 ~~thousand (5,000) square feet or less; primarily selling petroleum products, foods, as well as~~
3 ~~other household goods customarily sold in larger food markets and supermarkets.~~
4

5 ~~Conditional use: A use permitted only through approval of a Conditional Use Permit. Such~~
6 ~~use may be permitted depending on the location, scale, or particular application and may~~
7 ~~be approved with conditions to mitigate any potential impacts to surrounding properties as~~
8 ~~authorized by the City Council in a particular zoning district only upon showing that such~~
9 ~~use in a specific location will comply with all the conditions and standards for the location~~
10 ~~or operation of such use as specified in this Article and authorized by City Council.~~
11

12 ~~Condominium: A building, groups of buildings or property in which units are owned~~
13 ~~individually and all the owners on a proportional, undivided basis own the common~~
14 ~~elements.~~
15

16 ~~Curb grade: The elevation of the established curb in front of the building measured at the~~
17 ~~center of such front. Where no curb grade has been established, the city engineer shall~~
18 ~~establish such curb grade or its equivalent for the purpose of this Article.~~
19

20 ~~Dance hall: Any place open to the public in which persons move with either backward,~~
21 ~~forward or side steps, accompanied by music.~~
22

23 ~~Depth of rear yard: The horizontal distance between the rear line of the main building~~
24 ~~nearest the rear property line, otherwise the rear lot line.~~
25

26 ~~District, Zoning: A section(s) of the City of Rolla, for which the regulations governing the~~
27 ~~areas, heights or uses of buildings or lots are uniform.~~
28

29 ~~Drive-in through facility: A facility, typically accessory to a principal use, which encourages~~
30 ~~or permits customers to order, receive and consume goods and services while remaining in~~
31 ~~their motor vehicles.~~
32

33 ~~Duplex: A structure on a single lot containing two dwelling units, each of which is totally~~
34 ~~separated from the other.~~
35

36 ~~Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy,~~
37 ~~each with separate restroom, cooking, and sleeping toilets and kitchen facilities and~~
38 ~~intended to function separately, generally as separate dwelling units with, for example,~~
39 ~~individual utility meters, addresses, points of entry, etc., but not including hotels, motels,~~
40 ~~boarding, rooming and lodging houses; and institutional care facilities.~~
41

42 ~~Dwelling, single-family detached: A detached building surrounded by open space on the~~
43 ~~same lot designed exclusively for occupancy by one family or a foster home which provides~~
44 ~~24-hour care for seven or less unrelated children.~~
45

46 ~~Dwelling, two-family: See Duplex~~
47

48 ~~Dwelling & single-family semi-detached: A dwelling unit attached to one or more dwelling~~
49 ~~units by common vertical walls without opening, each unit located on a separate lot of~~
50 ~~record.~~
51

1 ~~*Dwelling, multi-family:* A building or portion thereof arranged, designed or occupied as a~~
2 ~~residence by three or more individuals or families having separate quarters and living~~
3 ~~independently of each other.~~

4
5 ~~*Economic hardship:* When the landowner cannot economically utilize the property and it is~~
6 ~~impractical to sell or lease it or no market exists for it at a reasonable price.~~

7
8 ~~*Efficiency apartments:* A building occupied or designed for living units in apartments~~
9 ~~containing not less than three hundred (300) square feet per apartment; excluding public~~
10 ~~halls, corridors, or stairways.~~

11
12 ~~*Family:* Not more than one family is permitted to live in a single dwelling unit. The following~~
13 ~~living arrangements shall constitute a "Family":~~

- 14 1. ~~Multi-family and Commercial districts: Eight (8) or fewer unrelated persons; or four~~
15 ~~(4) or fewer unrelated persons plus their biological, adopted or foster children or~~
16 ~~other minors, for whom they have legally established custodial responsibility, and~~
17 ~~living as a single housekeeping unit in a single dwelling unit areas zoned R-3 (Multi-~~
18 ~~Family District) with single kitchen facilities and no more than (8) eight bedrooms~~
19 ~~per unit; or~~
- 20 2. ~~Residential districts, except Multi-family districts: Four (4) or fewer unrelated~~
21 ~~persons, plus their biological, adopted or foster children or other minors, for whom~~
22 ~~they have legally established custodial responsibility, living as a single~~
23 ~~housekeeping unit in a single dwelling unit areas zoned RR (Rural Residential~~
24 ~~District), R-1 (Single Family District), and R-2 (Two Family District) with single~~
25 ~~kitchen facilities; or~~
- 26 3. ~~One (1) or more persons related by blood, marriage, adoption or custodial~~
27 ~~relationship living as a single housekeeping unit; however, or~~
- 28 4. ~~The term family shall not be construed to mean fraternity, sorority, club, or~~
29 ~~institutional group, or Overnight Shelters to limit occupancy.~~

30
31 ~~*Farming or truck gardening:* A tract of land cultivated by an owner or tenant for the~~
32 ~~purpose of supplying provisions or food.~~

33
34 ~~*Feedlot:* A confined land area for fattening cattle or other animals or temporarily holding~~
35 ~~such animals for sale or shipping.~~

36
37 ~~*Flashing light:* A continuously intermittent light or sequential light; but not including~~
38 ~~animation or lighting that changes the copy of a sign.~~

39
40 ~~*Fraternity house:* A building maintained exclusively by an incorporated fraternity for~~
41 ~~fraternity members and their guests or visitors and affiliated with an academic or~~
42 ~~professional college, university, or other institution of higher learning.~~

43
44 ~~*Frontage:* All the property fronting on one side of a street between the two nearest~~
45 ~~intersecting streets, or other natural barriers.~~

46
47 ~~*Front lot line:* The line of the lot adjacent to the street on interior lots. On corner lots it is~~
48 ~~the prolongation of the front lot line of an interior lot.~~

49

1 *Funeral home:* A building used for the preparation of the deceased for burial and display,
2 with ceremonies connected therewith before burial or cremation, but shall not include
3 facilities for cremation.
4

5 *Garage, private:* A detached accessory building or portion of a main building for the parking
6 or temporary storage of automobiles of the occupants of the premises.
7

8 *Glare:* The effect produced by brightness sufficient to cause annoyance, discomfort, or loss
9 in visual performance and visibility.
10

11 *Greenhouses:* A building consisting of glazed frames or sashes, used for the purpose of
12 cultivating plants too tender to endure open air.
13

14 *Gross floor areas:* The gross floor area of an apartment house shall be measured by taking
15 an outside dimension of the apartment building at each floor level excluding, however, the
16 floor area of basements or attics when not occupied as living quarters.
17

18 *Group home, residential:* A single family dwelling in which no more than ten (10) people
19 reside, comprised of the following: eight or fewer unrelated mentally or physically
20 handicapped persons, no more than two (2) persons acting as house parents or guardians
21 who need not be related to each other or to any of the handicapped persons residing in the
22 dwelling, and the children of the house parents or guardians.
23

24 *Guest house:* Living quarters within a detached accessory building located on the same
25 premises with the main building, for use by temporary guests of the occupants of the
26 premises; with such quarters not meeting the definition of a dwelling unit having no
27 kitchen facilities and not rented or otherwise used as a separate dwelling.
28

29 *Height, Maximum:* Dimensional and Story: The maximum Height shall be calculated as the
30 lessor of the maximum Story Height or the Dimensional Height number of stories in a
31 building and by a dimension that is measured from a height that is equal to the lowest
32 point along the intersection of the front(s) of the building (the side or sides of the building
33 that faces the front lot line or lines) and the ground to the highest point of either the
34 parapet line, cornice line, or eave line, whichever is applicable and highest. A story is
35 limited to 14 feet from the finished floor to the ceiling, except that ground floor stories
36 used for commercial purposes may be as high as 20 feet. If there are multiple floor heights
37 in one story, the lowest floor will be used for the calculation. Any story that exceeds these
38 limitations will count as two stories. Basements that emerge four feet or less from the
39 lowest ground level at the intersection of the front of the building and the ground and
40 attics not exceeding four feet at the top of the kickwall shall not constitute an additional
41 story. Any attic or basement that exceeds these limitations shall count as a story. When
42 determining if a building meets maximum height regulations, both types of measurements,
43 stories and dimensional height, shall be taken into consideration. Violation of either
44 measurement constitutes a height violation.
45

46 *Height, Dimensional:* A dimension that is measured from a height that is equal to the
47 lowest point along the intersection of the front(s) of the building (the side or sides of the
48 building that faces the front lot line or lines) and the ground to the highest point of either
49 the parapet line, cornice line, or eave line, whichever is applicable and highest.
50

1 Height, Story: The Story Height is the number of stories in a building, as defined by the
2 building code, excluding any basements and attics.
3
4 ~~Home occupation: Same as Customary home occupations.~~ A business which is operated by
5 the occupant of a dwelling from the dwelling.
6
7 ~~Hospital: An institution or place where sick or injured patients are given medical or surgical~~
8 ~~care, whether at public or private expense.~~
9
10 ~~Hospital, animal: An establishment where there are facilities to lodge animals that are~~
11 ~~being treated by a veterinarian.~~
12
13 ~~Hotel: A building occupied as the more or less temporary abiding place of individuals who~~
14 ~~are lodged with or without meals in which, as a rule, the rooms are occupied singly for hire,~~
15 ~~in which provision is not made for cooking in any individual apartment, and in which there~~
16 ~~are more than twelve sleeping rooms.~~
17
18 ~~Hotel apartment: A building or portion thereof designed for or containing both individual~~
19 ~~guest rooms, or suites of rooms; and dwelling units.~~
20
21 ~~Impervious surface: Any part of a lot that is covered by buildings, structures, parking areas,~~
22 ~~driveways, and any other surfaces which reduce or prevent absorption of storm water.~~
23
24 ~~Kennel: Any lot or premises on which four or more dogs, more than four months of age, are~~
25 ~~kept for commercial purposes.~~
26
27 ~~Land Use: The purpose for which land, a structure, a building, or part thereof is being used,~~
28 ~~as categorized by this zoning code. The term does not refer to building code categorization~~
29 ~~of use. Rather, the land use should be listed in the permitted/conditional use lists of each~~
30 ~~district in this Article or be similar to one of those uses listed. If the use cannot be found,~~
31 ~~the use should be added to the list through a code interpretation request.~~
32
33 ~~Loading space: An off-street space or berth on the same lot with a building or contiguous to~~
34 ~~a group of buildings, for the temporary parking of a commercial vehicle while loading or~~
35 ~~unloading merchandise or materials, and which abuts upon a street or other appropriate~~
36 ~~means of access.~~
37
38 ~~Lot: An undivided tract or parcel of land that is under one ownership, has frontage on a~~
39 ~~street or access to a street, and is designated as a separate tract of land by identifying its~~
40 ~~boundaries by a lot number or letter on a duly approved and recorded subdivision or by a~~
41 ~~metes and bounds description on a recorded instrument prior to November 1, 1973.~~
42
43 ~~Lot area: The total horizontal area within the boundary lines of a lot.~~
44
45 ~~Lot, corner: A lot situated at the intersection of two or more streets.~~
46
47 ~~Lot depth: The horizontal distance between the front and rear lot lines measured along the~~
48 ~~median between the two (2) side lot lines, or the distance from the front of the lot~~
49 ~~measured at the mid-point of the rear lot line to the mid-point of the front lot line for~~
50 ~~multi-sided or unusual lots.~~
51

1 *Lot, front of:* The front of a lot shall be considered to be that side on the lot that fronts on a
2 street. In the case of a corner lot, the narrowest side fronting on the street shall be
3 considered to be the front of the lot. In case the ~~corner~~ lot has equal frontage on two or
4 more streets, the lot shall be considered to front on that street with the greatest number of
5 lots front. The Community Development Director may designate any lot frontage to be the
6 front yard where, in his opinion, it would cause the lot to be most compatible with the
7 surrounding properties.

8

9 *Lot, interior:* A lot other than a corner lot.

10

11 *Lot lines:* The lines bounding a lot as defined herein.

12

13 *Lot, Odd-shaped:* A lot which has more than four (4) sides, or has three (3) sides, or has one
14 or more curvilinear sides. In such case, the Community Development Director may
15 designate the front, side, and rear sides.

16

17 *Lot of record:* A lot that exists as shown or described on a plat or deed in the records of the
18 County Recorder of Deeds ~~and as approved under Chapter 42, Article II, Subdivisions~~ or was
19 recorded by a separate legal description on a deed recorded prior to November 1, 1973.

20

21 ~~*Lot, reversed corner:* A corner lot the side street line of which is substantially a continuation~~
22 ~~of the front lot line of the lot or lots to its rear.~~

23

24 ~~*Lot, through or double frontage:* A lot having frontage on two parallel or approximately~~
25 ~~parallel streets.~~

26

27 *Lot width:* The horizontal distance between the side lot lines, measured at the building line
28 at right angles to the lot depth at a point midway between the front and rear lots lines.

29

30 ~~*Luminaire:* A complete lighting unit consisting of a light source and all necessary~~
31 ~~mechanical, electrical and decorative parts.~~

32

33 ~~*Manufactured home:* See "Mobile home".~~

34

35 ~~*Mobile home:* A transportable, factory-built home, designed to be used as a year-round~~
36 ~~residential dwelling containing the same water supply, waste disposal and electrical~~
37 ~~conveniences as immobile housing.~~

38

39 ~~*Motel:* An establishment providing transient accommodations on a daily rate to the general~~
40 ~~public with at least twenty five (25) percent of all rooms having direct access to the outside~~
41 ~~without the necessity of passing through the main lobby of the building.~~

42

43 ~~*Natural or artificial barrier:* Means any river, pond, canal, railroad, levee, embankment, or~~
44 ~~fence or hedge which prohibits a view of the use from the outside.~~

45

46 *Non-conforming structure, legal:* A building or structure or portion thereof that was lawfully
47 erected, but does not conform to height, setback, or bulk regulations.

48

49 *Non-conforming use, legal:* A lawfully established use of land, a building, or a structure that
50 does not conform to the current Planning and Zoning Code.

51

1 Non-conforming structure/use, illegal: A use of land or a structure erected which does not
2 conform to the current Zoning Codes and which was not permitted at the time of erection
3 or establishment.
4

5 ~~Nurseries~~: A place where trees, shrubs, or flowering plants are raised from seed or
6 otherwise in order to be transplanted or propagated for commercial purposes.
7

8 ~~Nursing home~~: An extended or intermediate care facility licensed or approved to provide
9 full-time convalescent or chronic care to individuals who, by reason of advanced age,
10 chronic illness or infirmity, are unable to care for themselves.
11

12 ~~Office, sales~~: An accessory office to a principal use where sales are primarily generated by
13 telephone or off site by salespersons with only incidental retail sales on site.
14

15 ~~Office, retail/warehouse combination~~: A facility that provides combined office, retail and
16 warehousing facilities for one or more businesses.
17

18 ~~Open space~~: Area included in any side, rear or front yard of any unoccupied space on a lot
19 that is open and unobstructed to the sky except for the ordinary projection of cornices,
20 eaves, porches or decks. Open space does not include driveways, internal streets and other
21 forms of impervious surface. Water bodies that are not subject to public ownership may
22 also be included as open space.
23

24 ~~Owner of record~~: The person, corporation, trustee or other legal entity listed as owner of a
25 premise in the records of the County Recorder of Deeds.
26

27 ~~Package liquor store~~: An establishment where alcoholic beverages are sold for consumption
28 off premises.
29

30 ~~Parking space, automobile~~: Space within a building or a private or public parking area for
31 the parking of one automobile.
32

33 ~~Person~~: Any individual, corporation, association, firm, partnership, institution or other legal
34 entity, singular or plural.
35

36 ~~Pick-up facility~~: A facility typically accessory to a commercial establishment designed solely
37 for the distribution of goods ordered before arriving at the establishment.
38

39 Premises ~~Premise~~: A premises ~~premise~~ is any tract of land which operates as a functional
40 unit regardless of ownership or the number of lots. When developed, a premises ~~premise~~
41 has one or more characteristics including shared parking, common management, common
42 identification, common access, or shared circulation systems.
43

44 ~~Principal building or structure~~: A structure, or group of structures, in which the principal use
45 of a premises ~~premise~~ is located.
46

47 ~~Principal use~~: The primary or predominant use of a premises ~~premise~~.
48

49 ~~Print shop~~: A typically small retail establishment whose principal activity is to provide
50 duplicating or document production services using photocopy, blueprint, word processing
51 or offset printing equipment or small printing presses.

1
2 *Private club:* An organization of persons for special purposes or the support of sports, arts,
3 literature, politics and the like.
4
5 *Qualifying Patient:* A Missouri resident diagnosed with at least one qualifying medical
6 condition.
7
8 *Rear lot line:* The line of the lot opposite the front lot line. In the event of an odd-shaped
9 lot, the rear lot line for setbacks may be designated by the Community Development
10 Director to be the deepest point of the lot or the point where the lot narrows to the
11 minimum lot width required by the applicable zoning district.
12
13 *Rear yard:* A space unoccupied except by a building or accessory use as hereinafter
14 permitted, extending the full width of the lot between the main building and the rear lot
15 line. Where there is an alley the depth of the rear yard may be measured from the rear lot
16 line.
17
18 *Restaurant:* An establishment where food and drink is prepared and served for
19 consumption on or off premise. If alcoholic beverages are sold, more than fifty (50) percent
20 of gross income must be derived from the sale of food and non-alcoholic beverages for
21 consumption on premise for the establishment to be classified as a restaurant.
22
23 *School:* Any building which is regularly used as a public, private or parochial elementary
24 and/or secondary school or high school.
25
26 *Self service storage facility:* A building consisting of individual, small, self contained units
27 that are leased or owned for the storage of business and household goods.
28
29 *Servants' quarters:* An accessory building located on the same lot or grounds with the main
30 building and used as living quarters for servants employed on the premises, not less than
31 fifty percent of his or her time, and not rented or otherwise used as a separate domicile.
32
33 *Setback:* The mandatory minimum or maximum distance between a lot line and an
34 elevation of a building or the closest point of a structure that is not a building, unless
35 otherwise indicated.
36
37 *Side line:* Any lot line not a front line or a rear line.
38
39 *Sorority house:* A building maintained exclusively by an incorporated sorority for sorority
40 members and their guests or visitors and affiliated with an academic or professional
41 college, university, or other institution of higher learning.
42
43 *Street:* A public way that extends primary means of access to abutting properties. ~~No street~~
44 ~~right of way in the City of Rolla shall be less than fifty (50) feet in width.~~
45
46 *Street, arterial:* Those streets that are used primarily for high to moderate speed, high
47 volume, extended trip length between activity centers traffic. ~~Minimum right of way width~~
48 ~~shall be eighty (80) feet with sixty (60) feet required for an industrial arterial.~~
49
50 *Street, collector:* A street or road primarily for the carrying of traffic from residential streets
51 to the arterial streets and freeways.

1
2 *Street, freeway:* A divided arterial highway for through traffic with full control of access and
3 generally with grade separations at intersections.
4
5 *Street, local minor residential:* A street primarily for access to the abutting properties.
6
7 ~~*Street width:* The horizontal distance between the side lines of a street, measured at right
8 angles to the back of the curb or side lines if no curb exists.~~
9
10 *Structure:* A building or other object that has been constructed or erected on the ground or
11 attached to or on top of another object or building, or as defined in the Building Codes.
12 Walkways and driveways located on the ground are not considered structures.
13
14 ~~*Tavern:* An establishment where fifty (50) percent or more of gross income is derived from
15 the sale of alcoholic beverages for consumption on premise and where the serving of food
16 and non-alcoholic beverages, as well as the sale of package liquors, are accessory activities.~~
17
18 ~~*Tea rooms:* An establishment used primarily for the serving of non-alcoholic beverages for
19 consumption on premise, with the sale of food as an accessory activity.~~
20
21 ~~*Trailer:* Any portable or mobile vehicle on wheels, skids, or rollers not structurally anchored
22 to a foundation, either self-propelled, or propelled by an attached vehicle, animal, person
23 or other propelling apparatus, which is used or may be used as living quarters or for
24 commercial hauling and/or storage purposes, and herein referred to as a trailer.~~
25
26 ~~*Trailer or mobile home park:* Any plot of ground where accommodation is provided for two
27 or more trailer coaches or mobile homes used as living or sleeping quarters.~~
28
29 ~~*Used car sales yard:* An area used for the display and sale of used automobiles in operating
30 condition and where no repair work is done except the minor adjustments of the cars to be
31 displayed or sold on the premises.~~
32
33 ~~*Width of side yard:* The horizontal distance between that portion of the main building
34 nearest the side property line and the side line of the lot.~~
35
36 *Yard:* An open space other than a court on the same lot between a building or group of
37 buildings and the nearest lot line and which is unoccupied and unobstructed from the
38 ground upward.
39
40 *Yard, front:* A yard extending across the full width of the lot, between the distance of the
41 minimum required front setback nearest main building and the front lot line. ~~The depth of~~
42 ~~the required front yard shall be measured horizontally from the nearest part of the main~~
43 ~~building to the nearest point of the front lot line.~~
44
45 *Yard, rear:* A yard extending the full width of the lot, between the distance of the minimum
46 required rear setback nearest main building and the rear lot line. ~~The depth of the required~~
47 ~~rear yard shall be measured horizontally from the nearest part of the main building to the~~
48 ~~nearest point of the rear lot line.~~
49

1 *Yard, side:* An open unoccupied space between the distance of the minimum required side
2 setback ~~main building~~ and the side line of the lot extending from the front yard to the rear
3 yard. ~~No part of an alley shall be used as part of the side yard.~~

4
5 ~~*Zero lot line:* The location of a building on a lot in such a manner that one or more of the~~
6 ~~building's sides rests directly on a lot line.~~

7
8 **Sec. 42.701-709 Reserved**

9

1 **Sec 42.710 Zoning Use Table**

2 The following table is for reference only. Any errors, omission, or conflicts will be
 3 interpreted by deferring to the text of the zoning code.

4 P – Permitted C – Conditional Use X – Not Permitted * - w/ restrictions

5 - (Commercial Use)

	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
Residential Uses									
Detached Single-family Dwelling	P	P	P	P	P	X	X	P	X
Residential Group Home	P	P	P	P	P	X	X	X	X
Modular Home	P	P	P	P	P	X	X	X	X
Mobile Home	X	X	X	X	X	X	X	X	X
Manufactured Home	X	X	X	X*	X	X	X	X	X
Residential-design Manufactured Home	P	P	P	P	P	X	X	P	X
Manufactured Home Park	X	X	X	C	X	X	X	X	X
Two-family (Duplex) Dwelling	X	P	X	P	P	X	X	P	X
Townhouse	X	C	P	P	P	X	X	P	X
Multi-family	X	X	P*	P*	P	X	C*	C	X
Overnight Shelter	X	X	X	C	C	X	C	X	C
Transitional Housing	X	X	X	C	C	X	X	C	X
Fraternity/Sorority House	X	C	X	P	P	X	X	C	X
Rooming and Boarding Houses	X	X	X	P	P	X	X	X	X
Family Child Care Home	P	P	P	P	P	X	X	X	X
Adult Day Care Home	P	P	P	P	P	X	X	X	X
Community Center	P	P	P	P	P	-	-	-	-
Nursing Home	C	C	X	P	X	-	-	-	-
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
Commercial Uses									
Commercial Use	X	X	C*	C	C	P*	P	P	P
Industrial Use	X	X	X	X	X	X	P*	C	P
Agriculture Business Use	C	X	X	X	X	-	-	-	-
Amusement and Recreation Use	X	X	X	X	X	X	C	X	X
Civic and Social Organizations	X	X	P*	P*	P	-	-	-	-
Child Care Center	X	X	X	P	P	P	P	P	P
Churches and Places of Worship	P*	P	P	P	P	P	P	P	X
Medical Marijuana Dispensary	X	X	X	X	X	X	P	P	X
Medical Marijuana Testing Facility	X	X	X	X	X	X	C	C	P
Medical Marijuana-infused Products Facility	X	X	X	X	X	X	X	C	P
Medical Marijuana Cultivation Facility	X	X	X	X	X	X	X	X	P
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
Medical Use	C	C	C	C	C	-	-	-	-
Parking Lots and Garages	X	X	X	P	P	X	P	P	P
Seasonal Sales	X	X	X	X	C	C	P	P	P
Sexually-oriented Business	X	X	X	X	X	X	P*	P*	P*
Soup Kitchen	X	X	X	X	X	X	C	C	X
Temporary Use	C	X	X	X	X	C	P	C	P

6
 7 **Sec. 42.710-799 Reserved**

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8

Section 800 Adopted Ordinances

NOTE: *This section to be used to keep track of the adopted zoning changes and text amendments. If required, this section could also record adopted vacations, subdivision, street name changes, etc.*

1 **NOTE:** *the following is text from Chapter 42 which is proposed to be removed.*
2

3 **~~Sec 42.600 Urban Conservation and Redevelopment Areas~~**
4

5 ~~The City Council may permit a modification of the requirements of this Zoning and
6 Subdivision Regulations Article in an area where an Urban Conservation or Redevelopment
7 Plan, enacted pursuant to Article VI, Sections 19 and 21 of the Constitution of the State of
8 Missouri, has been adopted to encourage urban conservation and support private sector
9 reinvestment. This action may be necessary to encourage projects that conserve and
10 preserve urban resources and that promote the stabilization and economic development of
11 an area, provided the following conditions are met:~~

- 12 ~~1. The project complies with an approved Urban Conservation or Redevelopment~~
13 ~~Plan;~~
 - 14 ~~2. The project complies with all ordinances, except those provisions to be modified;~~
 - 15 ~~3. The project does not interfere with easements, roadways, utilities, and public or~~
16 ~~private rights-of-way;~~
 - 17 ~~4. The project is not injurious to the use and enjoyment of surrounding property;~~
 - 18 ~~5. The project does not create drainage or erosion problems;~~
 - 19 ~~6. The project makes adequate provision for open space and for its maintenance;~~
 - 20 ~~7. An acceptable site plan has been submitted to the planning and Zoning Commission~~
21 ~~and City Council specifying what provisions of this Zoning and Subdivision~~
22 ~~Regulations Article are to be modified and why; and~~
 - 23 ~~8. The City Council may impose conditions to achieve the intent of City ordinances,~~
24 ~~the intent of the Urban Conservation or Redevelopment Plan or to achieve other~~
25 ~~public purposes. The applicant must comply or provide adequate assurances that~~
26 ~~all the conditions will be satisfied as set forth by the City Council.~~
- 27
28
29

1 **NOTE:** *The entirety of Chapter 40 of the city codes is recommended to be removed.*

2
3 **~~Sec. 40-1. Powers of department of community development.~~**

4 The mayor and city council approve of the exercise by the department of community
5 development of the city, acting by and through the city council, of the powers, functions
6 and duties as specified in the Land Clearance for Redevelopment Law as amended. It has
7 been the intent of the council that from the inception of the urban renewal program that
8 the city council be the administering authority. The previous actions of the city council with
9 regards to the department of community development of the city, the Ber-Juan Urban
10 Renewal Project and the urban renewal program are hereby ratified and confirmed.

11
12 **~~Secs. 40-1 to 40-6. Reserved.~~**

13
14 **~~ARTICLE II – ROLLA HISTORIC PRESERVATION COMMISSION~~**

15 **~~Sec. 40-7. Established; Purpose; Appointment; Qualifications.~~**

- 16 a. ~~There is hereby established a Rolla Historic Preservation Commission (RHPC), the~~
17 ~~purpose of which shall be to effect the protection, enhancement, perpetuation,~~
18 ~~and use of districts, sites, buildings, structures, and objects which reflect elements~~
19 ~~of the City's historic, aesthetic, archaeological and architectural heritage. —~~
20 b. ~~The RHPC shall endeavor, as its primary mission, to encourage preservation,~~
21 ~~restoration, and rehabilitation of the City's historic structures, districts, and~~
22 ~~neighborhoods.~~
23 c. ~~The RHPC shall be appointed by the Mayor with the consent of the City Council and~~
24 ~~shall consist of five (5) members, residents of the City or county. Not more than~~
25 ~~two (2) members shall reside outside the City limits. In addition, a member of the~~
26 ~~council and a member of the Planning and Zoning Commission may serve as ex~~
27 ~~officio members, but shall have no vote.~~
28 d. ~~To the extent feasible the Mayor and City Council will appoint to the RHPC persons~~
29 ~~with professional backgrounds in architecture, law, real estate, engineering,~~
30 ~~history, finance, and other fields relevant to historic preservation.~~

31
32 **~~Sec. 40-8. Terms of members, removal from office.~~**

- 33 a. ~~The members of the RHPC shall hold office for a five (5) year staggered term~~
34 ~~following the date of their appointment, excepting that the membership of the first~~
35 ~~RHPC shall serve respectively for terms of one (1) for one year; one (1) for two (2)~~
36 ~~years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5)~~
37 ~~years. Vacancies shall be filled for the unexpired term only. —~~
38 b. ~~Upon recommendation by the Mayor, a member of the RHPC may be removed by a~~
39 ~~vote of seven (7) City Council members. A member may also be removed by a vote~~
40 ~~of eight (8) City Council members independently of the Mayor's recommendation.~~
41 c. ~~Any RHPC member who fails to attend three (3) consecutive regular meetings shall~~
42 ~~forfeit their membership upon notification by the RHPC Chairman and approval by~~
43 ~~the Mayor.~~
44 d. ~~RHPC members serve without compensation.~~

45
46 **~~Sec. 40-9. Officers, Meetings.~~**

- 47 a. ~~Within fifteen (15) days after their initial appointment, the RHPC shall meet and~~
48 ~~elect one of its members as Chairman and one as Vice Chair. The term of the~~
49 ~~Chairman and Vice Chairman shall be one (1) year with eligibility for reelection.~~
50 b. ~~The City Clerk or another person designated by the City Administrator shall be the~~
51 ~~recording secretary and shall keep a record of all votes and actions taken at the~~

1 meetings. A copy of the minutes of every meeting of the RHPC shall be provided to
2 the City Council and shall be public record.

3 ~~c. A quorum of the RHPC shall consist of at least three (3) voting members. All
4 decisions or actions of the RHPC shall be made where a quorum exists. Meetings
5 shall be held at regularly scheduled times to be determined by the RHPC annually
6 or at any time upon the call of the Chairman.~~

7 ~~d. No member of the RHPC shall vote on any matter, which may materially or
8 apparently affect the property, income, or business interest of that member. No
9 action shall be taken by the RHPC which could in any manner deprive or restrict the
10 owner of a property in its use, modification, maintenance, disposition, or
11 demolition until such owners shall first have had an opportunity to be heard at a
12 public hearing on the matter, as provided herein.~~

13
14 **Sec. 40-10. Powers and Duties of the RHPC.**

15 ~~a. Adopt its own procedural regulations, provided that such regulations are consistent
16 with this or any other chapter of the Rolla City Code and state or federal statutes;~~

17 ~~b. Provide education to the public in historic preservation;~~

18 ~~c. Develop a survey plan for Rolla to identify and document historically or
19 architecturally significant buildings, structures, and areas that exemplify the
20 cultural, social, economic, political, or architectural history of the nation, state, or
21 City.~~

22 ~~d. Review and recommend to the City Council the identification of significant
23 historical, architectural, and archeological properties, sites, structures, buildings, or
24 areas as a Rolla Historic District or as a Rolla Historic Property without attaching to
25 those districts or properties any restrictions for receiving this designation;~~

26 ~~e. Review and recommend to the City Council the designation of properties located in
27 Rolla fulfilling the requirements, as stipulated in Sec. 40-13, as a "Rolla Historic
28 Preservation Property";~~

29 ~~f. Confer recognition upon owners of a Rolla Historic property or of property or
30 structures within a Rolla Historic District by means of letters, certificates, plaques,
31 or markers;~~

32 ~~g. Make recommendation for the design and implementation of specific markings of
33 the streets, and routes for a Rolla Historic District, or as a Rolla Historic property;~~

34 ~~h. Keep a register of all districts and properties which have been designated as
35 historic or as a "Rolla Historic Preservation Property", including all information and
36 photos used for each designation and to determine if changes are being proposed;~~

37 ~~i. Periodically review designated properties to insure continued compliance;~~

38 ~~j. Advise and assist owners of Rolla Historic property on the physical and financial
39 aspects of preservation, restoration, rehabilitation, and reuse;~~

40 ~~k. Advise interested parties on procedures for inclusion in the National Register of
41 Historic Places, provide relevant forms, review and comment on applications as
42 requested by the owner;~~

43 ~~l. Review applications for a permit for construction, alteration removal, or demolition
44 affecting a property designated by the City Council as a Rolla Historic Preservation
45 Property;~~

46 ~~m. Hold public hearings as determined necessary;~~

47 ~~n. Develop, interpret, and apply design guidelines contained in this ordinance as they
48 relate to a "Rolla Historic Preservation Property";~~

49 ~~o. Review and comment on proposed amendments or variances to Rolla's planning
50 and zoning code pertaining to a "Rolla Historic Preservation Property" prior to any
51 action by the Planning and Zoning Commission or the Board of Adjustment;~~

- p. ~~Advise the City Council, the Planning and Zoning Commission, and the Board of Adjustment on any matter affecting historically, architecturally, archaeologically significant properties, structures, and areas;~~
- q. ~~Make recommendations to the Mayor concerning the application for and use of any federal, state, or private grant, grant-in-aid, gift, or bequest awarded to the City to further the purposes of this Chapter; and~~
- r. ~~Coordinate actions with the State Historic Preservation Office (SHPO);~~
- s. ~~To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this Chapter.~~
- t. ~~Undertake appropriate action necessary for the implementation of the powers and duties and purpose of this Chapter.~~

~~Sec. 40-11. Designation of Historic Properties.~~

a. ~~Identification of a Rolla Historic District and historic properties and designation of properties earning the title "Rolla Historic Preservation Property" does not require either federal or state historic register certification before local designation may take effect nor does it confer any federal or state historic designations.~~

b. ~~Rolla Historic Property identification.~~

1. ~~Criteria to qualify for identification as an historic property. To qualify for identification as an historic property, each property described in the application must meet at least one of the following criteria:~~

- a. ~~Its value as part of the heritage or culture of Rolla;~~
- b. ~~Its location as a site of a significant event;~~
- c. ~~Its identification with a person or persons who made a significant contribution to the development of the community, state, or nation;~~
- d. ~~Its distinguishing characteristics of an architectural style or method of construction~~
- e. ~~Its identification as the work of a master designer, architect, landscape architect, or builder whose work influenced the development of Rolla, state, or nation~~
- f. ~~Its elements of design, detailing, materials or craftsmanship renders it significant~~
- g. ~~Its design elements make it structurally innovative;~~
- h. ~~Its unique location or physical characteristics that make it a familiar visual structure in Rolla~~
- i. ~~Its character as a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance; and/or~~
- j. ~~Its suitability for preservation or restoration.~~

2. ~~Application procedures for identifying an historic property.~~

- a. ~~Applications for identification as a Rolla Historic Property may be obtained from the City Clerk or Chairman of the RHPC.~~

- 1 b.—A completed application for identification as a historic property
2 must be submitted to the City Clerk or the Chairman of the RHPC
3 by the owner(s) of the property.
4

5 **Sec. 40-12. Identification of Historic Districts.**

6 1.—Criteria to qualify for designation as a district.

- 7 a.—At least five (5) properties lying within the proposed district boundaries
8 must be identified as eligible to be designated as a Rolla Historic Property.
9 b.—A majority of properties lying within the proposed district boundaries must
10 also be identifiable as potential Rolla Historic Property.
11

12 2.—Application procedures for identification as an historic district.

- 13 a.—Applications for designation as a Rolla Historic District may be obtained
14 from the City Clerk or the Chairman of the RHPC.
15 b.—When completed, the application materials shall be returned to the RHPC
16 or City Clerk by a group of five (5) or more property owners, whose
17 properties are located in close proximity to each other may collectively
18 seek to have their properties included in the historic district.
19

20 3.—Application review seeking designation as a Rolla Historic Property or as a Rolla
21 Historic District.—

- 22 a.—The Chairman of the RHPC shall add each completed application to the
23 agenda of the next regular meeting for review, providing each member of
24 the RHPC shall have at least seven (7) days to review the application before
25 the meeting.
26 b.—Review of all completed applications will be concluded within the thirty
27 (30) days following the RHPC meeting at which the application was first
28 reviewed, unless the RHPC concludes that additional information will be
29 necessary before it may make an informed decision. Upon receipt of the
30 last requested information, the review will be concluded within thirty (30)
31 days.
32 c.—In its review, the RHPC shall be guided by the criteria set out in Section 40-
33 16.
34 d.—Recommendation of the RHPC relating to identification as a Rolla Historic
35 Property or as a Rolla Historic District. Upon consideration of the
36 completed application, the RHPC shall, by majority vote, decide whether to
37 recommend or not to recommend approval of the application to the City
38 Council.
39 e.—If the vote is to recommend approval, the Chairman of the RHPC shall
40 notify the property owner (s) and shall submit to the City Council the
41 completed application, plus any additional information considered by the
42 RHPC, together with the vote and the rationale behind the RHPC's
43 decision. If the vote is not to recommend approval, the Chairman of the
44 RHPC shall meet with the property owner (s) and shall explain the RHPC
45 rationale for its decision. If the property owner(s) then wish to ask the City
46 Council to reject the recommendation of the RHPC, they may do so. In such
47 case, the property owner(s) shall formally notify the Chairman of the RHPC,
48 in writing, of his/her intent to appeal the recommendation of the RHPC to
49 the City Council. Upon receipt of that notice, the Chairman shall forward
50 the completed application to the City Council, plus any additional data

1 considered by the RHPC, together with the vote and rationale of the
2 RHPC.—

3 f.—The decision of the City Council to grant or to deny, identification as a Rolla
4 Historic Property or for inclusion in a Rolla Historic District is final.

5 g.—The decision of the City Council to grant these designations will be
6 conveyed by the Community Development Director (Director) to the
7 relevant property owner(s), the Planning and Zoning Commission, and the
8 RHPC.
9

10 **Sec. 40-13 "Identification of Rolla Historic Preservation Properties"**

11 1.—Criteria to qualify for designation as a "Rolla Historic Preservation Property". This
12 designation is the most prestigious recognition granted in Rolla to an owner of an
13 historic property. To qualify for this recognition requires that each property owner
14 (s) follow the procedures outlined above to secure such designation as a historic
15 property. Each owner must voluntarily agree, in writing, to abide by the restrictions
16 described in Sections 40-11, 40-12, 40-13, 40-14, 40-15, 40-16, 40-17, 40-18, and
17 40-19.
18

19 2.—Application for designation as a "Rolla Historic Preservation Property".
20 Applications for designation as a "Rolla Historic Preservation Property", together
21 with a copy of the historic preservation ordinance relating to this designation, may
22 be obtained from the City Clerk or the RHPC Chairman. Completed applications
23 may be submitted to the City Clerk or to the RHPC Chairman by the owner(s) of the
24 property seeking this designation.
25 Every owner of a property proposed for this designation must sign the application,
26 which shall include the following agreement:
27 "The undersigned, being the owner(s) of the above described property, hereby
28 request its designation as a "Rolla Historic Preservation Property". I/we have read
29 and understood the Rolla Historic Preservation Ordinance. By signing this
30 application, I/we agree that if my/our property(ies) receive this designation, I/we
31 accept all regulations, restrictions, and protections set out in this ordinance relating
32 to historic properties and districts."
33

34 3.—Upon consideration of the completed application, the RHPC shall, by majority vote,
35 decide whether to recommend or not recommend approval of the application to
36 the City Council.
37 If the vote is to recommend approval, the Director shall notify the property owner
38 (s) and shall submit to the City Council the completed application, plus any
39 additional data considered by the RHPC, together with the vote and rationale of the
40 RHPC.
41 If the vote is not to recommend approval, the Director shall notify the property
42 owner(s) and shall explain the RHPC rationale for its decision. If the property
43 owner(s) then wish to ask the City Council to reject the recommendation of the
44 RHPC, they may do so. In such cases, the property owner(s) shall notify in writing
45 the Director of their intent to appeal the recommendation of the RHPC to the City
46 Council upon receipt of that notification, the Director shall submit to the City
47 Council the completed application, plus any additional data considered by the
48 RHPC, together with the vote and the rationale of the RHPC.
49

50 4.—The decision of the City Council to grant or deny an historic property the additional
51 designation as a "Rolla Historic Preservation Property" is final.

1 The decision of the City Council to grant this additional designation will be
2 conveyed to the respective property owner(s), the Planning and Zoning
3 Commission, the RHPC, and the Director.
4

- 5 5. The property owner (s) may, upon notice to the RHPC, request that the subject
6 property may have its designation as a "Rolla Historic Preservation Property"
7 terminated by City Council.
8

9 **Sec. 40-14. Restriction on Properties Designated as "Rolla Historic Preservation**
10 **Property".**

11 Property owners who voluntarily seek this designation and who sign the
12 statement/agreement stipulated in Section 40-13, contractually accept all regulations and
13 protections provided in Sections 40-11 through 40-19.

- 14 1. Property owner(s) also acknowledge that these regulations, restrictions, and
15 protections shall apply to the designated property in the future, regardless of the
16 transfer of ownership. Current property owner(s) also agree that, before
17 transferring their property to a new owner, they will notify that subsequent owner,
18 in writing, with a copy sent to the City Clerk, of the property(s) designation as a
19 "Rolla Historic Preservation Property" and shall provide the new owner with a copy
20 of the current historic preservation ordinance, a copy of which may be obtained
21 from the City Clerk.
22
- 23 2. Restrictions on properties designated as a "Rolla Historic Preservation Property"
24 may be removed or modified only by action of the City Council.
25

26 **Sec. 40-15. Financial Incentive to Foster Historic Preservation.**

27 Should the City Council establish financial incentives to foster historic preservation,
28 excluding recognition by means of letters, certificates, plaques, or markers, only those
29 properties designated as a "Rolla Historic Preservation Property" shall be eligible.
30

31 **Sec. 40-16. Design Guidelines.**

32 The following design guidelines shall apply to any alteration, demolition, or new
33 construction to properties designated by the City Council, following the process outlined in
34 this Article, as a "Rolla Historic Preservation Property", so that properties will be compatible
35 with their original style and character as well as to surrounding historic structures:

- 36 1. Height: The height of any proposed alteration or construction should be
37 compatible.
38 2. Doors and windows proportions: The proportions and relationships between doors
39 and windows should be compatible.
40 3. Relationship between building masses and spaces: The relationship of a structure
41 within a historic district to the open space between it and adjoining structures
42 should be compatible.
43 4. Roof type and material: The design of the roof should be compatible in terms of
44 type and materials used.
45 5. Building scale: The scale of the building after alteration, construction, or partial
46 demolition should be compatible.
47 6. Building facades: Facades in historic areas should blend with other structures and
48 should not be significantly higher or wider.
49 7. Architectural details:

- a.— Architectural details and materials should be treated so as to make an historic property compatible with its original design or its predominant architectural style.
 - b.— The removal of historic materials or alteration of features and spaces that characterize a property should be avoided.
 - c.— Changes that create a false sense of historic architecture should not be undertaken. Most properties change over time; those changes that have acquired historic significance in their own right may be retained and preserved or the property may be restored to its original period.
 - d.— Deteriorated historic features should be repaired rather than replaced. When replacement is required, the new feature shall match the old design and, where economically feasible, materials.
 - e.— Chemical or physical treatments for surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Sandblasting is not recommended.
- 8.— Archaeological resources: Significant archaeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.
- 9.— Signage: The character of signs should be in compliance with City regulations and in keeping with historic or architectural character of the individual property and the surrounding district. The RHPC shall recommend approval or denial prior to any installation assuming the sign code is met.
- 10.— Minimum maintenance: The minimum maintenance standards shall be those outlined in the Property Maintenance Code adopted and updated by the City Council.
- 11.— Ordinary maintenance: Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior element of any building or structure. Ordinary maintenance is defined as work, for which a building permit is not required, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.
- 12.— Exclusion: This article shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any such elements, which the authorized municipal officers shall consider as necessary for the health, safety, or community welfare.

Sec. 40-17. Historic property construction permits.

The guidelines for the issuance of an historic property construction permit are:

- 1.— An historic property construction permit will be required for any construction, structural alteration, removal, or demolition effecting the exterior of a "Rolla Historic Preservation Property", in whole or in part, and requiring a City building permit.
- 2.— In addition to exterior work, an historic property construction permit will be required for other work, which includes, but is not limited to, the addition, alteration, or removal of architectural or decorative details as well as signage.
- 3.— A construction permit involving historic properties will not be required for ordinary maintenance or repair of any exterior element of any building or structure. Ordinary maintenance is defined in Section 40-16 (11).
- 4.— An historic property construction permit will not be required for:
 - a.— Landscaping;
 - b.— Paint color;

- c.— Mailboxes;
- d.— Light fixtures;
- e.— Sculpture;
- f.— Unenclosed patios;
- g.— Gazebos under 100 square feet in area;
- h.— Arbors;
- i.— Pergolas.

~~Sec. 40-18. Application for an historic property construction permit.~~

~~When an historic property permit is required, the applicant shall:~~

- ~~1.— Contact the Director and/or the Codes Administrator to discuss the work and to determine the need for an historic property construction permit and/or a building permit.~~
- ~~2.— If an historic property construction permit is needed, the application should be made to the Community Development Department. The Director shall forward the completed permit application, along with current photograph of the property, to the RHPC. Applicants may also be required to submit plans or other detailed information as may be required for review as a historic property.~~
- ~~3.— Make every effort to attend the RHPC meeting during which the application is reviewed.~~

~~Sec. 40-19. Application review.~~

~~When a completed application for an historic property construction permit has been submitted to the RHPC, the commission shall:~~

- ~~1.— Add the application to the next regular meeting for review. The commission may call a special meeting to review routine applications when delay might become an unnecessary inconvenience to the applicant.~~
- ~~2.— Review of all applications will be completed within 15 days. If the commission cannot meet the time frame specified for lack of a quorum, and the applicant desires a decision, the Chairman of the RHPC shall have the authority to recommend the approval or denial of the permit.~~
- ~~3.— The review period may be extended an additional 15 days if more information is required before a vote can occur.~~
- ~~4.— Upon recommendation of approval by the commission, the Codes Administrator shall issue the permit.~~
- ~~5.— Any recommendation of denial shall be accompanied by a statement of the reasons for that recommendation. The RHPC shall also include recommendations, which would cause the commission to reconsider its recommendation. The RHPC Chairman, the Codes Administrator, and Director, shall meet with the applicant as soon as possible, to resolve the differences. The applicant may submit a petition for a variance to the Board of Adjustment if an appeal is desired. In this case, the provisions of Chapter 42 pertaining to variances shall be followed. The applicant may amend the application at any time during the review process or reapply at a later date.~~
- ~~6.— If the RHPC fails to recommend approval or denial of the application within 30 days of its submission, the application will be automatically approved.~~
- ~~7.— Once an historic property construction permit has been issued any minor changes, as determined by the Director, may be approved without the submission of a new application. All major changes must be reviewed by the RHPC.~~

~~Sec. 40-20. Stop work order.~~

1 ~~When the Codes Administrator has reason to believe that an action for which an historic~~
2 ~~property construction permit is required has been initiated, or is about to be initiated, he~~
3 ~~shall make every effort to contact the property owner, occupant, contractor, or~~
4 ~~subcontractor and inform them of the necessity of submitting an application for an historic~~
5 ~~property construction permit. If the Codes Administrator determines it is a necessity to~~
6 ~~issue a stop work order, he shall make every attempt to serve the same on the property~~
7 ~~owner, occupant, contractor, or subcontractor in person and by certified mail.~~

8

9 **~~Sec. 40-21. Fees and penalties.~~**

10 ~~Fees shall coincide with existing permit applications. Penalties shall be those set out under~~
11 ~~the existing penalty provisions in the Code as adopted by City Council.~~

12

13

1 **NOTE:** *The following section is from Chapter 41 is proposed to be revised.*

2

3 **Sec. 41-6. Discharge of bows and arrows and crossbows prohibited within the City Limits**
4 **of Rolla, Missouri; exceptions.**

5

6 (a) Definitions:

7 *Bow and arrows* shall mean a bow and arrow combination that requires completely manual
8 operation without any means to cock the weapon. This definition excludes bow and arrow
9 combinations considered as toys and intended to release arrows incapable of penetrating a
10 target or other surface.

11

12 *Crossbow* shall mean a traditional crossbow utilizing a mechanism wherein the weapon can
13 be cocked and left in a stable state until it is subsequently released or fired at a later time
14 via a trigger mechanism.

15

16 (b) It shall be unlawful for any person within the City Limits to discharge any bow and arrow
17 or crossbow unless that person complies with the following regulations and in either
18 subsections 41-6

19 (c) and 41-6(d).

20 (1) It shall be unlawful for any person to discharge any type of bow and arrow or
21 crossbow within Rolla's City Limits in a manner that endangers persons or property.

22 (2) It shall be unlawful for any person to discharge any type of bow and arrow or
23 crossbow in such a manner that causes the arrow or bolt to land on any property
24 other than the property on which the arrow or bolt was discharged, unless written
25 permission is granted by the impacted property owner(s).

26 (3) It shall be unlawful to use and/or discharge any type of bow and arrow or
27 crossbow on public property unless authorized by the City Council.

28

29 (c) The use of any type of bow and the discharge of target arrows is permitted within Rolla's
30 City Limits for the purpose of target shooting. Any person who participates in target
31 shooting pursuant to this subsection shall abide by subsection 41-6 (b) and the following
32 rules:

33 (1) It shall be unlawful for any person fifteen (15) years of age or younger to
34 participate in target shooting unless under the supervision of a parent or legal
35 guardian.

36 (2) It shall be unlawful for any person who participates in target shooting pursuant
37 to this subsection to discharge a broadhead or any type of hunting arrow.

38

39 (d) The use of longbow, recurve and/or compound bows, or crossbows, and the discharge
40 of broadhead or other hunting arrows or bolts is permitted within Rolla's City Limits for the
41 purpose of taking game as regulated by the Missouri Department of Conservation and with
42 the written permission of the property owner. Hunting using bows and arrows or
43 crossbows shall only be permitted on land three (3) acres in size or larger zoned "R-R"
44 ~~(Rural Residential) pursuant to Chapter 42, Article III, Zoning, and subject to the provisions~~
45 of subsection 41-6 (b).

46

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. Chapter 28 is to be renamed and revised as follows.

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 one hundred (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 fifteen (15) days for the property owner to appeal the
3 determination. If the property owner does not appeal the determination, or if the appeal is
4 denied, the property owner must be given an additional five (5) days to correct the
5 violation(s) before the city may 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 it's 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 ninety (90) days, or both
8 such 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 thirty (30)
21 days after the day the decision, notice, or order was served. An application for appeal shall
22 be based on the claim that the true intent of this code or the rules legally adopted
23 thereunder have been incorrectly interpreted, the provisions of this code do not fully apply,
24 or the 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.** Ten (10) inches (Add: Premises and exterior property specifically includes
37 adjacent streets. The property owner is required to maintain those areas between the
38 street 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

1 **NOTE:** *The following portion of Chapter 15 will also be revised.*
2

3 **Sec. 15-75. Authority and Scope.**

- 4 (a) This Chapter shall apply to all proposed development except for that development
5 which meets waiver or variance criteria as outlined in Section 15-80 of this Chapter.
6 (b) This Chapter shall apply to all timber harvesting activities, except those timber
7 harvesting operations which are implementing a forest management plan that has
8 been deemed to be in compliance with the regulations of the buffer Ordinance and
9 has received approval from the Missouri Department of Conservation.
10 (c) This Chapter shall apply to surface mining operations except that the design
11 standards shall not apply to active surface mining operations that are operating in
12 compliance with an approved state or federal surface mining permit issued by the
13 appropriate governing agency.
14 (d) Article V of this Chapter shall not apply to agricultural operations that are covered
15 by an approved Natural Resources Conservation Service (NRCS) conservation plan
16 that includes the application of BMPs.
17 ~~(e) Article V of this Chapter may not apply to areas that are zoned R-R in accordance~~
18 ~~with the City of Rolla Zoning Ordinance.~~
19 (f) Article V of this Chapter shall not apply to streams with a tributary drainage area of
20 less than one hundred (100) acres.
21 (g) This Chapter shall apply to all parcels of land, structures, and activities that are
22 causing or contributing to:
23 (1) Pollution, including nonpoint source pollution, of the waters within the City
24 of Rolla;
25 (2) Erosion or sedimentation of stream channels;
26 (3) Degradation of aquatic or riparian habitat.
27