AGENDA

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

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

I. APPROVE MINUTES:
Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, July 12, 2022.

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

III. OLD BUSINESS: NONE

IV. NEW BUSINESS:
1. SUB22-07 - Gracie Place 2: A Minor Subdivision to combine lots and create an outlot at 2000 Hwy E

V. PUBLIC HEARING: NONE

VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:
1. Update on Zoning Code Rewrite: Presentation of proposed Sections 100, 200, and 300

VII. CITIZEN COMMENTS:

NEXT MEETING DATE: Tuesday, October 11, 2022
MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, JULY 12, 2022

Presiding: Don Brown, Chairperson

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

Commission Members Absent: Lister Florence Jr.

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

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. **SUB22-05, Wolfe’s Corner:** Minor Subdivision to combine two residential lots into one lot in the R-1, Single-family Residential district at 1220 Devonshire Ln.

2. **SUB22-06, University Fraternity Subdivision No. 3:** Minor Subdivision to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district on Fraternity Drive.

3. **ZON22-02, Car Mart:** Rezoning (map amendment) from the C-1, Neighborhood Commercial district to the C-2, General Retail district at 1306 Hwy 72 East.

4. **VAC22-01, Curators of the University of Missouri:** Vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13th Street and University Dr.

5. **VAC22-02, Curators of the University of Missouri:** Vacation of State Street north of 11th Street.

6. **ZON22-01, Collectve Solutions:** A rezoning (map amendment) from the C-3, Highway Commercial district to the M-1, Light Manufacturing district at 1898 Old Saint James Rd.

III. OLD BUSINESS: NONE

IV. NEW BUSINESS: NONE

V. PUBLIC HEARING:

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

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

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

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

VII. CITIZEN COMMENTS: NONE

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

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

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

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

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

Application and Notice:
Applicant/Owner - Jim Sowers of JRS Enterprises, Inc
Public Notice - [https://www.rollacity.org/agenda.shtml](https://www.rollacity.org/agenda.shtml)
City Council Date - September 19, 2022

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

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

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

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

Documents to demonstrate the common lot would be maintained and access easements for the detention basin will be provided prior to finalizing the plat.
Findings:
1. The proposed minor subdivision would combine two common lots and create a new common lot for an existing detention basin.
2. The plat appears to be in compliance with all applicable zoning, subdivision, and other requirements.

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

Prepared by: Tom Coots, City Planner
Attachments: Area Map, Application, Plat
Project Information:
Case No: SUB22-07
Location: 2000-2024 State Hwy E
Applicant: Jim Sowers of JRS Enterprises
Request: Minor Subdivision to combine platted lots and create a common lot

For More Information Contact:
Tom Coots, City Planner
tcoots@rollacity.org
(573) 426-6974
901 North Elm Street
City Hall: 2nd Floor
8:00 – 5:00 P.M.
Monday - Friday
**Contact Information:**

**Property Owner:**
Jim Sowers, JRS Enterprises Inc.

**Name(s)**
PO Box 1884

**Mailing Address**
Rolla, MO 65402

**City, State, Zip**
(573) 578-9475

**Phone**
jrsowers@rollanet.org

**Email**

**Agent/Applicant (If Different Than Property Owner):**

**Name**

**Mailing Address**

**City, State, Zip**

**Phone**

**Email**

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**Property/Request Information:**

**Request:**
- Sketch Plat
- Major Subdivision
- Minor Subdivision
- X Replat
- Subdivision Variance
- Vacation of ROW/easement

**2000 Highway E**

**Property Address/Location**

**R3, Multi-Family**

**Property Zoning**

3 existing 2 proposed

**Number of existing and new lots proposed**

GRACIE PLACE 2

**Name of Subdivision**

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**APPLICATION CHECKLIST:**

Completed Application Form  
Agent Letter (If Applicable)  
Filing Fee - $300 (Major Subdivision); $100 (Minor Subdivision/Replat); $350 (Subdivision Variance) + Recording Fee ($44 or $69)  
Improvement Plans (Final Plats only; 1 paper copy and pdf version)  
Plat (5 paper copies and pdf version) or Vacation Exhibit  
Letter of Request (Subdivision Variance only)

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**OFFICE USE ONLY:**

**Case No:** SUB022.07  
**Submission Date:** 8.18.22  
**DRC Meeting Date:** 9.6.22  
**Advise By:** N/A  
**PC Hearing Date:** 9.13.22  
**CC Hearing Date:** 9.19.22/10.3.22
**INFORMATION:**

(Optional) **Sketch Plats** must include the following information (Section 42-32.1):
1. Proposed subdivision name, contact information for property owner, north arrow, scale, date.
2. Location map, general dimensions of property lines, existing easements, ROW’s, buildings, cemeteries, watercourses, flood areas, contours, etc.
3. Name, location, dimensions of existing streets; name, width, classification or proposed streets and alleys.
4. Existing utilities and stormwater management facilities on and adjacent to property.
5. Location, dimensions, and configuration of proposed lots.
6. Location and general layout of proposed water and sewer lines.

**Preliminary Plats** must include the following information (Section 42-32.2):
1. Legal description and boundary line.
2. Name and location of adjoining existing subdivisions, streets, ROW widths, alleys, property lines, etc.
3. Proposed streets with width, centerline, grade, length; dimensions of easements and alleys, etc.
4. Existing property lines, buildings, and utilities.
5. Arrangement, location, dimensions of proposed lots with area, line bearings, angles, and setbacks.
6. Location, dimensions, and area of land to be dedicated or reserved for common ownership.
7. Contour lines, water courses, ravines, culverts, bridges, ponds, etc.
8. Proposed sewer lines, storm sewer lines, drainage facilities, bridges, etc. and easements

**Final Plats** must include the following information (Section 42-32.3):
1. Items shown on Preliminary Plat except contours, land features, street grades, and utilities.
2. Plat restrictions and restrictive covenants regarding building permits.
3. Dedication deeding for easements, streets, alleys, parkland, etc.
4. Access limitation and improvement acceptance notes.
5. Planning and Zoning Commission and City Council approval.
6. City and County tax release.
7. Surveyors and Recorders Certificate.

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

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

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

Property Owner(s):

[Signature]

[Print Name]

Applicant/Agent (If Different From Owner)

[Signature]

[Print Name]
Meeting Date: June 14, 2022

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

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

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

The City Council established the Zoning Code Ad-hoc Committee in February 2022 to review the zoning codes, subdivision codes, and any other land use regulations to make recommendations for changes to the city codes. The ad-hoc committee included members of the Planning and Zoning Commission, Board of Adjustment, City Council, citizen representatives, and city administration. The ad-hoc committee has been meeting since March 2022.

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

Application and Notice:
Applicant - City of Rolla
City Council Date - To be determined

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

Section 100 contains sub-sections for the administration of the codes, for the Planning and Zoning Commission, for the Board of Adjustment, for all of the different types of applications and processes, for non-conforming uses, and for enforcement.
Section 200 details each of the zoning districts with the allowed uses and bulk standards, and for overlay districts, and for PUD’s. Several new zoning districts are proposed. Several existing zoning districts are proposed to be removed. A new zoning map will have to be adopted to assign the zoning to the impacted properties.

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

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

Prepared by: Tom Coots, City Planner
Attachments: Proposed Sections 100, 200, and 300 of the revised Zoning and Subdivision Regulations; Underline/strikethrough version of proposed revisions
Section 100 Administration

Sec 42.100 Title
This chapter of the Rolla City Code Article, and the Official Zoning Map made a part hereof, shall be known and may be cited as the Rolla Planning and Zoning and Subdivisions Code, and may also be referred to as Zoning Regulations, Zoning Code, or Subdivision Regulations.

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

Sec 42.101 Purpose
This Article Code is adopted in order to promote the health, safety, morals, and the general welfare of the community by regulating features including the height, number of stories, and the size or bulk of buildings and other structures, lot coverage, the size of yards and other open spaces, the density of population and the location and use of buildings and structures for trade, industry, residences or other purposes. Additional purposes include the conservation and protection of property values, encouraging efficient and the economic use of property, as well as the prevention of traffic congestion, and the mitigation of adverse environmental impacts from the conduct of business in Rolla, mitigation of disaster potential impacts, and planning for future needs.

Sec. 42-22. Interpretation and Purpose.
The provisions of this Article, in their interpretation and application, shall be held to the minimum requirements adopted for the protection of the public health, safety, and welfare. The purpose of this Article is to regulate the subdivision of land as defined herein. In addition, the subdivision regulations are designed to provide for the safe, orderly, and economic use of transportation facilities; to facilitate orderly land use and layout; to ensure proper legal description and creating monuments for monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to facilitate the adequate provision of municipal services including streets, water, sewerage, electricity, parks, open space, schools, and other requirements; and to promote the development of affordable housing.

Sec 42.102 Applicability and Jurisdiction
Territorial Application of Regulations:
The regulations and restrictions in this chapter Article shall apply to all buildings, structures, land, and land uses within the corporate limits of the City of Rolla, unless otherwise exempted or grand-fathered by other provisions of this code Article.

Sec 42.103 Authority
The City Council enacts the Rolla Zoning and Subdivisions Code this Article pursuant to the authority conferred by Chapter 89 Revised Statutes of Missouri, as applicable.

Sec 42.104 Severability
It is hereby declared to be the intention of the City Council that the several provisions of this chapter Article are separable, in accordance with the following rules:
(a) If any court of competent jurisdiction shall adjudge any provision of this chapter Article to be unconstitutional, invalid, or illegal, such judgment shall not affect any other provisions of this chapter Article.
If any court of competent jurisdiction shall adjudge the application of any provision of this chapter Article to a particular property, building or structure to be unconstitutional, invalid, or illegal, such judgment shall not affect the application of said provision to any other property.

Sec 42.105 Rules of Interpretation
When referring to this chapter Article, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

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

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

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

Classification of Vacated Right-of-Way: Whenever any public right-of-way is vacated by official action of the Planning and Zoning Commission and City Council, the zoning district adjoining each side of the vacated right-of-way shall automatically extend to the centerline of the vacated property; or, in the case where all of the vacated right-of-way shall revert to one property, the zoning district of the host property shall extend to the vacated area.
Sec 42.106 Conflicts
If there is a conflict between any part of this chapter and any other law, city code provision, ordinance, regulation, or other part of this chapter the provisions that are more restrictive or that impose higher standards or requirements shall govern.

Sec 42.107 Duties of the Community Development Director.
The Community Development Director Codes Administrator or his duly designated and authorized representative, in addition to the duties delegated to him under this chapter Article and other ordinances of the City, shall administer and enforce this chapter Article including:

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

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

1. Receive applications for Zoning Ordinance map amendments and conditional use permits pursuant to the provisions of this Article.
2. Maintain for distribution to the public copies of the zoning map or maps, the text of the Zoning Ordinance, and the rules of the Planning and Zoning Commission and Board of Adjustment. A reasonable fee for each copy shall be charged to defray printing costs.
3. Provide technical and expert assistance to the City Council, Planning and Zoning Commission, and Board of Adjustment.
4. Make recommendations with respect to city planning, zoning, land use and development to the City Council, Planning and Zoning Commission, City Administrator and other departments and agencies of the City.

5. Maintain permanent and current records of official actions on all variances, conditional use permits, special exceptions, re-zoning applications, and other activities of the Planning and Zoning Commission and Board of Adjustment and all functions of the Community Development Department related to the administration of this chapter Article.

42.109 Development Review Committee

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

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

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

Function: the Development Review Committee may:

1. Act in an advisory capacity to the Mayor, City Council, City Administrator, and the city's boards and commissions on matters relating to the Planning and Zoning Code and related development issues.
2. Review subdivision plats, Board of Adjustment, and land use rezoning applications prior to their review by the Planning and Zoning Commission or Board of Adjustment, providing guidance and recommending conditions necessary to achieve the intent of these regulations.
3. Conduct factual investigations, as deemed appropriate by the Mayor and/or City Council, or the City Administrator, regarding matters relating to land development practice and the application of the Planning and Zoning Code.
4. Conduct informal hearings or meetings for the purpose of obtaining factual information and expert opinion regarding the interpretation of the Planning and Zoning Code prior to any appeals to the Board of Adjustment or the Planning and Zoning Commission.
5. Conduct pre-application meetings for planned and potential redevelopment projects to provide guidance of any needed subdivision or land use applications.
Section 110 Planning and Zoning Commission

Sec 42.110 Planning and Zoning Commission - Established
There is hereby established a planning and zoning commission for the city as provided by state statutes Section 89.010 to 89.140, Revised Statutes of Missouri. The Planning and Zoning Commission of Rolla, Missouri, hereinafter also referred to as the Commission, is hereby designated as the administrative agency charged with the duty of making determinations and investigations concerning the design and improvements in proposed subdivisions and land use actions and for making recommendations to the City Council.

Sec 42.111 Planning and Zoning Commission – Composition
The commission shall consist of members appointed by the mayor with the advice and consent of the city council and such other members as may be provided by city ordinance.

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

Sec 42.112 Planning and Zoning Commission - Terms
The term of each of the citizen members shall be for four years. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The terms begin on January 1 each calendar year. The term of the councilperson shall coincide with their City Council term. A commissioner may continue to serve after the end of their term while awaiting re-appointment unless discharged of duty.

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

Sec 42.113 Planning and Zoning Commission – Rules
The commission shall elect a chairman, and secretary/vice-chairman, and secretary-treasurer from among the appointed members of the commission. The terms of each officer shall be one year with eligibility for re-election. The terms shall run for each calendar year with elections to be held at the first meeting held in the calendar year.

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

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

All motions or questions being voted upon by the commission shall require an affirmative vote by a majority of the voting members present. Members may abstain from voting by casting their vote as "present" and that said vote shall not be tallied as a negative or an affirmative vote.
The commission shall hold regular meetings and special meetings as it may provide by rule and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be open to the public for inspection.

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

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

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

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

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

1. Whether the proposed use is consistent with the intent of the Rolla Comprehensive Plan;
2. Whether the proposed use, scale, and location is appropriate and compatible with the uses permitted on other property in the immediate vicinity;
3. Whether adequate utility service and facilities exist or can be reasonably provided to serve the uses permitted on the property if rezoned;
4. Whether reasonable conditions may be imposed to mitigate any impacts to the immediate vicinity;
5. The impact the proposed use would have upon vehicular and pedestrian traffic safety;
6. Relevant information submitted at the public hearing.
The Planning and Zoning Commission should consider the following information when reviewing Planned Unit Development requests:

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

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

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

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

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

Sec 42.114 Planning and Zoning Commission - Duties

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

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

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

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

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

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

Sec 42.115 Planning and Zoning Commission - Powers
In general, the commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

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

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

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

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

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

The Planning and Zoning Commission is charged with review of streets for conformity to the adopted Comprehensive Plan and Major Thoroughfare Plan pursuant to Missouri State Statutes 89.460.
For extensions, relocations, or construction of new collector status or higher streets, the
general alignment must be shown on the adopted Comprehensive Plan or Major
Thoroughfare Plan.

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

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

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

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

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

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

The city of Rolla Council has adopted a comprehensive plan of the City of Rolla, therefor, no
street or other public facilities, and no public utility, whether publicly or privately owned,
and the location, extent, and character thereof having been included in the comprehensive
plan, shall be constructed or authorized in the city until the location, extent, and character
thereof has been submitted to and approved by the commission. In case of disapproval,
the commission shall communicate the reasons for such disapproval to council. The council
may overrule the action of the commission by a vote of not less than two-thirds of the
elected members of the council. Upon the overruling, the council or the appropriate board
or officer may proceed, except that if the public facility or utility is one the authorization or
financing of which does not fall within the province of the council, then the submission to
the commission shall be by the board having jurisdiction, and the planning and zoning
commission’s disapproval may be overruled by that board by a vote of not less than a two-
thirds vote of its entire membership. The acceptance, widening, removal, extension,
relocation, narrowing, vacation, abandonment, change of use; acquisition of land for sale or
lease of any street or other public facility is subject to similar submission and approval, and
the failure to approve may be similarly overruled. The failure of the commission to act
within sixty days after the date of official submission to it shall be deemed approval.

Sec 42.116 Plans – Preparation and Review
The commission shall assist the city council in making, reviewing, and adopting a
comprehensive plan, or any other plan such as the Major Thoroughfare Plan, area plans,
neighborhood plans, etc., for the physical development of the city.

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

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

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

Sec 42.117 Plans – Process to Adopt
Prior to the adoption of the comprehensive plan by the city council, the commission shall
hold at least one public hearing thereon. The commission shall hold such public hearing
prior to any amendment or extension of such plan as adopted by the council. Notice of such
public hearing shall be published in a newspaper of general circulation in the city at least
fifteen (15) days in advance. Such notice shall indicate the time, place, and date of such
hearing. The hearing may be adjourned from time to time.

The adoption of the plan by the commission requires a majority vote of the full
membership of the commission. The resolution shall refer expressly to the maps,
descriptive matter, and other matters intended by the commission to form the whole or
part of the plan and the action taken shall be recorded on the adopted plan or part thereof
by the identifying signature of the secretary and chairman of the commission, identified
properly by file number, and a copy of the plan or part thereof shall be certified to the
council and municipal clerk. A copy of the plan shall be made available in the office of the County Recorder of Deeds and the Municipal Clerk.

**Sec 42.118 Plans – Effect on Decisions**

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

**Sec 42.119 Plans – Adopted**

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

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

1. That the Rolla 2020 Comprehensive Plan Update, 2005, is hereby adopted in its entirety, as required by Section 42-7 of the Rolla City Code, and attached hereto as EXHIBIT A and incorporated herein by reference thereto.

2. That by enacting the Rolla 2020 Comprehensive Plan Update, 2005 for the physical development of the City, the 1996 Comprehensive Plan is hereby amended. A copy of said Rolla 2020 Comprehensive Plan Update, 2005 is on file in the office of the City Clerk, City Hall, Rolla, Missouri.

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

1. That the amended 2008 Major Thoroughfare Plan is hereby adopted and shall be included as part of the Rolla 2020 Comprehensive Plan Update, 2005 as required by Section 42-7 of the Rolla City Code, and attached hereto as EXHIBIT A and incorporated herein by reference thereto.

2. That by enacting the amendments to the Major Thoroughfare Plan as a part of the Rolla 2020 Comprehensive Plan Update, 2005 for the physical development of the City, a copy of said Rolla 2020 Comprehensive Plan Update, 2005 shall be filed in the office of the City Clerk, City Hall, Rolla, Missouri. (Ord. 3845, §§1-2)

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

1. That the Rolla West Master Plan is hereby adopted as an amendment to the Rolla 2020 Comprehensive Plan Update, 2006 in its entirety, as required by Section 42-7 of the Rolla City Code, and attached hereto as Exhibit A and incorporated herein by reference thereto.

2. That by enacting this ordinance the Rolla 2020 Comprehensive Plan Update, 2006 for the physical development of the City is hereby amended. A copy of said Rolla West Master Plan adopted as an amendment to the Rolla 2020 Comprehensive Plan Update, 2006 is on file in the office of the City Clerk, City Hall, Rolla, Missouri. (Ord. 3894, §§1-2)

1. That the Schuman/Ber Juan Neighborhood Plan is hereby adopted as an element of the Rolla 2020 Comprehensive Plan Update, 2005 as required by Section 42-7 of the Rolla City Code. (Ord. 4623, §1)

2. That by adopting the Schuman/Ber Juan Neighborhood Plan as an element of the Rolla 2020 Comprehensive Plan Update, 2005 for the physical development of the City, a copy of said plan shall be filed in the office of the City Clerk, City Hall, Rolla, Missouri. (Ord. 4623, §2)
Section 120 Board of Adjustment

Sec 42.120 Board of Adjustment – Established
There is hereby established a Board of Adjustment for the city as provided by state statutes. The Board of Adjustment of Rolla, Missouri, also referred to as the Board or BOA, is charged with the duty of making determinations and investigations certain requests for relief from the adopted zoning code.

Sec 42.121 Board of Adjustment – Composition
The Board of Adjustment shall consist of five members, who shall be City residents. Members are appointed by the mayor with the advice and consent of the city council and such other members as may be provided by city ordinance.

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

Sec 42.122 Board of Adjustment – Terms
The members of the Board of Adjustment shall be appointed for staggered terms of five (5) years each and shall serve without compensation. No member shall serve more than two (2) consecutive terms and shall not be a current member of the Planning and Zoning Commission.

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

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

Sec 42.123 Board of Adjustment – Rules
The Board shall elect its own chairman and vice-chairman who shall hold office for one year. The terms are for a calendar year with elections to be held at the first meeting of the calendar year held. The vice-chairman shall act as the acting chairman if the chairman is unable to attend a meeting.

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

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

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.
Every decision of the Board of Adjustment shall be in writing and shall contain a full record of the findings of the Board in each case, all of which shall be immediately filed in the office of the Board and shall be a public record. The secretary of the Board of Adjustment shall notify in writing the City Council and Zoning and Planning and Zoning Commission of each decision, interpretation, appeal, special exception and variance considered under the provisions of this Article.

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

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

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

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

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

Sec 42.124 Board of Adjustment – Powers

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

1. Hear and decide appeals where it is alleged there is error in any order, requirement decision or determination made by an administrative official in the enforcement of this chapter Article and may also decide any questions involving the interpretation of any of the provisions of this chapter Article, including the location of any district boundaries, if there is uncertainty with respect thereto.

2. In appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this chapter Article in harmony with its general purpose and intent and in accordance with the general and specific rules herein contained.

3. Authorize, upon appeal, in specific cases such variance from the terms of this chapter Article as according to the criteria for approval of such variance, will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions hereof will result in unnecessary hardship, and so that the spirit of this chapter Article shall be observed and substantial justice done.

4. Shall serve as the members of the Board of Appeals for the adopted version of the 2000 International Property Maintenance Code, as required in Section 111.2 of that
Sec 42.124 Board of Adjustment – Variances and Special Exceptions

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

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

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

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

Sec 42.125 Board of Adjustment – Decision Criteria

The Board of Adjustment shall not grant a variance request vary the regulations of this Article as authorized above unless and until it shall make findings based upon the particular 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 the granting of the variance is consistent 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 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
Appeals of an administrative decision or interpretation may be submitted to the Board of
Adjustment may be taken by any person aggrieved or by an officer, department, board or
bureau of the City of Rolla affected by any decision of an administrative officer.
Such appeal shall be submitted taken within fifteen (15) days time after an administrative officer has rendered the decision. Such appeal shall be taken by filing with the officer from whom the appeal is taken and with the secretary of the Board of Adjustment a notice of appeal specifying the reasons. The officer from whom the appeal is taken shall send to the secretary of the Board all the papers constituting the record relating to the appealed action.

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

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

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

Sec 42.127 Board of Adjustment – Appeals from Ruling
Appeals from rulings of the Board of Adjustment may be submitted taken in the manner provided by statute.

Sec 42.128 – 42.129 Reserved
**Section 130 Land Use Applications**

**Sec 42.130 Land Use Applications**
The following sections detail the requirements for the various types of land use applications. Applications related to the subdivision of property are described in Section 42.500 Subdivision Regulations. All applications are subject to revocation if found to be incomplete or the payment is not received. Applications are processed in the order received. The tentative public meeting schedule will be assigned when an application is received. The dates are subject to the time needed to review the application, receive any needed revisions, and meeting all public notification requirements.

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

**Sec 42.131 Rezoning (Map Amendment)**
Rolla's property owners, legislative bodies, and government officials may propose amendments to the Official Zoning Map (e.g., rezoning requests), the Future Land Use Map, or the text of Rolla's Planning and Zoning Code. For such a request to be initiated, applicants must submit the appropriate application and the Map & Text Amendment fee listed in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code. All applications and fees shall be filed with the Community Development Department no later than the second Tuesday of each month for consideration during the following month.

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

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

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

A rezoning application may be withdrawn upon request by the applicant at any point in the approval process, prior to final action by the City Council, without requiring a twelve (12) month delay before reapplication. The Planning and Zoning Commission would first consider the new application.
Sec 42.132 Conditional Use Permit

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

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

A property owner or authorized representative may request a Conditional Use Permit 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 site plan, if applicable;
5. A letter of request or project report detailing the proposed use or development, and;
6. Other supporting materials, if desired.

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

1. The Conditional Use Permit application shall contain the following information:
   1. The names, addresses, signatures, and contact information for both the applicant and, if applicable, the agent of the applicant.
   2. The legal description of the property;
   3. The zoning classification and present use of the property;
   4. A description of the proposed conditional use;
   5. A Site Plan in accordance with this Section;
   6. A statement describing how the proposed conditional use will comply with the applicable standards of this Section; and
   7. A statement describing how the proposed conditional use is to be designed, arranged, and operated will be submitted in order to ensure that
future development, which is consistent with District regulations, will not
be prevented or made unlikely and that the value, use, and reasonable
enjoyment of such property will not be impaired or adversely affected.

2.—Site Plan content.

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

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

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

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

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

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

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

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

1. The Planning and Zoning Commission in accordance with the provisions of this Article shall hold a public hearing on the application for a Conditional Use Permit.
2. Subsequent to the public hearing, the Community Development Director shall certify that the application is complete and shall prepare a report to the Planning and Zoning Commission. Upon receipt of said report and after the holding of a Public Hearing, the Commission shall recommend to the City Council approval or denial of the Permit.

1. In recommending approval of conditional uses, the Planning and Zoning Commission may shall impose such conditions as it determines necessary. Said conditions may shall include but not be limited to the following:
   1. Permitted uses, including maximum floor area;
   2. Performance standards;
   3. Height limitations,
   4. Minimum yard requirements;
   5. Off-street parking and loading requirements;
   6. Sign regulations;
   7. Minimum requirements for Site Plans; and
   8. Time limitations for commencement of construction.

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

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

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

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

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

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

Sec 42.133 Amendment to Conditional Use Permit
Amendments to an approved Conditional Use Permit may be reviewed in the same manner as a new application.

In order to amend an existing Conditional Use Permit or to amend the Site Plan approved for a Conditional Use Permit, the following procedures shall be executed:
1. To amend a Conditional Use Permit
   1. The property owner or his/her/their agent shall submit a Conditional Use Permit Amendment application to request amendments to such a permit’s conditions. The Community Development Director shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing. A report shall be formulated that outlines the findings of such an analysis.
   2. The Community Development Director shall then forward the request and his/her report to the Planning and Zoning Commission. The Commission shall review the proposed amendments and file a report with the City Council in which the Commission shall recommend to grant, deny, or modify the requested condition amendments. If the Commission determines that the requested amendments are not consistent in purpose...
and content with the nature of the proposal as originally advertised for public hearing, the Commission may require that a new public hearing on the matter be held. If a new public hearing is ordered for the amendment, the amendment becomes a major amendment and the applicant must pay the major amendment fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.

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

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

A. Process. The process for review of a Planned Unit Development (PUD) Overlay District involves the following steps:
   1. Optional Sketch Plan Review by the Development Review Committee and Planning and Zoning Commission.
   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;
5. existing and proposed buildings, signage, parking areas, driveways, stormwater management systems, and utilities;
6. Water courses, drainage ways, sinkholes, ponds, lakes, marshes or flood plains, including the 100-year flood plain, where applicable;
7. The proposed zoning classification and use areas;
8. Proposed landscaping buffer areas and other open spaces, and indicating any areas for tree preservation;
9. Any proposed phases with approximate construction schedule, and;
10. A tabulation of the following information, if applicable:
   a) The total number of dwelling units proposed by type of structure,
   b) The total land area for each land use; and
   c) The number of off-street parking and loading spaces
   d) Proposed height and setback requirements, if different from underlying zoning.

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

1. The Final Development Plan must include the same information required on the Preliminary Development Plan and must incorporate any conditions of approval from the City Council. The plan must substantially conform to the approved preliminary plan and may include minor deviations as necessary as the final engineering plans are developed.

2. The Community Development Director may approve the plan, or may refer review to the Planning and Zoning Commission if, in the directors opinion, the plan does not substantially conform to the approved preliminary plan or meet the intent of plans as approved by the City Council.

3. If referred, the Planning and Zoning Commission will review the plan for substantial compliance.

4. If the Final Development Plan is found to not be in substantial compliance with the approved Preliminary Development Plan the applicant must submit a new Preliminary PUD application.

5. The following criteria may be used to determine if a Final Development Plan is in substantial conformity with an approved Preliminary Development Plan:
   1. Does not increase maximum density or any building height approved in the Preliminary Development Plan more than five (5) percent;
   2. Does not decrease by more than five (5) percent the area approved for open space or number of parking spaces;
   3. Does not significantly alter the arrangement of land uses, driveways, roads, building locations, parking areas, or required landscaping or open spaces within the PUD;

H. Amended PUD Review. An approved PUD may be amended to modify the approved Development Plan and/or PUD Report if desired. An Amended PUD Review is the same process as a Preliminary PUD Review. The amendment may amend the entire
approved PUD or may amend the PUD for only a portion of the property/development.

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

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

A sketch or concept plan may be provided prior to filing a Preliminary Development Plan for review by the Community Development Director and other City department heads. Applications for a PUD District shall be evaluated using the following review process:

(a) Sketch plan.
(b) Preliminary Development Plan.
(c) Final Development Plan.

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

8. The applicant's name, address, phone number, and interest in the subject property;
9. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application;
10. The names and addresses of all professional consultants advising the applicant with respect to the proposed PUD;
11. The legal description of the subject property and a survey, certified by a registered land surveyor, showing property lines and dimensions; all easements and rights-of-way, any part of which affects the subject property; and a statement that all necessary easements can be obtained; and
12. One (1) or more maps at a scale of not less than one (1) inch to two-hundred (200) feet delineating the existing and proposed physical site characteristics of the site and adjacent property, including:

1. Topography at contours not more than five (5) feet;
2. Slopes of ten (ten) percent or more;
3. Property boundary lines and dimensions; existing buildings; existing utilities; easements, roadways, rail lines and other public rights-of-way crossing or adjacent to the property;
4. Water courses, drainage ways, sinkholes, ponds, lakes, marshes or flood plains, including the 100-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
Preliminary Development Plan. Additional information shall be provided as prescribed by the Planning and Zoning Commission or City Council, but shall in all cases include the information and documentation found in the Preliminary Development Plan, and:

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

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

A Final Development Plan shall be deemed to be in substantial conformity with an approved Preliminary Development Plan if it:

4. Does not increase maximum density approved in the Preliminary Development Plan more than five (5) percent;
5. Does not increase the maximum height of any structure by more than five (5) percent;
6. Does not decrease by more than five (5) percent the area approved for open space or change the general location of such areas;
7. Does not alter the approved traffic circulation elements that would decrease the ability of such elements to function efficiently or adversely affect their relation to surrounding land uses and circulation systems;
8. Does not significantly alter the arrangement of land uses within the PUD;
9. Does not violate any provision of the codes and ordinances applicable to the proposed PUD; and
10. Does not depart from the Preliminary Development Plan in any manner which the Planning and Zoning Commission and City Council shall, based on the stated
findings and conclusions, determine to materially alter the development concept for the proposed PUD.

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

Landscape Plans are a required component of Development Plans under the PUD regulations of this Article. Landscape Plans shall contain the minimum following information:
1. A minimum scale drawing of one (1) inch to fifty (50) feet;
2. The location of all trees to be preserved;
3. The location of all plant and landscaping materials to be used;
4. A list of all plant materials (canopy, under-story, ornamental or evergreen tree; shrub; etc.) to be used;
5. The size of all plant material to be used;
6. The spacing of plant material, where appropriate; and
7. The entity responsible for preparing the Landscape Plan.

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

Sec 42.135 Variance, Special Exception, Appeal (Board of Adjustment)
A special exception is a permission given by the Board properly authorized by this Article in specific cases for an applicant to use his property for certain uses in a manner contrary to the provisions of this Article provided such use serves the general welfare and preserves the community interest.

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

An appeal is a request for the Board to review a decision made by an administrative officer for compliance with the intent and meaning of the regulations. The Board of Adjustment may designate conditions on granting special exceptions or variances that secure the public interest and intent of this chapter Article.
A property owner or authorized representative may request a variance, special exception, or appeal to the Board of Adjustment 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 development of the property, if applicable, and;
6. A letter of request which explains the project/request and how the request meets the criteria for approval, and;
7. Other supporting materials, if desired.

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

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

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

Sec 42.136 Voluntary Annexation

A property owner or authorized representative may request a property be annexed into the corporate limits of the city 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. 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 the ability of the city to provide normal municipal services to such area within a reasonable time. The commission shall make such report to the council within a reasonable
time after receiving such proposal. Nothing herein shall prevent the council from acting
upon such proposals either with or without the recommendations of the commission.

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

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

Sec 42.137 Text Amendment
Amendments to the Zoning and Subdivision Regulations are initiated by city staff, the City
Council, or the Planning and Zoning Commission.

Sec 42.138 Vacations
An adjoining property owner or their authorized representative may request a partial or
total vacation of an easement or street right-of-way by submitting the following:
1. Completed application on forms supplied by the Community Development
Department, and;
2. Letter authorizing a representative to apply on behalf of the property owner, if
applicable, and;
3. Filing fee, and;
4. Legal description of the subject property to be vacated in an electronic format
which can be copied, pasted, and manipulated (MS Word file or email preferred),
and;
5. Vacation exhibit, and;
6. A letter of request or other supporting materials, if desired.

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

A vacation request may be reviewed concurrently with a subdivision application. In such
case, no separate application or fee is required.
The Development Review Committee reviews all requests for vacations. The committee may determine such vacation is appropriate. Staff will forward the request to the Planning and Zoning Commission for their recommendation to the City Council.

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

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

Sec 42.139 Reserved
Section 140 Processes

Sec 42.140 Building Permits
It shall be unlawful to start the construction of a new building, structure, or sign or the enlargement or structural alteration of a building, structure, parking lot, or sign, without first filing a written application for and obtaining a building permit.

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

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

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

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

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

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

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

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

(a) Certificate of occupancy for a building: Certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations.
(b) Certificate of occupancy for a non-conforming use: A Certificate of occupancy for legal non-conforming uses shall be issued, and the certificate shall state that the use is a legal non-conforming use.

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

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

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

Sec 42.141 Land Use Review

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

1. New Commercial Buildings and Additions to or Expansions of Commercial Buildings
2. New Industrial Buildings and Additions to or Expansions of Industrial Buildings
3. New Multi-family Buildings and Additions to or Expansions of Multi-family Buildings
4. Change in Use, Increase of Intensity of Use, and Establishment of a New Use
5. Home Occupation Applications
6. Sign Applications

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

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

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

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

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

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

**Sec 42.142 Public Hearings**
Applications for special exceptions, variances, and use variances shall be submitted on forms provided for this purpose not less than twenty-eight days prior to a regularly scheduled Board meeting, or by a filing deadline as posted by the Community Development Department. Along with the submission of such an application, the applicant shall submit the appropriate fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. Once the application has been determined to be complete, the Board of Adjustment shall hold a public hearing and written notice of all such public hearings shall be sent by the secretary of the Board to the applicant and all other persons deemed by the Board to be affected. In addition, upon completeness, the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.

Applications for rezoning (map amendment), conditional use permit, preliminary plat, final plat, planned unit development, or annexation must be submitted not less than twenty-eight (28) days prior to a regularly scheduled Commission meeting, or by a filing deadline as posted by the Community Development Department.
Meeting dates assigned at the time of application are tentative only, as additional
information or revisions to plans may be needed prior to being able to be heard at a
meeting.

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

1. Major Subdivisions;
2. Planned Unit Developments;
3. Conditional Use Permits;
4. Rezoning (Map and Amendment);
5. Text Amendments (no signage required);
6. Appeals to the Board of Adjustment;
7. Variances;
8. Special Exceptions; Use Variances; Subdivision Variances;
9. Vacations (entirety of street rights-of-way only);
10. Preliminary Plats;
11. Major Amendments to Conditional Use Permits, Site Plans; and
12. Amendments to Planned Unit Development Final Development Plans.

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

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

Mail Notification: Through postal service, staff shall send an informational packet must be
mailed to the property owners of the subject parcel(s) and those owners of properties
located within a 300-foot perimeter (non-rounded parallel lines that are drawn 300 feet
from each side) around the subject parcel(s). The informational packet shall include a map
that indicates where the subject parcel(s) is/are located and a letter that includes provides
the following information: a description of the proposal; the physical and digital location of
relevant case documents; and the location, time, and date of the Board of Adjustment or
Planning & Zoning Commission meeting and the City Council-held public hearing. When
applicable, the letters shall explain the extraordinary majority requirements described in
Section 89.060 of the Revised Statutes of Missouri.
Newspaper Notification: Staff shall post a legal advertisement must be posted in an official paper or a paper of general circulation in Rolla. This type of notification must only include including a description of the request, address or location of the subject property, the time and place of the City Council-held public hearing and the physical and digital location of relevant case documents. In addition, if space allows, a description and the location of such a proposal shall also be provided. A map showing the general location of the subject property may also be provided.

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

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

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

Sec 42.143 City Council Review
In any case, subsequent to proper notification as described above, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission.

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

In the case of a protest petition against a rezoning (map amendment), planned unit development, or conditional use permit such change, duly signed and notarized by the owners of thirty (30) percent or more of the land area (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and within a perimeter of one hundred eighty-five (185) feet distance from the subject property boundaries of the district proposed to be changed, such request amendment shall not be approved become effective except by the favorable vote of two thirds (2/3) of all the members of the City Council.
A protest against a proposed Conditional Use Permit may be filed in accordance with the provisions of this Article that address protest petitions for zoning cases.

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

Sec 42.144 Fee Schedule

**LAND-USE ACTION FEE SCHEDULE**

<table>
<thead>
<tr>
<th>Land Use Action Type</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Plat</td>
<td>$500</td>
</tr>
<tr>
<td>Major Subdivisions-Final Plat</td>
<td>$300-$500</td>
</tr>
<tr>
<td>Minor Subdivisions (Administrative Review)</td>
<td>$100-$250</td>
</tr>
<tr>
<td>Minor Subdivision (requiring Final Plat process)</td>
<td>$450</td>
</tr>
<tr>
<td>Lot Consolidations &amp; Reconfigurations</td>
<td>$100-$50</td>
</tr>
<tr>
<td>Lot Line Adjustments</td>
<td>$50</td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td>$475-$600</td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>$375-$450</td>
</tr>
<tr>
<td>Rezoning (Map &amp; Text Amendments) (e.g., rezones)</td>
<td>$375</td>
</tr>
<tr>
<td>Voluntary Annexation</td>
<td>$600</td>
</tr>
<tr>
<td>Appeals to the Board of Adjustment</td>
<td>$350-$375</td>
</tr>
<tr>
<td>Variances</td>
<td>$350-$375</td>
</tr>
<tr>
<td>Special Exceptions</td>
<td>$350-$375</td>
</tr>
<tr>
<td>Use Variances</td>
<td>$350</td>
</tr>
<tr>
<td>Subdivision Variances</td>
<td>$350</td>
</tr>
</tbody>
</table>
Concurrent applications are encouraged when possible. Applications submitted concurrently may have a portion of the application fees waived. Applications for requests that are heard by the Planning and Zoning Commission and City Council will only be subject to the application fee for the request with the highest fee. Concurrent applications which must be heard by both the Board of Adjustment and the Planning and Zoning Commission may have $100 of the application fees waived.

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

Sec 42.145 – 42.149 Reserved
Section 150 Non-Conforming Uses

Sec 42.150 Non-Conforming Uses and Structures
Any use, building, or structure that does not conform to the regulations of this chapter Article, but were lawful and conforming when established or constructed, may continue, but shall be subject to the limitations of this section Division 20, which pertain to nonconforming uses, and any other exemptions or limitations provided by this chapter Article.

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

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

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

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

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

Sec 42.151 Limitations
The following limitations apply to maintaining lawful nonconforming status:

1. an expansion or increase in intensity of a nonconforming use of land or structure or part thereof is not permitted;
2. a change of use to a conforming use or a discontinuance of a nonconforming use of land or a structure will result in the revocation of the non-conforming status or part thereof;
3. reconstruction, enlargements, additions, expansions, or structural alteration of a nonconforming structure are not permitted, except for structural alterations that are required by building, fire, or health codes for human health and safety, or for the modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this chapter Article;
4. structures that exist on lots that do not meet minimum lot size and width requirements render such structures nonconforming and, in turn, shall not be permitted to receive expansions or additions and the lots shall not be permitted to receive additional accessory or primary structures;
5. nonconforming structures shall not be moved unless they are moved in 
   way that reconciles all nonconforming aspects of the structure that can be 
   reconciled by moving the structure;
6. a nonconforming structure that is damaged by fire, tornado, or other 
catastrophe shall be permitted to be restored or rebuilt in a manner which 
does not increase any non-conforming aspect of the original structure or 
use and used again as previously, provided that building permits for such 
restoration or reconstruction are issued within two years of the date of the 
catastrophe and construction is are diligently pursued prosecuted to 
completion and that the rebuilding or restoration following the catastrophe 
does not increase any nonconforming aspect of the original structure or 
use.
7. Exemption: Where reconstruction, alteration, extension, addition, or 
structural change to a single-family or two-family residential structure used 
for residential purposes is permitted if the change does not increase any 
nonconforming aspect of the use or structure, a variance from the Board of 
Adjustment is not required for said alteration, reconstruction, addition, or 
structural change. Enlargements, expansions, and additions (including 
adding accessory structures) are not permitted if the lot does not meet 
minimum lot size and width requirements.

Sec 42.152 Board of Adjustment
The Board of Adjustment, after a public notice and a public hearing, may grant a special 
exemption to allow a legal nonconforming use to be changed to any other use permitted in 
the zoning district in which the nonconforming use is allowed, provided the proposed use is 
not more intense than the existing use in terms of traffic generation and other impacts on 
surrounding property.

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

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

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

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

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

Sec 42.163 – 42.169 Reserved

Sec 42.170 – 42.199 Reserved
Section 200 Zoning Districts

Sec 42.200 General Provisions

1. Permitted Uses: Unless otherwise exempt, no building, structure, or land shall be used or occupied or designed for use or occupancy after the effective date of this chapter Article in a way that is not permitted by this Article. A use which is not expressly permitted will be considered to not be permitted unless otherwise approved as described in this chapter.

2. Lot Size, Bulk, and Height Requirements: Unless otherwise exempt, and as of the effective date of this chapter Article, no building or structure or part thereof shall be built, moved, expanded, added to, or enlarged, and no vacant land shall be used or occupied on a lot that does not conform to minimum lot size, lot width, and lot depth requirements.

3. Buffer-Yard Requirements: All buildings, structures, and uses shall provide and landscape the buffer-yards required under the requirements of this Article. No new construction, including additions, parking construction, and placement or construction of accessory or additional primary structures, shall be permitted in such buffer-yards.

4. Customary Home Occupations: No home occupation shall hereafter be established, altered, or enlarged in any residential district unless it is allowed as a use and complies with the conditions and restrictions imposed by Section 42-207.

5. Accessory Structures or Uses: No accessory building, structure, or use, as defined in Section 42-204 shall hereafter be built, moved, established or enlarged unless such accessory building, structure or use is permitted.

6. Signs: No sign shall be built after the effective date of this Article, and no existing sign shall be moved or remodeled, unless such sign complies, or will thereafter comply, with the restrictions imposed by Division 18.

7. Off-Street Parking: No building or structure shall be built, added to, expanded, or moved after the effective date of this Article unless the minimum off-street parking spaces are provided on the premises and in accordance with Division 17. Unless otherwise exempted by other provisions of this article, a change of use, an expansion of use, or an increase in a current use’s intensity shall trigger the site to conform to current parking requirements and standards.

8. Number of structures on a lot: Not more than one principal building shall be located on the same lot in the R-R, R-1, and U-R R-2, GI, C-O, C-1, C-2, C-3, CC, M-1 or M-2 zoning districts. In all other districts mobile home parks, self-service storage facilities, and in the R-3 and R-3B Multi-Family Districts, any number of buildings or structures may be established on a single lot as long as the other provisions of this or any other Article of the Rolla City Code is satisfied.

9. Zoned Rights-of-Way: No use otherwise authorized in the respective zoning district shall be permitted in the rights-of-way that is not specifically authorized by the City’s rights-of-way regulations, specifically Chapter 36 of the Rolla City Code. Any provision of this Article that refers to being adjacent to, abutting, or within a certain distance of a residential zoning district or property zoned residential does not apply if the adjacent, abutting, or nearby zoning district or property is the City’s rights-of-way.

10. No Public Water or Sewer: No use, which requires potable water or sewerage disposal to operate, shall be established on a parcel of less than three (3) acres, unless both public water and public sewer are provided.
Sec 42.201 Zoning Districts
The City of Rolla shall be divided into the following fourteen (14) zoning districts, the location and boundaries of which are shown on the Official Zoning Map. The Official Zoning Map which Map is incorporated in this chapter Article by this reference. The districts include:

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

Commercial Districts:
1. **C-O, Office District:** A zone intended for low-intensity office development and serving as a transition zone from commercial uses to residential uses.
2. **C-1, Neighborhood-Commercial Business District:** A zone established to accommodate individual small-scale retail stores, offices, and personal service businesses that offer convenience goods and services normally considered a frequent or even daily necessity for residents of an adjoining neighborhood or at a scale to provide a transition between residential uses and higher intensity uses.
3. **C-2, General-Commercial Retail District:** A zone designed for uses that provide community-wide personal and business services, small shopping centers and specialty retail shops.
4. **C-3, Highway-Commercial District:** A zone designed for businesses that provide essential commercial services and support activities of community and regional significance. These uses depend upon high visibility and convenient sites on arterial streets and near highways to accommodate customers or distribute goods.
5. **C-C, Center-City District:** A zone designed to accommodate urban scale commercial, residential, and mixed-uses the existing unique mix of uses and to
encourage appropriate development private investment in the downtown area
Rolla Central Business District.

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

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

Special Districts:

1. GI, Government and Institutional P, Public Use District: A zone designed for
governmental buildings and uses which are owned by the city, county, state, or
federal governments, or other public or semi-public uses including public medical
facilities and institutions of higher education.

2. U, University District: To be applied to properties owned by Missouri University of
Science and Technology and are not subject to zoning requirements.

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

1. Such map shall be in triplicate originals, each of which shall bear the
signature of the Mayor and attestation of the City Clerk and bearing the
Seal of the City.

2. The original map, one of said originals or a revised version with any
adopted amendment shall be available hung in the Community
Development Department office of the Secretary of the Planning and
Zoning Commission.

3. It shall be the duty of the Community Development Department Secretary
to keep up to date the originals, showing all changes, additions and
amendments thereto and maintaining records of the date of passage by
ordinance.

4. Regardless of the existence of copies of the Official Zoning Map that from
time to time may be published, the Official Zoning Map shall be located in
the Community Development Department office of the Secretary of the
Planning and Zoning Commission and this map shall be considered the final
authority as to the current zoning status of land and water areas in Rolla.

5. Copies of the Official Zoning Map may be provided to the public through
the city website or the city GIS database.
Sec 42.202 Zoning District Summary Table

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

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

* Indicates there are exceptions
Sec 42.203 Zoning Use Definitions
Use definitions will generally follow the definitions from the North American Industry Classification, NAICS. The NAICS classifications will be used, except for the following uses, which are defined herein:

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

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

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

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

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

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

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

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

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

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

Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling containing the same water supply, waste disposal and electrical conveniences as immobile housing which was built prior to the enacting of the National Manufactured Housing Construction and Safety standards Act of 1974, 42 USC 5401. Due to the age of these homes and the lack of building standards when they were constructed, Mobile Homes are prohibited.
Modular Home: A residential dwelling constructed in an off-site manufacturing facility and built according to the minimum adopted building codes of the City of Rolla.

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

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

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

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

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

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

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

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

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

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

Residential-scale Medical Use: Medical and healthcare uses including massage therapy, physicians, dentists, chiropractors, optometrists, mental healthcare practitioners, other healthcare practitioners offices and outpatient care facilities; but not including animal
hospitals or 24-hour clinics. Such uses are limited to 10,000 square feet. The use also includes nursing home facilities up to 30,000 square feet, or as approved by a Conditional Use Permit.

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

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

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

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

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

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

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

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

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

Sec 42.204 Zoning Use Categories

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

Agriculture Use:
Crop Production;
Animal Production; and
Forestry and Logging
Agricultural Business Use:
Seasonal Sales;
Nonmetallic Mineral Mining and Quarrying;
Wind and Solar Generation;
Garden Equipment and Supplies Dealer;
Veterinary Services;
Museums, Historical Sites, and Similar Institutions;
Bed and Breakfast Inns;
RV Parks and Recreational Camps; and
Other similar uses as determined by the Community Development Director.

Tier 1 Commercial Use:
Office Use;
Professional, Scientific, and Technical Services;
Real Estate;
Management of Companies and Enterprises;
Employment Services;
Educational Services;
Ambulatory Health Care Services;
Individual and Family and Vocational Rehabilitation Services;
Museums, Historical Sites, and Similar Institutions;
Grantmaking, Social Advocacy, and Business, Professional, Labor, and Similar Organizations;
Public Administration;
Finance and Insurance;
Veterinary Services;
Grocery and Specialty Food Stores;
Health and Personal Care Stores;
Information;
Performing Arts and Spectator Sports;
Amusement Arcades;
Traveler Accommodations;
Drinking Places;
Death Care Services;
Parking Lots and Garages.

Tier 2 Commercial Use:
Seasonal Sales
Automotive Parts, Accessories, and Tire Stores;
Furniture and Home Furnishings Stores;
Electronics and Appliance Stores;
Food and Beverage Stores;
General Merchandise Stores;
Information;
Performing Arts and Spectator Sports;
Amusement Arcades;
Fitness and Recreation Sports Centers;
Traveler Accommodations;
Drinking Places;
Death Care Services;
Parking Lots and Garages;
Civic and Social Organizations; and
Personal warehousing and storage.

Small-scale Commercial Use: Includes any Tier 1 or Tier 2 Commercial Use which is less than 3,000 square feet in area.

Tier 3 Commercial Use:
- Sexually-oriented Business;
- Wind and Solar Generation;
- Specialty Trade Contractors;
- Motor Vehicle Dealers;
- Building Materials and Garden Equipment and Supplies Dealers;
- Gasoline Stations;
- Automotive Equipment Rental and Leasing;
- Hospitals;
- Nursing and Residential Care Facilities;
- Amusement and Recreation;
- Accommodation; and
- Repair and Maintenance.

Tier 1 Industrial Use:
- Construction;
- Food Manufacturing, except Animal Food Manufacturing and Animal Slaughtering and Processing;
- Beverage and Tobacco Product Manufacturing;
- Printing and Related Support Activities;
- Computer and Electronic Product Manufacturing;
- Transportation;
- Warehousing and Storage;
- Information;
- Scientific Research and Development Services;
- Administrative Support Services; and
- Repair and Maintenance.

Tier 2 Industrial Use:
- Crop Production;
- Support Activities for Agriculture and Forestry;
- Food Manufacturing;
- Textile Mills;
- Textile Product Mills;
- Apparel Manufacturing;
- Leather and Allied Product Manufacturing, except Leather and Hide Tanning and Finishing;
- Nonmetallic Mineral Product Manufacturing;
- Machinery Manufacturing;
- Electrical Equipment, Appliance, and Component Manufacturing;
- Furniture and Related Product Manufacturing;
- Miscellaneous Manufacturing; and
- Wholesale Trade.

Tier 3 Industrial Use:
- Mining, Quarrying, and Oil and Gas Extraction;
Utilities; Leather and Allied Product Manufacturing; Wood Product Manufacturing; Paper Manufacturing; Petroleum and Coal Products Manufacturing; Chemical Manufacturing Plastics and Rubber Products Manufacturing; Primary Metal Manufacturing; Fabricated Metal Manufacturing; Transportation Equipment Manufacturing; and Waste Management and Remediation Services.

Sec 42.205 – 42.209 Reserved

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Section 210 Residential Districts

Sec 42.210 Residential Districts
The following districts are together known as the “residential districts”. Wherever this chapter refers to a “residential district”, the intent is to refer to all of these districts.

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

1. Single-family dwellings with no more than one dwelling per lot.
2. Golf courses, country clubs and other such membership clubs occupying an area of not less than forty (40) acres. Miniature golf and driving ranges are excluded as permitted uses.
3. Family child care homes for children, 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.
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:

<table>
<thead>
<tr>
<th>Minimum size of lot:</th>
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<tr>
<td>Area</td>
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</table>
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
Sec 42.211 R-1, Suburban Residential District

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

The following uses are permitted “by-right” in the R-1, Suburban Residential District:

1. Single-family detached dwellings with no more than one dwelling per lot. Refer to Sec. 42-141 for the definition of “Family”.
2. Churches and other places of worship on lots less than one acre in size.
3. Privately owned and operated 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.
4. 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.
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. Family child care homes for children, 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.
9. Adult day care home, designed to provide care and supervision to meet the needs of eight (8) or fewer functionally impaired adults.
10. Community Center

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

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

1. Private utilities.
2. Nursing homes.
3. Cemetery on ten (10) acres or more.
4. Medical and healthcare services including massage therapy, physician, dentist, chiropractor, optometrist, mental healthcare practitioners, other healthcare practitioners offices, and outpatient care facilities, except animal hospitals, clinics or sanitariums for contagious, mental, drug or liquor addict cases.
5. Bed and breakfasts, in accordance with Section 42-235.
6. Churches and other places of worship on lots of one acre or greater.
7. Agriculture Use.
8. Agricultural Business Use.
9. Residential-scale Medical Use.
10. Temporary Use.
The following minimum requirements for subdivision and building applies in the R-1, Suburban Residential District:

Minimum size of lot:

- **Area**: 6,000 square feet (3 acres if not served by public water and sewer services)
- **Lot frontage**: 40 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
  - 25 percent for lots over 12,000 sq. ft. in area

Maximum height of buildings/structures:

- Three stories and fifty feet

Minimum setback dimensions:

- **Front yard**: 25 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
- **Side yard - Corner lots**: See Section 42-292.2. Side yards - corner lots 10 feet

Exceptions:

- The minimum side yard setback for interior lots shall be increased by three (3) feet for buildings with more than one story adjacent to the side yard. The increased setback does not apply to the first story.
- The front setback may be reduced to 10 feet for up to 50% of the width of a detached single-family structure to allow for building additions, covered porches, and attached carports if all required off-street parking is provided.
Sec 42.212 R-2, One and Two-family Residential District

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

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

(1) Any use permitted in the R-1 Single-Family District,
   1. Detached Single-family Dwellings
   2. Two-family (Duplex) dwellings
   3. Churches and other places of worship
   4. Residential group homes
   5. Family child care homes
   6. Adult day care home
   7. Community Center

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

1. Fraternity/sorority houses.
2. Townhouses
3. Residential-design Multi-family Dwelling
4. Residential-scale Medical Use

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

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

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

Maximum Number of Bedrooms Permitted: 4 Bedrooms per unit.

Maximum number of occupants per dwelling unit:
- Eight (8), except for incorporated fraternities, sororities, and clubs.

Lot frontage: 75 40 feet at front lot line.
Width: 75 60 feet at building line.
Maximum percentage of lot that may be occupied by buildings: All buildings: 40 percent.
Minimum open space per lot:
- Not less than twenty five (25) percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, parking areas, driveways, side walk, patio, accessory structures and internal streets. Open space shall contain living ground cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such as rock, bark, and mulch are also permitted.
- No open space shall be required on a lot if existing buildings and structures are replaced with new buildings and structures using the same floor area, provided a building permit for replacement is applied for within one (1) year after the existing
buildings are removed. In addition, no open space is required if an existing use expands operations or is established in existing floor area that previously was unfinished or not otherwise available for occupancy.

Maximum height of buildings/structures:
- Three Two stories and fifty feet

Minimum setback dimensions:
- Front yard: 25 20 feet from the front lot line.
- Each side yard: 5 feet measured from side lot line.
- Side yard-Corner lot: See Sec. 42-210.2 Side yards – corner lots. 10 feet
- Rear yard: 10 feet from the rear lot line.

Exceptions:
- Townhouse development is exempt from the minimum lot width, lot coverage, open space, and side yard setbacks (interior lot lines only).
- A 15 foot side yard is required when located adjacent to a lot in the R-1 district.
Sec 42.213 U-R, Urban-Residential District

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

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

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

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

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

Minimum size of lot:

The minimum lot size to subdivide a property 4,000 square feet; in addition, the minimum size of lot based on the use of the property applies when the property is developed:

<table>
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<tr>
<th>Area</th>
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<tbody>
<tr>
<td>4,000 square feet for one dwelling unit;</td>
</tr>
<tr>
<td>An additional 2,500 square feet is required</td>
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<tr>
<td>for each additional dwelling unit;</td>
</tr>
<tr>
<td>12,000 square feet for all other uses.</td>
</tr>
</tbody>
</table>

Lot frontage 25 feet at front lot line

Maximum height of buildings/structures

Three stories and fifty feet

Minimum setback dimensions

Front yard 10 feet

Side yard 5 feet

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

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

2. Townhouses are subject to a minimum lot size of 2,500 square feet.
The R-3b Multi-Family District is intended to provide for medium density apartment or townhouse-type development at a maximum density of fourteen (14) dwelling units per acre. Developments of this intensity should be adjacent to and have access from collector or higher-classified streets. Traffic circulation should be designed to minimize the impact on adjoining residential neighborhoods.

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

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

Maximum number of occupants per dwelling unit:
- Eight (8), except for incorporated fraternities, sororities, and clubs.

Lot frontage: 75 feet at front lot line.
Width: 75 feet at building line.

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

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

Maximum height of buildings:
- Three stories and fifty feet.

Minimum setback dimensions:
- Front yard: 25 feet from the front lot line.
- Each side yard: 5 feet measured from side lot line.
- Rear yard: 10 feet from the rear lot line.

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

All rezoning requests for R-3b Multi-Family District zoning for parcels one (1) acre in size or greater shall be accompanied by a site plan prepared in accordance with Sec. 42-234.1(b) of the Planning and Zoning Code.
Sec 42.214 R-3, Multi-family Residential District

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

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

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

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

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

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

Minimum size of lot:

- Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of two (2) dwelling units.
- The minimum lot size to subdivide a property 4,000 square feet; in addition, the minimum size of lot based on the use of the property applies when the property is developed:
- 4,000 square feet for single-family detached uses;
- 6,000 square feet for two-family uses;
- 7,500 square feet for multi-family uses;
- 12,000 square feet for all other uses.
Maximum Number of Bedrooms Permitted: 8 Bedrooms per unit.

Maximum number of occupants per dwelling unit:
- Eight (8), except for incorporated fraternities, sororities, and clubs.

Lot frontage: 75 40 feet at front lot line.

Width: 75 feet at building line.

Maximum percentage of lot that may be occupied by buildings:
- All buildings: 40 60 percent.

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

Maximum height of buildings/structures:
- Four stories and sixty-four feet.

Minimum setback dimensions:
- Front yard: 25 feet from the front lot line.
- Each side yard: 5 feet measured from side lot line.; 10 feet when adjacent to any other district.
- Side yard – Corner lot: 15 feet
- Rear yard: 10 feet from the rear property line.; 20 feet when adjacent to any other district.

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

Not more than 8 bedrooms are allowed per unit for residential uses except Fraternity/Sorority Houses and Rooming/Boarding Houses.

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

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

Whenever any development in an R-3 Multi-Family District is located adjacent to an R-1 Single Family District, a buffer-yard shall be provided in accordance with Section 42-230.6 and meeting the width and landscaping standards for a "Buffer-Yard A".
All rezoning requests for R-3 Multi-Family District zoning for parcels one (1) acre in size or
greater shall be accompanied by a site plan prepared in accordance with Sec. 42-234.1 (b)
of the Planning and Zoning Code.
Sec 42.215 R-4, Urban District

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

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

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

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

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

Minimum size of lot:
- Area: Minimum 4,000 sq. ft.
- Lot frontage: 25 feet at front lot line.
- Width: 25 feet at building line.

Maximum height of buildings/structures:
- Five stories and 75 feet; Ten stories and 120 feet with a Conditional Use Permit.

Minimum setback dimensions:
- Front yard: 5 feet
- Side yard: No minimum setback; 10 feet when adjacent to any other district; 20 feet when adjacent to an alley.
- Side yard – Corner lot: 5 feet
- Rear yard: 10 feet; 20 feet when adjacent to an alley or any other district.

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

Not more than 8 bedrooms are allowed per unit for residential uses except Fraternity/Sorority Houses.

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

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

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

Maximum percentage of space coverage for each manufactured home:
Individual manufactured home: 30 percent of the manufactured home space.

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

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

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

Sec 42.216 – 42.219 Reserved
Section 220 Commercial Districts

Sec 42.220 Commercial Districts
The following districts are together known as the “commercial districts”. Wherever this chapter refers to a “commercial district”, the intent is to refer to all of these districts.

Sec 42.221 C-O, Commercial - Office District
The C-O District is designed to be a restrictive district for low intensity office or professional uses to allow their location near any residential district without creating an adverse effect.

1. All uses and conditional uses permitted in any residential district, excluding veterinarian services, animal hospitals, customary agricultural activities.

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

Minimum size of lot:

<table>
<thead>
<tr>
<th>Area</th>
<th>6,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot frontage</td>
<td>60 feet at front lot line</td>
</tr>
<tr>
<td>Width</td>
<td>60 feet at building line</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Front yard</th>
<th>25 feet measured from front lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side-yard</td>
<td>5 feet measured from side lot line</td>
</tr>
<tr>
<td>Rear-yard</td>
<td>10 feet measured from rear lot line</td>
</tr>
</tbody>
</table>
Sec 42.221 C-1, Neighborhood Commercial District

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

The following uses are permitted “by-right” in the C-1, Neighborhood Commercial District:

1. Conditional uses permitted in the R-1 Single Family District.
2. Any residential dwellings that exist in the C-1 District at the date this ordinance is enacted.
3. Antique shops
4. Banks and financial institutions including automatic teller machines and drive-in facilities.
5. Books or stationery stores.
6. Community and family fitness centers.
8. Churches and other places of worship.
10. Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry drop-off, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.
11. Commercial photography establishments.
12. Private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
13. Restaurants and coffee shops, excluding drive-in facilities and on-site sales or consumption of alcoholic beverages.
14. Retail or service establishments for the following types of stand-alone uses: bakery, candy, dairy products, flowers, gifts, jewelry, hobby materials, meat, fish and poultry products, newsstands, pet grooming, toys, and video rental or sales, excluding drive-in facilities.
15. Studios; art, music, drama, reducing, dancing, interior decorating.
16. Tailor shops.
17. Shops dealing in customized clothing, including silk screening, iron-on transfers and all uses incidental thereto.
18. Accessory structures and uses, in accordance with Section 42-204.
20. Those conditional uses listed below that exist in the C-1 District at the date this Article is enacted shall not be considered non-conforming uses.
21. Tier 1 Commercial Use up to 10,000 square feet
22. Tier 2 Commercial Use up to 10,000 square feet
23. Ambulatory Health Care Services
24. Educational Services
25. Museums, Historical Sites, and Similar Institutions
26. Mixed-residential Use up to two units per lot

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

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

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum size of lot:</td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>60 feet at front lot line</td>
</tr>
<tr>
<td>Width</td>
<td>60 feet at building line</td>
</tr>
<tr>
<td>Maximum percentage of lot that may be occupied by buildings:</td>
<td></td>
</tr>
<tr>
<td>All buildings</td>
<td>40 percent</td>
</tr>
<tr>
<td>Maximum height of buildings/structures</td>
<td>Three two stories and fifty feet</td>
</tr>
<tr>
<td>Minimum setback dimensions</td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>10 feet measured from front lot line</td>
</tr>
<tr>
<td>Side yard</td>
<td>5 feet measured from side lot line; 10 feet when adjacent to a residential district</td>
</tr>
<tr>
<td>Side yard – Corner lot</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10 feet measured from rear lot line; 20 feet when adjacent to a residential district</td>
</tr>
</tbody>
</table>
Whenever any development in a C-1 Neighborhood Business District is located adjacent to a residential, office, government or PUD zoning district, screening and buffer yards shall be provided in accordance with Section 42-231.

Sec 42.222 C-2, General Commercial District

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

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

1. Any use or conditional uses permitted in the foregoing C-1 District, including existing single-family and two-family residential uses.
2. Any conditional use permitted in the R-R District.
3. Athletic clubs.
4. Auto repair, body and paint shops, radiator repair.
5. Auto laundries or car/truck wash establishments.
6. Automobile sales and service, including tire sales, and rental of new or used vehicles (outside display permitted).
7. Automobile service stations or garages, including sales of petroleum products.
8. Automobile parts and accessory stores, including installation and repair.
11. Cold storage and self or mini-storage facilities.
12. Drive-in, pick-up, and drive-through restaurants.
13. Funeral homes, excluding crematoriums.
14. Furniture and/or appliance stores (new and used), sales and service, including rentals.
15. Heating and air-conditioning sales and service, including customized sheet-metal fabrication as an accessory activity.
17. Medical equipment and supplies sales and rental.
18. Medical equipment and supplies sales and rental.
19. Miniature golf courses and driving ranges.
20. Monument sales, retail dealers (outside display permitted).
22. Pest control services.
23. Pet shops, animal hospitals, clinics and kennels.
24. Plumbing shops.
25. Printing, publishing, book binding, and photo-processing, including drive-through facilities.
26. Produce market, retail (outside display permitted).
27. Radio-TV repair shops.
28. Recreation vehicle or mobile home sales or service (outside storage permitted).
29. Restaurant, on-site sales and consumption of alcoholic beverages permitted.
30. Retail stores and other shops for custom work or making of articles to be sold at retail on the premises.
30. Retail establishments which provide supplies and/or services primarily to
communal and industrial customers, such as janitorial services, packaging and
shipping service, locksmith services, lithographing and engraving, and blueprinting
businesses.
31. Recording studios.
32. Second hand goods store and pawn shops.
33. Second hand or used car sales yard, not including wrecking and repairing (outside
display permitted).
34. Skating rinks, swimming pools, gymnasiums, commercial.
35. Sporting goods sales.
36. Store and restaurant fixture sales.
37. Taxi and limousine transportation services.
38. Theaters, motion picture and performing arts.
39. Tobacco product sales.
40. Water, bottled, sales.
41. Video game arcades.
42. Seasonal businesses; such as fireworks stands, Christmas tree lots, snow cone
vendors, and similar outlets that are temporary uses.
43. Neighborhood Commercial Use
44. Tier 1 Commercial Use
45. Tier 2 Commercial Use
46. Tier 3 Commercial Use if property has frontage or access to an arterial road
47. Seasonal Sales
48. RV Parks and Recreational Camps
49. Traveler Accommodation
50. Death Care Services
51. Temporary Use
52. Mixed-residential Use up to two units per lot
53. Medical Marijuana Dispensary Facility

The following uses are permitted with approval of a Conditional Use Permit in the C-2,

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

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

General Commercial District:
Minimum size of lot:

<table>
<thead>
<tr>
<th>Area</th>
<th>6,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot frontage</td>
<td>60 feet at front lot line</td>
</tr>
<tr>
<td>Width</td>
<td>60 feet at building line</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Front yard</th>
<th>10 feet measured from front lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard</td>
<td>0 feet measured from side lot line; 20 feet adjacent to a residential district</td>
</tr>
<tr>
<td>Side yard – Corner lot</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10 feet measured from rear lot line; 20 feet adjacent to a residential district</td>
</tr>
</tbody>
</table>

Exceptions:

1. Whenever any development in a C-2 general retail district is located adjacent to a residential, office, government or PUD zoning district, screening and buffer-yard shall be provided in accordance with Section 42-231.1.
DIVISION 10. "C-3" HIGHWAY COMMERCIAL DISTRICT

Sec. 42-192. Purpose of the Highway Commercial District.
This District is intended for business uses which provide essential commercial services and
support activities of community and regional significance that require high visibility and
may have higher environmental impacts in terms of noise, dust, glare, etc., which may make
them incompatible with office or some retail uses. This District is also intended for
businesses that combine wholesale, retail, and light manufacturing (assembly) functions on
site. Merchandise may be displayed outside without screening. This District is also intended
to function as a transition between industrial development and strictly commercial
development.

Sec. 42-192.1. Uses Permitted.
1. Any use or conditional uses permitted in any of the foregoing C-1 or C-2 Districts.
2. Agriculture implements sales and service, agri-businesses.
3. Sexually oriented businesses, as defined in Chapter 29 of the Ralla City Code,
   provided such uses are prohibited within the area circumscribed by a circle which
   has a radius of seven hundred fifty (750) feet, as measured by a straight line drawn
   from the lot line of any proposed sexually oriented business, to any residential
   zoning district, school, park, or church.
4. Auction sales, flea markets and swap meets, permanent location; livestock sales
   not permitted
5. Archery and firearms ranges, commercial.
6. Battery shops, sales and service.
7. Builder's supply and lumber yards.
10. Carpet cleaning.
11. Contractor's equipment, sales and service
12. Commercial laundry, dry cleaning, linen and towel or diaper supply service
13. Crematoriums
14. Dairy supply dealers
15. Dry ice storage.
16. Engine and transmission repair and rebuilding.
17. Electrical equipment repairs, sales and parts distribution.
18. Feed stores, no manufacturing or grinding or mixing of feed.
19. Frozen food lockers.
20. Glass and mirror sales.
21. Landscape company, sales and service.
22. Magazine and newspaper, printing and distribution agency.
23. Road machinery, heavy equipment and tools, sales and rental service.
24. Storage warehouses and baggage transfers.
25. Tire repair and recapping
26. Tattoo and/or body piercing parlors, palm reading, and fortune telling
   establishments.
27. Wholesale operations, sales office/warehouse combination.

Sec. 42-192.2. Conditional Uses.
In accordance with Division 16 of this Article and with the issuance of a Conditional Use
Permit, the following uses are permitted in the C-3 zoning district.
1. Advertising services
2. Bus terminals, maintenance shops
Sec. 42-192.3. Area Requirements.
Minimum size of lot:
Area 6,000 square feet
Lot frontage 60 feet at front lot line
Width 60 feet at building line

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

Maximum height of buildings
Four stories and sixty-four feet

Minimum setback dimensions
Front yard 10 feet measured from front lot line
Side yard 0 feet measured from side lot line
Rear yard 10 feet measured from rear lot line

Whenever any development in a Highway Commercial District is located adjacent to a residential, office, government, or PUD District, screening and buffer yard shall be provided in accordance with Section 42-230 through Section 42-230.8. (Ord. 3414; Ord. 4414, §§7-8)
Sec 42.223 C-C, Center-City Commercial District

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

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

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

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

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

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

There are no lot size, building height, or lot coverage requirements.
Minimum size of lot: No minimum
Maximum number of occupants per dwelling unit:
Eight(8), except for incorporated fraternities, sororities, and clubs.
Lot frontage: No minimum-15 feet
Width: No minimum.
Maximum percentage of lot that may be occupied by building footprint: 100 percent.
Maximum height of buildings: No maximum
Minimum setback dimensions:
Building setback requirements:
Front yard: None No minimum setback; 10 feet maximum setback
Each side yard: None 0 feet
Side yard – Corner lot: 0 feet
Rear yard: None 0 feet; 20 feet if adjacent to an alley
Exceptions:
Minimum parking requirements: None for commercial uses, except for new construction where sufficient land area exists to allow the provision of adequate parking consistent with the requirements of this Article.

Sec 42.231 M-1, Light Manufacturing District
This District is intended to allow industrial operations and activities that do not create applicable nuisances or hazards. Industrial operations and activities are permitted as long as they do not have an adverse impact on neighboring properties resulting from dust, fumes, noxious odors, glare, vibration, or other atmospheric influence. M-1 light manufacturing activities are generally conducted inside a building, although related outdoor storage and display is permitted.

1. All of the uses listed under Section 42-192.1, except for item "1."
2. Advertising services (sign shop)
3. Agri-businesses.
4. Asphalt storage.
5. Blacksmithing.
7. Builders supply, hardware and lumberyards.
8. Bus terminals, maintenance shops.
9. Cabinet or carpentry shops.
11. Canvas goods shops, tents and awnings, manufacture, sales and rental.
12. Carpet cleaning.
15. Cold storage plants.
16. Concrete batching or transit mix plant (temporary use only).
17. Construction materials manufacturing and storage.
18. Heavy machinery, including diesel engine, repairs.
19. Egg storage, candling or processing plants.
21. Food products processing, storage, and distribution (except uses listed under the M-2 District).
22. Freight terminals.
23. Furniture packing and crating.
24. Hatchery, fish or fowl.
25. Ice manufacturing.
26. Insulation applicator.
27. Irrigation sales and service.
28. Laboratories, offices and other facilities for research, basic and applied.
29. Livestock sales.
30. Lumber mills and storage.
31. Machine shops.
32. Mattress and bedding manufacturer and renovator.
33. Magazine and newspaper printing.
34. Monument manufacture.
35. Motor freight terminals and depots.
36. Oil well equipment service, supply and storage.
37. Pharmaceutical manufacture.
40. Prefabricated house manufacture.
41. Printing, publishing, book-binding.
42. Private utilities.
43. Produce markets, wholesale.
44. Sash and door manufacturing.
45. Seed storage and warehousing.
46. Sheet metal workshops.
47. Spray painting.
48. Store and restaurant fixture manufacturing.
49. Storage of baling or rags.
50. Textile manufacturing.
51. Welding shops, industrial equipment and supply sales.
52. Wholesale operations, sales office/warehouse combination.
53. Accessory structures and uses; in accordance with Section 42-204.
54. Medical Marijuana Cultivation Facility.
55. Medical Marijuana-Infused Products Facility.

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

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

Businesses located in the M-1 Light Industrial District shall meet the following environmental standards to remain conforming uses:
1. The emission of smoke, gases, particulate matter shall comply with the standards contained in the Air Quality Standards and Air Pollution Control Regulations for outstate Missouri as published by the Missouri Air Conservation Commission.
2. No hazardous waste, as defined and published in the list maintained by the Missouri Hazardous Waste Management Commission, shall be generated, unless such waste is limited to less than one hundred (100) kilograms of hazardous waste in one (1) calendar month. If the industry meets this small quantities test, it shall handle those wastes in accordance with the published rules of the Missouri 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-1, 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-1, 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.
17. Curing, tanning or storage of hides.
18. Die-casting manufacture.
19. Distillation of bones, coal or wood.
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.
29. Glue or gelatin manufacture.
30. Match manufacture.
31. Milling, custom.
32. Oil cloth and linoleum manufacture.
33. Paint manufacture.
34. Paper and rag processing and storage.
35. Paving plants.
36. Railroad roundhouse, shops, and yards.
37. Refrigerator manufacture.
38. Rubber products manufacture or treatment.
39. Salt works.
40. Sand-blasting.
41. Septic tank service.
42. Shoe polish manufacture.
43. Soap manufacture.
44. Soda and compound manufacture.
45. Steel fabrication plants.
46. Stone cutting.
47. Tank manufacture.
48. Tile roofing manufacture.
49. Wool-pulling or scouring.
50. Yeast plants.
51. Medical Marijuana Cultivation Facility.
52. Medical Marijuana-Infused Products Facility.
53. Tier 1 Industrial Uses
54. Tier 2 Industrial Uses
55. Tier 3 Industrial Uses up to 5,000 square feet
56. Tier 1 Commercial Uses
57. Tier 2 Commercial Uses
58. Tier 3 Commercial Uses
59. Temporary Use

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

1. Tier 3 Industrial Uses
2. Storage of dangerous, poisonous, explosive, or flammable materials
   1. Arsenals and munitions storage or manufacture.
   2. Manufacture and bulk storage of flammable liquids or gases for wholesale, subject to the provisions of the National Fire Codes.
   3. Scrap or salvage yards, including automobile wrecking or salvage yards.
   4. Bleaching powder or chlorine manufacture.
   5. Hazardous chemical manufacture, creosote treatment or manufacture, disinfectant and insecticide manufacture, poisonous gases, tar distillation, acid and ammonia production.
   6. Coal yards, oil compounding, barreling or reclamation plants.
   7. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.
   8. Permanent storage or disposal of hazardous substances (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial and municipal sludge.
10. Quarries and mining operations.
11. Landfill operations, including waste compaction and incineration.

The following minimum requirements for subdivision and building applies in the M-2, Heavy Manufacturing District:
## Minimum size of lot:

<table>
<thead>
<tr>
<th>Area</th>
<th>25,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot frontage</td>
<td>100 feet at front lot line</td>
</tr>
<tr>
<td>Width</td>
<td>100 feet at building line</td>
</tr>
<tr>
<td>Depth</td>
<td>250 feet from front lot line</td>
</tr>
</tbody>
</table>

## Maximum height of buildings/structures

No maximum

## Minimum setback dimensions

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

### Exceptions:

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

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

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

Sec 42.242 U, University District
The U, University District permits any use on property which is owned by the Curators of
the University of Missouri for the Missouri University of Science and Technology campus
and peripheral properties. The state government is exempt from zoning regulations. The U,
University District allows the university properties to be designated on the zoning map.

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

Sec 42.243 – 42.249 Reserved
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.
• **Artist Gallery**: An establishment engaged in the sale, loan or display of art, books, paintings, sculptures, or other works. An art gallery does not include libraries or museums.

• **Artist Live/Work Space**: A structure or any portion thereof containing an individual housing unit(s) of at least seven hundred and fifty (750) square feet in habitable area that is used by the occupant(s) for both residential use and artist studio space. A household residing in such a unit must include at least one (1) artist as defined herein. Retail sales of art produced on-site that does not take place more than twenty four (24) hours per week shall be permitted.

• **Artist Studio**: A structure or portion thereof designed to be used as a place of work by an artist(s) or craft person, including persons engaged in the application, teaching, or performance of artistic work.

• **Artistic Work**: The creation, production, rehearsal, or teaching of any visual art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture, weaving, jewelry, and pottery; or written works of fiction or nonfiction; or of any performing art, whether live or recorded performances, including music, dance, and theatre.

• **Assembly Hall**: A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

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

1. Antique stores.
2. Artist gallery.
3. Artist live/work space.
4. Artist studio.
5. Art glass studio.
6. Art supply store.
7. Assembly hall.
8. Bakery, limited to baking of food predominately sold in the City of Rolla/Phelps County.
9. Barber or beauty shop, cosmetics store.
12. Café/restaurants (includes bars with food, live music and/or dancing; microbreweries; Wine bistro). Drive-through facilities shall not be permitted.
13. Coffee shops/tea room.
15. Dressmaking or tailor shop.
17. Gift/card shops, novelty and souvenir shop.
20. Ice cream/candy shops.
21. Import stores.
22. Jewelry stores.
23. Museum (historical).
25. Photography studio and galleries, camera store.
26. Tobacco, pipe, cigar and accessories store.
27. Vintage clothing stores

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

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

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

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

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

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

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

Beginning at the center of the Burlington Northern Santa Fe Railroad tracks and the south right-of-way line of Seventh Street; thence in an easterly direction, to the southeast intersection of Seventh Street and Olive Street; thence in a northerly direction, to a point eighty feet north of the northeast intersection of Seventh Street and Olive Street; thence in an easterly direction, a distance of two hundred and twenty-eight feet to the west right-of-way line of Cedar Street; thence in a northerly direction, along the west right-of-way line of Cedar Street to the southwest intersection of Tenth Street and Cedar Street; thence in an easterly direction, along the south right-of-way line of Tenth Street to a point three hundred and five feet east of the intersection of Tenth Street and Cedar Street; thence in a southerly direction, one hundred and ninety-five feet; thence west two hundred and forty-four feet to the east right-of-way line of Cedar Street; thence in a southerly direction, to the southeast intersection of Cedar Street and Seventh Street; thence in an easterly direction, along the south right-of-way line of Seventh Street to a point three hundred and five feet east of the intersection of Seventh Street and Cedar Street; thence in a southerly direction, one hundred and ninety-five feet; thence west two hundred and forty-four feet to the east right-of-way line of Cedar Street; thence in a southerly direction, to the southeast intersection of Cedar Street and Seventh Street; thence in an easterly direction, along the south right-of-way line of Seventh Street to the northwest intersection of Fifth Street and Maple Street;
thence in a westerly direction along the north right-of-way line of Fifth Street, to the center
of the Burlington Northern Santa Fe Railroad tracks; thence in a northeasterly direction,
along the center of the Burlington Northern Santa Fe Railroad tracks, to the southeast
intersection of Seventh Street, also being the point of beginning.

Sec 42.251 Historic District Overlay
Reserved

Sec 42.252 Downtown District Overlay
Reserved

Sec 42.253 – 42.259 Reserved
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
preserved, and any condition necessary to mitigate impacts to surrounding properties.

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

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

6. Efficient use of land that will protect and preserve, where possible, natural features of the land such as mature trees, streams, and topographic features.
7. Harmonious and coherent site and building design that create a sense of place.
8. 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.

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

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

Sec 42.261 – 42.299 Reserved
Section 300 General Provisions

Sec 42.300 General Provisions
The following sections provide regulations for a variety of general land use issues.

Sec 42.301 – 42.309 Reserved

Section 310 Parking

Sec 42.310 Parking
In all zoning districts off-street parking facilities shall be provided for the temporary storage or parking of motor vehicles for the use of occupants, employees, and patrons of buildings and/or properties according to this chapter or structures constructed after the effective date of this Ordinance. No zoning inspections for business licenses shall be approved by the Community Development Department, nor shall any sign permits be issued, nor shall the approval of a final building inspection be given until the required parking is installed.

A "parking space" shall mean:

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

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

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

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

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

1. Floor Area: In the case of offices, merchandising or service types of uses shall mean the gross floor area used or intended to be used for a service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise, for show windows, or for offices incidental to the management or maintenance of stores or buildings. Floors or parts of floors used principally for toilet or rest rooms or for utilities, or for fitting rooms, dressing and alterations rooms, restaurant/retail back offices, halls, storage rooms, file rooms, stairways, elevators shall be excluded.
2. Hospital Beds: In hospitals, bassinets shall not be counted as beds.
3. Seating Space: In stadiums, sports arenas, churches and other places of assembly in
which patrons or spectators occupy benches, pews or other similar seating
facilities, each twenty (20) lineal inches of such seating facilities shall be counted as
one seat for the purpose of determining requirements hereunder.

4. Number of Employees: The number of employees shall be computed on the basis
of the greatest number of persons to be employed at any one period during the
day or night.

The exceptions to and the applicability of parking regulations and standards is as follows:
1. Unless otherwise exempt, new buildings and land uses shall conform to all current
parking regulations and standards.

2. A zoning inspection for a business license that results in a change of use (as listed in
the permitted/conditional use lists of each district, not as described in building
codes), increase of intensity of use, or the establishment of a new use shall only be
approved if, in addition to the use regulations being met, the current parking
regulations and standards are met.

3. However, lots with buildings that have existed for at least five years (determined by
final inspection date or County Assessor information) Any property with an existing
building shall not be required to increase the number of parking spaces in the
event of a change in use if such requests may induce if the lot or parcel is fully
built-out with parking (i.e. cannot construct more parking cannot be constructed
without reducing the its building footprint or required landscaping, or otherwise
feasibly be installed.

4. Requests for additions and expansions to existing structures or uses and for the
construction or placement of new primary and accessory buildings shall not be
permitted if the lot on which such buildings exist are not able to accommodate the
increased parking requirements that are induced by such requests cannot be
provided. If the lot or parcel is not fully built-out with parking, it must come into
conformance with parking regulations and standards before building permits for
such additions are finalized.

5. A temporary seasonal use, such as snow cone stands and fireworks stands shall not
be required to provide additional parking spaces to the parking spaces that are
already located on the parcel on which it would be located where such property
has a minimum of five (5) existing parking spaces, if that lot is fully built-out with
parking.

Sec 42.311 Cooperative Parking Plan
A Cooperative Parking Plan may be approved by the City to allow more flexibility in the
provision of required parking facilities. In this instance, not more than fifty (50) percent of
the off-street parking spaces required for a use or structure may be located on another site
or lot. A Cooperative Parking Plan shall only be approved when the schedules of operation
of all uses subject to the Plan are sufficiently staggered such that they are not normally
open, used, or operated during the primary operating hours of the other uses. The use of
shared parking shall not be a matter of right, it being intended that the City shall have
discretion to approve a Cooperative Parking Plan based on the review of plans and other
information submitted by the applicant subject to the requirements for off-street parking in
this Division.

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

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

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

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

Sec 42.312 Required Parking Spaces

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

2. Business and Commercial Uses:
   1. Restaurants: One (1) for each three (3) seats provided for patrons use for restaurants, including night clubs, bars, lunch counters, diners and all other similar dining or drinking establishments with no pick-up or drive thru service. Restaurants with only pick-up service or drive-in facilities, including seasonal shaved ice or ice cream stands, shall provide at least one off-street parking space for every 75 square one hundred (100) feet of gross floor area and outdoor dining area, and in no case less than six (6) off-street parking spaces.
   2. Business or professional offices: One (1) for each two hundred (200) square feet of total building floor area used or intended to be used for service to the public or as workspace for employees
3. **Retail, Service, or mercantile establishments**: One (1) off-street parking space for each 200 one hundred fifty (150) square feet of gross floor area used or intended to be used for service to the public as customers, patrons and clients.

4. **Retail establishments over 80,000 square feet**: One (1) for each three hundred (300) square feet of total building floor area, excluding on-site warehouse space not used for the display of goods for sale.

5. **Other commercial use not classified**: One per 300 square feet of floor area used for services to the public and workspace for employees.

3. **Industrial and Warehouse Uses**:

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

4. **Schools, Institutions and Places of Public Assembly**:

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

**Exceptions and reductions from the required parking**:

1. **Large uses**: The required parking may be reduced by 10% for uses which require more than 100 parking spaces.
2. **Shared parking**: The required parking may be reduced by up to 10% for shared parking areas if a shared parking agreement and/or cross access easements are executed.
3. Motorcycle/scooter parking: A minimum of two spaces and up to 10% of all vehicle parking spaces may be converted into motorcycle/scooter parking.

4. Electric vehicle charging: Electric vehicle charging spaces count towards the minimum parking requirements.

5. An approved Cooperative Parking Plan reduces the required amount of parking for the duration of the plan being in effect.

6. Approval of a PUD, variance, or CUP may reduce the required parking if the reduction is specifically approved.

7. No minimum parking requirements apply to commercial properties located in the C-C, Center City district. Parking for residential uses may be reduced by providing parking off-site, providing parking passes for residents, paying an impact fee for parking (if established), or by providing bicycle parking as specified in this section.

8. Tandem Parking: The Community Development Director may approve tandem parking for certain commercial uses, two or more bedroom residential units, or fraternities/sorority houses.

Sec 42.313 General Requirements

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

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

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

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

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

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

If weather conditions limit the completion of the parking lot at the time of the issuance of a certificate of occupancy, the owner may, with the approval of the City Engineer, post a performance bond with the City to guarantee the completion of this work.
Any lights used to illuminate parking areas shall be so arranged and hooded as to confine all
direct light rays entirely within the boundary lines of the parking area.

Delineated parking spaces must conform to the following dimensional requirements:
1. Parking spaces generally must be a minimum of 9 feet in width and 18 feet in
   length
2. Designated “Compact Only” parking spaces may be reduced in width to 8 feet and
   length to 16 feet
3. Designated parking compliant with the Americans with Disabilities Act may use the
   width and length dimensions as specified in those regulations
4. Designated parking for motorcycles/scooters must be a minimum of 4.5 feet in
   width and 8 feet in length

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

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

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

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

<table>
<thead>
<tr>
<th>Total Number of Parking Spaces in Parking Facility (Lot or Garage)</th>
<th>Minimum Total Number of Accessible Parking Spaces Required</th>
<th>Minimum Number of Van Accessible Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 25</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>26 - 50</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>51 - 75</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>76 - 100</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>101 - 150</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>151 - 200</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>201 - 300</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>301 - 400</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>401 - 500</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>501 - 1000</td>
<td>2% of total</td>
<td>1 of every 6 required ADA spaces</td>
</tr>
<tr>
<td>1001 and over</td>
<td>20, plus 1 for each 100, or fraction thereof, over 1000</td>
<td>1 of every 6 required ADA spaces</td>
</tr>
</tbody>
</table>
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 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 commercial uses located in the C-C, Center City district; R-4, Urban district; and U-R, Urban Residential district.

Number. A minimum of 0.5 bicycle parking spaces must be provided for each residential unit. A minimum of two 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 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.

Sec 42.315 – 42.319 Reserved
Section 320 Projections, Encroachments, Obstructions, and Fencing

Sec 42.320 Projections, Encroachments, Obstructions, and Fencing
In addition to the area requirements set out before, the following open space and yard regulations shall also apply:
The following exceptions to the minimum setback, lot width, and maximum height limits found elsewhere in this code may be applied.

All property shall have a front yard not less than prescribed by this Article, except for the following instances:
1. Meets the criteria described in Subsection 42-210.4(a)
2. If permitted by a variance, special exception, or an approved Planned Unit Development
3. Where an irregular shaped lot has more area than required for its particular district, lot width may be computed including the most usable portion satisfying the minimum area requirements.
4. Where a residential building is located in a commercial district, the setback required in the residential district shall apply.

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

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

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

Sec 42.321 Projections
The following projections may be located in a required yard, but are not permitted to project across a property line:
1. Cornices, eaves, gutters, belt courses, sills, and other similar architectural features, may not extend project into a required side yard by more than two feet and may not extend project into a required front or rear yard by up to more than three feet;
2. Awnings, arcades, canopies, marquees, and galleries are permitted to encroach into the right-of-way by up to ten feet and not less than the sidewalk to within two feet from the curb, in the C-C Center City district but must clear the sidewalk vertically by at least eight feet. Such awnings, etc. must provide for a minimum clearance of seven feet above any pedestrian way. Awnings may project up to five feet into any required yard, provided that they are set back a minimum of one foot from any property line.
Sec 42.322 Encroachments

1. Open (i.e. no roofs or cover) fire escapes and open stairways required for emergency egress not associated with a porch shall may be permitted to extend into a required rear or side yard by up to five feet no more than 50% of the required yard’s depth (open stairways associated with a porch or balcony will be considered part of the porch) and

2. Open handicapped ramps are not subject to any setback requirements permitted in 100% of all yards.

3. In residential districts R-1 and R-R, bay windows and unenclosed balconies, porches, stoops, terraces, and their eaves may encroach shall be permitted to extend into the required setbacks by up to five feet and not more than five feet from a property line front yard or into the required street-side-side yard of a corner lot by no more than 50% of the yard’s depth.

4. In any residential district that is not R-R or R-1, bay windows and unenclosed balconies, porches, stoops, terraces, and their eaves shall be permitted to extend into the required front yard or into the required street-side-side yard of a corner lot by no more than 80% of the yard’s depth, but no such projection shall be closer than five feet to the front lot line of an interior lot and closer than ten feet to the street-side-side lot line or front lot line of a corner lot. In addition, all components of such a structure or projection shall be contained within the lot.

5. A porte-cochere may be permitted to encroach in the front or corner lot side setback to the right-of-way.

6. If porches, steps, platforms, carports, landing places, and other similar projections extend into minimum required yards, they shall not be enclosed or temporarily enclosed nor shall the open sides be blocked by such contraptions as shades.

7. Any fence, hedge, statuary, arbors, or trellises in the front yard shall comply with the provisions of Section 42-211.1.

8. If a chimney is set back from any side lot line by at least three feet, chimneys may project up to thirty inches or less into any yard.

9. Flag poles and light poles are not subject to front yard setbacks.

10. Signs, as permitted in this Article.

11. If an open carport is at least ten feet from the rear or front lot line and three feet from all side lot lines, a carport that does not extend above the first floor of the building is permitted to extend up to ten feet into any yard. This provision does not apply to closed carports. A carport which is designed with no walls all sides may be permitted with a minimum ten foot setback along any street frontage and a minimum three foot setback along all other property lines.

12. A child’s playhouse, recreational equipment, and clotheslines are not subject to side and rear yard setbacks.

Sec 42.323 Obstructions

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

1. On any lot where a front yard is required or corner lot, no building, wall, parking space, fence or other structure shall be constructed and no hedge, tree, shrub, or other growth or object of any kind shall be maintained in such location within the yard so as to obstruct the view of pedestrians and motorists, as determined by the City Engineer.

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

Sec 42.324 Setback Exceptions
A setback of 20 feet is required for the rear yard in all residential districts along any arterial street.

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

Sec 42.325 Fences, Walls, and Hedges

1. Open fences not exceeding fifty (50) percent screening and four (4) feet in height above yard grade shall be permitted within all setbacks.
2. Hedges, shrubbery, flowers or other similar vegetation planted to form a continuous line of growth shall not exceed a height of four (4) feet when located within the clear sight triangle for street intersections or driveways.
3. Fences not exceeding seven (7) feet in height and which comply with the provisions of this Article are permitted within the side and rear yard setbacks. Such fences are also permitted along the side yard adjacent to a street of a corner lot. Where such fence is located within a rear yard setback and adjacent to a collector or arterial road, the fence must be set back a minimum of two feet from the property line to allow for landscaping, if desired.
4. Fences are permitted to be located within utility easements, however, such fences may be removed to allow access to the easement. Removed fences may be replaced at the property owners' expense.
5. A building permit is required for fences over seven (7) feet in height. Fences over seven (7) feet in height may be permitted outside the applicable zoning setbacks.
6. A removable retaining wall which is four (4) in height or less may be permitted within any setback or utility easement.
7. Retaining walls over four (4) feet in height and less than ten (10) feet in height may be permitted within a side or rear yard setback. Such walls are not permitted within any easements. A building permit is required for such walls.
8. Retaining walls over ten (10) feet in height are not permitted along a property frontage. Grade changes over ten feet may be accomplished through separate retaining walls with a minimum five foot landscaped area between the walls. Such landscaping must include hedges and/or shrubs planted to create a spacing of not more than three feet at maturity. The Community Development Director may approve a wall that is designed to have the landscaping incorporated with the wall.
9. Property owners may not use the following materials for fencing:
   1. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence;
2. Plywood less than five-eight (5/8) inches thick and/or plywood not of a grade approved for exterior use, particle board, paper, visqueen plastic, plastic tarp, or sheet metal;

3. Electrified fencing, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury shall be prohibited, unless used in an R-R (Rural Residential District), commercial or manufacturing zoning district for security fencing or property containing livestock if approved for use by the Community Development Director Codes Administrator.

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

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

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

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

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

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

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

Sec 42.325 – 42.329 Reserved
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 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 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 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.
Sec 42.332 Parking Lot Landscaping

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

1. Development sites containing parking areas totaling 100 thirty (30) or more parking spaces or the gross area is twelve thousand (12,000) or more square feet, shall provide a minimum landscape area of ten (10) square feet per parking space for planting islands or strips within or adjacent to the parking lot five (5) percent of the parking area for landscaping. Additional requirements include:
   1. All landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs;
   2. There shall be a minimum of two (2) under-story trees or one (1) canopy tree planted for each thirty (30) parking spaces or twelve thousand (12,000) square feet of parking area, or fraction thereof; and
   3. Interior parking areas shall contain planting islands or strips located so as to best relieve the expense of paving. Interior planting areas shall be a minimum of one-hundred (100) square feet for each under-story tree and two-hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting. Planting strips must have a minimum width of five (5) feet.

2. Perimeter landscaping shall be provided where a parking lot is within twenty (20) feet of a public right-of-way line or residential district and there is not an intervening building. Whenever a parking lot abuts a public right-of-way, a perimeter landscape area of at least five (5) feet in depth shall be maintained on private property and may include any required setback area. All necessary access ways shall be permitted through all such landscaping areas. Whenever a parking lot abuts a residential district the parking lot must be screened either by a privacy fence, berm, or hedge to a height of six (6) feet. Landscaping must include a minimum of 4 canopy, understory, or evergreen trees for each 100 feet.

Sec 42.333 Landscaping, Screening, and Fencing Standards

1. Property owners may elect to use permanent material such as wood, chain link, stone, brick, decorative wrought iron, concrete block or other materials that are similar in durability to satisfy screening and fencing requirements.
2. A landscaped earthen berm of at least six (6) feet in height having side slopes with at least two (2) feet of horizontal distance for each foot of height may be used to satisfy screening requirements.
3. An evergreen hedge may be used if the shrubs or trees measure at least four (4) feet in height at the time of planting and are of a species which has a mature height of at least six (6) feet in height two-thirds (2/3) of the minimum required height when planted and form a continuous, solid, visual screen.
4. Existing trees and vegetation may be retained to fully or partially satisfy the screening requirements if approved by the Development Services Director. Such screening area must be a minimum of twenty (20) feet in width.
5. Landscape buffers and landscape areas must be planted with grass, shrubbery, trees, and/or other ornamental vegetation. The use of gravel or rocks is permitted for ornamentation, but may not constitute more than 25% of the landscape area.
6. Strict compliance with these landscaping requirements shall not be required if it would cause visibility obstructions, particularly at intersections.
7. The requirements set forth herein may be modified by the Community
Development Director to the extent necessary to mitigate unnecessary economic
hardship.
8. Buffer-yard and parking lot perimeter landscaping shall be provided in such a
requirements set forth herein may be modified to the extent necessary to manner
as to minimize their impact on utilities construction and maintenance
requirements.
9. Plantings in on utility easements shall be limited to ornamental or under-story
trees, shrubs and hedges. In this instance, each required canopy tree shall be
replaced with two (2) ornamental or under-story trees to reduce conflicts with
overhead utilities. Plantings in or adjacent to a utility easement shall be
coordinated with the effected utility company.
10. Potted plants or other forms of decoration may be considered to replace or reduce
the landscaping and buffering requirements on a case-by-case basis if compliance
with the requirements is impractical due to existing site conditions.

Sec 42.334 Required Screening
The City may require screening and fencing up to seven (7) feet in height for of outside
storage and display areas in non-residential districts in addition to or in lieu of the
requirements of this Article. The screening or fencing shall be of adequate height to
effectively mask the specified area, but in no instance shall the screening or fencing be
above seven (7) feet in height.

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

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

Sec 42.335 Buffer yards
All screening or fencing under this Section shall be in addition to any buffer-yard or area
required in Section 42-231

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

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

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

All or a portion of the buffer-yard requirements may be waived if only a portion of a
property is developed and the developed area is greater than fifty (50) feet from the
adjacent property.
All or a portion of a buffer-yard may be used to satisfy a required setback, but in no instance shall parking spaces or outside storage/display be permitted in a buffer-yard.

### Table of Buffer-Yard Requirements

<table>
<thead>
<tr>
<th>Adjacent Zoning District</th>
<th>Development Zoning District</th>
<th>R-R</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>G1</th>
<th>C-O</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>M-1</th>
<th>M-2</th>
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<td>C</td>
<td>*</td>
<td>C-G</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* No buffer-yard required

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

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

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

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

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

### Required plantings per 100 linear feet

<table>
<thead>
<tr>
<th>Buffer yard</th>
<th>Canopy tree(s)</th>
<th>Under-story trees</th>
<th>Evergreen trees</th>
<th>Shrubs</th>
<th>Minimum Width</th>
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<td>12</td>
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<tr>
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<td>4</td>
<td>24-20</td>
<td>25 feet</td>
</tr>
<tr>
<td>F</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>28</td>
<td>30 feet</td>
</tr>
<tr>
<td>G</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>24-20</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

- 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.

### Sec 42.336 General Standards for Trees

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

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.
5. Smaller trees may be substituted where the applicant establishes that the location of driveways or unique physical characteristics of the property would not allow the plantings as required.
The Community Development Director may waive rules regarding setbacks and buffer-yards to preserve trees of exceptional quality due to size, large canopy cover, trunk diameter, rarity, age or species when written consent has been received from the owners of abutting property. Where such written consent is not filed, waiver may be granted by the Board of Adjustment as a variance according to the standards, notice and other procedures pertaining to variances.

Sec 42.337 – 42.339 Reserved
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 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.
7. Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols and is attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

8. Flashing Signs: Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. Generally, a message is continuously repeated, with the sign used as an attention-getting device.

9. Freestanding Signs: A sign supported by structures or supports that are placed on, or anchored in the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:
   1. Ground Sign (Also known as monument sign): A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building.
   2. Pole Sign: A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure. This definition includes pylon signs.
   3. Temporary Freestanding Sign: A freestanding sign that is not anchored in the ground or supported by a structure that is anchored in the ground or a freestanding sign that is easily removed from the ground by hand, such as h-frame lawn signs. This type of sign does not include balloon signs, inflatable signs, feather banners, sandwich board signs, vehicular signs, animated/electronic signs, mechanical movement signs, or revolving signs.

10. Frontage, Building: The length of an exterior building wall or structure of a single premises along the public's rights-of-way.

11. Frontage, Property: The length of the property line(s) of any single premises along a public street. When the word "frontage" is used alone, it refers to property frontage.

12. Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.
   1. External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.
   2. Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

13. Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

14. Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

15. Internal Signs: Any on-premises sign located entirely within a building.

16. Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement, such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.
17. **Mural.** A graphic which is painted directly to a wall or surface of a building.

18. **Off-Premises Sign** (Also known as a third-party sign, billboard, or outdoor advertising): An outdoor sign that contains a message or messages that directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.

19. **On-Premises Sign:** A sign that contains a message or messages and design that relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

20. **Permanent Sign:** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and its intended use appears to be indefinite.

21. **Portable Sign:** Portable signs are signs that are designed to be transported or moved and not permanently attached to the ground, a building, or other structure. The following types of signs are portable signs.

   1. **Sandwich Board Sign** (Also known as A-frame sign): A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and its message is targeted to pedestrians. Includes a board sign on a stand instead of hinged.

   2. **Vehicular Sign:** A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

22. **Premises:** The lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased.

23. **Projecting Sign** (Also known as a blade sign): A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall. Signs and banners that hang from a canopy, awning, or roof shall be considered projecting signs.

24. **Revolving Sign:** A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

25. **Roof Sign:** A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. When permitted, a roof sign will be considered a wall sign for the purpose of calculating maximum sign area.

26. **Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for communicating a message. A sign includes the sign faces as well as any sign supporting structure.

27. **Sign Area or Face:** The area of a sign enclosed by the perimeter upon which sign copy is placed. The computation details are described below:

   1. Where the sign consists of individual letters, designs, or symbols that are attached individually and directly upon a wall without a change in color or appearance of the surface background, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

   2. In the case of panel or cabinet type signs, the sign area shall include the entire area of the sign panel or cabinet upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

4. Only one side of a double-sided sign shall be considered when determining the sign area if the faces are equal in size and the interior angle formed by the faces is zero degrees.

5. Where the faces of a double-sided sign are not equal in size, but the interior angle formed by the faces is zero degrees, the larger sign face shall be used as the basis for calculating sign area.

6. When the interior angle of a double-sided sign formed by the faces is greater than zero degrees, all sides of such sign shall be considered in calculating the sign area.

7. The sign area for signs that are (or include) a three-dimensional object is calculated as the sum of two adjacent vertical faces of the smallest cube encompassing the sign or object.

28. Sign Copy: The letters, figures, characters, representations, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design, logo, illustration, or device comprising the content or message of a sign; or any emblem or painting designed to advertise, communicate, identify, or convey information.

29. Sign Height: The vertical dimension of a sign. The computation details and relevant regulations are as follows:
   1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
   2. Clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements that project from the wall.

30. Sign Types: Signs are divided into various types of signs. Signs may be a permanent sign or a temporary sign. A sign may be an on-premises sign or an off-premises sign. A permanent sign may be a wall sign, a freestanding sign, a roof sign, an EMC, or a projecting sign. A temporary sign may be a portable sign or a banner. Signs can also be classified by their characteristics, such as a flashing sign or an illuminated sign.

31. Snipe Sign (Also known as bandit sign): A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public's rights-of-way or on any private property without the permission of the property owner.

32. Structural Alteration: Any alteration to the structure which supports a sign, including the foundation and support poles. Such definition does not include replacement of the sign cabinet, sign boards, supports for the sign boards, or routine maintenance.

33. Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

34. Temporary Sign: A sign that cannot be defined as a permanent sign. The only types of temporary signs permitted in the City of Rolla are listed under Subsection 42-244.7(b)
35. **Vehicular Sign:** A vehicle or mechanical contraption that has signage integrated or attached and is situated such that it cannot be considered to be a freestanding sign; and not including operable vehicles primarily and actively used for business purposes and/or personal transportation.

36. **Wall Sign (Also known a fascia sign, parallel wall sign, or band sign):** A building-mounted sign, which is either attached to or displayed on an exterior wall in a manner parallel with the wall surface. A sign or banner installed on a roof, eave, canopy, or awning in a manner parallel with the structures surface is also considered a wall sign. See projecting signs for signs that hang from such structures.

37. **Zoning District, Non-residential:** C-O, C-1, C-2, C-3, CC, M-1, M-2, GI, and PUDs that contain non-residential commercial, office, civic, or industrial uses.

38. **Zoning District, Residential:** R-R, R-1, R-2, R-3, R-3b, and PUDs that do not contain non-residential commercial, office, civic, or industrial uses.

**Sec 42.341 Exempt Signs**

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

1. Any sign that is posted by a governmental unit on government property and any sign required by local, state, or federal law.

2. Any sign posted on the property of a public school district or public university if that sign is posted by the school district or university that owns such property.

3. Signs that are less than ten (10) seven feet in height if the sign face is not visible from any street the public's rights-of-way.

4. In nonresidential districts, any sign less than seven feet in height and that is more than 100 feet away from any lot line fronting a street or not visible from any street.

5. In nonresidential districts, if the signs are four square feet or less in area and four feet or less in height, and located adjacent to the driveway(s) serving the property and outside the street right-of-way one pole sign at each exit and each entrance of any property.

6. Flags. This provision does not include banners or feather flags. However, flags and supporting structures that lawfully project into the public rights-of-way shall not hang below seven feet in height over a sidewalk.

7. Internal signs, including lettering painted on or attached to a window or door and window signs located inside a building, but excluding flashing signs that do not conform to the regulations of this Division related to electronic message center signs.

8. Balloons (does not include balloon signs) that are less than 36 inches in diameter. Balloons that are deflated or faded will be deemed unmaintained and required to be removed.

9. A sign that is integrated into or on a menu board, coin-operated machine, credit-card machine, vending machine, gasoline pump, gasoline station canopy, or telephone booth.

10. Signs printed on or attached to a public bench if it does not interfere with driver vision or pedestrian movement and does not extend beyond the public bench's structural width and height.

11. Signs carved into a building or raised in integral relief on a building.

12. Murals.
Sec 42.342 Prohibited Signs

The following signs are prohibited:

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

Sec 42.343 General Sign Provisions

1. On-Premises Signage. Permanent signage, except as authorized by this section Section 42-244.8 and signs authorized by federal and state law, shall only be on-premises signage. Temporary signage shall be on-premises signage, except as authorized in Sections 42-244.5 and 42-244.6.

2. Messaging. Any signage authorized to be displayed by this ordinance may contain a noncommercial message.

3. Permitting Exceptions. The following operations shall not require the issuance of a sign permit:
   1. Changing the copy on an existing conforming sign that has not been discontinued and that is specifically designed for the use of manually or digitally activated changeable copy sign, including billboard panels and posters; but not including changes in the structure, size, placement, or location of the sign, and
   2. Maintenance, including repainting, cleaning, or other normal repair of an existing sign not involving structural alterations or changes in size, location, or placement.
   3. Window signs and wall signs less than 20 square feet in size.

4. Permitting Process. Except for exempt signs, all permanent signs, regardless of the fact that a building permit may be required for its erection/installation, require the submission and approval of an application for a sign permit and a sign site plan. Sign permits are not building permits for signs. Some signs may require building permits, even if they are exempt from this Division. Applications for sign permits or supporting material, such as elevations, shall indicate the type, number, size, shape, and dimensions of all of the existing and proposed signage on the premises. If needed, elevation views or other relevant information may be required. No sign permits shall be issued if the premises requesting the permit contains a prohibited an illegal sign.

5. Site Plan Requirements. Sign site plans for detached signage shall be provided as follows:
   1. The site plan shall be drawn to scale or shall show the dimensions of all relevant objects/elements and show all the distances between all of the relevant objects/elements.
2. The site plan shall indicate the property lines of the premises and, in cases whereby signs are being placed in the rights-of-way, the site plan shall indicate the type of ROW surface, the location of the curbline, the sidewalk, and any objects within the ROW in front of the property subject to the proposal.

3. The site plan shall show the proposed location of each sign in relation to property lines, nearby buildings, walkways, streets, driveways and parking areas.

6. **Sign Location and ROW.** All signs and other objects regulated by or exempt from this Division, including merchandise, patio furniture, sign structures, flags, decorations, and temporary signs, must be erected/placed and attached totally on or within private property, except that if a tenant space is located in a nonresidential zoning district along a street the public's rights-of-way and there is less than five feet between the full building frontage of the tenant space and the street public's right-of-way, certain types of signs and other objects may be placed in or project over the street public's right-of-way, but not in or over any roadway. Apart from all other provisions that apply, Subsection 42-244.7(f) and the following provisions listed below describe the applicability and the restrictions of such an allowance:

1. Only wall signs, flags, streamers, and projecting signs shall be permitted to project over sidewalks. The minimum clearance of such objects shall be seven feet and the object shall not occupy space beyond a vertical plane of two feet from the curb line.

2. Only patio furniture, merchandise, and sandwich board signs are permitted on sidewalks. The maximum height for such signs/objects shall be five feet.

3. One flag or temporary freestanding sign may be located in each city-owned flowerpot if the sign is less than two square feet in area, the object does not exceed five feet in height when in the flowerpot, the flowerpot is watered and maintained by the tenant, and those flowerpots are on a public sidewalk and abut the tenant space responsible for locating such a sign in said flowerpot.

4. See Subsection 42-244.7(f) for all other restrictions pertaining to this allowance. Temporary and portable signage on sidewalks are subject to additional requirements in this section.

7. **Permission.** The party constructing/installing/placing the sign or object on private property is responsible for obtaining the permission of the property owner before such action is taken.

8. **Setbacks.** Unless exempt by Subsection 42-244.4(f), all signs, including temporary signs and exempt signs but not including signage which is allowed within street rights-of-way, shall conform to the side and rear setback requirements of the zoning district they are located in. No setback applies to a front yard or along any street. However, no sign over ten (10) feet in height is permitted within or over a utility easement. In addition, signs must not impair the sight distance requirements for driveways or street intersections. However, the front of the lot shall be defined as any lot line that fronts a street. Such signs shall have a minimum rear yard setback of ten feet and a minimum side yard setback of five feet.

9. **Sign Sounds Residential Protection.** Even if a sign is exempt under Section 42-244.2, no sign that makes emits sound noise shall be permitted in or within 100 feet of a residential zoning district, not including zoned rights-of-way that is not the public's rights-of-way.
10. **Illumination.** All permanent signs may be unilluminated, internally illuminated, or externally illuminated. Externally lit signs shall be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign. The illumination of signs shall not be brighter than is necessary for clear and adequate visibility. Illumination shall not exceed approximately 750 cd/m² or Nits at night. The illumination of signs shall not be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver’s operation of a motor vehicle.

11. **Roof Signs and Sign Placement.** In no instance shall a wall sign or projecting sign project above the eave line or beyond a wall edge, except for roof signs in the C-3 and C-C zoning districts. Roof signs shall not exceed the building height limit of the zoning district in which the sign is located.

12. **Maintenance.** All signs, together with their supports, braces, connections, or anchors shall be kept in good repair. Unsafe signs, damaged, or deteriorated signs, or signs in danger of breaking apart or falling shall be removed or repaired by their owner upon written notice by the City of Rolla.

13. **Obstructions Clearances.**
   1. Vision clearance areas: Vision clearance areas or triangles are triangular shaped areas located at the intersection of any combination of rights-of-way, alleys, or driveways. The size of the triangle shall be determined by the City Engineer. The vision or path of pedestrians, bicyclists, or motor-vehicle operators shall not be obstructed with any object regulated by or exempt from this Division. No object shall be located within any vision clearance triangle, the size of which is determined by the city engineer.
   2. Clearances from fire escapes, means of egress or standpipes: Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited, unless such a sign is required for safety.
   3. Obstruction of windows and ventilation: Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by either the Building Code, Plumbing Regulations, Heating and Ventilating Regulations, or Housing and Maintenance Regulations.

14. **Measurements.** All lineal distances required by this Division shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself, to the nearest outside edge of the corresponding sign, building, right-of-way, property line, easement, or other object/element involved. Other measurement specifications are within the definition section of this Division, Section 42-244.1.

15. **Changeable Copy.** Changeable copy, whether digitally or manually activated, is permitted only if it is integrated into a pole, ground, marquee, projecting, or wall sign. In addition, only manually activated changeable copy is permitted on sandwich board signs. See Section 42-244.10 for restrictions on the use of EMCs.

16. **Movement.** Mechanical movement and revolving signs are only permitted in certain nonresidential districts.
Sec 42.344 Sign Regulations for Residential Zoning Districts.

1. Sign standards for properties within residential zoning districts that are vacant or contain single-family houses and duplexes, even if business is being conducted in the building:
   1. Type. Any wall sign or freestanding sign, as defined and limited in Subsection 42-244.1(i). No sign is permitted to have changeable copy. Off-premises temporary signage shall not be posted for more than 14 consecutive days in any given quarter of a year and such signage shall be removed within 14 days of receiving notice from the City of Rolla.
   2. Number and Sign Area. If the total sign area of all signs does not exceed 32 square feet, there is no limit on the number of signs permitted.
   3. Height. Freestanding signs shall be less than six feet in height and wall signs shall not project higher than the lowest eave line.

2. Sign standards for residentially-zoned properties that serve as the entrance/exit ways to subdivisions, contain multi-family complexes or condominium complexes, or contain permitted or nonconforming nonresidential uses that are not considered home occupations and are not located in single-family houses or duplexes:
   1. Type. Any wall sign or freestanding sign, as defined and limited in Subsection 42-244.1(i). Off-premise temporary signage shall not be posted for more than 14 consecutive days in any given quarter of a year and such signage shall be removed within 14 days of receiving notice from the City of Rolla.
   2. Number and Sign Area. One wall sign is permitted on each building and one ground or pole sign is permitted per entrance/exit to a public street or, in the case of a subdivision, per entrance/exit to the subdivision. The maximum sign area of any one permanent sign is 64 square feet. An unlimited amount of temporary freestanding signs, as defined and limited in Subsection 42-244.1(i), is permitted if the total sign area of all temporary freestanding signs does not exceed 32 square feet.
   3. Height. Ground and pole signs shall be limited to a maximum height of 15 feet. Temporary freestanding signs shall be limited to six feet in height.

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

1. General Provisions:
   1. In addition to the signs listed in Subsections 42-244.6(b) and 42-244.6(c), properties within nonresidential zoning districts are permitted temporary/portable signs, as regulated in Section 42-244.7.
   2. Each building, not individual tenants, are permitted a maximum amount of area for wall signs. The owner(s) of the premises may divide and distribute the allowable sign area in any way she/he/they chooses. It is the responsibility of the person/entity posting the sign to obtain permission from the owner to install/locate a sign of a certain size on the owner's property.

2. Sign standards for properties located in C-O and C-1 Districts:
   1. Type. Pole signs, ground signs, projecting signs, and wall signs shall be permitted.
   2. Number. Each premises is permitted an unlimited amount of wall signs and is permitted one projecting sign for each tenant space. In addition, all premises are permitted one two permanent freestanding sign signs (i.e. ground signs and pole signs) for each 100 feet of road frontage if there is a
distance of 500 feet or more between pole the two signs with a minimum
of one sign allowed for each lot frontage. Corner lots and parcels shall be
permitted one permanent freestanding sign per street frontage, up to two
signs, if each sign is located along a different street, regardless of distance
between the two signs. Otherwise, there must be 500 feet of separation
between the signs in order for two signs to be permitted on such premises.

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

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

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

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

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

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

4. Height and Clearance. Ground and pole signs shall be limited to a maximum
height of 40 feet. Roof signs shall not exceed the building height limit of the
zoning district in which the sign is located. Projecting signs shall have a
clearance of seven feet.
Sec. 42.346 Temporary and Portable Signs.
The following provisions apply to nonresidential zoning districts only. Temporary signs that comply with the requirements of Section 42-244.7 shall not be included in the determination of the type, number, or area of the signs permitted on a property per Subsections 42-244.6(b) and 42-244.6(c). The following restrictions apply to temporary and portable sign placement/installation/construction:

1. Each independently occupied tenant space on a property in a nonresidential district is permitted to locate two temporary signs on such a property, except that when a tenant locates a balloon sign or inflatable sign on the property, the tenant shall not locate any other temporary or portable sign on the property. Off-premise temporary signage shall not be posted for more than 14 consecutive days in any given quarter of a year and such signage shall be removed within 14 days of receiving notice from the City of Rolla. A vacant parcel shall be permitted an unlimited number of temporary freestanding signs only, but the total sign area of such signs shall not exceed 96 square feet.

2. Tenants may only choose from the following types of temporary and portable signs:
   1. Temporary freestanding signs
   2. Banners, if not considered a wall sign per Subsection 42-244.1(ff)
   3. Balloon signs
   4. Inflatable signs
   5. Feather flags
   6. Sandwich board signs
   7. Streamers

3. Area restrictions by sign type:
   1. Temporary freestanding signs, banners, and feather flags shall not exceed 32 square feet.
   2. Sandwich board signs shall not exceed 16 square feet
   3. Inflatable signs and balloon signs are limited to 75 square feet (See Subsection 42-244.1(z)(7) for the method of calculating area for three-dimensional objects).

4. Height restrictions by sign type:
   1. Temporary freestanding signs and sandwich board signs shall be limited to five seven feet in height.
   2. Feather flags, balloon signs, banners, streamers, and inflatable signs shall be limited to 24 feet in height.

5. General restrictions:
   1. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.
   2. Except for movement caused by air compressors for inflatable signs, mechanical motion, illumination, EMC technology, and electronically activated changeable copy is prohibited.
   3. Manual changeable copy is only permitted when integrated into a sandwich board sign.
   4. Inflatable signs, feather flags, and balloon signs shall have a minimum setback requirement from all lot lines that is equal to its height. All other temporary/portable signs, except when certain such signs are permitted within the sidewalk area, must conform to the same setback requirements to which permanent signs must conform.
   5. Inflatable signs are not permitted within 100 feet of a residential zoning district and air compressors (and other noisy motors associated with any sign) must be turned off between the hours of 11 P.M. to 7 A.M.
6. No temporary or portable sign that is more than seven feet tall shall be permitted within 100 feet of a residential zoning district.

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

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

6. Sidewalk restrictions. If permitted by this section Subsection 42-244.4(f), the following restrictions apply:
   1. If signs are permitted on sidewalks, signs shall only be located on the sidewalk space that abuts the tenant space that is permitted to locate such signs on such sidewalks.
   2. No object shall obstruct a continuous through pedestrian zone of at least five feet in width.
   3. Sandwich board signs that are on a public sidewalk shall be located within 12 feet of the primary public entrance of the tenant’s establishment.
   4. Sandwich board signs shall be weighted, temporarily secured, or strategically placed to avoid being carried away by high winds.
   5. Sandwich board signs and merchandise shall not be displayed on any sidewalk during hours of non-operation.
   6. No signs shall obstruct pedestrian and wheelchair access from the sidewalk to parking spaces or access ramps designated for people with disabilities or building exits, including fire escapes.

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

Sec. 42.347 Off-Premises Sign (Third-party sign, billboard, or outdoor advertising)
Permanent off-premise signage shall comply with all the requirements of this section and shall only be permitted upon property having frontage on either Interstate 44, Highway 63, Highway 72, or Kingshighway or Business Loop 44 and zoned C-3, C-2 or M-1, or M-2.
Within areas zoned Planned Unit Development District, or property in any zoning district upon which a conditional use permit has been issued in the above mentioned corridors, such advertising structures shall only be permitted when specifically authorized upon the final development plan or permit approval.

1. Area, Height, Location - I-44:
   1. The maximum height of a billboard along Interstate 44 shall not exceed 45 feet. No part of structure shall extend below 15 feet.
   2. The maximum surface area along Interstate 44 shall be 672 square feet with a maximum sign height of 20 feet and a maximum sign width of 48 feet. The sign shall be limited to two signs in each direction with one
message per sign. In no case will the total sign surface in any one direction exceed 672 square feet.

3. Sign spacing along I-44 shall be 500 lineal feet per side of the highway.

2. Area, Height, Location - Hwy. 63, Hwy. 72, and Kingshighway Business Loop 44:
   1. The maximum height of a billboard along Highway 63, Highway 72, and Kingshighway Business Loop 44 shall be 30 feet. The maximum surface area of a billboard along Highway 63, Highway 72, and Kingshighway Business Loop 44 shall be 192 square feet surface on each side with a maximum sign height of 12 feet and a maximum sign width of 24 feet. Such signs must have a minimum clearance of 15 feet. No part of structure shall extend below 15 feet.
   2. Sign spacing along Highway 63, Highway 72, and Kingshighway Business Loop 44 shall be one thousand (1000) lineal feet per side.
   3. Billboards along Business Loop 44 and Highway 63 shall not exceed two sign surfaces, one surface in each direction, with 192 square feet surface on each side and not more than two advertising faces on each side.
   4. No sign shall be located within 1000 feet of a residential zoning district which fronts on the same road as the proposed sign.
   5. The minimum front yard setback for such signs shall be 15 feet from any public right-of-way, and/or private roadway easement. The maximum setback for such sign shall be 50 feet from the public right of way.

3. Restrictions for all highways:
   1. External lighting of billboards, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed toward any residential structure or into any portion of the main travel way. The lights are not permitted to should not be of such intensity so as to interfere with the residential use of property or to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
   2. No such sign shall be located in such a manner as to obstruct or otherwise interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
   3. No part of any billboard shall be located on or project over any public street or private utility easement, drainage easement, or railroad right-of-way.
   4. All lineal distances required by this section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself, to the nearest outside edge of the corresponding sign, building, right-of-way, or easement involved.

4. Plans Required: An application to erect such a sign shall include the following:
   1. A set of plans, to scale, approved and sealed by a licensed engineer, providing all necessary construction and electrical details of the sign and sign structure, including height.
   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 100 feet of any residential zone.

3. An EMC sign may be a portion or comprise the entirety of the sign face of a wall sign, pole sign, ground sign, or projecting sign. No other types of sign shall be integrated with EMC or other digital display technology.

4. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with sign illumination standards of this section division in Subsection 42-244.4(j).

5. An off-premises sign can be constructed as, or converted into, an EMC if the sign structure meets all requirements of the sign code.

Sec. 42.349 Non-Conforming Signs.

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

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

2. Nonconforming temporary signs must be removed within 30 days of the passage of this language.
3. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be reestablished.

4. Loss of nonconforming sign status.
   1. If a sign is discontinued, it loses its nonconforming status. Except for signs that were legally established as Billboards according to state and/or federal law, a sign shall be considered discontinued if, for one year, the services or products advertised are no longer available at the destination or if the sign no longer has an advertising message other than the name of the sign owner on any part of the sign (Beginning dates of discontinuance can be validated by identifying the termination date of business licenses).
   2. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However, if a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.

5. Once a sign loses its nonconforming status, it must be removed before any other permits for signs shall be issued for the premises on which the sign that has lost its nonconforming status exists.

6. A sign may be replaced if the structure is in danger of an imminent failure which would cause danger to the general public, as determined by a structural engineer.

7. If structural alteration is needed to maintain the sign’s structural integrity, the sign shall be removed and no building or sign permits shall be issued until its removal.

8. In cases of doubt or on a specific question raised whether a nonconforming sign exists, it shall be a question of fact decided by the Codes Administrator and such a determination shall be subject to appeal to the Board of Adjustment.
Sec 42.350 Design Requirements

Sec. 42.350 Design Requirements
The following design requirements are intended to better help new buildings and development to be compatible with the existing surrounding properties in order to maintain property values and provide improved aesthetics.

Sec. 42.351 Townhouse Design Requirements
Buildings designed for Attached Single-Family or Townhouse are subject to the following design requirements:

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

Sec. 42.352 – 42.359 Reserved
Sec 42.360 Development Requirements

Sec. 42.360 Development Requirements.
The following development requirements apply to all new development and redevelopments of property. General development requirements are intended to provide for orderly, predictable, and attractive development within the city.

Sec. 42.361 Sidewalks.

1. **Required.** Sidewalks are required in the following circumstances. The sidewalk must be constructed to the minimum width stated.
   a. Sidewalks shall be required on both sides of the street on arterial and collector status streets as designated by the adopted Major Thoroughfare Plan. Such sidewalks shall be a minimum of 5 feet in width.
   b. Sidewalks shall be required on both sides of the street adjacent to any property within the CC, Center City district. Such sidewalks shall be a minimum of 10 feet in width. In instances where the distance between the right-of-way line and the edge of the pavement is less than 10 feet, the sidewalk shall be as wide as possible.
   c. Sidewalks shall be required on both sides of the street adjacent to any property within the R-3, Multi-family; R-3b, Multi-family; GI, Government and Institutional; C-O, Office; C-1, Neighborhood Business; C-2, General Retail; and C-3, Highway Commercial zoning districts. Such sidewalks shall be a minimum of 5 feet in width.
   d. Sidewalks shall only be required on one side of the street for local streets as identified in the adopted Major Thoroughfare Plan within the R-1, Single Family; R-2, Two Family; and RMH, Residential Manufactured Home zoning districts. Such sidewalk shall be a minimum of 5 feet in width. Such sidewalks shall be located on the north or east side of the street unless an alternative location is approved by an alternative sidewalk plan, PUD, or as determined by the Community Development Director to avoid placement conflicts. In the event that an adjoining property has a sidewalk, the sidewalk must be extended across the frontage of the subject property unless waived by the Community Development Director.

2. **Not required.** Sidewalks are not required or may be waived in the following circumstances:
   a. Sidewalks are not required on cul-de-sacs less than 600 feet in length with 15 or fewer lots or dwelling units.
   b. Sidewalks are not required on local streets adjacent to the M-1, Light Manufacturing and M-2, Heavy Manufacturing districts.
   c. Sidewalks are not required along designated Interstate highways.
   d. Sidewalks may be waived by the Planning and Zoning Commission on local streets in single-family residential large lot subdivisions. A large lot subdivision shall be defined as a subdivision with all lots of greater than 25,000 sq. ft. in area.
   e. Sidewalks are not required for the construction of a one or two family structure in previously subdivided developments where both adjoining properties do not have sidewalks.
   f. Sidewalks may be waived where only a portion of a property is developed or redeveloped. In such case, sidewalks shall only be required adjacent to the portions of the property which are developed or redeveloped as
determined by the Community Development Director. Sidewalks are not required for development projects that do not require any driveway modification or on-site concrete pavement.

g. In the event that an existing sidewalk in good condition abuts the subject property, the Director of Public Works may waive the requirement to replace the sidewalk, or may authorize modifications to enhance ADA compliance. In all other situations, the existing sidewalk must be replaced with a compliant sidewalk.

h. The Community Development Director may approve an alternative off-site location for a sidewalk in lieu of a sidewalk along the subject property frontage where such sidewalk would create enhanced pedestrian access to the neighborhood. Cost estimates for the sidewalk must demonstrate that the alternative location would be equal or greater in cost. Written authorization must be provided from the adjacent property owners.

i. The Community Development Director may waive the requirement of providing a sidewalk in locations which are determined to be impractical and unneeded, such as sites which are more than 2,000 feet from the nearest existing sidewalk and not needed as part of the trails network.

j. Sidewalks may be waived or required where an adopted neighborhood plan includes a plan for the locations of needed sidewalks in the subject area.

k. The Board of Adjustment shall have the authority to waive the requirement for sidewalks through the approval of a variance.

3. All commercial or multi-family development shall be provided with a designated ADA accessible route through the site to a public sidewalk where a sidewalk exists along an adjacent street. In such case that no public sidewalk exists, the Community Development Director may require such accessible route to a point to connect to a future or planned sidewalk.

4. Sidewalks shall be constructed to city standards and inspected and approved by the Public Works Department, except that sidewalks constructed within the right-of-way along MoDOT controlled roadways require approval, inspection, and acceptance from MoDOT.

5. The City of Rolla may participate in the cost of construction of sidewalks to close gaps in sidewalk connectivity, enhance ADA compliance, build wider sidewalks in the center city or for trails as indicated in the adopted Trails Master Plan, and construct pedestrian bridges or culverts to cross highways, railways, or waterways.

6. Encroachments or narrowing of sidewalks for short distances may be permitted to allow for street trees, street signage, utility poles, utility meters, etc. In no case shall an encroachment or narrowing of a sidewalk reduce the width to less than 4 feet or encroach for more than 4 consecutive feet along the length of the sidewalk.

Sec. 42.362 Exterior Lighting Standards

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

The following standards are required of all exterior lighting, subject only to the exemptions permitted in this section Section 42-213-2.
1. The light source or luminary for all exterior lighting shall have a cutoff so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer at ground level at the property line adjacent to a public right-of-way or adjacent to property within a residential zoning district or, if a buffer yard is required, at the interior line of the buffer yard.

2. No flickering or flashing lights shall be permitted.

3. Light sources or luminaries shall not be located within buffer yard areas except on pedestrian walkways.

4. A photometric study may be required to be submitted for non-residential development which includes exterior lighting and is within or adjacent to a residential zoning district to demonstrate compliance with this section.

5. Spillover light may not exceed 0.5 foot-candle onto adjacent property in the R-1 or R-2 districts; 2 foot-candle onto adjacent property in other residential districts; or 5.0 foot-candle onto public streets.

The following exceptions apply to this section:

1. Outdoor Recreational Uses. Baseball diamonds, playing fields, and tennis courts shall be exempt from the exterior lighting standards because of their unique requirements for nighttime visibility and hours of operation. These outdoor recreational uses must meet all other requirements of this section and this Article.

2. Private Outdoor Lights. Private outdoor lights installed by a public utility on private property for security purposes are exempt from the exterior lighting standards provided the installation is approved by all property owners of residential property from which the light source can be viewed.

3. In Manufacturing Zoning Districts. Due to unique lighting requirements for some industrial or warehousing activities, exterior lighting shall be exempt from exterior lighting standards, except for parking lot lighting.

4. Emergency Warning Lights. Safety signal and warning device lighting shall be exempt from the exterior lighting standards of this Section.

Sec. 42.363 Driveway Access

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

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

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

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

Driveway approvals on MoDOT controlled roads also require approval from MoDOT.
The maximum width of a driveway measured at the property line for single-family, two-
family, three-family, and four-family dwellings is 32 feet. The maximum width may be
divided between up to two separate driveways. An additional driveway may be permitted
for corner lots.

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

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

Sec. 42.364 – 42.359 Reserved
Chapter 28 Nuisances and Property Maintenance

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

Sec. 28-1. Maintenance, etc., of nuisances prohibited.
No person shall cause, maintain or permit, on premises owned or controlled by him, a nuisance, as defined by the laws of this State or by this Chapter.

Sec. 28-2. Nuisances enumerated.
The following things are hereby declared to be nuisances; provided, that such listing shall not be deemed exclusive:

a. Carcasses of animals remaining exposed more than six hours after death.
b. Ashes, slops, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant water, all sorts of decaying animal matter, decaying fruit or vegetables or other vegetable matter, broken kitchenware, wrecked or parts of worn out automobiles or other machines, scrap iron or other metals, tin cans, old bottles, broken glass, discarded wearing apparel, dead animals, or any other offensive or disagreeable substance or thing, old dilapidated barns, sheds or other buildings left, deposited or caused or permitted to remain, left or deposited in such quantity or in such condition as to be offensive to the sight or smell or a menace to health, safety, peace or comfort or of such a nature as to be or become harbors or breeding places for mosquitoes, ants, flies, rats, mice or other insects, animals or vermin, whether left or deposited upon private premises owned, occupied or controlled by persons causing or permitting the same or upon any public street, sidewalk, alley, parkway, public enclosure or vacant lot; all water, steam and condensation drained from, emitted from or thrown upon a sidewalk, parkway, alley or street from any place occupied by a commercial or business structure or any appurtenances thereto belonging. Also, the creation of dust by the operation of motor vehicles, racing cars, rides, or other motor driven contrivances where the dust is carried beyond the borders of the property whereon the above enumerated vehicles may be operated in such quantities as to interfere with reasonable enjoyment of any property in the neighborhood.

c. Factories, slaughterhouses and all places of business causing an offensive odor to a greater extent than is reasonably necessary in the prosecution or carrying on of such business.
d. Garbage deposited otherwise than in suitable containers for removal by the city.
e. Green or unsalted hides kept in an exposed or open place.
f. Hog pens.
g. Shrubs, hedges and limbs of trees projecting over a sidewalk or street at a height of less than seven (7) ten (10) feet.
h. Privies in an overflowing, leaking or filthy condition.
i. Ponds and pools of unclean water.
j. The rendering, heating or steaming of any animal or vegetable product or substance in such a manner as to cause disagreeable odors off the premises.
k. Stables, stalls, sheds, pens or yards in which any horses or cattle have been kept which are in an unclean condition.
l. All substances or things which cause an odor disagreeable to the surrounding neighborhood.
m. No person shall permit any junked or abandoned vehicle to be stored or parked on any premise occupied by or owned by the person, except inside an enclosed building or garage. A vehicle shall be considered junked or abandoned if it is not in operable condition for a consecutive period of 30 days. Vehicles that are being restored by the owner shall not fall within said definition provided said restoration is in progress on a continuous basis and the owner establishes a date for completion of such work. After the completion date, if such vehicle is not operable, it shall be deemed junked and subject the owner to the requirements of this Section.

n. It shall be unlawful for the owner or occupant of a structure or property to utilize the exterior premises of such property for the open storage of any junk vehicle parts, appliances, furniture (excluding garden or patio furniture intended for outdoor use and barbeque grills), building demolition rubbish, boxed or bagged household waste, or any other similar items. For the purpose of this section, open storage shall be defined to include all storage on the premises which is not inside an enclosed building. This includes storage on porches, storage under open carports or breezeways, storage in open garages not equipped with a door, storage inside yards or similar areas visible from the public right-of-way.


Sec. 28-3. Notice to owner to abate or remove nuisances.
Whenever the city council, or its designated officer, shall ascertain or have knowledge that a nuisance exists in or upon any house or premises in the city, such council or its designated officer, shall, by written notice, notify the person occupying or having possession or the right to possession of such house or premises to abate or remove such nuisance within the time to be specified in such notice, provided, that if such house or premises is not occupied and the owners having the right of possession are nonresidents, the council, or its designated officer, shall notify the nonresident owners by posting a notice of such request to abate or remove such nuisance within a time to be specified in such notice upon such house or premises and by sending a copy of such notice by mail to the last known address of the nonresident owners. Receipt or acknowledgement of notification is not required.

No person notified as provided in this Section shall fail, neglect or refuse to comply with the same within the time specified in such notice. For every day thereafter that such person shall fail, neglect or refuse to comply with the same and for every day thereafter that such person shall fail, neglect or refuse to abate or remove such nuisance, he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

Sec. 28-4. Authority of police, etc., to enter premises, etc., for purpose of removing or abating nuisances.
Police officers and other employees of the city authorized by the city council or the chief of police are hereby authorized and required to go, in the daytime, in and upon any house, building, lot or premises, whether public or private, for the purpose of removing or abating any nuisance, when abatement of a nuisance is ordered under the provisions of this Chapter.

Sec. 28-3 Sec. 28-5. City may abate nuisances when owner fails to do so—Duties of City Council. Abatement of Nuisances
If the person notified as provided in this Section shall fail, neglect or refuse to comply with the same within the time specified in such notice, the codes administrator or designated
officer shall abate such nuisance upon receiving an order to do so from a court provided
the cost of such not exceed $1,000.00.

If the estimated cost of abatement of the nuisance is in excess of $1,000.00 the amount
thus established, the codes administrator or designated officer shall report the same to the
council of the city. Thereupon the council shall call and have a full and adequate hearing
upon the matter, giving the affected parties at least fourteen days written notice of the
hearing. At such hearing, any party may be represented by counsel, and all parties shall
have an opportunity to be heard.

After the hearing, if the evidence supports a finding based upon competent and substantial
evidence that a nuisance exists, that the person having an interest was notified, and that
the person failed to abate the nuisance, the city council shall issue an order based upon its
findings of fact to the codes administrator or its designated officer to proceed to abate the
nuisance.

Sec. 28-4 Sec. 28-6. Same – Cost to be lien against property. Liens from Abatements

If the codes administrator or its designated official causes as provided in Section 28-5
whereby the nuisance to be is abated by the city, the costs of the abatement and a
reasonable charge for administering the abatement provisions of Sections 28-1 to 28-6 not
less than one hundred dollars, shall be certified to the city clerk who shall cause a special
tax bill therefore against the property to be prepared and collected by the Finance Director.
The tax bill from the date of its issuance shall be deemed a personal debt against the owner
and shall also be a lien on the property until paid. If the certified cost is not paid, the
tax bill shall be considered delinquent, and the collection of the delinquent bill shall be
governed by the laws governing delinquent and back taxes.

Secs. 28-7 to 28-10. Reserved.

Article II - Weeds and Other Rank Vegetation
Sec. 28-11. High weeds, etc., declared menace to public health, safety and welfare.
The presence of high weeds, brush and profusely growing (rank) vegetation taller than ten
(10) inches in height, excluding shade trees, ornamental shrubs, fruit trees, domesticated
berry bushes and vines, cultivated flowers and gardens, cover crops and domestic grains
and plantings on lots and pieces of land within the City, that constitute a menace to the
public safety, health and welfare by reasons that such conditions may:
   a. Cause a fire hazard.
   b. Furnish cover for prowlers and illegal activities.
   c. Create shelters and breeding places for rodents, disease carrying insects, poisonous
      snakes, and other vermin.
   d. Result in the aggravation of allergies.
   e. Obstruct visibility at street intersections.

Sec. 28-5 Sec. 28-12. City council or designated officer to determine when weeds, etc.,
constitute public nuisance.
The growth of weeds, brush or rank vegetation shall constitute a public nuisance when, in
the opinion of the City Council, or its designated officer, any such growth on a lot or piece
of land may substantially endanger the health, safety or welfare of the public, having
considered the hazards enumerated in Section 28-2, with the following exceptions:
   a. All lots or parcels or portions thereof zoned "R-R" (rural residential district) not
      within 100 feet of any residence or street.
b. All undeveloped lots, parcels or right-of-way owned by the City of Rolla and
dedicated for park and open space use, as bird sanctuaries, riparian corridors,
detention basins, or as dedicated but undeveloped public right-of-way.

c. Undeveloped lots which do not abut development on at least three (3) sides
(including developed streets); however, in such case, areas within five (5) feet of an
abutting residential lot or within ten (10) feet of a street or within five (5) feet from
a sidewalk must be maintained free from high weeds and grass.

d. Undeveloped future phases of subdivisions that have been cleared or “brush
hogged” shall be maintained in that condition until further development occurs.

Sec. 28-13. 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. 28-16. 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.
Such notice may be either by mail or by posting notice on the property. Such notice must allow for not less than 14 days for the property owner to appeal the determination. If the property owner does not appeal the determination, or if the appeal is denied, the property owner must be given an additional 5 days to correct the violation(s) before the city may abate the violation(s).

Sec. 28-8 Sec. 28-17. Owner of land liable for cost of cutting weeds. If the Codes Administrator or its designated official as provided in Section 28-16 whereby abates a property by the cutting and removing weeds, brush and other rank vegetation is abated by the city, the costs of the abatement and a reasonable charge for administering the abatement provisions of Sections 28-11 to 28-17 not less than one-hundred fifty dollars, shall be certified to the City Clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the Finance Director. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.

Sec. 28-9. Reserved.

Sec. 28-10 Sec. 20-1. 2018 International Property Maintenance Code - Adopted. That for the purpose of establishing minimum standards governing the condition and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as "International Property Maintenance Code, 2018 Edition" of the City of Rolla, Missouri, and each and all of the regulations of the International Property Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set out at length herein.

Sec. 28-11 Sec. 20-2. Same—Amendments to adopted International Property Maintenance Code.

101.1 Title, is hereby amended by inserting the words "City of Rolla, Missouri".

103.5 Fees. Delete.

106.4.3 Expiration. Every permit issued shall be valid for one year after issuance unless work authorized by the permit is not commenced within 180 days after its issuance, or if the authorized work is suspended or abandoned for a period of 180 days after the time the work is commenced. At that time the permit would become void and re-application would need to be made.

106.4.4 Extensions. A one-time, one-year extension of a permit may be obtained at a cost of one half of the original permit fee.

106.5.2 Fee schedule. Refer to fee schedule provided in Section 108.7 of the International Building Code.

106.5.3 Fee refunds. Delete.
106.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply therewith, or with any requirements thereof, with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $50.00 or more than $500.00.

This Ordinance shall be in full force and effect from and after January 1, 2019.

111.1 Applications for appeal. Any person directly affected by a decision of the code official or a notice or order issues under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice, or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board. The board of adjustment shall serve as the board of appeals.

111.2.1 – 111.2.5. Alternate members. Chairman. Disqualification of member. Secretary. Compensation of members. Delete


112.4 Failure to comply. $50.00; $500.00.

302.4 Weeds. 10 inches (Add: Premises and exterior property specifically includes adjacent streets. The property owner is required to maintain those areas between the street pavement and the property line.)

304.14 Insect screens. (Year round)

602.3 Heat supply. (Year round)

602.4 Occupiable work spaces. (Year round)