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.

Sec 42.101 Purpose
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 42.102 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 89.300 Revised Statutes of Missouri, as applicable.

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

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

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 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:

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.

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 adopting 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)

1. That the Rolla West Master Plan is hereby adopted as an amendment to the Rolla 2020 Comprehensive Plan Update, 2006 2005 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 have 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 or other chapters in the Rolla Code of Ordinances 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 Code, and shall hear appeals by any person directly affected by a decision of the Community Development Director Codes Administrator or a notice or order issued under this Code. The chairman of the Board of Adjustment shall serve as the chairman of the Board of Appeals. The alternate members of the Board of Adjustment shall serve as alternate members of the Board of Appeals.

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 relief from the literal enforcement and strict application of the provisions of this chapter is consistent with the Article will result in an unnecessary hardship inconsistent with the general provisions and intent of this Article and that in granting such variance the and spirit of the chapter Article will be preserved and substantial justice done.

7. That substantial justice is achieved by relief from the ordinance which cannot be achieved in any other means.

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

1. Where the strict enforcement of this chapter Article may cause an unnecessary hardship resulting from the unique physical characteristics of a site for a or proposed use, and;

2. The Board of Adjustment shall also make a determination that granting the use variance is consistent with the intent of the Comprehensive Plan, and;

3. That granting the variance will result in the achievement of substantial justice which cannot be achieved in any other means.

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

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

1. The request is consistent with the general spirit and intent of the regulations.

2. The request is consistent with the general and specific rules for the Special Exception.

3. The request serves the general welfare and preserves the community interest.

Sec 42.126 Board of Adjustment – Appeals
Appeals of an administrative decision or interpretation may be submitted to the Board of Adjustment. Any person aggrieved or by an officer, department, board or bureau of the City of Rolla affected by any decision of an administrative officer 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 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 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 mailed 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; and
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 a
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 directors 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.
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 conditions, find necessary to a full consideration of the entire PUD or any phase thereof.
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 an annexation request will include review of the ability of the city to provide normal municipal services to such area within a reasonable time. The commission shall make such report to the council within a reasonable time after receiving such proposal. Nothing herein shall prevent the council from acting upon such proposals either with or without the recommendations of the commission.

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

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

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

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

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

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

Building permit applications may be considered to be abandoned after six months after providing comments; or after six months of notifying the applicant that the plans are approved and ready for payment and the building permit issued. Such abandoned plans and applications may be discarded.

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-

35
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 amendments
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 Fees</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
exception 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
exception 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 pursuant to the district regulations 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 Multi-family 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 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.
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>Side Yard (Corner) (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>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>10</td>
<td>2 Story/50</td>
<td>40%</td>
</tr>
<tr>
<td>U-R</td>
<td>2,500 SF</td>
<td>25</td>
<td>10</td>
<td>5</td>
<td>10</td>
<td>10</td>
<td>2 Story/50</td>
<td>40%</td>
</tr>
<tr>
<td>R-3</td>
<td>4,000 SF</td>
<td>40</td>
<td>25</td>
<td>5</td>
<td>10</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>10</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>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>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>
<td>N/A</td>
</tr>
<tr>
<td>M</td>
<td>25,000 SF</td>
<td>25</td>
<td>35</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1. Minimum 3 acres required for properties not served by public water and sewer services.
2. Side yard setbacks are increased by three (3) feet for buildings with more than one story adjacent to the side yard.
3. Additional minimum lot sizes may apply based on the proposed use.
4. 20 feet if adjacent to an alley for all uses except detached single-family dwellings.
5. 10 feet when adjacent to any other district.
6. 20 feet when adjacent to any other district.
7. Maximum building height limited to two stories for buildings located within 50 feet of the R-1 district.
8. 20 feet when adjacent to an alley.
9. 20 feet when adjacent to any other district.
10. Ten stories and 120 feet with a Conditional Use Permit.
11. 10 feet when adjacent to a residential district.
12. 20 feet when adjacent to a residential district.
13. 10 foot maximum setback.
14. 20 feet when adjacent to any other non-residential district.
15. 100 feet when adjacent to any residential district.
Sec 42.203 Zoning Use Definitions

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

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.

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

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

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

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

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

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

Medical Use: Includes medical and healthcare uses such as offices or clinics for massage therapy, chiropractors, physicians, dentists, optometrists, mental health, etc., generally by appointment and not for overnight services, as determined by the Community Development Director. Such use does not include emergency rooms, 24 hour clinics, walk-in clinics, in-patient care, housing, or veterinary services.
**Nursing Home:** Facilities which provide housing and/or medical care, including nursing homes, assisted living facilities, and associated independent living facilities.

**Outdoor Use:** A Use which involves the outdoor use of more than 20% of a property or the portion of a property devoted to commercial use. The use includes such land uses as vehicle/equipment sales lots, outdoor storage, mini-storage units, wind and solar generation, lumber yards, outdoor recreation, RV Parks, etc. as determined by the Development Services Director. Such use does not include Industrial Uses. Such use is allowed where expressly permitted in this section.

**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.

**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.

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

**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.

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

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

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.

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

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.
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.

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

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 – 42.209 Reserved
Section 210 Residential Districts

Sec 42.210 Residential Districts

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

Wherever this chapter refers to a “multi-family district”, the intent is to refer to the R-3, R-4 and R-6 districts.

R-R, Rural Residential District

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

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

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

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

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

Minimum size of lot:
<table>
<thead>
<tr>
<th>Property</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>40,000 square feet</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>150 feet at front lot-line</td>
</tr>
<tr>
<td>Width</td>
<td>150 feet at building line</td>
</tr>
<tr>
<td>Maximum percentage of lot that may be occupied by buildings:</td>
<td>25 percent</td>
</tr>
<tr>
<td>Maximum height of buildings</td>
<td>Three stories and fifty feet</td>
</tr>
<tr>
<td>Minimum setback dimensions</td>
<td></td>
</tr>
<tr>
<td>Front-yard</td>
<td>35 feet measured from front lot-line</td>
</tr>
<tr>
<td>Side-yard</td>
<td>25 feet measured from side lot-line</td>
</tr>
<tr>
<td>Rear-yard</td>
<td>50 feet measured from rear lot-line</td>
</tr>
</tbody>
</table>
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 Business Use.
8. 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 25 feet at front lot line

Width: 60 feet at the building line.

Maximum percentage of lot that may be occupied by buildings:

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

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

Maximum height of buildings/structures:

Three stories and fifty feet

Minimum setback dimensions:

Front yard: 25 20 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 on corner lots: See Section 42-292.2. Side yards on 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. 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. Medical Use
4. Nursing Home

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 square feet for single-family detached uses;
- 7,500 square feet for two-family uses;
- 4,000 square feet per unit 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. Townhouses
3. Multi-family dwelling, up to 4 units per lot
4. Churches and other places of worship
5. Residential group homes
6. Family child care homes
7. Adult day care home
8. Community Center
9. Civic and Social Organizations (no on-site alcohol consumption)

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

a. Commercial Uses up to 5,000 square feet per lot
b. Medical Uses
c. Multi-family, 5 units or more per lot if demonstrated to be compatible with surrounding area
d. Civic and Social Organizations (with on-site alcohol consumption)
e. Mixed-residential use with up to 5,000 square feet of Commercial Use

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 2,500 square feet; in addition, the minimum size of lot based on the use of the property applies when the property is developed:
  - 2,500 square feet for one or two dwelling units;
  - 6,000 square feet for Residential-design Multi-family dwellings;
  - 12,000 square feet for all other uses.

Lot frontage

- 25 feet at front lot line

Maximum height of buildings/structures

- Two stories and fifty feet

Minimum setback dimensions

- Front yard: 10 feet
<table>
<thead>
<tr>
<th>Area</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>Side yard</td>
<td>5 feet</td>
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<tr>
<td>Rear yard</td>
<td>10 feet; 20 feet if adjacent to an alley</td>
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<tr>
<td>Side yard-</td>
<td></td>
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<tr>
<td>Corner lots</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

**Exceptions:**

1. Townhouse development is exempt from the side yard setbacks (interior lot lines only).
2. Townhouses are subject to a minimum lot frontage of 15 feet.
R-3b, Multi-family Residential District

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, 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:
- 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. Residential-design Multi-family Dwelling
8. Churches and other places of worship
9. Community Center
10. Residential group homes
11. Family child care homes
12. Adult day care home
13. Fraternity/sorority houses
14. Child care centers
15. Parking lots and Garages Private parking areas.
17. Private schools and academies.
18. 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.
19. Civic and Social Organizations (no on-site alcohol consumption)
20. Nursing Homes

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

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

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 and Residential-design Multi-family Dwellings;
- 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, Rooming/Boarding Houses, or Overnight Shelters.

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 Multi-family District

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

2. The following uses are permitted with approval of a Conditional Use Permit in the R-4, Urban Multi-family District:
   a. Commercial Use if demonstrated to be compatible with the surrounding area
   b. Seasonal Sales

3. The following minimum requirements for subdivision and building applies in the R-4, Urban Multi-family 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 and Overnight Shelters.
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. Wherever this chapter refers to an “industrial district”, the intent is to refer only to the M, Manufacturing district.

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

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

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<thead>
<tr>
<th>Minimum size of lot:</th>
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<tbody>
<tr>
<td>Area</td>
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<tr>
<td>Lot frontage</td>
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<tr>
<td>Width</td>
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</table>

<table>
<thead>
<tr>
<th>Maximum percentage of lot that may be occupied by buildings:</th>
</tr>
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<tbody>
<tr>
<td>All buildings</td>
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<table>
<thead>
<tr>
<th>Maximum height of buildings</th>
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</thead>
<tbody>
<tr>
<td>Three stories and thirty-six feet</td>
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<table>
<thead>
<tr>
<th>Minimum setback dimensions</th>
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</thead>
<tbody>
<tr>
<td>Front yard</td>
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<tr>
<td>Side yard</td>
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</tbody>
</table>
Section 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 pick-up, 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. Commercial Use up to 12,000 square feet
22. 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. Commercial Uses over 12,000 square feet.
11. Seasonal Sales.
12. Temporary Use.
13. Mixed-residential Use with more than two units.

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

<table>
<thead>
<tr>
<th>Minimum size of lot:</th>
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<tbody>
<tr>
<td>Area</td>
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<tr>
<td>Lot frontage</td>
</tr>
<tr>
<td>Width</td>
</tr>
</tbody>
</table>

Maximum percentage of lot that may be occupied by buildings:

| All buildings | 40 percent |

Maximum height of buildings/structures:

| Three two stories and fifty feet |

Minimum setback dimensions:

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

Businesses are not permitted to operate between the hours of 11:00 PM and 7:00 AM. Alcohol sales are not permitted to constitute more than 50% of the sales for any business. An Outdoor Use may be required to be screened from any adjacent residential property. An Outdoor Use may be required to be screened from any adjacent property or roadway if determined to be necessary by the Development Services Director.

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.
16. Hotels and motels, and hotel apartments.
17. Medical equipment and supplies sales and rental.
18. Miniature golf courses and driving ranges.
19. Monument sales, retail dealers (outside display permitted).
20. Parking garages, commercial.
21. Pest control services.
22. Pet shops, animal hospitals, clinics and kennels.
23. Plumbing shops.
24. Printing, publishing, book binding, and photo-processing, including drive-through facilities.
25. Produce market, retail (outside display permitted).
27. Recreation vehicle or mobile home sales or service (outside storage permitted).
28. Restaurant, on-site sales and consumption of alcoholic beverages permitted.
29. 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 commercial 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. Commercial Use
44. Industrial Use up to 15,000 square feet
45. Churches and other places of worship
46. Seasonal Sales
47. Temporary Use
48. Mixed-residential Use up to two units per lot
49. Medical Marijuana Dispensary Facility
50. Parking Lots and Garages
51. Sexually-oriented Business as permitted by Section 42.423

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. All other Industrial Uses, if the scale and intensity can be demonstrated to be compatible with surrounding uses.
10. Medical Marijuana-Infused Products Facility
11. Multi-family up to 26 units per acre
12. Mixed-residential Use (more than two units per lot)
13. Wind and Solar Generation
14. Overnight Shelters
15. Soup Kitchens
Amusement and Recreation Use

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</th>
<th>5,000</th>
<th>square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot frontage</td>
<td>60 feet at front lot line</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Width</td>
<td>60</td>
<td>50</td>
<td>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:

| Front yard | 10 feet measured from front lot line |
| Side yard | 0 feet measured from side lot line; 20 feet adjacent to a residential district |
| Side yard – Corner lot | 10 feet |
| Rear yard | 10 feet measured from rear lot line; 20 feet adjacent to a residential district |

Exceptions:

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.

a. Not more than 20% of a property or portion of a property used for commercial purposes may be used for an Outdoor Use unless such property has frontage or access to an arterial or collector road.

b. An Outdoor Use may be required to be screened from any adjacent residential property.

c. An Outdoor Use may be required to be screened from any adjacent property or roadway if determined to be necessary by the Development Services Director.
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 Rolla 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.
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.
3. Cabinet or carpentry shops
4. Canvas goods shops, tents and awnings, manufacture, sales and rental
5. Concrete batching or transit mix plant (temporary use only)
6. Irrigation sales and services
7. Laboratories, offices and other facilities for research, basic and applied
8. Private utilities
9. Produce markets, wholesale.
10. Medical Marijuana-Infused Products Facility

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

<table>
<thead>
<tr>
<th>Minimum size of lot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
</tr>
<tr>
<td>Lot frontage</td>
</tr>
<tr>
<td>Width</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Minimum setback dimensions</th>
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</thead>
<tbody>
<tr>
<td>Front yard</td>
</tr>
<tr>
<td>Side yard</td>
</tr>
<tr>
<td>Rear yard</td>
</tr>
</tbody>
</table>

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

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

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

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

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.

a. Not more than 20% of a property or portion of a property used for commercial
purposes may be used for an Outdoor Use.

b. An Outdoor Use may be required to be screened from any adjacent residential
property.

c. An Outdoor Use may be required to be screened from any adjacent property or
roadway if determined to be necessary by the Development Services Director.

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, Manufacturing District

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

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

1. Any use permitted in the M-1 light manufacturing district.
2. Aluminum manufacture.
3. Asphalt manufacture or refining.
4. Blast furnaces.
5. Boiler making, repairing and boiler works.
6. Brick, tile, pottery or terra cotta manufacturing.
7. Canning or preserving manufacture.
8. Celluloid or similar cellulose material manufacture.
9. Cement, lime, gypsum or plaster manufacturing.
10. Central power or lighting plant.
11. Concrete products manufacturing.
12. Cooperage works.
13. Corrugated metal manufacture.
14. Cotton baling, compressing or ginning.
15. Cotton storage, open.
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.
The following uses are permitted with approval of a Conditional Use Permit in the M,
Manufacturing District:

1. Overnight Shelters
2. Arsenals and munitions storage or manufacture.
3. Manufacture and bulk storage of flammable liquids or gases for wholesale, subject
to the provisions of the National Fire Codes.
4. Scrap or salvage yards, including automobile wrecking or salvage yards.
5. Bleaching powder or chlorine manufacture.
6. Hazardous chemical manufacture, creosote treatment or manufacture, disinfectant
and insecticide manufacture, poisonous gases, tar distillation, acid and ammonia
production.
7. Coal yards, oil compounding, barreling or reclamation plants.
8. Collection and transfer facilities for hazardous wastes, solid wastes that contain
hazardous substances from off-site sources and radioactive substances.
9. 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. Processing, reprocessing and storage of PCB containing oils.
10. Quarries and mining operations.
11. Landfill operations, including waste compacting and incineration.

The following minimum requirements for subdivision and building applies in the M, Manufacturing District:

<table>
<thead>
<tr>
<th>Minimum size of lot:</th>
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<tbody>
<tr>
<td>Area</td>
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<tr>
<td>Lot frontage</td>
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<tr>
<td>Width</td>
</tr>
<tr>
<td>Depth</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum height of buildings/structures</th>
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</thead>
<tbody>
<tr>
<td>No maximum</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum setback dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
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<tr>
<td></td>
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<tr>
<td>Side yard</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Side yard – Corner lot</th>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Side-/ rear yards</th>
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</thead>
<tbody>
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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.
Outdoor Uses are permitted.

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 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.
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 south right-of-way line of 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 southwest intersection of Seventh Street and Maple Street; thence in a southerly direction, along the west right-of-way line of Maple 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
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, 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;
3. An area marked or delineated for the parking of vehicles; or
4. A space meeting the definition of an accessible parking space in the Americans with Disabilities Act.

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 may not be required to increase the number of parking spaces in the event of a change in use if that such requests may induce if the lot or parcel is fully built-out with parking (i.e. cannot construct more parking cannot be constructed without reducing the its building footprint or required landscaping, or otherwise feasibly be installed.

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

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

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

The owners of the entire land area to be included in the Plan shall file an application for a Cooperative Parking Plan with the Community Development Director. The application shall include plans showing the location of the use, buildings, or structures for which shared off-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 unit, single-family detached dwelling, two-family dwelling, or townhouse unit on a separate platted lot, 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. 1 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 for all dwelling units 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 Spacing 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>
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<tbody>
<tr>
<td>1 - 25</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>26 - 50</td>
<td>2</td>
<td>1</td>
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<tr>
<td>51 - 75</td>
<td>3</td>
<td>1</td>
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<tr>
<td>76 - 100</td>
<td>4</td>
<td>1</td>
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<tr>
<td>101 - 150</td>
<td>5</td>
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<td>151 - 200</td>
<td>6</td>
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</tr>
<tr>
<td>201 - 300</td>
<td>7</td>
<td>2</td>
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</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 non-residential uses located in the C-C, Center City district; R-4, Urban district; and U-R, Urban Residential district.

**Number.** A minimum of 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 inside or under a roof. On ground-level residential units or units on floors served by an elevator, bicycle storage may be located inside the unit. Where bicycle parking is provided in a parking garage, such parking may only be located on the ground level.

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

**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 no 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 of the curb, in the C-C Center City district but must clear the sidewalk vertically by at least eight feet. Such awnings, etc. must provide for a minimum clearance of seven feet above any pedestrian way. Awnings etc. 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. A license agreement may be required for such projections.
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).

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. An attached or detached carport or garage may be permitted within the rear and side yard setbacks along an alley to permit parking from the alley.

13. 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-eighths (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.
4. All wooden fencing shall be installed finished-side facing out to any adjoining lot or street.
5. 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.
6. 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.
7. 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.
8. 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 manner as to minimize their impact on utilities construction and maintenance requirements.

9. Plantings in 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 affected 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 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>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-MH</th>
<th>U-R</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>M-1</th>
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<td>C</td>
<td>C</td>
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<td>C</td>
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</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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<tbody>
<tr>
<td>A</td>
<td>1</td>
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<td>2</td>
<td>10</td>
<td>15 feet</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>12</td>
<td>15 feet</td>
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<tr>
<td>C</td>
<td>2</td>
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<td>2</td>
<td>16-15</td>
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<tr>
<td>D</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>20</td>
<td>20 feet</td>
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<tr>
<td>E</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>24-20</td>
<td>25 feet</td>
</tr>
<tr>
<td>F</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>25</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>

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

### 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 bufferyards 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 a non-permanent installation for one-time or yearly events.

5. Electronic Message Center or Sign (EMC): An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LEDs) as a lighting source. Any reference to EMC also refers to electrically activated changeable copy signs.

6. Feather Flags (Also known as advertising flags, flag banners, swooper flags, flutter flags, blade flags, sail flags, bow flags, tear drop flags): These advertising tools come in the form of a long, narrow, lightweight canvas or other non-rigid material that is attached to a flexible pole (generally) that can be placed into the ground or attached to a weighted stand that allows them to be portable. The shape of the canvas usually resembles a feather or tear drop or a sail with its long side attached to the pole and perpendicular to the ground. Feather flags are temporary in nature and do not include flags or banners.
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 as 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 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 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 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 rights-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 and C-C 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, C-C, 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 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.
   3. 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.
   4. 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.
   5. 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.
   6. 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 8 units in length when fronting along a street (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
redevelopment 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 C-C, 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-4, Urban; P, Public R-3b, Multi-
      family; GI, Government and Institutional; C-O, Office; C-1, Neighborhood
      Commercial; C-2, General Commercial; 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 U-R, Urban Residential 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 one-hundred (100) 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 one-hundred-twenty-five (125) 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 one-hundred-twenty-five (125) 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 residential uses is highly dependent on the location, use, and need for on-street parking. In general, the following widths may be approved:

- **a. Single-family use in R-1 district:** 32 feet
- **b. Two-family use:** 40 feet
- **c. Three-family and Four-family dwellings:** 22 feet per unit, up to 4 driveways
- **d. Other multi-family:** Treated as commercial driveway
- **e. Locations in older areas of city:** To be determined by City Engineer

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

The minimum width of a driveway measured at the property line for non-residential and multi-family uses is twelve (12) 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**
NOTE: Text to be removed is shown with STRIKETHROUGH. Text to be added is shown with UNDERLINE.

Section 400 Special Regulations

Sec 42.400 Special Regulations
The following sections apply to specific uses. The requirements are intended to be in addition to any applicable zoning requirements. The intent is to provide requirements and limitations for uses which by their nature may require additional regulation.

Secs. 42-401 to 42-409. Reserved.

Sec 42.410 Home Occupations
This section is designed to define what constitutes a home occupation and to enumerate the particular home occupations that are permitted. Customary home occupations are defined as any activity carried out for compensation in a residential dwelling unit or in an accessory building. Generally, a customary home occupation includes working from home or working with customers by appointment.

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

No home occupation shall be permitted if it:
1. Changes the outside appearance of the dwelling or is visible from the street;
2. Generates traffic or parking, sewage, water use or noise in excess of what is
   normally found in a residential neighborhood. Excess traffic is defined as more than
ten (10) vehicle trips per day or more than two (2) vehicles associated with the
   home occupation on a regular basis;
3. Creates a hazard to person or property, results in electrical interference or
   becomes a nuisance; or
4. Results in outside activities, storage or display.

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

In particular, the following uses are not permitted as a customary home occupation:
1. Animal hospitals, stables or kennels;
2. Auto repairing and painting;
3. Barber shops and beauty parlors with more than one (1) operator;
4. Boarding and lodging houses, unless permitted by district regulations;
5. Dispatching of transfer and moving vans, taxi cab services; and
Section 420 Adult Uses

Sec 42.420 Adult Uses

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

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

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

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

1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

2. Employees of certain sexually oriented businesses engage in higher incidences of certain types of illicit sexual behavior than employees of other establishments and that by offering or providing such locations may thereby create unhealthy conditions, unless properly regulated.

3. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses including but not limited to, syphilis, gonorrhea, human immunodeficiency virus infections (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections. According to the best scientific evidence, AIDS and...
HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(4) The number of cases of syphilis and other sexually transmitted diseases has been on the rise or remain at high levels in the United States.

(5) The findings noted above raise substantial governmental concerns by establishing that sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect the public interest and to address substantial governmental concerns.

(6) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is managed in a way consistent with the health, safety, and welfare of its patrons and employees, as well as the general public. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(7) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(8) Requiring licensees of sexually oriented businesses to keep information regarding current employees and past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(9) The disclosure of certain information by those persons ultimately responsible for the day to day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(10) In the prevention of the spread of communicable diseases, it is desirable to obtain a limited amount of information regarding certain employees who may engage in conduct that this Chapter is designed to prevent, or who are likely to be witnesses to such conduct.

(11) The fact that an applicant for an adult use license who has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this section Chapter.

(12) The barring of such individuals from the management of adult uses serves as a deterrent to, and prevents conduct that leads to the transmission of sexually transmitted diseases.

(13) The general welfare, health, morals, and safety of the citizens of Rolla, Missouri will be promoted by the enactment of this section Chapter.

Sec 42.421 Adult Use Definitions
Words and phrases contained in this section Chapter shall be deemed to have certain meanings, as follows:

(a) Explicit sexual material means:

(1) Any picture, photograph, or other pictorial or visual representation, that depicts actual or simulated "specified sexual activities"; or
Any portion of a book, magazine, newspaper or other printed or written material; or any video tape, DVD, or any other recorded medium whose content is made up in whole or in dominant part of depictions or descriptions of "specified sexual activities" or "specified anatomical areas".

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

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

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

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

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

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

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

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

(v) "Adult motel" means an enterprise where a regular and substantial portion of its business is offering public accommodations for consideration for the purpose of viewing closed circuit television transmissions, films, motion pictures, videotapes, slides or other
photographic reproductions that are distinguished or characterized
by an emphasis on the depiction or description of "specified sexual
activities" or "specified anatomical areas" and rents room
accommodations for less than six hours at a time.

(c) **Adult entertainment** means any live or recorded exhibition, performance, display or
dance of any type, including but not limited to, talking, singing, reading, listening,
posing, massaging, serving food or beverages, soliciting for the sale of food,
beverages or entertainment, pantomiming, modeling, removal of clothing, or any
service offered for amusement on a premises where such exhibition, performance,
display or dance is intended to seek to arouse or excite the sexual desires of the
entertainer, other entertainers or patrons, or if the entertainment involves a
person who is nude or in such attire, costume or clothing as to expose to view any
portion of the human genitals, pubic region, vulva, pubic hair, buttocks, female
breast or breasts below a point immediately above the top of the areola or nipple
or the human male genitals in a discernibly erect state, even if completely and
opaquely covered to include, but not limited to establishments commonly known
as gentlemen's clubs, juice bars, and adult book stores, etc.

(d) **Employee** means any and all persons, including managers, entertainers and
independent contractors, who work in or at or render any services directly related
to the operation of an adult entertainment business.

(e) **Entertainer** means any person who provides adult entertainment within adult
entertainment premises as defined in this section whether or not a fee is charged
or accepted for entertainment.

(f) **Knowingly** means having knowledge of the character and content of any material
described herein or failure on notice to exercise reasonable inspection, which
would disclose the content and character of the same.

(g) **Manager** means any person who manages, directs, administers, or is in charge of
the affairs and/or conduct of any portion of any activity involving adult
entertainment occurring at any adult entertainment premises.

(h) **Material** means any book, magazine, or other printed or written material, or any
picture, drawing, photograph, videotape, or other pictorial representation, figure, object or
article.

(i) **Operator** means any person who manages, directs, administers, or is in charge of
the affairs and/or conduct of any portion of any activity involving adult
entertainment occurring at any adult entertainment premises.

(j) **Person** means any individual partnership, corporation, trust, incorporated or
unincorporated association marital community joint venture, governmental entity,
or other entity or group of persons however organized

(k) **Public place** means any area generally visible to public view and includes streets,
sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles
whether moving or not.
(l) **Sadomasochistic abuse** means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(m) **Server** means any person who serves food or drink at an adult entertainment business.

(n) **Specified anatomical areas** means (1) uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola or nipple, or any combination of the foregoing; or (2) human male genitals in a discernible erect state, even if completely and opaquely covered.

(o) **Specified sexual activities** means sexual conduct, being actual or simulated, acts of human masturbation, sexual intercourse, or physical contact, in an act of apparent sexual stimulation or gratification, with a person’s clothed or unclothed genitals, pubic area, buttocks, or the breast of a female, or any sadomasochistic abuse or acts including animals or any latent objects in an act or apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the Missouri Criminal Code.

(p) **Substantial business purpose** means 1) ten percent (10%) or more of the gross floor area is devoted to that purpose; or 2) ten percent (10%) or more of the retail floor space is devoted to that purpose; or 3) ten percent (10%) or more of the gross sales of the business are derived from that purpose.

(q) **Display** means:
   
   (1) To expose in whole or in part; or
   
   (2) To permit an unfolding, viewing or examination.

**Sec 42.422 Adult Use License**

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

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

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

Any licensed sexually oriented business shall be deemed to have consented to a periodic inspection of the business premises by appropriate City officials. This inspection shall take place during hours when such sexually oriented business is open to the public, unless
otherwise requested by the sexually oriented business, and shall not unreasonably interfere with the conduct of such business.

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

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

(a) The classification of licenses and fees for each shall be as follows:
   Adult entertainment business license fee is $500.00 per year.
   Adult entertainment manager's license fee is $50.00 per year.
   Adult entertainer's license fee is $20.00 per year.
   Adult entertainment server's license fee is $20.00 per year.

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

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

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

(b) A statement from the applicant, that the applicant has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
   (1) A felony criminal act within five years immediately preceding the application, or a misdemeanor criminal act within two years immediately preceding the application where such felony or misdemeanor criminal act involved sexual offenses, prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code, or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other statutes or ordinances.
   (2) Upon submission of each such application, the Police Department shall review the information contained therein and verify the qualifications of the applicant. The City Council shall, within 45 days, consider the application at a regular session. The applicant shall be present in person at the meeting when said application is considered by the City Council. If the application meets all the requirements as set forth in this Chapter, the City Council may issue a license for operation of the sexually oriented business. Those opposing such a license could present objections at this time. Granting the license requires a super majority vote.
(c) No person is eligible nor shall a license be issued to a sexually oriented business applicant if one or more of the following conditions exist:

1. The applicant’s premises is located within seven hundred fifty (750) feet of a school, church, hospital, City Park, or licensed childcare center or property zoned for residential use as measured in a straight line of property boundary.

2. The applicant’s premises is located within 1,000 feet of any other sexually oriented business for which there is a license issued.

3. The applicant failed to supply all of the information requested on the application.

4. The applicant gave material false, fraudulent or untruthful information on the application.

5. The applicant’s proposed business premises does not comply with or meet the requirement of the applicable health, zoning, building code, fire and property maintenance ordinances of the City of Rolla.

6. The applicant has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in said section.

7. The applicant has had an adult entertainment license revoked or suspended in this City or any other City or County during the past five years.

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

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

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

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

Any person found to be in violation of any provision of this Code, though he may have been previously issued a license as provided herein shall have his license revoked immediately forthwith. Prior to revocation said licensee shall have notice of said violations, and the matter of revocation shall be placed before the next regularly scheduled meeting of the
City Council for hearing. Should the City Council find said violations did occur, and upon
motion of the City Council after hearing, the revocation shall be issued from the City Clerk,
all licenses previously issued surrendered, for a period of one (1) year unless the City
Council may by motion direct a shorter time.

Sec 42.423 Adult Use Requirements and Standards
(a) Display. It is unlawful for a person knowingly to:
(1) Display any explicit sexual material or sadomasochistic abuse at
newsstands or any other business establishment frequented by minors
under the age of eighteen (18) years or where said minors are or may be
invited as a part of the general public; or
(2) Permit or authorize the display of any explicit sexual material or
sadomasochistic abuse at newsstands or any other business establishments
frequented by minors under the age of eighteen (18) years or where said
minors are or may be invited as a part of the general public; or

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

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

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

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

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

(f) Design. The facility shall be designed in such a fashion that all openings, entries and
windows prevent view into such facilities from any pedestrian, sidewalk, walkway,
street or other public area. No business activities shall take place outside the
sexually oriented business visible from the exterior.
(g) **Signage.** The facility in which such a use is located shall be limited to one (1) wall mounted advertising sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet. Said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. No flashing lights and/or lighting that leaves the impression of motion or movement shall be permitted.

(h) **Merchandise Display.** Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building.

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

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

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

(l) **Standards of Conduct.** The following standards of conduct shall be used by all adult entertainment business licensees, their employees and all sexually oriented business managers, servers and entertainers and patrons of sexually oriented businesses while on or about the premises of the establishment:
1. Any manager, server or entertainer issued a license by the City under the provisions of this section Chapter shall, at all times while working in a sexually oriented business, have in their possession a valid Identification card issued by the City, bearing the permit number, the signature of the City Clerk, individual's name, age, weight, eye color, and height. Such card shall be laminated to prevent alteration.
2. No manager, employee, server, entertainer or patron in a sexually oriented business, other than a licensed bath house, shall appear nude, unclothed,
in less than opaque attire or in any fashion that exposes to view any
"specified anatomical area".

3. No manager, employer, server, entertainer or patron of a sexually oriented
business shall perform any "specified sexual activities", wear or use any
device or covering exposing to view an image that simulates any "specified
anatomical areas", use artificial devices or other objects to perform or
depict any "specified sexual activities", or participate in any act of
prostitution.

4. No manager, employee, server, entertainer or patron of a sexually oriented
business shall knowingly touch, fondle or caress any "specified anatomical
area" of another person whether such "specified anatomical area" is
clothed, unclothed, covered or exposed to view.

5. A manager shall be on duty at all times on the premises when the sexually
oriented business is open. The manager shall verify that any person who
provides adult entertainment or works as a server possesses a current and
valid adult entertainment license. It shall also be the manager's duty to
insure that no person under the age of 18 enters the premises.

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

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

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

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

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

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

Not permitted to engage in any type of sexual conduct or prostitution on the
premises or to fondle caress or touch the breasts, pubic region, buttocks or genitals
of any employee, patron, or other entertainer or to permit any employee, patron,
or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks
or genitals of said entertainer.

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

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

Not permitted to perform, except on a stage of at least 24 inches above the floor
level of the audience and to maintain at least a 10 foot separation from any patron
at all times while performing.

PATRONS ARE:

Not permitted to be upon the stage at any time.

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

(Location. No sexually oriented business is permitted to locate within an 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.)

Sec 42.424 – 42.429 Reserved
Section 430 Telecommunications

Sec 42.430 Telecommunications

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

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

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

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

Sec 42.431 Definitions

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

1. Accessory Use: Any use authorized herein that exists in addition to the principal use of the property.
2. Antenna: Any device that transmits and/or receives wireless radio waves for voice, data, or video communications purposes including, but not limited to, television, AM/FM radio, texts, microwave, cellular telephone, and similar forms of
communications. The term shall exclude satellite earth station antenna less than two meters in diameter (mounted within 12 feet of the ground or building-mounted) and any receive-only home television antenna.

3. **AGL (Above Ground Level):** Ground level shall be determined by the elevation at the center location of measurement.

4. **Authority Pole:** A Utility Pole that is owned and/or operated by the City but shall not include municipal electric utility distribution poles or facilities.

5. **Cabinet:** A structure for the protection and security of communications equipment associated with one or more Antenna where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four feet by six feet, and vertical height that does not exceed six feet.

6. **Director:** The Community Development Director or his/her designee or official acting in such capacity.

7. **Disguised Support Structure:** Any freestanding, artificial structure designed for the support of Antenna, the presence of which is camouflaged or concealed as an appropriately placed and designed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, light standards, flagpoles, and artificial trees. For purposes of this definition, a structure "camouflaged or concealed as an appropriately-placed and designed architectural or natural feature" shall mean:

   1. It is consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located;
   2. It does not contain distorted proportions, size, or other features not typically found on the type of structure or feature to which it is designed to replicate;
   3. It cannot be identified as a Support Structure by persons with reasonable sensibilities and knowledge;
   4. Its equipment, accessory buildings, or other aspects or attachments relating to the Disguised Support Structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated; and
   5. It is of a height, design, and type that would ordinarily occur at the location and neighborhood selected.

8. **Existing Structure:** Any structure capable of supporting Wireless Communication Facilities (other than a Support Structure) in full conformance with the design and other requirements of this Division and is: (1) existing prior to the date of all applicable permit applications seeking City authorization for installation of such facilities thereon and (2) not built or installed in anticipation of such specific installation or erected as a means to evade approvals applicable to a non-existing structure.

9. **FAA:** The Federal Aviation Administration.

10. **Fast-Track Small Wireless Facility or Fast-Track:** A Small Wireless Facility that meets the following requirements for an Antenna and associated equipment:

    1. No more than seven cubic feet in volume (comprised of no more than 27 square feet of exterior surface area, excluding the surface width equal to the width of the Existing Structure or Utility Pole to which it is mounted, on an imaginary enclosure around the perimeter thereof, excluding cable or
cable conduit of four inches or less). Volume shall be the measure of the
exterior displacement of the Antenna and associated equipment;
2. Located with the consent of the owner on an Existing Structure or Utility
Pole, or concealed within or on a replacement Utility Pole if appearance is
not materially altered and the replacement Existing Structure or Utility Pole
is no more than five feet taller;
3. Not exceeding six feet above the top of an Existing Structure or Utility Pole
for a total height not exceeding 50 feet nor taller than more than six feet
above the average of similar poles within 300 feet.
12. Height: The vertical distance measured from the center location of measurement at
ground level to its highest point and including the main structure and all
attachments thereto.
13. Person: An individual, corporation, limited liability company, partnership,
association, trust, or other entity or organization, including the City.
14. Right of Way: The area on, below, or above a public roadway, highway, street, or
alleyway, but not including:
   1. The airwaves above a public right-of-way with regard to cellular or other
nonwire telecommunications or broadcast service;
   2. Easements obtained by utilities or private easements in platted
subdivisions or tracts;
   3. Railroad rights-of-way and ground utilized or acquired for railroad facilities;
or
   4. Poles, pipes, cables, conduits, wires, optical cables, or other means of
transmission, collection or exchange of communications, information,
substances, data, or electronic or electrical current or impulses utilized by a
municipally owned or operated utility pursuant to Missouri law.
15. Shelter: A building for the protection and security of communications equipment
associated with one or more Antenna and where access to equipment is gained
from the interior of the building. Human occupancy for office or other uses or the
storage of other materials and equipment not in direct support of the connected
Antenna is prohibited.
16. Small Wireless Facility: Antennas and associated equipment that meet the
following:
   1. Each Antenna could fit within an enclosure of no more than six cubic feet in
volume; and
   2. All other associated equipment, to the extent permitted by applicable law
to be calculated, of cumulatively no more than 28 cubic feet in volume;
provided that no single piece of equipment on the Authority Pole shall
exceed nine cubic feet in volume, and no single piece of ground mounted
equipment shall exceed 15 cubic feet in volume.
18. Tower: A structure designed for the support of one or more Antenna and including
guyed towers, self-supporting (lattice) towers, or monopoles, but not Disguised
Support Structures, Utility Poles, or buildings. The term shall also not include any
Support Structure that includes attachments of 50 feet or less in height owned and
operated solely for use by an amateur radio operator licensed by the FCC.
19. Utility Pole: A pole or similar structure that is or may be used for wireline
communications, electric distribution, lighting, traffic control, signage, or a similar
function, or for the collocation of Small Wireless Facilities or Fast Track.

Sec 42.432 Application Procedures; Timing
1. Applications. Applications for permitted, administrative, or conditional uses pursuant to this section Division shall be subject to the supplementary procedures in this section Division. Applications shall be submitted to the City as a complete application on forms provided by the City. A "complete application" shall be an application submitted on the forms provided by the City, fully executed by the applicant, identifying the specific approval sought, and containing all attachments, fees as may be established to reimburse the City for its inspection and review costs, and information as required thereon or by the City, consistent with this section Division. Applications shall be accompanied by a building permit application and other applicable forms.

2. Proof of Owner Consent. Applications for permitted, administrative, or conditional uses pursuant to this section Division shall be required to provide proof of owner consent, which shall minimally include:
   1. Written consent to pursue the application by all fee simple owners of the underlying real estate (or where located in street rights-of-way, the rights-of-way owner thereof), including when the proposed location is also in a utility easement; and
   2. Written consent to pursue the application of the owner of the structure on which such Facility is to be placed, if different than applicant.

3. Timing. Applications shall be decided upon within a reasonable time, subject further to state or federal specific additional time requirements as may apply to the particular application.

4. Consolidated Applications for Small Wireless Facilities. An applicant may submit a consolidated application and receive a single permit for up to 20 collocated Small Wireless Facilities, provided that they are for the same or materially the same design of Small Wireless Facility being collocated on the same or materially the same type of Utility Pole or Support Structure. Denial of one or more Small Wireless Facilities in a consolidated application shall not delay processing of any other Small Wireless Facilities in the same consolidated application.

5. Opportunity to Cure. In case of a denial, the applicant may cure the deficiencies identified by the City and resubmit the application within 30 days of the denial without paying an additional application fee. The City shall approve or deny the revised application within 30 days of resubmission and limit its review to the deficiencies cited in the original denial.

Sec 42.433 General Requirements
1. Applicability. The requirements set forth in this section Division shall be applicable to all Wireless Communications Facilities within the City installed, built, or modified after the effective date of this section Division to the full extent permitted by law. Such zoning review and approvals required in this section Division shall be in addition to any other generally applicable permitting requirement, including applicable building, excavation, rights-of-way, or other permits or approvals.

2. Principal or accessory use. Towers may be either a principal or accessory use in all non-residential zoning districts, subject to any applicable requirement relating to yard or setback. An accessory use subject to a leasehold interest of a person other than the lot owner may be approved for a Tower only if the leasehold area separately meets all requirements for a separate subdivided lot, including
dedicated access, parking, setbacks, and lot size, applicable to a principal use in the
district in which the use is proposed as if it was a separate subdivided lot. No other
district shall allow Towers unless required by law. All other Wireless
Communications Facilities and Utility Poles other than Towers, may be a principal
or accessory use in all districts subject to the requirements herein.

3. Building codes, safety standards, and zoning compliance. Wireless Communications
Facilities shall be constructed and maintained in compliance with all standards
contained in applicable state and local building codes. A certified engineer’s
structural report shall be required for all applications to construct a new or modify,
or any way alter, a Support Structure, a Utility Pole, or Antenna, including Small
Wireless Facility and Fast Track, unless waived upon application to the Director
stating why such report is unnecessary to the specific application and a
determination in the discretion of the Director approving such statement. In
addition to any other approvals required by this Division, no Wireless
Communication Facility or portion thereof, except for a modification under 47
U.S.C. § 1455(a), shall be erected, replaced, or expanded prior to receipt of a
Certificate of Zoning Compliance, unless otherwise required by law, and the
issuance of a Building Permit. For sites within City rights-of-way, (1) the most
restrictive adjacent underlying zoning district classification shall apply unless
otherwise specifically zoned and designated on the official zoning map, (2) Wireless
Communications Facilities shall be installed and maintained as not to obstruct or
hinder the usual travel or public safety on the rights-of-way or obstruct the legal
use of such rights-of-way by authorities or authorized rights-of-way users; and (3)
such use shall be required to obtain applicable permits and comply with the City's
ROW management rules and regulations set forth in Article III of Chapter 36.

4. Regulatory compliance. All Wireless Communications Facilities shall meet or exceed
current standards and regulations of the FAA, FCC, and any other local, state, or
federal agency with the authority to regulate Wireless Communications Facilities,
and including all required licenses, permits, and taxes applicable to such structure
and/or modification. Should such standards or regulations be amended, then the
owner shall bring such devices and structures into compliance with the revised
standards or regulations within the time period mandated by the controlling
agency. No approval for any placement, construction, or modification of any
Wireless Communications Facilities permitted by this Division shall be granted for
any applicant having an uncured violation of this Division, any zoning regulation
regarding the lot on which the structure is proposed, or any other governmental
regulatory, licensing, or tax requirement applicable to such Wireless
Communications Facilities within the City unless preempted by applicable law.
Modifications under 47 U.S.C. § 1455(a) shall be approved without regard to zoning
regulations regarding the lot on which the modification is proposed.

5. Security. All Wireless Communications Facilities shall be protected from
unauthorized access by appropriate security measures. A description of proposed
security measures shall be provided as part of any application to install, build, alter,
or modify Wireless Communications Facilities. Additional measures may be
required as a condition of the issuance of a Building Permit as deemed necessary by
the Director or by the City Council in the case of a Conditional Use Permit.

not be lighted unless required by the FAA or other state or federal agency with
authority to regulate, in which case a description of the required lighting scheme
will be made a part of the application to install, build, alter, or modify the Antenna,
Small Wireless Facilities, Fast Track, or Support Structure. Lighting may also be
approved as a consistent component of a Disguised Support Structure. Equipment Cabinets and Shelters may have lighting only as approved by the Director or City Council on the approved site plan.

7. Advertising. Except for a Disguised Support Structure in the form of an otherwise lawfully permitted sign, the placement of advertising on Wireless Communications Facilities is prohibited other than on-premises signage of not greater than one square foot on ground equipment or required safety signage.

8. Design.

1. Color. Subject to the requirements of the FAA or any applicable state or federal agency, Wireless Communications Facilities and attachments shall be painted a neutral color consistent with the natural or built environment of the site or an alternative painting scheme approved by the Director, or the City Council in the case of Conditional Use Permits, consistent with the requirements of this Division.

2. Ground equipment. When authorized, equipment Shelters, or Cabinets shall have an exterior finish reasonably compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located unless not feasible. All ground equipment shall be either placed underground, contained in a single Shelter or Cabinet, or concealed within a building or approved walled compound.

3. Antenna design. Antenna attached to a Disguised Support Structure or Tower shall be contained within the Disguised Support Structure or within or mounted flush on the surface to which they are mounted. Antenna attached to an existing building, Utility Pole, or structure shall be of a color matching the surface to which they are mounted. Antenna on the rooftop or attached to a building shall be screened or constructed and/or colored to match the structure to which they are attached. All Antenna shall be designed to be disguised and maximally concealed on or within the Support Structure or other structure. Exposed Antenna on "crow's nest" or other visible platforms or extensions are prohibited.

4. Height. Support Structures and Antenna shall not exceed the height limitation of any airport overlay zone as may be adopted by the City or other regulatory agency. Support Structures and Utility Poles may exceed underlying zoning district height restrictions for buildings and structures only where shown to be necessary, provided that no reasonable and feasible alternative exists. To the extent permitted by applicable law, district height restrictions shall be considered by the City in determining the appropriateness of the design and location of the application under the applicable standards for approval. No Support Structure shall be approved at a height exceeding 120 feet AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system.

5. Monopole design. All Towers shall be of a monopole design. Lattice, guyed Towers, or other non-monopole Tower designs shall not be permitted.

6. Compound walls/landscaping. All Towers shall be surrounded by a minimum of a six-foot high decorative wall constructed of brick, stone, or comparable masonry materials and a landscape strip of not less than ten feet in width and planted with materials, which will provide a visual barrier to a minimum height of six feet. The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative
means of screening may be approved by the Director, or by the City Council in the case of a Conditional Use Permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved. Landscaping or other improvements may be required for Disguised Support Structures if needed to implement an approved disguise.

7. Setbacks. All Support Structures, including any portions of any Wireless Communications Facilities thereon and associated structures, fences, and walls (except for parking associated with the Wireless Communications Facility) shall be separated from any rights-of-way, sidewalk or street, alley, parking area, playground, or other building which is located on a another property, and from the property line of any adjacent property at least a horizontal distance equal to 25% of the height of the Support Structure, including any portions of any Wireless Communications Facilities thereon.

8. Storage. Vehicle or outdoor storage on any Wireless Communications Facilities site is prohibited, unless otherwise permitted by the zoning district.

9. Parking. One hard-surfaced parking spot per Support Structure for periodic maintenance and service shall be provided.

10. Decorative poles. In districts where there are Utility Poles that were specifically designed for their aesthetic nature and compatibility with the built environment of that district, as determined by the City, such Utility Poles shall be deemed to be decorative Utility Poles. Such decorative Utility Poles, when authorized to be replaced by an applicant for Wireless Communications Facilities pursuant to applicable law and in compliance with this Division and Code, shall only be replaced with a substantially similar decorative Utility Pole that matches the aesthetics and decorative elements of the original decorative Utility Pole being replaced. Such replacement expenses shall be bore wholly by the applicant seeking to place Wireless Communications Facilities on such decorative Utility Pole.

9. Public property. Wireless Communications Facilities located on property owned, leased, or otherwise controlled by the City shall be subject to the requirements of this Division. A license or lease with the City authorizing the location of such Wireless Communications Facilities shall be required for each site.

10. As-built plans. Within 60 days of completion of the initial construction and any additional construction, three complete sets of plans drawn to scale and certified as accurately depicting the location of all Wireless Communications Facilities constructed shall be furnished to the City.

11. Historic preservation; 30-day hearing period. To the extent permitted by law, approval shall not be issued for any Wireless Communications Facility that the Director or City Council determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such District as a whole. For collocation of any certified historic structure as defined in Section 253.545 RSMo., in addition to all other applicable time requirements, there shall be a 30-day time period before approval of an application during which one or more public hearings on collocation to a certified historic structure are held. The City may require reasonable, technically feasible and technological neutral design and concealment measures as a condition of approval of a Wireless Communication Facility within a historic district or on a historic structure.

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

Sec 42.434 Permitted Use
1. Permitted use. The placement of Wireless Communications Facilities fully
conforming with the applicable General Requirements in this section Division are
permitted in all zoning districts (including the right-of-way) only as follows:
   1. Towers in industrial districts. Antennas attached to towers in industrial
districts are a permitted use.
   2. Collocations on Existing Support Structures. The attachment of Antenna
   including Small Wireless Facilities, or associated equipment to any existing
fully conforming Support Structure or Utility Pole, or as otherwise
authorized by state or federal law where local zoning is preempted,
provided that building permit requirements, national safety codes, and
other applicable codes including recognized accepted industry standards
for structural, safety, capacity, reliability, and engineering are satisfied,
including specifically the requirement to submit a certified structural
engineering report as provided in Section 42-399.
   3. Antenna on high-voltage Towers. The mounting of Antenna on or within
any existing high-voltage electric transmission Tower, but not exceeding
the height of such Tower by more than ten feet, provided that all
requirements of this Division and the underlying zoning ordinance are met,
except minimum setbacks provided in this Division shall not apply.
   4. Antenna on existing buildings/structures. In all districts, except not on
single-family residential or two-family dwellings, the mounting of Antenna
on any existing and conforming building or structure (other than a Support
Structure or Utility Pole) provided that the presence of the Antenna and
equipment is concealed by architectural elements or fully camouflaged or
concealed by painting a color identical to the surface to which they are
attached, and further provided that all requirements of this Division and
the underlying zoning ordinance are met.
   5. Collocation of Small Wireless Facilities on Authority Poles. In accordance
with Section 67.5112 RSMo, a wireless provider may collocate Small
Wireless Facilities and install, maintain, modify, operate, and replace
Authority Poles, at heights below the height limitations outlined in this
Subdivision, which shall be a permitted use in all districts except single-
family residential and historic districts subject to Subsection b of this
Section below.
      1. New, replacement, or modification of Authority Poles under the
following circumstances shall not be considered a permitted use
under this Section:
         1. Proposals to construct or modify an Authority Pole that
         exceeds the greater of 50 feet AGL or more than ten feet
         above the tallest existing Authority Pole as of January 1,
         2019 within 500 feet of the proposed Authority Pole in the
         City; and
         2. Proposals to collocate on an existing Authority Pole in place
         on August 28, 2018, that exceeds the height of the existing
         Authority Pole by more than ten feet.
   2. Application procedure. Application for a Permitted Use under this Section shall
require submission of an application with proof of owner consent as required by
Section 42-398 and an application fee of $100.00 per Small Wireless Facility and an application fee of $500.00 for the installation, modification, or replacement of a Utility Pole and collocation of a Small Wireless Facility thereon as required to partly cover the City's actual costs, and not to exceed such amounts as may be limited by law. If the applicant is not a Wireless Services Provider, the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permit's issuance date. For any application for a Small Wireless Facility, the applicant shall provide an attestation that the proposed Small Wireless Facility complies with the volumetric limitations as required to meet the definition of a Small Wireless Facility in accordance with this Division and pursuant to applicable law. Applicant shall also submit a certified structural analysis as required in the General Requirements of this Division. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application. The Director shall issue a decision on the application for a permitted use within the time frame permitted by applicable law. A decision to deny an application shall be made in writing and state the specific reasons for the denial. With respect to a proposed collocation of a Small Wireless Facility or installation, modification, or replacement of a Utility Pole, the Director may deny the application only if the proposal could reasonably be expected to:

1. Materially interfere with the safe operation of traffic and control equipment or City-owned communications equipment;
2. Materially and demonstrably interfere with the safe operation of traffic control equipment or City-owned communications equipment;
3. Materially and demonstrably interfere with sight lines or clear zones for transportation, pedestrians, or non-motorized vehicles;
4. Materially interfere with compliance with the American Disabilities Act, or similar federal or state standards regarding pedestrian access or movement;
5. Materially obstruct or hinder the usual travel or public safety on the rights-of-way;
6. Materially obstruct the legal use of the rights-of-way by the City, utility, or other third-party;
7. Fail to comply with the spacing requirements within Section 36-29.b;
8. Fail to comply with applicable national safety codes, including recognized engineering standards for Utility Poles or Support Structures;
9. Fail to comply with the decorative pole replacement requirements herein; or
10. Fail to comply with undergrounding requirements within Section 36-29.b;
Sec 42.435 Administrative Approval

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

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

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

   1. General requirements. The following requirements shall generally apply to all Fast-Track located within the City:
      
      1. The Fast-Track shall substantially match any current aesthetic or ornamental elements of the Existing Structure or Utility Pole, or otherwise be designed to maximally blend in to the built environment, with attention to the current uses within the district at the proposed site;
      2. Any portion above the Existing Structure or Utility Pole shall be concealed and of the same dimensions and appearance so as to appear to be a natural extension of the Existing Structure or Utility Pole in lieu of an enclosure or concealment;
      3. The Fast-Track equipment shall not emit noise audible from the building line of any residentially zoned or used property; and
      4. Location, placement, and orientation of the Fast-Track shall, to the extent feasible, minimize the obstruction to, or visibility from, the closest adjacent properties unless otherwise required by the City for safety reasons.

   2. Additional requirements when sited near pedestrian and vehicle ways. When a Fast-Track is proposed to be located on an Existing Structure or Utility Pole on or adjacent to public or private streets, sidewalks, or other pedestrian or vehicle ways:
      
      1. The height of all portions of the Fast-Track shall be located at least eight feet above ground level;
      2. No ground equipment shall be permitted; and
3. No portions of the Fast-Track shall extend horizontally from the surface of the Utility Pole or Existing Structure more than 16 inches.

3. Waiver for good cause shown. Additionally, the Director may for good cause shown increase any one or more of the maximum volumetric specifications from the definition of a Fast-Track by up to 50% if the applicant demonstrates that it:
   1. Does not in any location nationally use equipment capable of meeting the specifications and the purpose of the equipment; and
   2. Cannot feasibly meet the requirements as defined and described.

4. The City Council may further waive one or more of the requirements found in the definition of Fast-Track, or from the General Requirements or the Additional Requirements When Sited Near Pedestrian or Vehicle Ways of this Subdivision, upon good cause shown by the applicant, and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this Division. The burden of proof for any waiver shall be wholly on the applicant.

2. Application procedures. Applications for Administrative Permits shall be made on the appropriate forms to the Director consistent with the requirements of this Section Division. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application.

   1. General application requirements. Applicant shall submit along with its completed application form:
      1. An application fee of not more than $100.00 per "Fast Track" Small Wireless Facility as required to partly cover the City's actual costs, and an application fee of not more than $500.00 for an application for a Disguised Support Structure and collocation of a Small Wireless Facility thereon and not to exceed such amounts as may be limited by law; any amount not used by the City shall be refunded to the applicant upon written request after a final decision;
      2. A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating the exact location of the facility, all dimensions and orientations of the facility and associated equipment, in addition to all existing and proposed improvements including buildings, drives, walkway, parking areas, and other structures, rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the Utility Pole or Existing Structure, if applicable and determined by the Director to be necessary to determine compliance with this Division;
      3. Specifications, dimensions, photos, or drawings of the completed installation;
      4. Proof of owner consent as required by Section 36-29.b.
5. Certified structural analysis as required in the General Requirements of this Division;
6. If the applicant is not a Wireless Services Provider, the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permit’s issuance date; and
7. All other information necessary to show compliance with the applicable requirements of this Division.

2. Fast-Track specific application requirements. In addition to the above general application requirements, applications for a Fast-Track shall include the following:
   1. An attestation that the proposed Fast-Track meets the volumetric and other requirements to meet the definition of Fast-Track provided in this Division; and
   2. Information demonstrating that the applicant’s proposed plans are in compliance with § 67.5113.3(9) RSMo. to the satisfaction of the City.

3. Review. The application shall be reviewed by the Director to determine compliance with the above standards, including specifically design, location, safety, and appearance requirements and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.

4. Additional information may be required. In reviewing an application, the Director may require the applicant to provide additional information, including technical studies, to the extent permitted by applicable law, and contained in an applicable code provision, ordinance, application, or other public guideline.

5. Decisions; denials required in writing. The Director shall issue a decision on the permit within the time frame permitted by applicable law. The Director may deny the application or approve the application as submitted or with such modifications or conditions as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens and property values consistent with and to affect the purposes of this Division, and subject to applicable law. The Director may consider the purposes of this Division and the factors established herein. A decision to deny an application shall be made in writing and state the specific reasons for the denial. Provided that with respect to a proposed collocation of a Small Wireless Facility or installation, modification, or replacement of a Utility Pole, the Director may deny the application only for the reasons outlined in Section 42-400(b) above.

Sec 42.436 Conditional Use Permit

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

1. Applications. Applications for Conditional Use Permits shall be filed on such
forms required by the Director and processed subject to the requirements
of and in the manner established by applicable law, herein, and for
Conditional Use Permits in the Zoning Code and, in addition to such other
requirements, shall be accompanied by a deposit of $1,500.00, to the
extent permitted by applicable law to the specific Wireless
Communications Facility. Any amount not used by the City shall be
refunded to the applicant upon written request after a final decision.
Applications requesting any information that is prohibited by federal or
state law under the applicable circumstance shall be deemed inapplicable
to the subject application.

2. Decision and findings required. A decision shall be contemporaneously
accompanied by substantial evidence supporting the decision, which shall
be made a part of the written record of the meeting at which a final
decision on the application is rendered. Evidence shall be under oath and
may be submitted with the application or thereafter or presented during
the public hearing by the applicant or others.

3. Additional minimum requirements. No Conditional Use Permit shall be
issued unless the applicant has clearly demonstrated by substantial
evidence that placement of Wireless Communications Facilities pursuant to
the previous sections of these regulations Section 42-400 or Section 42-401
of this Division is not technologically or economically feasible. The City may
consider current or emerging industry standards and practices, among
other information, in determining feasibility.

4. Findings required. In addition to the determinations or limitations specified
herein and by the applicable provisions of Division 16 of Chapter 42 of this
Zoning Code for the consideration of Conditional Use Permits, no
Conditional Use Permit shall be approved by the City Council unless
findings in the affirmative are made that the following conditions exist:

   1. That the design of the Wireless Communications Facilities,
      including ground layout, maximally reduces visual degradation and
      otherwise complies with provisions and intent of this Division;

   2. That the design is visually compatible with the area, will not
distract from the view of the surrounding area, is maximally
concealed or blended in with the environment, and will not
adversely affect property values;

   3. That such conditional use shall not be inconsistent or adversely
affect the regular permitted uses in the district in which the same is
located; and

   4. That the proposal fully complies with applicable law including the
General Requirements herein; provided that an exception to the
General Requirements, other than building or safety code
compliance, may be approved upon evidence that compliance is
not feasible or is shown to be unreasonable under the specific
circumstances shown.

Sec 42.437 Removal of Support Structure
Any Wireless Communications Facility or portion thereof that is no longer in use for its
original communications purpose shall be removed at the owner's expense. In the case of
multiple operators sharing use of a single Support Structure, this removal requirement shall
not apply to the Support Structure until all users cease operations of the same.

Sec 42.438 Penalty
Except as may otherwise be provided by law, any person violating any provision in this
section Division shall be subject to penalties as provided by the zoning codes and subject
state and federal laws Section 1-7.

Sec 42.439 Appeals
The procedures of the Board of Adjustment, pursuant to Division 21 of Chapter 42 shall
govern appeals by any aggrieved person of a final action of any City Officer, employee,
board, commission, or the City Council that are claimed by an aggrieved person to be
unlawful or an unconstitutional taking of property without compensation. To the fullest
extent permitted by law, the review procedures of Board of Adjustment, pursuant to
Division 21 of Chapter 42 shall be exhausted before any action may be filed in any court
against the City or its officers, employees, boards, officials or commissions. Nothing herein
shall be deemed to unlawfully limit any remedy that is required to be available as a matter
of law.
Section 440 Manufactured Home Parks

Sec 42.440 Manufactured Home Parks

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

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

Sec 42.441 Definitions

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

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

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

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

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

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

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

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

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

Person - Any individual, firm, trust, partnership, public or private association or corporation.

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

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

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

Service sink - A slop sink with a flushing rim for the disposal of liquid wastes from trailers.
**Sewer connection**—The connection consisting of all pipes, fittings and appurtenances from
the drain outlet of the mobile home or travel trailer to the inlet of the corresponding sewer
riser-pipe of the sewage system serving the mobile home park or travel trailer parking area.

**Sewer riser-pipe**—That portion of the sewer lateral which extends vertically to the ground
elevation and terminates at each mobile home or travel trailer space.

**Trailer space**—A parcel of land in a trailer parking area for the placement of a single trailer
and the exclusive use of its occupants.

**Trailer stand**—That part of an individual space which has been reserved for the placement
of a single trailer and its accessory structures.

**Travel trailer**—Any of the following:
1. **Travel Trailer.** A vehicular, portable structure built on a chassis, designed to be used
   as a temporary dwelling for travel, recreational and vacation uses, permanently
   identified "Travel Trailer" by the manufacturer of the trailer and, when factory
   equipped for the road, it shall have a body width not exceeding eight feet, and a
   body length not exceeding thirty-two feet.
2. **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a
   temporary dwelling for travel, recreation and vacation.
3. **Motor-home.** A portable, temporary dwelling to be used for travel, recreation and
   vacation, constructed as an integral part of a self-propelled vehicle.
4. **Camping Trailer.** A canvas, folding structure, mounted on wheels and designed for
   travel, recreation and vacation use.

**Travel trailer parking area**—A parcel of land in which two or more spaces are occupied or
intended for occupancy by trailers for transient dwelling purposes.

**Water connection**—The connection consisting of all pipes, fittings and appurtenances from
the water riser pipe to the water inlet pipe of the distribution system within the mobile
home or trailer.

**Water riser pipe**—That portion of the water supply system serving the mobile home park or
travel trailer parking areas which extends vertically to the ground elevation and terminates
at a designated point at each mobile home lot or each trailer space.

**Watering station**—A facility for supplying water storage tanks of trailers with potable
water.

Sec 42.442 General Requirements for Manufactured Housing

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

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

Unoccupied trailer houses for demonstration and sales purposes only may be placed on any
vacant premises within the local business district, provided in the Zoning Ordinance of the
city; provided, that a certificate of occupancy has first been procured from the city engineer
to do so; provided, further, that such trailer houses are located on such premises in a
manner as approved by the city engineer.
The city engineer and codes administrator are hereby authorized and directed to make
such inspections as are necessary to determine satisfactory compliance with section this
Chapter and regulations issued hereunder. The city engineer and codes administrator shall
have the power to enter at reasonable times upon any private property for the purpose of
inspecting and investigating conditions relating to the enforcement of this section Chapter
and regulations issued hereunder.

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

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

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

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

Any person affected by any notice which has been issued in connection with the
enforcement of any provision of this Chapter, or regulation issued hereunder, may request
and shall be granted a hearing on the matter before the city council, provided, that such
person file in the office of the city clerk a written petition requesting such hearings and
setting forth a brief statement of the grounds therefore within ten days after the day the
notice is served. The filing of the request for a hearing shall operate as a stay of the notice
and of the suspension except in the case of an order issued under subsection (e) herein.

Upon receipt of such petition, the city clerk shall set a time and place for such hearing and
shall give the petitioner written notice thereof. At such hearing the petitioner shall be given
an opportunity to be heard and to show why such notice should be modified or withdrawn.
The hearing shall be commenced not later than fifteen days after day on which the petition
was filed; provided, that upon application of the petitioner the city council may postpone
the date of the hearing for a reasonable time beyond such fifteen-day period when in its
judgment the petitioner has submitted good and sufficient reasons for such postponement.

After such hearing the city council shall make findings as to compliance with the provisions
of this Chapter and regulations issued hereunder and shall issue an order in writing
sustaining, modifying or withdrawing the notice which shall be served as provided in
subsection (a) (4). Upon failure to comply with any order sustaining or modifying a notice,
the license of the mobile home park or travel trailer park affected by the order shall be revoked.

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

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

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

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

Sec 42.443 Requirements for Manufactured Home Parks
The person to whom a license for a manufactured mobile home park or travel trailer park is issued shall operate the park in compliance with this section Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

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

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

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

1. The names and permanent addresses of all trailer occupants;
2. The make, model and license number of the trailer and tow vehicle; and
3. The dates of arrival and departure of a trailer or its occupants.

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

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

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

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

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

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

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

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

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

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

Required car parking spaces shall be so located as to provide convenient access to the manufactured mobile home, but shared parking shall not exceed a distance of two hundred feet by walking distance along a sidewalk or drive from the manufactured mobile home that it is intended to serve.
General requirements. All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain; between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

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

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

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

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

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

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

Sec. 39-16. Permits.

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

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

1. Name and address of applicant.
2. Interest of the applicant in the mobile home park or travel trailer park.
3. Location and legal description of the mobile home park or travel trailer park.
4. Complete engineering plans and specifications of the proposed park showing:
   a. The area and dimensions of the tract of land;
   b. The number, location and size of all lots;
   c. The location of service buildings and any other proposed structures;
   d. The location and width of roadways and walkways;
   e. The location of water and sewer lines and riser pipes;
f. Plans and specifications of the water supply, refuse and sewage
disposal facilities;
g. Plans and specifications of all buildings constructed or to be
constructed within the mobile home park or trailer park; and,
h. The location and details of lighting and electrical systems.
c. All applications shall be accompanied by the deposit of a fee of fifty dollars for
mobile home parks and fifty dollars for travel trailer parks.
d. When upon review of the application, the city engineer is satisfied that the
proposed plan meets the requirements of this Chapter and regulations issued
hereunder, a permit shall be issued.
e. Any person whose application for a permit under this Chapter has been denied may
request and shall be granted a hearing on the matter before the city council under
the procedure provided by Section 39-5 of this Chapter. (Ord. 1421, §2.)

Sec 42.444 Manufactured Home Park License
It shall be unlawful for any person to operate any manufactured mobile home park or
travel trailer park within the limits of the city unless he holds a valid license issued annually
by the city clerk in the name of such person for the specific manufactured mobile home
park or travel trailer park.

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

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

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

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

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

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

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

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

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

DIVISION 2. ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS

SUBDIVISION I. IN GENERAL

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

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

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

Sec. 39-26. Use of park areas for nonresidential purposes.
No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

ARTICLE II. MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

DIVISION 2. ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS

SUBDIVISION II. TRAVEL TRAILER PARKS

Sec. 39-32. Required separation between travel trailers.
Trailers shall be separated from each other and from other structures by at least ten feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of these separation requirements, be considered to be part of the trailer.

Sec. 39-33. Density requirement.
The density shall not exceed twenty-five trailer spaces per acre of gross site area; except, that the city council may, under special circumstances, permit a higher density provided all other environmental, open space, and access requirements of this Chapter and regulations issued hereunder are adhered to. Any person desiring a higher density shall make application for such exemption to the city council, specifying the reasons therefore. If a higher density is permitted, the city clerk shall issue a special license specifying the location of the parking area, the expiration date of the license, and the conditions of issuance.

Sec. 39-34. Required setbacks from public streets.
All trailers shall be located at least twenty-five feet from any parking area boundary line abutting upon a public street or highway.

Sec. 39-35. Recreational area.
In all travel trailer parking areas there shall be at least one recreation area which shall be easily accessible from all trailer spaces. The size of such recreation area shall be not less than eight percent of the gross site area or two thousand five hundred square feet, which ever is greater.

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

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

a. Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen feet; provided, that mobile homes placed end-to-end may have clearance of ten feet where opposing rear walls are staggered.

b. An accessory structure which has a horizontal area exceeding twenty-five square feet is attached to a mobile home or located within ten feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.

Sec. 39-44. Recreation areas.

a. In all parks accommodating or designed to accommodate twenty-five or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.

b. The size of such recreation area shall be based upon a minimum of one hundred square feet for each lot. No outdoor recreation area shall contain less than two thousand five hundred square feet.

c. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

Sec. 39-45. Park street system.

a. General requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.

b. Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of thirty-four feet where parking is permitted on both sides, or a minimum road pavement width of twenty-seven feet where parking is limited to one side. Where the primary entrance road is more than one hundred feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be twenty-four feet, provided parking is prohibited on both sides.

c. Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

   1. All streets, except minor streets, twenty-four feet.

   2. Minor streets, with no parking, eighteen feet, is acceptable only if less than five hundred feet long and serving less than twenty-five mobile homes or of any length if one-way and providing access to abutting mobile home lots on one side only.

   3. Dead-end streets shall be limited in length to one thousand feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty feet.

d. Required illumination. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

   1. All parts of the park street systems: 0.6 footcandle, with a minimum of 0.1 footcandle.
2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.3 footcandle.

e. Street construction and design standards:

1. PAVEMENT. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

2. GRADES. Grades of all street shall be sufficient to insure adequate surface drainage, but shall be not more than eight percent. Short run with a maximum grade of twelve percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.

3. INTERSECTIONS. Within one hundred feet of an intersection, streets shall be approximately at right angles. A distance of at least one hundred fifty feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

Sec. 39-48. Mobile home stand requirements.

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

a. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

b. The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.

c. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of two thousand eight hundred pounds.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

DIVISION 3. WATER SUPPLY

Sec. 39-54. General requirements.

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

Sec. 39-55. Storage facilities.

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

Sec. 39-56. Distribution system.
The water supply system of the mobile home park or travel trailer parking area shall be connected by pipes to all buildings and other facilities requiring water.

All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the health authority.

The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.

The system shall be so designed and maintained as to provide a pressure of not less than twenty pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

Sec. 39-57. Water supply outlets for travel trailers.
Each travel trailer parking area shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. Such water outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of backflow and back siphonage.

Sec. 39-58. Individual water service connections.
The following requirements shall apply:

a. Riser pipes provided for individual water-service connections shall be so located and constructed that they will not be damaged by the parking of mobile homes or travel trailers.

b. Water riser pipes shall extend at least four inches above ground elevation. The pipe size shall be three-quarter inch.

c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.

d. Underground stop and waste valves shall not be installed on any water service.

e. Valves shall be provided near the outlet of each water service connection. They should be turned off and the outlets capped or plugged when not in use.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS
DIVISION 4. SEWAGE DISPOSAL
Sec. 39-64. General requirements.
An adequate and safe sewerage system shall be provided in all mobile home parks or travel trailer parking areas for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with the state and local laws.

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

a. A sanitary station shall be provided consisting of at least: a tapped four-inch sewer riser pipe, connected to the travel trailer parking area sewerage system, surrounded at the inlet end by a concrete apron sloped to the drain, and provided with a suitable hinged cover; and a water outlet with the necessary appurtenances, connected to the parking area water supply system to permit periodic washdown of the immediate adjacent areas.

b. Each travel trailer parking area shall be provided with a sanitary station in the ratio of one for every one hundred trailer spaces or fractional part thereof.

c. Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any trailer space by a distance of at least fifty feet.
Sec. 39-66. Sewer lines.
All sewer lines shall be located in trenches of sufficient depth to be free of breakage from
traffic or other movements and shall be separated from the water supply system at a safe
distance. Sewers shall be a grade which will insure a velocity of two feet per second when
flowing full. All sewer lines shall be constructed of materials approved by the health
authority, shall be adequately vented and shall have watertight joints.

Sec. 39-67. Individual sewer connections.
If facilities for individual sewer connections are provided, the following requirements shall
apply:

a. The sewer riser pipe shall have at least a four-inch diameter, shall be trapped
below the ground surface and shall be so located on the trailer space that the
sewer connection to the trailer drain outlet will approximate a vertical position.
b. The sewer connection (see definition) shall have a nominal inside diameter of at
least three inches, and the slope of any portion thereof shall be at least one-fourth
inch per foot. The sewer connection shall consist of one pipe only without any
branch fittings. All joints shall be watertight.
c. All materials used for sewer connections shall be corrosive resistant, nonabsorbent
and durable. The inner surface shall be smooth.
d. Provision shall be made for plugging the sewer riser pipe when a trailer does not
occupy the space. Surface drainage shall be diverted away from the riser.

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

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

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS
DIVISION 5. ELECTRICAL DISTRIBUTION SYSTEM
Sec. 39-75. General requirements.
Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment
and appurtenances which shall be installed and maintained in accordance with applicable
codes and regulations governing such systems.

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

Sec. 39-77. Individual electrical connections.
a. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 50 amperes.

b. If individual travel trailer spaces are connected to the electrical wiring system, an approved type of disconnecting device and over current protective equipment shall be provided. The service per outlet shall be 120 volts AC, 15 amperes or 30 amperes.

c. Outlet receptacles at each trailer stand shall be located not more than twenty-five feet from the over current protective devices in the trailer and a three-pole, four-wire grounding type shall be used. Receptacles shall be of weatherproof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1.

d. The mobile home or travel trailer shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

e. Where the calculated load of the mobile home is more than 50 amperes either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed containers.

Sec. 39-78. Grounding of all exposed noncurrent metal parts.
All exposed noncurrent carrying metal parts of mobile homes or travel trailers and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or travel trailers or other equipment.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS
DIVISION 6. SERVICE BUILDINGS AND OTHER SERVICE FACILITIES
Sec. 39-84. Generally.
The requirements of this division shall apply to service buildings, recreation buildings and other service facilities such as:

a. Management offices, repair shops and storage areas.

b. Sanitary facilities

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

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

(Suggested Sanitary Facilities)

<table>
<thead>
<tr>
<th># of Parking Spaces (a)</th>
<th>Toilets</th>
<th>Urinals</th>
<th>Lavatories</th>
<th>Showers</th>
<th>Other Fixtures (b)</th>
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<td>1 Women</td>
<td>1 Men</td>
<td>1 Women</td>
<td>1 Women</td>
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<td>2 Men</td>
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<td>3 Men</td>
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<td>3 Men</td>
<td>4 Women</td>
<td>4 Men</td>
<td>3 Women</td>
<td>3 Men</td>
</tr>
</tbody>
</table>

1 Service sink with a flushing rim

(c)
NOTE:


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

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

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

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

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

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

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

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

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

b. All rooms containing sanitary or laundry facilities shall:

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

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

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

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

d. Illumination levels shall be maintained as follows:
1. general-seeing tasks—five footcandles;
2. laundry room work area—forty footcandles;
3. toilet room, in front of mirrors—forty footcandles.

e. Hot and cold water shall be furnished to each lavatory, sink, bathtub, shower and
laundry fixture, and cold water shall be furnished to every water closet and urinal.

Sec. 39-88. Requirements for barbeque pits, fireplaces, etc.
Cooking shelters, barbeque pits, fireplaces, wood-burning stoves and incinerators shall be
so located, constructed, maintained and used as to minimize fire hazard and smoke
nuisance both on the property on which used and on neighboring property. No open fire
shall be left unattended. No fuel shall be used and no material burned which emits dense
smoke or objectionable odors.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS
DIVISION 7. REFUSE HANDLING IN TRAVEL TRAILER PARKS
Sec. 39-94. Generally.
a. The storage, collection and disposal of refuse in travel trailer parking area shall be
so conducted as to create no health hazards, rodent harborage, insect breeding
areas, accident or fire hazards, or air pollution.
b. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which
shall be located not more than one hundred fifty feet from any trailer space.
Containers shall be provided in sufficient number and capacity to properly store all
refuse.
c. Refuse collection stands shall be provided for all refuse containers. Such container
stands shall be so designed as to prevent containers from being tipped, to minimize
spillage and container deterioration and facilitate cleaning around them.
d. All refuse containing garbage shall be collected at least twice weekly. Where
suitable collection service is not available from the city, the owner or operator of
the trailer parking area shall provide this service. All refuse shall be collected and
transported in covered containers.
e. Where municipal disposal service is not used, the owner or operator of the trailer
parking area shall dispose of the refuse by transporting to a disposal site approved
by the health authority.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS
DIVISION 8. INSECT AND RODENT CONTROL
Sec. 39-100. Generally.
a. Grounds, buildings and structures shall be maintained free of insect and rodent
harborage and infestation. Extermination methods and other measures to control
insects and rodents shall conform with the requirements of the health authority.
b. Parking areas shall be maintained free of accumulations of debris which may
provide rodent harborage or breeding places for flies, mosquitoes and other pests.
c. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe
and other building material shall be stored at least one foot above the ground.
d. Where the potential for insect and rodent infestation exists, all exterior openings in
or beneath any structure shall be appropriately screened with wire mesh or other
suitable materials.
e. The growth of brush, weeds and grass shall be controlled to prevent harborage of
ticks, chiggers and other noxious insects. Parking areas shall be so maintained as to
prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other
noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

DIVISION 9. FUEL SUPPLY AND STORAGE

Sec. 39-106. Natural gas systems.

a. Natural gas piping systems (when natural gas shall be available) shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

b. Each mobile home or travel trailer lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

Sec. 39-107. Liquefied petroleum gas systems.

a. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

b. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

c. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in an effective operating condition.

d. All LPG piping outside of the mobile homes or travel trailers shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes or travel trailers.

e. Liquefied petroleum gas containers installed on a mobile home or travel trailer lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve nor more than sixty U.S. gallons gross capacity.

f. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure, unless such installations are approved by the health authority.

Sec. 39-108. Fuel oil supply systems.

a. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently and securely fastened in place.

c. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.

d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

ARTICLE II MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

DIVISION 10. FIRE PROTECTION

Sec. 39-114. Generally.

a. The trailer park area shall be subject to the rules and regulations of the city prevention authority.

b. Trailer parks shall be kept free of litter, rubbish and other flammable materials.
c. Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and at all other locations designated by such fire prevention authority and shall be maintained in good operating condition.

d. Fires shall be made only in stoves and other equipment intended for such purposes.

e.——

1. Fire hydrants shall be installed in mobile home parks if the park water is capable to serve them in accordance with the following requirements:
   a. The water supply system shall permit the operation of a minimum of two, one and one-half inch hose streams.
   b. Each of two nozzles, held four feet above the ground, shall deliver at least seventy-five gallons of water per minute at a flowing pressure of at least thirty pounds per square inch at the highest elevation point of the park.

2. Fire hydrants, if provided, shall be located within five hundred feet of any mobile home, service building or other structure in the park.

Sec 42.445 to 42.449 Reserved
Sec 42.450 Special Uses
The following section provides for regulations and requirements for special and particular types of land uses.

Sec 42.451 Accessory Structures and Uses
An accessory structure is a building or structure that is located on the same lot as the main or primary building or structure and is subordinate to and detached from the main building, but is not used for human habitation. Accessory uses are consistent with and supplemental to the permitted uses in the zoning district.

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

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

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

1. Not less than forty (40) feet back of the front building line for the main building, for pools and portable buildings;
2. Not less than five (5) feet from the main building, when not constructed, intended, or used for human occupancy at any time;
3. The minimum rear setback may be reduced to five (5) feet; not less than five (5) feet from the rear lot line;

4. Not less than five (5) feet from the side lot line.

5. Not less than ten (10) feet from any lot line for two or more-story accessory building or structure;

6. No accessory building or structure on a corner lot shall project beyond the front yard building line; and

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

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

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

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

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

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

Accessory structure less than 200 sq. ft. in area may not require a building permit, but are subject to the setback requirements of this section. Such structures which are not attached to a foundation and have an empty weight of less than 200 pounds may be located within utility easements.

Accessory structures are required to be on the same lot as the related principal structure. Specifically, an accessory structure is not permitted on a lot with no principal structure. In
the event that a platted lot is proposed to be subdivided such that an accessory building(s) is located on a different lot than the principal structure or the principal structure is demolished or destroyed through any means, the property owner will have one year from the date of approval/demolition/destruction to construct a principal structure on the lot with the accessory building(s) or demolish the accessory structure, unless additional time is granted by the Building Official.

Sec 42.452 Child Care
The following definitions apply to this section:

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

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

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

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

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

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

1. The residence for which a permit is sought shall be the permanent residence of the child day care provider (operator);
2. No alteration of the principal residential building shall be made that changes the character or appearance of the building to appear to be a commercial use so as to be inconsistent with the appearance of dwellings in the immediate area around the family child care home;
3. No not more than one (1) person, other than someone related by blood, marriage, adoption or custodial relationship to the operator and who also resides in the dwelling unit, shall be employed in the family child care home;
4. Outdoor play areas shall only be located in the rear yard of a family child care home; and
5. One (1) exterior, flush-mounted attached sign is permitted not to exceed one (1) square foot in area.
Sec 42.453 Residential Group Homes

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

1. The structure, building, landscaping, fencing, etc. for the residential group home suits the character of the immediate neighborhood. The structure is not permitted to be altered to appear to be a commercial building.

2. There are no other Not more than one (1) residential group homes are permitted to locate within three hundred feet of another residential group home unless such home is not located on the same street within fifteen hundred (1,500) feet.

3. No sign identifying the residential group home is permitted to exceed one (1) square foot in area.

4. Signs may not be illuminated and must be attached to the residential group home.

5. There are no more than two (2) residents are permitted per bedroom.

Sec 42.454 Family Entertainment and Recreation Complex (FERC)

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

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

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

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

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

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

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

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

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

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

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

No FERC license shall be issued to any person who has pled guilty to or been convicted of any Class A felony.
Applications for renewal shall be received by the Finance Director at least sixty (60) days before expiration and shall be in the form as required for the original license. If the license is denied, the Finance Director shall notify the holder of the license of the reasons for denial upon which this determination was made in writing not later than thirty (30) days before expiration of the license.

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

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

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

1. Nothing in this sub-section shall be construed to permit any person to conduct, sponsor, or operate any FERC, which is not allowed under the Rolla Planning and Zoning Code. A FERC may be located in a C-2 (general retail district) as a conditional use. A FERC shall not be located within one hundred (100) feet of a school or church.

2. Nothing in this sub-section shall be construed to permit any person to conduct, sponsor, or operate any FERC, which creates a nuisance.

3. No minor under the age of fourteen (14) shall be allowed to operate any mechanical or electronic amusement device in a FERC unless such minor is accompanied by a parent or guardian or during the hours when such person’s school is in session. Such a restriction notice shall be posted in a conspicuous place near the entrance to the FERC.

4. No cash rewards shall be offered or given in any contest, tournament, league or individual play or on any mechanical or electronic amusement device; and no such device shall be permitted to operate if said device delivers or may readily be converted to deliver to the player any coins, slugs, or tokens, unless such coins, slugs, or tokens can only be used to purchase prizes from an onsite store. They cannot be redeemed for cash.

5. The licensee of any FERC shall comply with all provisions of federal, state, or local laws and ordinances pertaining to the operation and maintenance of a FERC.

6. The operator and/or proprietor of a FERC shall comply with all notices, rules, and regulations of the City of Rolla governing the occupation and use of a FERC.

7. The issued license for a FERC shall be posted in a conspicuous place within the FERC.

8. The operator or proprietor of a FERC shall not permit at any time a greater number of persons within the FERC than capacity as approved by the Fire Marshall/Code Administrator and set forth on the FERC license form.

9. The operator and/or proprietor of a FERC shall maintain good order at all times in the FERC including onsite-parking areas. The lack of good order shall include fighting and rowdy behavior, gambling, illegal, or excessive consumption of alcoholic beverages, and any other illegal drug use onsite.

Revocation and Suspension of License. Every FERC license issued under authority of this ordinance is subject to the right, which is hereby expressly reserved, to be revoked or
suspended should the operator or proprietor, directly or indirectly, permit the operation of any FERC, including any mechanical or electronic amusement device contrary to the provisions of this ordinance or the laws of the State of Missouri. Revocation or suspension of a FERC license may also be caused where the applicant for the license has knowingly or negligently made false or misleading statements when applying for this license. Failure to comply with all other statutes, codes, or ordinances, particularly building and fire codes, shall be a justification for revocation or suspension of a FERC license.

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

Penalties. Any person who shall act as a FERC operator without a valid license or who shall violate any of the provisions of this code or who shall continue to act subsequent to the revocation of his license 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.

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

1. Wherein the proceeds therefrom are to be devoted exclusively to charitable, benevolent or religious purposes.

2. Where the operation thereof is upon the property and premises of a private membership club and for the benefit of its members or their guests; provided, that said exemption will terminate if said private membership club operates any device for the use or enjoyment of the general public.

3. Any business that could be classified as a FERC that has been legally conducting business at the same location for a minimum of five (5) years are exempted from FERC licensing requirements. The exemption will be terminated if the business relocates to another location.

Sec 42.454 Medical Marijuana Uses

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

Marijuana or Marihuana: Cannabis Indica, Cannabis sativa, and Cannabis ruderals, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed...
three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

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

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.

Medical Marijuana Dispensary Facility: 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-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: marijuana that is available only by prescription and used to treat a variety of medical conditions.

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

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

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

General. The following generally applies to Medical Marijuana Uses:

a. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Medical Marijuana Dispensary applicant to the nearest building corner of any school, church or regular place of worship as measured in a straight line.

b. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Use facility during regular business hours.

c. Display of Licenses Required. The Medical Marijuana Use license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
Medical Marijuana Dispensaries. No Building shall be constructed, altered or used for a Medical Marijuana Dispensary without complying with the following regulations in this section subchapter:

a. No Medical Marijuana Dispensary shall be located within 500' (five hundred feet) of a then existing elementary or secondary school, child daycare center, or church. Measurement shall be in a method consistent with the city’s existing liquor license measurement standard.

b. "Then existing" shall mean any school, child daycare center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a Medical Marijuana Dispensary first notifies the City of Rolla of the applicant’s contingent legal right to operate at the proposed location by putting the subject property under contract.

c. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Dispensary building.

d. Hours of Operation. All sales or distribution of Medical Marijuana and any other products sold to the public through a Medical Marijuana Dispensary shall take place between the hours of 8:00 a.m. and 8:00 p.m., Monday – Sunday. Medical Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the Medical Marijuana Dispensary may be present in such a facility at any time it is closed to the public.

e. Display of License Required. The Medical Marijuana Dispensary license issued by the State of Missouri shall be prominently displayed in a highly visible location, easily seen by patients on the dispensary’s sales floor.

f. Site Plan Review. Any plans for a Medical Marijuana Dispensary shall meet the standard new construction requirements.

g. Spacing. No Medical Marijuana Dispensary shall be operated or maintained within 500’ (five-hundred feet) of another Medical Marijuana Dispensary except when marijuana sales represent less than 5% of the dollar volume of a state or federally licensed pharmacy.

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

1. Distance Requirement. No Medical Marijuana-Infused Products Facility using any shall be located within 500' (five-hundred feet) of a then existing elementary or secondary school, licensed child daycare center, or church.

2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.

3. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Facility during regular business hours.

4. Hours of Operation. All Medical Marijuana-Infused Products Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
5. Display of License Required. The Medical Marijuana-Infused Products Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.

6. Site Plan Review Required. Any plans for a Medical Marijuana-Infused Products Facility shall meet standard new construction requirements.

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

1. Distance requirement. No Medical Marijuana Cultivation Facility shall be located within 1,000' (one thousand feet) of a then existing elementary or secondary school, state-licensed child daycare center or church.

2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.

3. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility during regular business hours.

4. Hours of Operation. All Medical Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.

5. Display of Licenses Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.

6. Site Plan Review Required. Any plans for an indoor "Medical Marijuana Cultivation Facility" shall meet the standard new construction requirements of the "Heavy Manufacturing District" outlined in this Title. Any outdoor "Medical Marijuana Cultivation Facility" shall meet the standard requirements for any other crop, except as otherwise set forth herein. No outdoor "Medical Marijuana Cultivation Facility" shall be permitted within 1,000' (one thousand feet) of a then existing elementary or secondary school, state-licensed child daycare center or church or within 1,000' (one thousand feet) from any residentially zoned property.

Sec 42.456 Bed and Breakfasts

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

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

1. The property use shall front on a collector street or higher classification street;

2. The number of proposed guest rooms in the bed and breakfast shall be stated in the Conditional Use Permit application;

3. Only short-term lodging shall be permitted; no monthly rentals.

4. There shall be no individual cooking facilities.

5. The facilities may be rented for receptions, parties, weddings or similar activities.
6. Potential negative impacts, including, but not limited to, traffic, parking and noise, shall be addressed in the use permit application.

7. One (1) additional paved parking space per guest room shall be provided in the rear or side yard.

8. The operator shall live at the bed and breakfast.

9. Only resident’s guests shall be served meals.

10. One (1) sign no larger than six (6) square feet shall be permitted. Signs may be illuminated.

11. A business license shall be obtained annually.

12. No bed and breakfast shall be located within three hundred (300) feet of another bed and breakfast as measured along continuous public street rights-of-way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

Sec 42.455 Noncommercial, Not-For-Profit Neighborhood Facilities

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

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

1. The proposed structure(s) shall not be located within any front or rear yards required by this Article or within ten (10) feet of the property line adjacent to the side yards of the lot on which the structures are located. Swimming pool pump and filter operations shall not adhere to these standards, but in no event will they be located closer than twenty (20) feet to a side or rear property line.

2. Any outdoor swimming pool will be enclosed by a fence or wall with a minimum height of six (6) feet with gates that shall be self-closing and latching.

Sec 42.456 Accessory Dwelling Units

Accessory structures shall be allowed under the following conditions:

1. On any lot in a residential an "R" District having less than twenty thousand (20,000) square feet, accessory structures, other than residences, may be permitted with no plumbing fixtures required for human habitation, except for a washing machine and/or a janitor type sink.

2. On any lot in a residential an "R" District having more than twenty thousand (20,000) square feet or greater, accessory structures with plumbing fixtures may be used for servant’s quarters housing, as long as the structure is occupied by a servant employed on premises by the household occupying the main building; and

3. On any lot in a non-residential "C" or "M" District accessory structures used for residential purposes are not permitted unless used for security and are built as part of and/or connected to the main building.

4. One accessory dwelling unit may be permitted on any residential or commercial lot, except for multi-family uses.

5. An accessory dwelling unit is limited to a maximum of 800 square feet in habitable area, except when located in an existing building. In such case, the accessory dwelling unit may utilize the entire basement, floor, or attic area.

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

Sec 42.456 RV Parks
Businesses which provide overnight accommodation for one or more recreational vehicles or trailers must adhere to the following requirements:
1. One or more storm shelters meeting the requirements of ICC-500 must be provided on the site for all residents and employees.
2. Recreational vehicles and trailers are not permitted to remain in one rental space for more than six (6) months.
3. No rental spaces may be established within a regulated floodplain.
4. RV Parks must be designed to meet the requirements of NFPA 1194.

Sec. 42.457 Overnight Shelter, Soup Kitchens, and Transitional Housing Uses
The following requirements for overnight shelters, soup kitchens, and transitional housing uses are intended to help mitigate the impacts of such uses.

Sec. 42.457.1 Overnight Shelter Uses
These Overnight Shelter requirements are intended to help mitigate the impacts of an overnight shelter use on public safety services and surrounding properties. Such facilities should generally be located such that clients will have access to jobs, counseling, and other resources for assistance. Any Overnight Shelter use, except shelters which meet the definition of a domestic violence shelter, must adhere to the following requirements:
1. No individual or family shall reside in an overnight shelter for more than 30 days without entering into case management to obtain housing. Clients shall not reside on the premises for more than 6 months unless extenuating circumstances are present and documented by the facility.
2. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, intake procedures and tracking outcomes, and an outreach plan for surrounding property owners and residents.
3. A log of each person receiving temporary housing must be kept, including the person’s name, last place of residence, and a photo of the person and/or their government issued identification. Such logs are to be submitted to the Rolla Police Department upon request.
4. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property overnight.
5. Any facility providing overnight shelter services must be located a minimum of 1,000 feet from any other property operating an overnight shelter facility.
6. Overnight shelters must be located a minimum of 750 feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare.

7. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.

8. Security cameras are required at a minimum to film any persons using the building entrances, exits and outdoor assembly areas. Such recordings shall be maintained for at least 72 hours and made available for law enforcement if a crime is alleged or committed.

9. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.

10. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide 30 days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.

11. An initial inspection fee of $300 must be submitted prior to commencing operations and an annual inspection fee of $100 must be submitted annually thereafter.

Sec. 42457.2 Domestic Violence Shelter Uses

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

1. No individual or family shall reside in an overnight shelter for more than 30 days without entering into case management to obtain housing. Clients shall not reside on the premises for more than 6 months unless extenuating circumstances are present and documented by the facility.

2. Prior to commencing operation, the operator must submit the following to the Chief of Police and Fire Chief: contact information for key staff, floorplan, and occupancy policies.

3. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property overnight.

4. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.

5. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.

6. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide 30 days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to

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terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.

7. Such shelters are required to maintain confidentiality for their residents.

8. An initial inspection fee of $300 must be submitted prior to commencing operations and an annual inspection fee of $100 must be submitted annually thereafter.

Sec 42.457.3 Soup Kitchen Uses
These Soup Kitchen Use requirements are intended to help mitigate the impacts of a soup kitchen use. Such facilities should generally be located such that clients will have easy access by transit or walking. Any Soup Kitchen Use use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, and outreach plan for surrounding property owners and residents.

2. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.

3. Security cameras are required at a minimum to film any persons using the building entrances.

4. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.

5. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and allow 30 days to bring the operation into compliance. If the operator fails to correct the deficiencies, the director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.

Sec. 42.457.4 Transitional Housing Uses
Such facilities must be located a minimum of 500 feet from another transitional housing facility located on a separate property.

Sec 42.458 – 42.469 Reserved
Section 470 Floodplain Development

Sec 42.470 Floodplain Development

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

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

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

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

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

Sec 42.471 – 42.499 Reserved
Section 500 Subdivision Regulations

Sec 42.500 Subdivision Regulations - General
The City Council shall approve or disapprove plats for the subdivision regulations apply to any subdivision or re-subdivision of land within the City jurisdiction. These subdivision regulations apply to all land which has been subdivided if the subdivision was recorded after November 1, 1973, and to any lot or lots which re-subdivided after November 1, 1973. It is not the intent of this Article to interfere with or impair existing provisions of other laws, ordinances or covenants, except those specifically repealed by this Article. Where this section Article imposes greater restriction upon land than is imposed or required by any other such existing laws, ordinances, or covenants, the provisions of this section Article shall control.

The planning and zoning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats may provide requirements for the coordinated development of the municipality; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the municipality; for adequate open spaces for traffic, recreation, light, and air; and for a distribution of population and traffic. The regulations may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities, and compliance with all of these requirements is a condition precedent to the approval of the plat.

No plat of a subdivision of land lying within the municipality shall be filed or recorded until it has been submitted to the city for review and approval through the processes detailed in this section and a report and recommendation thereon made by the commission to the city council and the council has approved the plat as provided by law.

The regulations or practices of the council may provide for the tentative approval of the plat previous to the improvements and installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completions of the work and installations previous to the final approval of a plat, the council may accept a bond in the amount and with surety and conditions satisfactory to it, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond; and the council may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installation previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.
Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing shall be held by the commission and the council.

No county recorder shall receive for filing or recording any subdivision plat required to be approved by a city council or planning and zoning commission unless the plat has endorsed upon it the approval of the city council under the hand of the clerk and the seal of the city, or by the secretary of the commission.

No owners, or agent of the owner, of any land located within the platting jurisdiction of the city, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the council or the commission and recorded in the office of the appropriate county recorder. Any person violating the provisions of this Section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars for each lot transferred or sold or agreed or negotiated to be sold, and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from this penalty. A municipality may enjoin or vacate the transfer or sale or agreement by legal action and may recover the penalty in such action.

No owners may sell property within the jurisdiction of the city which is not in compliance with these Subdivision Regulations.

Any property which is found to have been sold without complying with the Subdivision Regulations will not be eligible to receive any building permits until the regulations have been complied with.

No person shall divide a lot, tract or parcel of land into two (2) or more lots, tracts, or parcels nor shall any person install a new street, alley, easement, water, sewer or electrical line or any other public improvement except in conformity with this Article; provided, however, that a real estate transaction involving the sale or exchange of a tract or parcel between contiguous platted properties, said tract or parcel sold or exchanged not being in excess of five thousand (5,000) square feet in area, where such sale or exchange does not create an additional lot(s), require any new public improvements or dedications, or violate provisions of the zoning code, shall be exempt from the requirements of this Article.

Recording a Plat: No property description of any subdivision shall be entitled to be recorded in the county Recorder's office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such un-approved property description is recorded, it shall be considered invalid and the City Attorney may cause proceedings to be instituted to have such plat or deed declared invalid. Recording of the property description approved in the manner herein prescribed shall be conclusive evidence of the validity of the subdivision.

Sale of Land in a Subdivision: No owner or agent of the owner of any land located in the City shall transfer, sell, offer, or agree to sell any land by metes and bounds description or other reference when the sale, transfer, or development of the land would affect a subdivision of land within the meaning of this Article and before such land has been subdivided in accordance with these regulations and recorded in the office of the Recorder of Deeds of Phelps County.
Permits: The Community Development Department shall not issue permits of any kind for improvement on land which do not meet the definition of "lot" as contained herein. For the purposes of constructing a building, permits may be issued for a tract or parcel of land consisting of two (2) or more contiguous lots or one lot and a portion of another lot and considered as a single lot if the proposed building(s) shall cross interior lot lines rather than being placed closer to a side, rear, or front lot line than otherwise allowed by ordinance.

Public Improvements: The City and its Boards, Commissions and agents shall withhold all public improvements of whatever nature, including the furnishing or maintenance of streets, utilities and sewerage facilities from all subdivisions subject to this ordinance which have not been approved, and from all areas dedicated to the public which have not been accepted by the City Council, in the manner prescribed herein. Upon notice from the Community Development Director or the City Engineer to the Rolla Municipal Utilities of a violation of this ordinance, it shall be unlawful for the Utility to supply utility services to the subject property until properly subdivided as prescribed herein.

Revision of a Plat. After Approval: No changes, erasures, modification or revisions shall be made in any final plat of a subdivision or in any metes and bounds description after approval has been given under the provisions of these regulations unless approved through the subdivision process.

Before any plat shall be recorded or be of any validity, it shall have been presented to the Commission and approved by City Council as having fulfilled the provisions of these regulations and other applicable ordinances. The provisions of these regulations, unless otherwise stated, shall be administered by the Director. In the administration of these regulations, the Director shall:

1. Receive and maintain current permanent records for all applications for subdivision approval. The Director shall, in conjunction with the City Engineer, review applications for completeness and substantial compliance with the subdivision regulations.
2. Insure that copies of the subdivision regulations are available for public review and distribution.
3. Provide such technical and consultative assistance as may be required by the Commission, City Council, and other agencies of the City in the exercise of their duties relating to these regulations.

Applications and material submitted to the Director for processing under the provisions of this Article shall conform to the specifications prescribed herein.

Sec 42.501 Definitions
For the purpose of this Zoning and Subdivision Regulations Article, the following terms, phrases, words, and their derivatives shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

Affordable Housing: The standard for defining affordable housing shall utilize the maximum home value or rental rate statistics used by the Missouri Housing Development Commission.

Alley: A public way, which affords a secondary access point to an abutting lot.
Arterial Street: A street that provides primarily for through traffic movement between areas and across the City.

Block: A tract of land bounded by streets or a combination of streets and other rights-of-way, parks or similar uses or fronting on a cul-de-sac.

Building: Shall include any part thereof; includes the word structure.

City: City of Rolla, Missouri.

City Council: The City Council of Rolla, Missouri.

City Engineer: The Public Works Department Director or his designee.

Collector Street: A street that provides for traffic movement between arterials and minor streets.

Comprehensive Plan: A series of plans for the physical development of the City, consisting of goals and objectives, Major Thoroughfare Plan, land use plans, and other elements included by the City Council.

Common Land: Land set aside for open space, including storm water drainage areas, retention ponds, and recreational use areas for the owners of the lots in a subdivision, conveyed in trust for the benefit and enjoyment of the lot owners.

Common Lot: A lot which contains common amenities, open space, unbuildable areas, or shared areas such as parking lots which is not intended to be used for residential or commercial uses.

Contiguous Properties: Tracts or lots which abut one another along the side and/or rear lot lines.

Cul-de-Sac: A street which terminates in a circular turnaround.

Director: The Community Development Department Director.

Easement: Authorized by a property owner for the use by another party, for a specified purpose, of any designated part of said property.

Final Plat: The final map, drawing or chart on which the subdivider’s plan of subdivision is presented for approval, and which, if approved, will be submitted to the County Recorder for filing.

Flag Lot: A lot which is served by a minimal frontage and consisting of an with two (2) distinct portions described as follows: Access portion. That portion of the lot having frontage on or abutting a public street, with frontage for a private drive to serve the building portion. And a Building portion. That portion of the lot not fronting on or abutting a public street, which contains the buildable areas of the lot but connected to a public street by the access portion of the lot.
**Local Street**: See Minor Street.

**Lot**: A property as designated An undivided tract or parcel of land under one ownership having access to a street, which parcel is designated as a separate tract identified by a lot number if in a duly approved and recorded subdivision or by a metes and bounds description on a recorded instrument prior to November 1, 1973.

**Lot Consolidation**: A process to combine two or more adjoining lots under common ownership into one lot for the purposes of building permitting and setbacks.

**Lot-line Adjustment**: A process to move a lot line which does not result in any additional lots.

**Minor Street**: A street primarily providing direct access to abutting property and designated to accommodate low volume, low speed traffic.

**Major Subdivision**: Any subdivision not classified as a minor subdivision, lot consolidation, or lot line adjustment, generally involving more than five lots and/or dedication of easements/rights-of-way.

**Minor Subdivision**: Any subdivision containing not more than five (5) lots fronting on an existing City street or highway and not requiring the extension or improvement of any street.

**Official Map**: The map established by the City Council showing streets and highways previously laid out, adopted and established by law and any amendments or additions thereto adopted by City Council through the subdivision process.

**Owner**: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land proposed for subdivision to effectuate transfer of the property once subdivided.

**Person**: See Owner.

**Preliminary Plat**: The preliminary map, drawing, or chart indicating the proposed layout of the subdivision initially required in the subdivision process.

**Right-of-Way**: This term, for land platting purposes, shall mean that right-of-way hereafter established and shown on a final plat to be separate and distinct from lots or parcels adjoining such right-of-way, and not included within the dimensions or area calculations of such lots or parcels.

**Re-plat/Re-subdivision**: A process for a modification or revision of a plat.

**Setback or Building Line**: A line specifically established upon the plat or established by the zoning code which identifies an area into which no part of a building shall project.

**Shall, May**: The word "Shall" is mandatory and the word "May" is permissive.

**Sketch plat**: An process used to solicit comments from the city staff and Planning and Zoning Commission for a proposed subdivision.
**Subdivider:** Any person commencing proceedings under this Article to effectuate a subdivision of land.

**Subdivision:** The subdivision of land into two (2) or more lots, tracts or parcels for the purpose of ownership transfer or development, or, if a new street or easement of access is involved, any division of a land parcel. The term includes re-subdivisions and Planned Unit Development.

**Subdivision, Cluster:** A form of development that permits reductions in lot area and bulk requirements, provided there is no increase in overall permitted density and that the resultant undeveloped land area is devoted to open space or other public purpose.

**Sec 42.501 Major Subdivision Process**

All land subdivision not otherwise classified as a minor subdivision shall be considered a major subdivision and subject to the procedures in this section. 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 Major Subdivision requires that a Preliminary Plat and a Final Plat be filed.

Regulation of the subdivision of land and the attachment of reasonable conditions is a valid exercise of the police power delegated by the State of Missouri to the City. The subdivider has the duty of compliance with reasonable conditions established by the Commission and City Council may impose reasonable conditions of approval for design, dedication, improvement and land use so as to conform to the appropriate and economic development of the City; and to promote the safety and general welfare of future landowners in the City. The subdivision of land is a privilege conferred through these regulations to private property owners.

**Sec 42.502 Sketch Plat**

The subdivider must hold a property owners meeting to present a sketch plat or conceptual plan and solicit input from nearby property owners prior to submitting a preliminary plat which proposes to create more than thirty (30) lots. Such meeting is encouraged to occur early in the design process to allow for input to be incorporated. Such meeting must be conducted by the subdivider or their surveyor/engineer at a public location. Notice for the meeting must be mailed by the subdivider no less than seven (7) days prior to the meeting. Notice must also be provided to the Community Development Department. A representative from the Community Development Department will be required to attend the meeting.

**Sketch Plat:** The subdivider may submit a sketch plat and supporting information prior to the delivery of a preliminary plat. City staff shall review this material and provide input to the subdivider concerning design standards and improvement requirements. If desired by the subdivider, the sketch plat may be presented to the Planning and Zoning Commission for review and input.

The sketch plat is intended to be conceptual in nature and, while accuracy and legibility are essential, the submission of detailed and finished plans is discouraged. Sketch plats should
provide information sufficient to determine general compliance with this Article and other City regulations and policies. The sketch plat should include the property to be subdivided and all adjacent unplatted property under the same ownership, and shall comply with the following requirements:

A property owner or authorized representative may request a review of a sketch plat 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. No application or fees are required for review of a sketch plat;
4. Three (3) paper copies of the sketch plat and an electronic copy (pdf preferred).

At a minimum, the sketch plat should include the following information for review:

1. Three (3) copies of the sketch plat shall be submitted drawn to a scale of one hundred (100) feet to an inch, including scale, north arrow and date prepared.
2. The sketch plat shall list the proposed subdivision or project name and the name and address of the owner and/or subdivider.
3. A map insert or description shall accurately locate the property by lot, section, township, range or other appropriate description. Metes and bounds description is not required.
4. Data table with current zoning, total number of proposed lots, and setbacks required by the zoning district.
5. The general dimensions of the property including property lines, existing easements, public and railroad right-of-way, buildings/structures, cemeteries, watercourses, flood prone areas, and other natural or manmade features that may impact development on or adjacent to the site.
6. The classification, location, dimensions, and name of all existing streets adjacent to the property shall be shown.
7. The approximate location, width, and proposed name classification of proposed streets or alleys on or adjacent to the site shall be shown.
8. Topography at intervals not to exceed two (2) feet based on U.S.G.S. data shall be shown.
9. The approximate location and size of all existing sewer and water mains on or immediately adjacent to the site.
10. The approximate location and size of existing and proposed culverts, storm sewers, impoundments and other storm water management facilities on or immediately adjacent to the site shall be shown.
11. The approximate location, dimensions and configuration of all proposed or existing lots shall be shown.
12. The approximate location and general layout of proposed water lines and sewage collection and disposal systems shall be shown.

Sec 42.503 Preliminary Plat
A preliminary plat is a more precise drawing of the proposed subdivision plan than the sketch plat and is intended for detailed review by City, utility, and other officials. The purpose is to provide a preliminary design for a more conceptual review. Review of a preliminary plat is required for a major subdivision. Only technical changes should differentiate the preliminary from the final plat, although the final plat need not include
Preliminary Plats: The applicant or agent of the applicant shall submit to the Director a subdivision application, the major subdivision application fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code, the appropriate recording fees, any improvement plans or supplementary materials, and five copies of the preliminary plat to the Director who, upon determining that the preliminary plat is complete, shall place the application on the Commission's agenda.

A property owner or authorized representative may request a review of a preliminary plat 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) Three (3) paper copies of the preliminary plat and an electronic copy (pdf preferred) shall be provided, drawn to a scale of at least one (1) inch equals one hundred (100) feet, (multiple sheets are acceptable). In addition, one (1) 8.5 x 11 copy of the preliminary plat shall be provided. Preliminary development plans should be, whenever possible, provided at the time the preliminary plat is submitted.

Drafting of the Plat: Preliminary plats shall include the following information:

1. The name of the subdivision;
2. Title indicating the plat to be a preliminary plat;
3. The name and address of the subdivider and owner;
4. Surveyor or engineer’s name;
5. North arrow, scale, date of preparation and any revisions, key, or location map showing the subdivision location in the land section with major streets identified and other pertinent data including:
6. A legal description of the land to be subdivided, with the total acreage listed;
7. Data table with the current property zoning, total number of proposed lots, and setbacks required by the zoning district;
8. Boundary lines showing traverse bearings and internal angles with dimensions in hundredths of feet to close the traverse within a maximum of one (1) foot in ten thousand (10,000) feet;
9. If a resubdivision, the plat shall list the lot or block numbers and the name of the original subdivision;
10. All property lines, names of adjacent subdivisions, easements, rights-of-way, street/alley/sidewalk pavement, and other significant features within 25 feet of the boundary of the plat. The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines on the plat in sufficient detail to accurately establish the names of existing streets and their right-of-way widths, alleys and other features that may impact the development. Adjacent unplatted land shall be shown;
11. The location, widths, grades, center line bearings of existing and proposed streets and distances;
12. Names of proposed and existing streets within and adjacent to the subdivision;
13. The location and dimensions of all existing and proposed alleys, easements, and other public rights-of-way shall be shown;
14. The location of all existing property lines, buildings, sewer or water mains, electric power lines, gas mains, storm sewers and other underground structures;
15. The arrangement, location, and dimensions of all proposed or existing lots, land to be dedicated for public use, and common lots, including lot area;
16. Lot and block numbers;
17. Lot line bearings and angles, if other than ninety (90) degrees, shall be shown as they intersect with street, alley, or crosswalk lines;
18. Zoning district boundaries, when the property has more than one zoning;
19. Intended building setback lines and dimensions shall be shown;
20. Location, size, and area of any proposed land to be dedicated for public use or to be reserved by deed or covenant for the use of property owners in the subdivision and any conditions of such dedication or reservation;
21. Protective covenants, if any, shall also be included;
22. Topography with contour intervals of not more than two (2) feet, referred to USGS datum on and within 25 feet of the boundary of the plat;
23. The locations of watercourses, wetlands, ravines, culverts, bridges, ponds, and other relevant features that might impact development;
24. Extents of any 100 and 500 year floodplain and the approximate BFE;
25. Proposed phases for development and filing of final plats, if applicable;
26. The location and size of proposed sewers (storm and sanitary), together with information regarding any necessary improvements of such channels, as well as similar data regarding the location, size, and type of construction of any culverts, bridges, or facilities for disposing of either storm water or sanitary sewerage.
27. Data regarding the area served by the facilities, the estimated volume of run-off and other related information shall accompany the development or construction plans. Proposed extents of stormwater detention;
28. Any easement needed to accommodate the sewers or storm sewers shall be shown on the plat.
29. Survey data: The plat shall provide information necessary to establish an accurate description and location including all arcs, radii, internal angles, points of curvature and tangent boundaries, and other pertinent survey data. Survey data shall meet standards promulgated by the State of Missouri, “Missouri Minimum Standards for Property Boundary Surveys”, Division of Geology and Land Survey, Missouri Department of Natural Resources. Curve tables and line tables, if needed;
30. Signature block for the chairman of the Planning and Zoning Commission;

The Commission shall approve, conditionally approve, or disapprove the preliminary plat by resolution. In any case, a notation of the action taken and the reason(s) the action was taken shall be entered in the records of the Commission. The preliminary plat and supplementary material along with the record of the Commission proceedings shall be forwarded to the City Council for consideration.

The approval of a plat by the commission does not constitute or effect an acceptance by the municipality or public of the dedication to public use of any street or other ground.
shown upon the plat. The final approval and acceptance of dedications is by the City Council.

If disapproved, the subdivider may appeal the commission's decision to the City Council within ninety days after the Commission's action. No person shall present testimony to the City Council that is substantially and materially different from that presented to the Commission, the City Council may refer, unless the party can demonstrate that the introduction of such evidence before the Commission was not in good faith reasonably possible at the time of the Commission meeting. If the Director does not agree that such evidence could not reasonably be presented at the time of the Commission meeting, the matter shall be referred back to the Commission for their review with the new information or evidence if it is found to be substantially or materially different from what had been presented. The City Council may vote to override the Commission disapproval with a vote of 2/3 of the City Council.

Effective Period of Preliminary Plat Approval: The approval of a preliminary plat shall be effective for one year, unless a final plat is approved for any phase shown on the preliminary plat. Once a final plat phase has been approved, the remainder of the preliminary plat is effective for a period of ten (10) years, provided that any subsequent final plat must adhere to any changes in the city codes since the approval of the preliminary plat. The final plat must be submitted for approval within the one-year period or be rendered null and void, except that the Commission may extend the effective period in six-month increments with the written request by the subdivider justifying the extension. The approved submission of a partial or phased final plat for a portion of a preliminary plat area shall validate the remainder of the preliminary plat for a one-year period.

Sec 42.504 Final Plat

Final Plat: Following approval of the preliminary plat by the Planning and Zoning Commission, the applicant shall prepare a final plat together with development plans for the required public improvements, drawn under the supervision of a registered professional engineer and attested to by his signature and seal, all in accordance with applicable standards. The final plat shall be in substantial conformance to the approved preliminary plat, as determined by the Director. Review of a final plat is required for all major subdivision and minor subdivision requests which involve the dedication of easements and/or rights-of-way.

The final plat is reviewed by city staff and comments are provided for needed revisions. Once revised, the plat may be scheduled for review by the Planning and Zoning Commission. The commission will make a recommendation to the City Council for approval, disapproval, or approval with conditions.

Five copies of the original reproducible plat shall be submitted to the Director who shall determine its completeness and substantial conformity. In addition, one 8.5" x 11" or one 11" x 17" copy of the final plat shall be submitted to the Director. The applicant shall submit three digital copies of the final plat in a form that is acceptable to the Community Development Department. The final plat and any supporting materials shall be submitted to the City Council for their approval. The City Council may accept the final plat, accept the final plat and impose changes or conditions, or may reject the final plat if it is found to be inconsistent with any City ordinance.
Once the preliminary plat is approved by the Commission, the applicant shall submit five (5) copies plus one (1) original of the final plat reflecting any required changes. In addition, one (1) 8.5 x 11 or one (1) 11 x 17 copy of the final plat with revisions shall be submitted. Copies of the final plat shall be delivered to the Director for distribution to City and utility company personnel. The final plat shall resemble in all material respects the preliminary plat, excluding topography, except that required changes or modifications shall be shown on the final plat.

Final development plans shall be submitted for review along with the final plat. Computer source copies of the final plat and development plans shall be prepared and submitted using Computer Assisted Drafting and Design (CADD) format that is compatible with the latest version of AutoCAD (dwg.format) used by the City. The development plans shall be filed within thirty (30) days following the submittal of the final plat. CADD files shall be submitted referenced to the Missouri Coordinate System of 1983 (Revised 1996) Standards of Practice No. 7.

A property owner or authorized representative may request a review of a final plat 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. Three (3) paper copies of the final plat and an electronic copy (pdf preferred);
5. Civil plans for any proposed streets, sanitary sewers, storm sewer, or other public infrastructure;
6. Copy of proposed HOA documents, protective covenants, private easements, cross-access agreements, maintenance agreements, etc., if applicable.

Final plats must include the following information:

1. Name of the subdivision;
2. Name and address of the subdivider and owner;
3. Surveyor or engineers name;
4. North arrow, scale, date of preparation and any revisions, key, location map showing the subdivision location in the land section with major streets identified;
5. A legal description of the land to be subdivided, with the total acreage listed;
6. Boundary lines showing traverse bearings and internal angles with dimensions in hundredths of feet to close the traverse within a maximum of one (1) foot in ten thousand (10,000) feet;
7. If a resubdivision, the lot or block numbers and the name of the original subdivision;
8. Location, widths, and names of existing and proposed streets;
9. Location and dimensions of all existing and proposed alleys, easements, and other public rights-of-way;
10. Arrangement, location, and dimensions of all proposed lots, land to be dedicated for public use, and common lots (setbacks should not be shown on a final plat);
11. Lot and block numbers;
12. Lot line bearings and angles;
13. Curve tables and line tables, if needed;
14. Building or Construction Permits: To be placed on the plat,

SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANT AS TO THE
ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS. THE UNDERSIGNED
OWNERS OF THE TRACT OF LAND HEREIN PLATTED DO HEREBY IMPOSE
UPON SAID PROPERTY AND DO HEREBY MAKE THE FOLLOWING
RESTRICTIVE COVENANT: NO CONSTRUCTION MAY BE COMMENCED UPON
THE ABOVE DESCRIBED PROPERTY UNTIL ALL NECESSARY BUILDING AND
CONSTRUCTION PERMITS HAVE BEEN ISSUED BY THE CITY OF ROLLA,
MISSOURI AND THAT IT IS UNDERSTOOD BY THE UNDERSIGNED THAT NO
SUCH PERMITS SHALL BE ISSUED FOR ANY LOTS HEREIN PLATTED UNTIL
THE COMPLETION OF ALL PUBLIC IMPROVEMENTS APPERTAINING TO SUCH
LOTS OR UNTIL A CASH BOND EQUAL TO THE REASONABLE COSTS OF
COMPLETING SUCH PUBLIC IMPROVEMENTS HAS BEEN RECEIVED AND
APPROVED BY THE CITY OF ROLLA, MISSOURI. THE ABOVE MENTIONED
PUBLIC IMPROVEMENTS SHALL BE COMPLETED PURSUANT TO THE
AGREEMENT BETWEEN THE UNDERSIGNED AND THE CITY OF ROLLA,
MISSOURI FOR THE COMPLETION OF SUCH IMPROVEMENTS AS REQUIRED
BY ARTICLE II, CHAPTER 42 OF THE CITY CODE OF ROLLA, MISSOURI.

15. Surveyor's Certificate: To be placed on the plat.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ________________, DO HEREBY CERTIFY THAT THIS PLAT MEETS
MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS
AND WAS PREPARED UNDER MY SUPERVISION FROM ACTUAL SURVEY OF
THE LAND HEREIN DESCRIBED PREPARED BY _______________ DATED
______ AND SIGNED BY _______________ L.S. NO. _____ AND THAT
CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE
PLACED UNDER THE PERSONAL SUPERVISION OF ______________ L.S. NO.  _____ IN ACCORDANCE WITH ARTICLE II, CHAPTER 42, OF THE CITY CODE
OF ROLLA, MISSOURI.

16. Deeding: If applicable, An express deeding to the public use the streets,
alleys, rights-of-way, easements and any parkland or open space to be
deeded to the public shall be shown on the plat with a notarized signature
block for of the owner(s).

_________ OWNER(S) OF THE PROPERTY SHOWN AND DESIGNATED
HEREON, HEREBY DEED AND CONVEY THE STREETS, ALLEYS, RIGHTS-OF-
WAY, EASEMENTS, PARKS, AND PUBLIC DEDICATIONS SHOWN HEREON TO
THE CITY OF ROLLA, MISSOURI. FURTHER, (I OR WE) CERTIFY THAT THERE
ARE NO SUITS, ACTIONS, LIENS, OR TRUSTS ON THE PROPERTY DEEDED
AND CONVEYED HEREIN, AND WARRANT GENERALLY AND SPECIFICALLY
THE PROPERTY DEEDED AND CONVEYED HEREIN FOR PUBLIC USE AND
WILL EXECUTE SUCH FURTHER ASSURANCES AS MAY BE REQUIRED.

17. If applicable, a release of any liens or mortgages on any areas to be
dedicated for public use.

18. And, Where land is dedicated to a cooperative association as open space,
common area or facilities under a Planned Unit Development or cluster
subdivision development the owner(s) shall place the following statement
with notarized signatures on the final plat.

_________________ OWNER(S) OF THE PROPERTY SHOWN AND DESIGNATED
HEREON, HEREBY DEED AND CONVEY THE OPEN SPACE, COMMON AREA
OR COMMON FACILITIES SHOWN HEREON TO ________________.
FURTHER, (I OR WE) CERTIFY THAT THERE ARE NO SUITS, ACTIONS, LIENS,
OR TRUSTS ON THE PROPERTY DEEDED AND CONVEYED HEREIN, AND
WARRANT GENERALLY AND SPECIFICALLY THE PROPERTY DEEDED AND
CONVEYED HEREIN FOR COMMON USE AND WILL EXECUTE SUCH FURTHER
ASSURANCES AS MAY BE REQUIRED.

19. Access Limitation: The following note shall be placed on all final plats
where access limitations to collector streets, arterial streets or highways
has been placed by the City Council: "LIMITS OF NO ACCESS." The lots and
area affected by such limitation shall be clearly indicated. Appropriate
release of such access limitation shall be included in the dedication on the
plat.

20. Improvement Acceptance: If applicable, the acceptance and/or
acknowledgement of all required public improvements and dedications, as
shown on the development plans on file with the City Engineer, shall be
attested on the final plat by the signatures of the City Engineer, the General
Manager of Rolla Municipal Utilities, and the Parks Director.

21. Planning and Zoning Commission Approval: The Chairman of the Planning
and Zoning Commission and the Community Development Director shall
sign the final plat to certify the Commissions approval:

APPROVED THE _________ DAY OF ________________, 20__, BY THE
PLANNING AND ZONING COMMISSION OF ROLLA, MISSOURI

22. City and County Tax Release: The City of Rolla Finance Director and the
Phelps County Collector of Revenue shall sign and date the final plat to
certify that all taxes have been paid.

23. Certificate of City Council Approval: The Mayor shall sign the final plat and
his signature shall be attested by the City Clerk.

24. Recorder's Certificate: The Recorder of Deeds for Phelps County shall sign
the final plat upon recordation identifying the cabinet and file number of
the plat.

Within sixty (60) days after the submission of a plat to the Planning and Zoning commission,
the commission shall recommend the City Council to approve or disapprove the plat;
otherwise the plat is deemed recommended for approved by the commission, except that
the commission, with the consent of the applicant for the approval, may extend the sixty
(60) day period to address any deficiencies or recommended changes. The ground of
disapproval of any plat by the commission shall be made a matter of record.

The City Council may accept the plat dedications and authorize the mayor to sign the plat
by ordinance. If accepted by the City Council, the plat may be recorded with the Phelps
County Recorder of Deeds once all required signatories have signed the plat, all fees have
been paid, and the public improvements have been constructed or the required guarantees
have been submitted the Director shall sign and record the plat after all other signatures
have been obtained and the provisions of Section 42-30 the Rolla City Code concerning
public improvements have been satisfied.
The applicant is responsible for the recording of the plat with the Phelps County Recorder of Deeds and all associated costs. The applicant must provide the record number to the Community Development Department after recording the plat. The plat will be deemed invalid if not recorded within one (1) year of the acceptance by City Council. A copy of the recorded plat must be provided to the Community Development Department.

The Community Development Director may approve minor changes to the plat after City Council acceptance and prior to recording for corrections, minor adjustments, or changes needed due to field conditions when constructing infrastructure.

If not approved rejected, the Director shall attach a statement to the plat outlining the reasons for such disapproval rejection for return to the applicant.

The final plat shall not be approved by City Council until the development plans have been accepted by the City Engineer and the Rolla Municipal Utilities Engineering Department and the infrastructure has been built and is ready for acceptance or the improvement guarantee has been provided.

Sec 42.505 Minor Subdivision

A minor subdivision is an administrative process for subdivisions which create no more than five (5) additional lots.

If street, waterline, sewer line, or storm sewer infrastructure is found to be needed for the proposed lots of a minor subdivision, the applicant may submit improvement plans for the needed infrastructure, construct the infrastructure, and cause said infrastructure to be accepted by the city prior to pursuing the minor subdivision application; or the applicant may submit the request following the process for a final plat.

If additional easements or other dedications are found to be required due to the subdivision, the applicant may submit the request following the process for a final plat or may submit the dedications by separate instrument and cause such instruments to be accepted and recorded prior to approval of the minor subdivision.

If no street, waterline, sewer line, or storm sewer infrastructure or additional dedications are needed for the proposed subdivision, the applicant may follow the abbreviated process of this sub-section.

A property owner or authorized representative may request a review of a minor subdivision 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; and
4. Three (3) paper copies of the final plat and an electronic copy (pdf preferred).

Minor subdivision plats must include the following information:

1. All information required of a preliminary plat for a first submittal.
2. All information required of a final plat for the final submittal to be recorded, except that the signature block for the Planning and Zoning Commission must be replaced with a signature block for the Community Development Director; and the dedication language must be replaced with a signature block for the property owners to state that they are causing the plat to be created.

The Community Development Department receives the plat submittals and coordinates review by city staff. The applicant may submit the final version of the plat once all comments are addressed.

If approved, the plat may be recorded with the Phelps County Recorder of Deeds once all required signatories have signed the plat and all fees have been paid.

The applicant is responsible for the recording of the plat with the Phelps County Recorder of Deeds and all associated costs. The applicant must provide the record number to the Community Development Department after recording the plat. The plat will be deemed invalid if not recorded within one (1) year of approval.

If disapproved, the applicant may appeal the decision to the Board of Adjustment or may request the subdivision be processed following the processes for a final plat.

The required submission of a preliminary plat may be waived for land use actions that are carried out through the minor subdivision process. The application and approval procedures for land use actions that are carried out through the minor subdivision process are as follows:

1. The applicant or agent of the applicant shall submit to the Director a subdivision application, the minor subdivision application fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code, the appropriate recording fees, five copies of the final plat, and any improvement plans or other supplementary materials.

2. The Director shall place the final plat on the Commission's agenda following review by City and utility companies' staff. If revisions are requested from staff, those requests shall be communicated to the applicant or agent responsible for considering such requests.

3. The Commission shall review the final plat and supplementary material and any recommendations from agencies or officials. The Commission may approve as submitted, approve with conditions, or disapprove the final plat. If disapproved, the Commission shall express its reasons for this action, which shall become part of the official record.

4. The final plat and supplementary material along with the record of the Commission proceedings shall be forwarded to the City Council for consideration. If approved by the City Council, the Director shall sign the final plat and ensure that the provisions of Section 42-30 the Rolla City Code concerning public improvements have been satisfied prior to its recording with the Recorder of Deeds of Phelps County. The applicant shall submit three digital copies of the final plat in a form that is acceptable to the Community Development Department.

5. If disapproved by the Commission, the subdivider may appeal the decision to the City Council within ninety days after the Commission's action.
Sec 42.506 Lot Consolidation and Lot Line Adjustments

Lot consolidations and lot line adjustment applications are reviewed administratively. A lot consolidation is recorded on the city records to enable the interior lot lines to be disregarded for setbacks, bulk standards, etc. A lot line adjustment allows for the lot lines to be relocated if such change follows all zoning requirements.

No street or utility extensions or dedications must be necessary for the lot consolidation or lot line adjustment.

A property owner or authorized representative may request a review of a lot consolidation or lot line adjustment 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. One (1) paper copy of a lot consolidation/lot line adjustment exhibit and an electronic copy (pdf preferred); and
5. Proposed legal descriptions of the affected lots.

The lot consolidation/lot line adjustment exhibit is not required to be prepared by a registered land surveyor, but the exhibit must:

1. be prepared to be to scale;
2. show the entirety of all affected lots;
3. provide an approximate distance from proposed property lines to any existing buildings if the building could potentially be within a required setback;
4. show the approximate location of sewer and water service lines; and
5. include the property address(s), the property owner(s) names, north arrow, and scale.

The Community Development Director may reject an exhibit not prepared by a surveyor if the exhibit does not show the required information and/or does not clearly indicate the purpose of the lot consolidation/lot line adjustment.

The Community Development Department receives the application and submittals and coordinates review by city staff.

For a lot consolidation, the prepared deeds must include the following language:

The intent of this instrument is to permanently combine the lots included in the legal description to allow them to be treated as one lot for the purposes of building permits and zoning. The lot(s) may not be separated unless approved by the City of Rolla.

If approved, the applicant may record a deed(s) to combine the lots or to adjust the lot lines with the Phelps County Recorder of Deeds. The applicant must provide a copy of the recorded deeds to the Community Development Department.

The approval of the lot consolidation/lot line adjustment will be deemed invalid if deeds are not recorded within one (1) year of approval.
If disapproved, the applicant may appeal the decision to the Board of Adjustment.

Sec 42.507 Subdivision Exceptions
The Commission may approve a subdivision exception variance from the provisions of this section Article where it finds that an undue hardship or practical difficulty may result from requiring strict compliance with this section Article. A subdivision exception variance may be approved so that substantial justice may be achieved and the public interest secured, provided that any such variance shall not have the effect of nullifying the expressed purpose of this Zoning and Subdivision Code Article.

No application for preliminary plat which would create conditions requiring a variance or exception from zoning regulations by the Board of Adjustment, shall be submitted to the Commission unless and until the applicant’s petition for variance or exception shall have been first approved by the Board of Adjustment.

No subdivision exception variance shall be granted by the Commission unless it is found that:

1. The granting of the subdivision exception variance would not be detrimental to the public safety, health, or welfare or be injurious to other property or improvements in the vicinity of the subject property; and
2. The conditions upon which the request for subdivision exception variance is based are unique to the property for which the subdivision exception variance is sought, are generally not applicable to other properties, and are not self-imposed; and
3. Because of the particular physical surroundings, shape or topographical feature of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, depriving the owner of the reasonable use of his land should the strict interpretation of these regulations be enforced; and
4. The subdivision exception variance will not in any manner abrogate the goals, objectives, or policies of the Rolla Comprehensive Plan.

The Commission shall be empowered to grant subdivision exceptions variances with respect to the improvements and the design standards relative to lot dimension and arrangement, street location, alignment, the location and alignment of easements, building lines and similar standards. The Commission may establish certain conditions on subdivision exception variance approval that will, in the judgment of the Commission, substantially secure the purpose of this Zoning and Subdivision Code Article.

If denied by the Commission, the City Council shall review the denial for a variance or any conditions attached to a variance approval only upon a written appeal by an applicant and only upon the written record made before the Commission.

Variances shall be reviewed in accordance with one of the following procedures:

Requests for subdivision exceptions variances may be submitted concurrently with the review of the preliminary plat; or final plat if it is a minor subdivision and reviewed with the subdivision. The written subdivision exception variance request shall state precisely the provisions from which a subdivision exception variance is needed along with the reasons...
for the subdivision exception variance, particularly as the request relates to the conditions of subdivision exception variance approval.

Requests for subdivision exceptions variances may be submitted independent of plat review if the applicant can show good cause why such request was not made when the plat was filed. Such requests must be approved by both the Commission and the City Council.

Within thirty (30) days after Commission has acted on a variance, the City Council may elect to disapprove a preliminary or final plat based on the approval of a subdivision exception by the Commission conduct an independent review of any variance request and may grant, reverse, modify, or affirm the decision by the Commission based on the conditions for variance approval.

Sec 42.508 – 42.509 Reserved
Sec 42.510 Subdivisions – Additional Options

**Phasing.** The final plat for any major subdivision that has received preliminary approval may be submitted in sections or phases provided: (a) each phase satisfies the requirements set forth in this Subdivision Code Article and other City ordinances; (b) all required improvements are provided for each phase along with any other necessary improvements to secure the subdivision's orderly development; and (c) adequate assurances are made for the completion of improvements required for each phase. Proposed phasing should be shown on the preliminary plat. The Director, with input from the City Engineer, shall determine if the proposed phasing of the final plat satisfies these requirements.

**Re-platting/Re-subdivision.** Re-subdivision shall be required to change an approved or recorded final plat through the final plat process when such change will affect public right-of-way, areas reserved for public use, easements, or any lot line, dimension or bearing. However, the vacation of right-of-way, areas reserved for public use and easements dedicated to the City on the plat may be approved by the City Council pursuant to applicable regulations without re-subdivision.

**Purpose: Cluster subdivisions.** Cluster subdivisions may be approved which will result in improved living and working environments; which will promote affordable housing by reducing development costs and encourage a variety of dwelling types; which will support ingenuity and originality in total subdivision design; and which will preserve open space for recreational, scenic and public service purposes. To achieve these purposes:

1. Variations in lot areas, widths, lot coverage and setbacks are permitted as long as overall dwelling unit densities established for the respective residential zoning district are not exceeded;
2. Flexibility in the forms of property ownership and building types are allowed as long as only the uses in the particular zoning district are permitted;
3. Procedures are established to assure adequate maintenance and restricted use of open space areas for the inhabitant's benefit only or for dedication to public use; and
4. Procedures are established to assure adequate protection of existing and potential developments adjoining the proposed cluster subdivision.

**Cluster Subdivision Standards:** The minimum size of a lot of record within a residential cluster subdivision shall be three-thousand (3,000) square feet in the R-R (rural residential district) and R-L (single family district). Two-thousand (2,000) square feet in the R-2 (two family district); and One-thousand (1,000) square feet in the R-3 (multi-family district).

**Cluster Open Space Requirements:** All lot size reductions shall be compensated for by an equivalent amount of land permanently preserved as open space or common area; excluding parking lots, private drives, open storage areas or any land which has been or will be conveyed to a public agency under a purchase agreement or to meet the park land dedication requirements. The open space may be dedicated to the public in the manner prescribed herein or may remain in private ownership. If privately owned, the subdivider shall provide documentation satisfactory to the Director of Community Development, Commission and City Council that the appropriate legal arrangements have been or will be put in place to assure its maintenance and preservation.
Cluster Subdivision Approval: Cluster subdivisions shall be considered as a major subdivision regardless of the number of proposed lots and shall be approved using the procedure outlined in Sec. 42-25.2., except that The sketch plan review shall be mandatory.

The Commission must find that the proposed cluster subdivision is shall be consistent with the Rolla Comprehensive Plan; and: Will provide usable and accessible open space for recreation or public use based on the size, shape, and topographic characteristics of the site; and Will include open space with significant and irreplaceable natural and manmade features.

The plat must describe all reductions in lot size, setbacks, lot coverage, etc. approved by the plat.

Will be adequately served by essential public facilities and services such as streets, sewerage, public water and electric supply, police and fire protection, and storm water drainage structures; or the person responsible for the establishment of the proposed cluster subdivision will provide these facilities and services;

Zero lot line. The purpose of zero lot line construction is to permit a procedure for development that will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will support ingenuity and originality in total subdivision design; and which can preserve open space to serve the recreational, scenic and public service purposes related thereto, all within the densities established by the zoning district in which the zero lot line construction is permitted.

The required side yard setback in the R-1 and R-2 Districts may be zero (0) on one side of the lot provided:

1. The lot adjacent to that side is also owned by the applicant or proof of consent is provided from the adjacent lot owner at the time if initial construction and the minimum side yard setback for such adjacent lot is either zero (0) or not less than ten (10) feet;
2. The opposite side yard must be a minimum of ten (10) feet;
3. The adjacent side yard setback is perpetually maintained free and clear of any obstructions other than a three (3) foot eave encroachment, normal landscaping, patios, garden walls or fences unless it is a zero (0) side yard;
4. The wall located at the zero (0) side yard setback is constructed with easily maintained, solid material without windows, except clerestory windows;
5. No portion of the dwelling or architectural features project over any property lines; and
6. The zero (0) side yard is not adjacent to a public or private street or alley right-of-way.

The required rear yard setback in the R-1 and R-2 Districts may be zero (0) provided:

1. The lot adjacent to the rear yard is also owned by the applicant or proof of consent is provided from the adjacent lot owner at the time of initial construction and the minimum rear yard setback satisfies the rear yard setback requirements of the zoning district, however, in no case shall the minimum rear yard be less than ten (10) feet unless it is zero (0);
2. The adjacent rear yard setback is perpetually maintained free and clear of any obstructions other than a three (3) foot eave encroachment, permitted accessory
uses, such as a swimming pool or garage, as well as normal landscaping, patios, garden walls or fences unless it is a zero (0) rear yard;

3. The wall located at the zero (0) rear yard setback is constructed with easily maintained, solid materials without windows;

4. No portion of the dwelling or architectural features project over any property lines; and

5. The zero (0) rear yard is not adjacent to a public or private street or alley right-of-way.

No lot may have both a zero (0) side yard and a zero (0) rear yard.

Appropriate private maintenance and use easements shall be shown included on the final plat for all affected properties. Where a final plat is not required, the maintenance and use easement shall be included in the deed or deeds for all affected properties. A separate private covenant or easement must be filed for the private maintenance and use easement.

The zero (0) side or rear yard wall shall be placed precisely on the lot (property line) with a perpetual maintenance easement on the adjacent lot.

A zero lot line lot may be created through a minor subdivision or major subdivision. Before construction of a zero lot line dwelling commences, an application, accompanied by a precise site plan, shall be submitted to the Planning and Zoning Commission and approved or conditionally approved by the Commission prior to the issuance of building permits for the dwelling. Said plan shall delineate all structures proposed for initial construction. The Commission, after review, may approve, conditionally approve, or deny the proposed plan. In its review, the Commission shall consider placement of all structures, building material, finishing of the wall constructed along the side or rear lot line, and any impacts on adjacent property owners.

Sec 42.511 Design Requirements – General

In addition to the requirements established herein, all subdivision plats shall comply with the relevant laws, rules, and regulations, such as the City’s zoning code, and regulations of the Phelps County Health Department and/or appropriate State agencies, Missouri Department of Transportation if abutting a State highway, and appropriate State and federal agencies. Subdivision lot lines shall conform to the municipal boundary lines when a subdivision abuts unincorporated land.

The proposed name of the subdivision shall not duplicate or sound like the name of any other subdivision, any existing or platted street, or any unrelated established business or development in Phelps County. Whenever final plats of a subdivision are approved in phases, each submittal for final approval shall be numbered consecutively.

Re-plats may be approved with a different subdivision name from the original plat, or may be numbered consecutively. The sub-title of any re-plat must reference the original plat and refer to the re-plat as a re-plat or re-subdivision, i.e. “YYY Subdivision, a Re-plat of ZZZ Subdivision, Lot 1”; or “ZZZ Subdivision Number 2, a Re-plat of ZZZ Subdivision, Lot 1”.

Sec 42.512 Design Requirements – Streets

Conformity: The character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan Official Map or Major Thoroughfare Plan and shall be considered
in their relation to existing and planned streets, to topographic conditions, to public
convenience and safety, and in their relation to proposed adjoining land uses. Where not
shown on any map or plan, the arrangement and other design standards of streets shall
conform to the provisions found herein.

Relation to Adjoining Streets: The arrangement of streets in new subdivisions shall make
provision for the continuation of the existing streets into the abutting subdivision or tract
where appropriate and must connect to adjoining streets or street rights-of-way which
dead end at the boundary line.

Projection Extension of Streets: The Planning and Zoning Commission may require that
street rights-of-way be extended to the property line to facilitate future connectivity.
Generally, streets should be extended to larger, undeveloped/developable property at
intervals of approximately 500 to 1,200 feet, except in cases where site conditions would
make connection unnecessary, undesirable, or impractical. When a new subdivision adjoins
unplatted or undeveloped land, new streets shall be carried to the boundaries of such tract.
A temporary turnaround approved by the City Engineer shall be installed at this point
unless the terminus of the new street is less than two hundred (200) feet from the
intersecting right-of-way of an existing street.

Secondary access: All new subdivisions must adhere to the International Fire Code,
Appendix D, as amended and adopted, for emergency vehicle access. Of twenty-five (25)
lots or more shall be designed to provide at least two means of ingress and egress to the
subdivision using a public street. The City Engineer may approve the use of dead-end
streets abutting undeveloped property with the understanding that a connecting street will
be constructed to provide ingress and egress once said abutting property is developed.

Street Jogs Prohibited: Street jogs with centerlines offsets of less than one hundred fifty
(150) feet shall be prohibited.

Dead-end Street or Cul-de-Sac: Dead-end streets or cul-de-sacs shall require a turnaround
at intervals not to exceed six hundred (600) feet and shall be provided at the closed end
with a turnaround having an outside roadway diameter of at least eighty-four (84) feet and
a minimum property line diameter of one hundred (100) feet. If a dead-end street is of a
temporary nature, the City Engineer may require a similar turnaround along with provisions
made for the future extension of the street. The City Engineer may approve alternative
turnaround standards, such as "hammerhead" or "Y" configurations, if adequately designed
to provide traffic circulation and better land use.

Dead-end Street or Cul-de-sacs generally discouraged, except in limited cases, as
determined by the Commission, where adjacent properties are fully developed, drainage
ways, areas with steep slopes, areas with existing buildings or common areas, railroads,
highways, and adjacent to properties with a different zoning classification. The Commission
may require that dead ends or cul de sacs be eliminated, where possible.

Marginal Access or Service Streets: Where a subdivision abuts or contains an existing
arterial street or highway the Commission may require marginal access streets or other
treatment as may be necessary for adequate protection of residential areas and to separate
through and local traffic.
Minor Streets: Minor streets shall be arranged so as to discourage through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to all properties. Minor streets should provide connectivity within a neighborhood and connectivity between neighborhoods.

Street Widths: The street pavement width required must adhere to the latest typical street section standards published by the Rolla Department of Public Works. The right-of-way width required to be dedicated and the pavement width required to be constructed shall be:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Right of Way Width***</th>
<th>Pavement Width****</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cul-de-Sac</td>
<td>50'</td>
<td>30'</td>
</tr>
<tr>
<td>Lane*</td>
<td>50'</td>
<td>30'</td>
</tr>
<tr>
<td>Minor (Local)*</td>
<td>50'</td>
<td>30'</td>
</tr>
<tr>
<td>Collector**</td>
<td>50'</td>
<td>34'</td>
</tr>
<tr>
<td>Collector-Commercial</td>
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<td>34'</td>
</tr>
<tr>
<td>Highway/Freeway</td>
<td>variable</td>
<td>variable</td>
</tr>
</tbody>
</table>

* Parking permitted on both sides of the street
** Parking permitted on one side only.
*** Greater right-of-way widths may be required as determined by traffic projections made by the City Engineer for commercial or industrial areas.
**** Measured from the back of the curb.

Street widths in commercial and industrial zones: Greater right-of-way widths may be required as determined by traffic projections made by the City Engineer for commercial or industrial zones.

Right-of-way dedication: Additional rights-of-way may be required for adjacent streets and roads which for which the existing rights-of-way are not adequate.

Street width reduction: The right-of-way and pavement width required for public or private streets may be reduced for developments which provide for off-street parking. Such street paving and right-of-way width may be reduced as determined by the City Engineer if adequate easements for utilities are provided. Barrier curbs and appropriate signage are required to prevent parking on the street. A minimum of one space for each lot/dwelling unit of private off-street parking must be provided for guests. Sidewalks are required on both sides of the street.

Low-Density Residential Subdivisions: In low-density, single-family residential subdivisions, pavement widths of minor streets not designed to accommodate through traffic may be reduced to twenty (20) feet. Sidewalks may not be required along minor streets. The City Engineer may waive requirements for curb and guttering if adequate provisions have been made for storm water drainage. The subdivision must comply with the following criteria:

- (a) Overall density may not exceed one (1) dwelling unit per two (2) acres.
- (b) Lot width abutting the street is not less than two hundred fifty (250) feet at the building line.
• (c) In all other respects, street paving and related public improvements shall be provided in accordance with the design standards contained or referenced herein.

Intersections: Streets shall intersect one another at as near a ninety (90) degree angle as is possible. No intersection of streets at angles less than seventy (70) degrees shall be approved. At each street intersection the property line at the block corner shall be rounded with a curve having a radius of not less than twenty five (25) feet. The intersection of more than two (2) streets at any one (1) point shall be prohibited.

Subdivision into Tracts Larger than Ordinary Building Lots: Where a tract is subdivided into larger parcels than ordinary building lots, as determined by the Director, such parcels shall be arranged so as to allow the opening of future streets and future subdivision.

Curves: A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all streets, except for minor streets.

Street Grades: The subdivider shall provide the City Engineer with development plans and drawings which show the grades of all streets and curbs within each subdivision. Street grades shall not exceed five (5) percent for arterial streets, seven (7) percent for collectors, and nine (9) percent for minor or lesser streets. No street grades shall be less than one-half (1/2) of one (1) percent.

Reserve Strips: Reserve strips that control access to abutting streets and, as determined by the Director, do not provide sufficient area to be of practical use under the area’s existing zoning classification, shall be prohibited except under conditions approved by the Commission and City Council or for double or reversed frontage lots.

Parallel Streets: Where a subdivision borders on or contains a railroad or a limited access street right-of-way, the Commission may require the construction of a parallel street on one (1) or both sides of such right-of-way, at a distance suitable for the appropriate use under present zoning of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grade separation.

Half-Street Prohibited: Half-streets, streets for which less than the full required rights-of-way are dedicated, shall be prohibited except to complete the remaining half of an existing half-street where essential to the reasonable development of a subdivision in conformity with the other requirements of this Article and with the approval of the City Engineer. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street right-of-way shall be platted within such tract.

Street Names and Numbers: Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of, or in alignment with and within 2,000 feet, the existing or platted street. In such cases, it shall carry the name of the existing street. Names shall be easily spelled and pronounced. Street addresses shall be assigned in compliance with the addressing system of the City.

Access to Streets Across Ditches: The subdivider shall provide access from all platted lots to all proposed streets across drainage or other ditches in accordance with standards of the Public Works Department.
Private Streets: Private streets may be required where the street would not provide access for individual platted lots. Private streets shall be improved in accordance with City standards and specifications. Private streets are discouraged and may be permitted only where the City Council finds:
   a. that private ownership, control and maintenance of street right-of-way is integral to the design and function of the subdivision;
   b. provision has been made for the continuing and adequate maintenance of such streets;
   c. there is evidence that the property rights, including rights of access of persons purchasing land within and adjacent to the subdivision, are safeguarded to the degree they would be protected if the streets were dedicated to the public;
   d. the public interest and welfare is not jeopardized.

Gated Subdivisions: Gated subdivisions are discouraged and may only be approved where all impacted streets are private. Adequate provisions for turnarounds must be provided.

Alleys: Alleys may be platted in any subdivision with right-of-way widths of no less than twenty (20) feet. Dead-end alleys shall not be permitted, except where adequate turnaround is provided.

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, except as set forth below: Collector Streets: Access to existing properties fronting on collector streets is subject only to design and construction standards. However, when New tracts or lots in the R-1 and R-2 districts are created through the subdivision process with frontage on a collector or arterial street, residential lots accommodating less than five (5) dwelling units will not be allowed direct access to a collector or arterial street unless no other access is possible. For nonresidential subdivisions or mixed use developments, one (1) driveway shall be allowed for each two hundred (200) feet of frontage and shall, at a minimum, be located fifty (50) feet from the near right-of-way line of any intersecting street. Tracts less than two hundred (200) feet in width may share a common access with adjoining lots or take access from a minor street.

Arterial Streets: Access to existing properties fronting on arterial streets is subject only to design and construction standards. When new tracts or lots are created through the subdivision process with frontage on an existing or proposed arterial street, access shall be limited to one (1) driveway for each two hundred fifty (250) feet of frontage. Driveway entrances shall be at least two hundred (200) feet from the near right-of-way line of any intersecting street. Tracts of less than two hundred fifty (250) feet in width must either share a common access with adjoining lots or take access from a minor or collector street.

Highway Access: No direct access is allowed from any property to a highway unless no other direct access or indirect access (via easement) is available. All other properties will be required to take access from a minor, collector, or arterial streets. Shared access easements may be required for any proposed lots fronting on collector or arterial streets. Any needed access easements must be shown on the plat.

Access Restrictions. Access restrictions may be created by covenant on a plat. Access may be limited on collector and arterial streets.

Sec 42.513 Design Requirements – Utilities
An easement for utilities shall be provided along the side, and/or rear lot lines where necessary to form a continuous easement of at least ten (10) feet in width.
A ten (10) foot utility easement may be required along the frontage of lots along streets
with less than sixty (60) feet of right-of-way width; and collector and arterial streets.

If necessary to accommodate the extension of water or sewer lines, to provide space for
pole guys for overhead lines along the periphery of a subdivision, or when unusual
circumstances require additional space, a total utility easement width of twenty (20) feet or
greater may be required.

A five (5) foot utility easement may be required as needed for street lighting.

Where possible, utility easements shall connect to easements already established in
adjoining properties.

Drainage easements of varying widths and locations for storm water management may also
be required as determined by the City Engineer.

The City and all authorized utility providers shall have ingress and egress rights to all
dedicated easements.

Sec 42.514 Design Requirements – Platting
Blocks. Block lengths shall not exceed thirteen hundred twenty feet (1320) feet, nor be less
than two-hundred-fifty (250) three hundred (300) feet, except as permitted by the
Commission and City Council because of unusual conditions. Pedestrian crosswalks of not
less than six (6) feet in width or an alley located in the center of the block may be required
for blocks in excess of thirteen hundred twenty (1320) feet in length. A block shall be so
designed as to provide two (2) tiers of lots.

Lot Dimensions: Lot dimensions shall conform to the requirements of the zoning ordinance
minimum standards, but may reflect greater area and lot widths. Building area lines shall be
shown to establish required setback distances.

Lot Location: All residential lots, parcels, or tracts shall abut by their required full frontage
on a publicly dedicated street right-of-way. As an option for non-residential development,
access to a publicly dedicated street may be provided through a recorded private cross or
access easement a minimum of forty (40) feet in width, of sufficient width to accommodate
emergency vehicles, to permit the installation of utilities, to provide access for public
services, and that is where not detrimental to the future subdivision of adjacent land. The
easement shall be recorded as part of the platting process. In all cases, each individual lot,
parcel, or tract shall be assured safe and reasonable vehicular access to and from an
approved public street on an all-weather surfaced private street or driveway constructed in
accordance with Sec. 42-241.

Lot Lines: Side lot lines should be substantially at right angles to straight street lines or
radial to curved street lines.

Corner Lots: Corner lots should be provided extra width to permit required building
setbacks.

Flooding: Lots located entirely within the FEMA designated 100 or 500 year floodplain Zone
A, B, or C on the City’s Flood Insurance Rate Map subject to periodic flooding and deemed
by the Director and the City Engineer to be a danger to public health and safety if
developed for residential use shall not be platted or used for human habitation. Lots or tracts subject to periodic flooding may be platted and dedicated to the city, combined with adjacent lots, or used for recreational use, open space, or other uses that will not increase the potential flood hazard in the drainage basin.

Stream Buffer Crossings: The minimum number of road crossings of a stream buffer should be used within each subdivision, and no more than one crossing is allowed for every three hundred (300) feet of buffer. The Stream Buffer requirements are described in Chapter 15 of the Rolla Municipal Ordinances.

Lot Remnants: All lot remnants below the minimum permitted size shall be added to adjacent lots, rather than permitted to remain as unusable parcels. Such lots may be platted as common lots.

Double Frontage and Reverse Frontage Lots: Double frontage lots should be avoided, except where required to provide separation of development from highway or arterial streets or to overcome specific topographic disadvantages.

Flag Lots: Flag lots may be platted when the following criteria are met:

1. Flag lots will be allowed provided the minimum lot area is consistent with the requirements of the respective zoning district designation.
2. The access portion of such lots shall have a minimum width of twenty-five (25) feet for lots less than three acres in size, and not forty (40) feet and not shorter than twenty-five (25) feet or longer than two hundred fifty (250) feet in length. For lots greater than three acres in size, the access portion must have a minimum width of fifty (50) feet.
3. The access portion of such lots may serve up to two lots with a shared driveway and cross-access easement. In such case, the access portion of each lot may be reduced to 12.5 feet to share the driveway.
4. Flag lots with an access portion more than one hundred (100) feet in length must be served by a driveway which meets the width and construction standards for fire access, as determined by the fire department.
5. Flag lots shall not be further subdivided into additional lots unless a public right-of-way is dedicated and a street is constructed that meets City standards.
6. No more than one (1) flag lot may be platted from a single parcel or tract of land.
7. The building setback lines for flag lots shall be established on the building portion of the lot in accordance with the provisions of the particular zoning district.

Sec 42.515 Design Requirements – Parks Dedication

The Purpose of this section is to: A parks dedication is required in order to provide an adequate level of public park facilities and services to new development based on the open space needs generated by the development and to ensure that such development occurs in a manner that is consistent with the components of the City’s comprehensive plan. Define the obligation of developers to meet the public park and open space needs generated by new development. Outline the provision of adequate parkland through the subdivision process. This section should encourage the placement of parks within new residential developments or near or within a walkable distance of such developments, or will provide for the development of neighborhood or community parks by considering cash payment in lieu of parkland dedication.
Applicability: This provision shall apply to all residentially zoned subdivisions or re-
subdivisions that have not been previously subject to parkland dedication or fee in lieu of
which create additional developable lots. This provision does not apply to boundary line
adjustments or lot consolidations. The requirement for a fee-in-lieu payment also applies
when a lot is rezoned from a non-residential district to a residential district, to be due prior
to issuance of a building permit for development/redevelopment of the lot.

Prior to Recording Final Plat: The applicant shall, as part of the final plat process, provide a
warranty deed to the City in a form that is acceptable to the City or provide an equivalent
fee-in-lieu payment, prior to recording the final plat which will be for public use only.

Dedication Requirements: The area to be dedicated shall be clearly labeled and delineated
on the subdivision plat and shall meet the following requirements:

1. Topography: At least 50 percent of the tract shall have a grade of less than four
   percent. The balance may be covered with slope, streams, ponds, or other natural
   features. Retention areas or detention basins which are required by the City’s
   storm water regulations, drainage easements, or water detention areas will not
   qualify for the parkland requirement.

2. Public Use: This requirement shall be in addition to any private open space or
   recreation facilities designated for the sole benefit of the subdivision residents.

3. Location: The parkland shall have access on a public street with a minimum
   frontage of 60 feet. Consideration shall be given to placing parks where they can be
   added to by future subdivisions or as an addition to an existing park. Consideration
   may be given to the existing and planned park facilities in the vicinity.

4. Size and shape: The tract size shall not be less than one acre in size, unless, in the
   opinion of the Parks and Recreation Director and the Parks Advisory Commission,
   this land can be added to an adjacent existing park or future park.

5. Approval: The Parks Advisory Commission and the Parks and Recreation Director
   shall recommend the tract as suitable for use as a public park if the requirements
   listed above have been deemed satisfied before the plat can be approved by the
   City Council. The area of the tract shall be based upon a calculation using the
   following schedule:
   • R-R, Rural Residential: 5% of total residential area subdivided.
   • R-1, R-2, U-R, districts Single-family: 5% of total residential area subdivided.
   • Two-family: 5% of total residential area subdivided.
   • R-3, R-4 districts Multi-family: 7% of total residential area subdivided.

Computation: The percentage of land deeded shall be based upon the total area of the
development or subdivision used for residential uses (lots), excluding any non-residential
uses. Non-residential uses shall include such areas as right-of-way, dedicated conservation
areas, or private amenities, provided there are no residences on these areas. If, during the
subdivision process, a rezoning is proposed for the same property, this provision will apply
at the rate that is consistent with the newly proposed zoning district.

Parks Director: The required dedication or fee is calculated by the Parks Director. The Parks
Director will provide a report to the appropriate City departments, the Commission, and
the City Council for final determination that describes the suitability of the proposed land
to be dedicated and the way in which the parkland dedication requirement was calculated
and, if applicable, the way in which the fee in lieu of was calculated and the amount due by
the applicant.
Encumbrances: The deeded land shall be free of liens, special assessments, and other encumbrances and shall have all taxes paid to the date of deeding.

Use of Dedications: Nothing herein shall prevent the City from using such deeded park property as allowed by Sec. 77.140 RS Mo.

Fee in Lieu of Park Dedication: If the land available within the subject subdivision proposal does not meet the requirements and stipulations of this section listed above in Section 42-27.3 or would produce less than one acre of ground, a fee in lieu of parkland dedication shall apply. The Parks Director will provide a report to the appropriate City departments, Commission, and City Council that confirms that a cash payment shall be paid by the applicant. The payment shall be calculated at a rate of $15,000 per acre of the parkland acreage requirements as calculated above. Any fractional parts of an acre shall be prorated. This rate will apply unless the developer can demonstrate to the satisfaction of the Parks Director and the Parks Advisory Commission that the current fair market value should be used.

Payment of Fee in Lieu: All fee-in-lieu payments shall be deposited into the Parks and Recreation Land Escrow Account. The applicant shall deposit the required amount into this account without recourse or the right of recovery. Such cash deposit shall be made prior to the recording of the development’s Final Plat Map and before the issuance of any building permits.

Use of Fee in Lieu Payments: These cash payments shall be spent within five years of deposit and shall be used for the following purposes in priority as determined by the City Council with the advice and recommendation of the Parks Director and the Parks Advisory Commission:

a. Acquisition of neighborhood or community parks within one-half of a mile of the applicable subdivision.

b. Improvements to existing parks within one mile of the applicable subdivision.

c. Acquisition or improvement of larger regional or community-wide parks within two miles of the applicable subdivision.

Reassessment of Rates: The dollar amount per acre value established herein will be reassessed not sooner than every five years from June 4, 2018 based on the cost of inflation/increase in property values undeveloped real estate values in the City of Rolla. A report and recommendation shall be presented to the City Council for their consideration.

Sec 42.516 Design Requirements – Other

The improvements required in any subdivision shall be in accordance with the following and shall conform to the City of Rolla “Standards and Specifications” which are hereby adopted as the design standards for the public improvements required by this Zoning and Subdivision Code Article.

Arterial street screening. A ten (10) foot landscape easement strip shall be reserved in addition to any setback requirement, across which there shall be no right of access, along the lots abutting an such highway or arterial street for the construction of a six (6) foot tall solid fence or, berm, or wall and landscaping other improvement (including walls, plantings, berms, etc.). This easement strip shall be shown on the plat along with any required improvements. At a minimum, the easement must be landscaped with turf and one (1) tree
for each fifty (50) feet of frontage. Additional landscaping is encouraged. The improvement plans must include the provision for the fence, wall, berm, and landscaping.

Streets and Alleys: The subdivider shall grade and pave all new streets and alleys (if any) within the subdivision. All streets shall be bound by curb and gutter, unless exempted. It is the City's policy to participate in or contribute only to certain additional costs for the construction of collector or arterial streets over and above the normal construction costs for minor street standards, when such collector and arterial streets are identified on the Official Map, the Major Thoroughfare Plan, or when designated by the City Engineer. Such participation is not mandatory and is solely at the election of the City Council.

Sanitary Sewers: The subdivider shall extend sanitary sewer access and install sanitary sewer connections for each lot. When sanitary sewers are not available, as determined by the City Engineer, the subdivider shall install within the subdivision capped sewer mains and house connections to each lot in addition to other required onsite sewerage facilities. Prior to final approval of the plat, the subdivider shall provide the City Engineer, for his approval, detailed construction plans for the proposed sanitary sewer system. The city may participate in the costs of installing sewer for sewer lines which may serve a large area beyond the properties owned by the subdivider.

Storm Sewers: The subdivider is responsible for construction of all needed storm sewer and storm water collection and storage systems necessary for development. Construction plans for storm sewer facilities shall be shown both in plan and profile with details of all necessary facilities. The data regarding the area to be served by the facilities and the estimated run-off from the area tributary to the facilities beyond the subdivision shall accompany the detailed plans. The city may participate in the costs of installing storm water facilities if such facilities may serve a large area beyond the properties owned by the subdivider.

Survey Standards and Monuments: The subdivider's surveyor shall establish, or confirm the prior establishment, of permanent monuments at each controlling corner on the boundary of the subdivision and at all block corners, point of intersections, points of curvature, and points of tangency within the subdivision before final plat approval by City Council. Monuments may be selected from the types described by the "Minimum Standards for Property Boundary Surveys" of the Missouri Department of Natural Resources, but shall be made of concrete. In addition, the subdivider's surveyor shall establish at least two (2) permanent monuments as approved by the City Engineer for each block in the subdivision. Monuments shall be placed so as to create base lines in each block from which all points and lines in that block are laid out.

Permits: The subdivider shall be responsible for obtaining all applicable permits or licenses from state and federal agencies for sanitary sewers, storm sewers, and all utilities.

Sidewalks: The subdivider shall be responsible for the construction of sidewalks along all proposed and existing streets within and adjacent to the development as required by this Zoning and Subdivision Code Section 42-228.01.

(a) Construction of sidewalks may be deferred per the requirements of this section Section 42-30.

(b) The Planning Commission may approve an alternative sidewalk plan to allow modifications to the sidewalk requirements in Section 42-233, for example, or in a Planned Unit Development, where the subdivider has submitted a proposed...
pedestrian circulation plan that provides more direct and safer movement of pedestrian traffic.

Utilities: Utilities, including but not limited to water, sewer, natural gas, electric, and cable or telephone lines, shall be provided by the subdivider to the lots in accordance with the standards and specifications governing their installation as have been or are hereafter adopted by the City or respective utility companies. It shall be the subdivider's responsibility to repair any damage caused in the public right-of-way as a result of this work. As part of the subdivision process, all easements in, on or across the subdivision, which shall be requested in behalf of the City Engineer or the General Manager of the City Municipal Utilities, shall be granted and shown on the final plat.

Underground Wiring: All electric, cable and telephone lines shall be installed underground, except those overhead distribution feeder lines necessary to serve that subdivision and in locations as approved by the City Engineer and Rolla Municipal Utilities. Cable switching enclosures, pad mounted transformers, and service pedestals may also be installed above ground where approved by the City Engineer and Rolla Municipal Utilities. The Commission may approve above ground installations in whole or in part for nonresidential subdivisions when documentation is provided that demonstrates the impracticability of such underground installation.

Fire Hydrants: Fire hydrants shall be placed by the subdivider in accordance with the requirements of the City's Fire Chief, International Fire Code, Rolla Municipal Utilities, and the state inspection bureau of Missouri.

Sec 42.517 Subdivision Improvement Guarantees

Before the final plat of any subdivision is recorded, the subdivider shall provide for the improvements described in this section Article to be extended to all lots shown on the final plat at no cost to the City. Subdivision Improvements includes all streets, alleys, waterlines, sewer lines, storm sewers, stormwater detention basins, sidewalks, and any other infrastructure which the developer will construct to serve the development. In lieu of completion of the said improvements prior to recording, the subdivider or other person who agrees with the City to make public improvements on behalf of the subdivider, may post surety bond with one or more corporate sureties engaged in the business of signing surety bonds in Missouri, an escrow agreement, letter of credit or other appropriate security agreement, as approved by the City Engineer, that will insure that the improvements will be completed by the subdivider.

The amount of corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than the estimated cost of the public improvements as determined by the City Engineer. The infrastructure may be divided into phases of construction.

The City Engineer may, during the period of such bond, accept substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.

1. The City Engineer may require that certain improvements, such as storm water facilities, be made and refuse to accept security for such improvements when he determines that the improvements are necessary for immediate protection of adjacent property. Otherwise, all improvements shall be completed within two (2) years after recording the plat.
2. The Commission, upon proof of hardship, may extend the completion date for improvements stated in the bond agreements for a maximum period of one (1) additional year; provided the request is made prior to the end of the second year following recordation and provided the security amount is revised if required by the City Engineer.

3. The Commission may also defer at the time of final plat approval, subject to appropriate conditions, the provision of any such improvements as, in its judgment, are not appropriate because of incompatible grades, future planned public improvements, inadequate or lack of connecting facilities, or other reasons.

4. For large subdivisions, the City Engineer may accept a bond or other agreement for less than the entire subdivision if the subdivider provides adequate assurances that all building permit requests will be confined to lots for which improvements will be provided under said bond or other agreement.

The release or reduction of required surety bonds, escrow agreement or other security agreement shall be in accordance with the following:

1. When a petition for improvements by the tax bill method is filed and when said petition has passed the required remonstrance petition assuring the City that all improvements will be provided, said bond or agreements posted by the subdivider may be released by the City Engineer.

2. The City Engineer may release or reduce said bond or agreements when he has determined that all or a portion of the required improvements have been satisfactorily completed and are free of any liens or other encumbrances. Any reduction in the bond or agreements shall not exceed the ratio of the cost of the completed improvements bears to the total estimated cost of all public improvements for the plat.

Said improvement guarantee expires two (2) years after being executed, or another date provided by the document. If all improvements are not complete after the expiration the guarantee must re-negotiated with current costs of construction for all remaining infrastructure to be built.

In particular, it is expected that the developer will construct all remaining sidewalks within the development if the development is not fully built-out within the first two (2) years.

If the improvements are not complete after the terms of the guarantee and the guarantee is not re-negotiated, the city has the right to demand payment of the guarantee, pursuant to state statutes, to pay for the cost of completing the improvements.

Sec 42.518 Building Permits After Platting

No building permits may be issued prior to the final plat being recorded.

No certificate of occupancy may be issued for a building in the development until the infrastructure in the development, or phase of construction, if applicable, has been completed and accepted by the city.

Sidewalks adjacent to the developed lot and any adjacent lots under the same ownership (other than the developer) must be constructed prior to the issuance of a certificate of occupancy.
Sec 42.519 Common Lots and Open Space

The regulations set forth in this sub-Section shall apply in all developments where the following features are held in common ownership by persons owning property within a development.

1. All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons owning property within a development, where such lands are not dedicated to or conveyed for public use; whether or not such lands are required by the provisions of this section Article; and

2. All private streets, driveways, parking facilities, and buildings or portions thereof, as may be provided for common use, benefit and/or enjoyment of the development occupants; whether or not such improvements are required by the provisions of this Zoning and Subdivision Code Article.

All common open space and improvements shall be protected by legal arrangements that are satisfactory to the City and sufficient to assure their maintenance and preservation for the purposes intended. Covenants or other legal arrangements shall specify ownership of the common open space and common improvements, method of maintenance, responsibility for maintenance, maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain common open space and common improvements will not be dissolved without the consent of the City, and other specifications deemed necessary by the City.

All subdivision of property containing common lots, open space and common improvements shall be considered a subdivision and subject to review in accordance with the provisions of the Subdivision Regulations Article II, Subdivisions.

Sec 42.520 Condominium Development

Condominium Property Act. Except where it can be demonstrated that the provisions of this Section can be satisfied by other means, all lands and improvements, as set forth in this Section shall be established and maintained in accordance with the Condominium Property Act, Chapter 448, Missouri State Statutes.

Platting. A condominium plat must be submitted for review in order to create a condominium ownership arrangement. The plat may be reviewed following the minor subdivision process if five (5) or fewer units are proposed; otherwise the plat must be reviewed following the final plat review process.

Condominium plat covenants. Any restrictive covenants, rules and by-laws of the ownership unit, as prepared in accordance with Chapter 448, Missouri State Statutes, shall be approved by the City before any final plat is recorded. Such documents, once approved, shall become part of the recorded subdivision plat. The covenants and restrictions shall provide:

1. For the establishment of the condominium or homeowners association or trust prior to the sale of any property;
2. For the method of maintenance;
3. That open space restrictions and maintenance shall be permanent;
4. That the homeowners are liable for the payment of maintenance fees and capital assessments;
5. That unpaid homeowners fees and assessments will be a lien on the property of the delinquent homeowners;
6. That the association or trustee shall be responsible for liability insurance, taxes and perpetual maintenance;

7. That membership shall be mandatory for each homeowner and any successive buyer;

8. That each homeowner, at the time of purchase, shall be furnished with a copy of the approved restrictions or conditions;

9. That any association or trust formed to own and maintain common open space and common improvements will not be dissolved without consent of the City; and

10. That the City of Rolla shall assume no responsibility for the enforcement of private restrictive covenants.

Maintenance. The City may require that, in order to assure adequate maintenance of common open space and improvements, any restrictive covenants, rules and by-laws created for the unit of ownership specify that the City may serve written notice to the association as to their failure to maintain the common open space and improvements in reasonable order. The notice shall describe how the unit of ownership has failed to maintain the common open space and improvements in reasonable condition and shall require that such deficiencies be remedied within thirty (30) days, setting a date and place of a public hearing. Said hearing shall be held within twenty (20) days of notice.

Preservation of property. If said deficiencies are not corrected, the City may enter upon the common open space and improvements to maintain the same for one (1) year in order to preserve the taxable values of the properties within the development and to prevent the common open space and improvements from becoming a public nuisance. Entry upon and maintenance of the common open space and improvements shall not grant the public any rights to use the facilities, unless the owners dedicate the same to the public.

Assessment. At or before the expiration of one (1) year, the City shall give notice and hold another public hearing to determine if the ownership unit is capable of adequately maintaining the common open space and improvements. The City may, at its discretion, continue to maintain the common open space and improvements for one (1) or more additional years if it finds that the ownership unit is not able to adequately maintain the common open space and improvements. The rules and by-laws creating the ownership unit shall provide that the cost of such City maintenance shall be assessed ratably against the individual properties within the development that have a right to use the common open space and improvements. This assessment shall constitute a lien against all properties within the unit ownership.

Initial maintenance. The initial maintenance of the common open space and improvements within the development shall be the responsibility of the developer until the restrictive covenants, rules, and by-laws of the unit of ownership are established and maintenance responsibility is transferred to a duly constituted owner’s association. The developer shall retain this maintenance responsibility, regardless of the status of the ownership unit, until fifty (50) percent of the development has been sold to the unit owners or other clients. The developer maintenance responsibility shall be specifically indicated in a letter of agreement between the developer and the City, submitted at the time of Final Plat Review.

Sec 42.521 – 42.599 Reserved
Section 600 Form-Based Code

Sec 42.600 – 42.699 Reserved

Section 700 Appendix

Sec 42.700 Definitions

Words found in the text or tables of this Zoning and Subdivision Regulations Article shall be interpreted in accordance with the provisions set forth in this Section. Additional definitions may be found in the sections where they would be most applicable. The definitions herein are intended to apply to the entire code. Where words have not been defined, the standard dictionary definition shall prevail. The following terms are hereby defined:

Accessory structure or building: A structure which is subordinate to and serves a principal structure; is subordinate in area, extent or purpose; and is located on the same lot with the main use or building.

Accessory Dwelling Unit: Living quarters within a detached accessory building located on the same premises with the main building; or within the principal dwelling, for use by temporary guests of the occupants of the premises, or rented for the use by another family or occupant.

Acre: A measure of land area containing forty three thousand five hundred sixty (43,560) square feet.

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.

Agricultural activity: The provisions of Chapter 5 Rolla City Code – Animals & Fowl notwithstanding, the production, keeping or maintenance, for sale, lease or personal use, of any bovines or equines, excluding feed lots, stockyards, and animal slaughter or meat processing facilities.

Alley: A public way that extends only secondary means of access to abutting property located within a block.

Alteration, structural: Any alteration to any component of a structure that supports any vertical load in addition to its own weight.

Apartment: A room or suite of rooms in an apartment house arranged, designed or occupied as the residence of an individual or family.

Apartment structure: Same as "Dwelling, multi-family."
Attached Single Family or Townhouse: An attached single-family dwelling unit or
townhouse with at least one private exterior entrance, constructed in a group of two or
more attached single-family units or townhouse in which each unit extends from the
foundation to roof with open space on at least two sides. Attached single family or
townhouse shall be limited to 35 (thirty-five) feet in height (2 stories) or 45 (forty-five) feet
in height (3 stories), provided a secondary means of egress shall be constructed on the
third floor with an automatic sprinkler system throughout the building as required per

Automobile sales: An open area, other than a street or required automobile parking space
used for the display or sale of new or used automobiles or trailers, and where no repair
work is done except minor incidental repair of automobiles or trailers to be displayed and
sold on the premises.

Automobile service station: Any premises used for supplying gasoline, oil, diesel and
liquefied petroleum gases, at retail direct to the customer, including minor accessories and
services for vehicles.

Automobile wrecking or salvage yard: An open area used for dismantling or wrecking of any
type of used vehicles or the storage, sale or dumping of dismounted or wrecked vehicles or
their parts and accessories.

Bar: See Tavern. An establishment where fifty (50) percent or more of gross income is
derived from the sale of alcoholic beverages for consumption on premise and where the
selling of food and non-alcoholic beverages, as well as the sale of package liquors, are
accessory activities.

Berm: A mound of earth, typically located in a buffer-yard to shield or block noise, lights or
other nuisances.

Boarding, rooming and lodging house: A building other than a motel where lodging and/or
meals is provided by the owner or operator for three (3), but not more than five (5) persons
for compensation.

Buffer-yard: Land area typically containing trees, shrubs and other plants, berms, fences or
walls and used to visibly separate one use from another or to limit nuisances.

Building: A structure having a roof supported by columns or walls.

Building codes: The Building Code of the City of Rolla, Missouri together with electrical,
plumbing, fire, and any related code(s), including any regulations adopted in conformance
therewith.

Building Design Standards: Buildings designed for Attached Single Family or Townhouse--
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.
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.

Building unit, group: Two or more buildings (other than dwellings) grouped upon a lot and held under single ownership, such as universities, hospitals, and institutions.

Building line: A line located a distance corresponding to the district minimum front setback from the front lot line between the side lot lines a minimum horizontal distance from the center of the street and parallel thereto, beyond which no part of a building shall extend.

Building, front of or frontage: The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

Building, principal: A building in which is conducted the principal use of the lot on which it is situated.

Bulk requirements: Bulk requirements (synonymous with bulk regulations) provide a zoning envelope for buildings by horizontal measurement. Such regulations include setbacks, minimum street frontage, maximum lot coverage, and minimum lot size.

Bulk-storage: The storage of chemicals, petroleum products and other materials in aboveground containers for resale to distributors or retail dealers or outlets.

Cemetery: Property used for the interring of the dead, including mausoleums.

Church: 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.

Clinic, medical or dental: An institution or station for the examination and treatment of all ill and affected out patients where overnight lodging is limited to one (1) night.

College: An institution that provides post-secondary educational program, including classrooms, laboratory and administration buildings, libraries, dormitories, dining halls, student centers, auditoriums, chapels, gymnasiums, stadiums, fraternities, sororities, etc.

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.

Community treatment center: Structures and land used for the inpatient and/or outpatient treatment of alcohol and other drug abuse, for the evaluation of treatment needs, and/or for services to family members of patients in a program accredited by the Department of Mental Health/Division of Alcohol and Drug Abuse, the Commission for the Accreditation of Rehabilitation Facilities, the Joint Commission for the Accreditation of Hospitals, or the American Osteopathic Association.
Convenience store: A retail establishment typically having a gross floor area of five thousand (5,000) square feet or less; primarily selling petroleum products, foods, as well as other household goods customarily sold in larger food markets and supermarkets.

Conditional use: A use permitted only through approval of a Conditional Use Permit. Such use may be permitted depending on the location, scale, or particular application and may be approved with conditions to mitigate any potential impacts to surrounding properties as authorized by the City Council in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in this Article and authorized by City Council.

Condominium: A building, groups of buildings or property in which units are owned individually and all the owners on a proportional, undivided basis own the common elements.

Curb grade: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the city engineer shall establish such curb grade or its equivalent for the purpose of this Article.

Dance hall: Any place open to the public in which persons move with either backward, forward or side steps, accompanied by music.

Depth of rear yard: The horizontal distance between the rear line of the main building nearest the rear property line, otherwise the rear lot line.

District, Zoning: A section(s) of the City of Rolla, for which the regulations governing the areas, heights or uses of buildings or lots are uniform.

Drive-in through facility: A facility, typically accessory to a principal use, which encourages or permits customers to order, receive and consume goods and services while remaining in their motor vehicles.

Duplex: A structure on a single lot containing two dwelling units, each of which is totally separated from the other.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy, each with separate restroom, cooking, and sleeping toilets and kitchen facilities and intended to function separately, generally as separate dwelling units with, for example, individual utility meters, addresses, points of entry, etc., but not including hotels, motels, boarding, rooming and lodging houses; and institutional care facilities.

Dwelling, single-family detached: A detached building surrounded by open space on the same lot designed exclusively for occupancy by one family or a foster home which provides 24-hour care for seven or less unrelated children.

Dwelling, two-family: See Duplex

Dwelling & single-family semi-detached: A dwelling unit attached to one or more dwelling units by common vertical walls without opening, each unit located on a separate lot of record.
Dwelling, multi-family: A building or portion thereof arranged, designed or occupied as a residence by three or more individuals or families having separate quarters and living independently of each other.

Economic hardship: When the landowner cannot economically utilize the property and it is impractical to sell or lease it or no market exists for it at a reasonable price.

Efficiency apartments: A building occupied or designed for living units in apartments containing not less than three hundred (300) square feet per apartment; excluding public halls, corridors, or stairways.

Family: Not more than one family is permitted to live in a single dwelling unit. The following living arrangements shall constitute a "Family":

1. Multi-family and Commercial districts: Eight (8) or fewer unrelated persons; or four (4) or fewer unrelated persons plus their biological, adopted or foster children or other minors, for whom they have legally established custodial responsibility, and living as a single housekeeping unit in a single dwelling unit areas zoned R-3 (Multi-Family District) with single kitchen facilities and no more than (8) eight bedrooms per unit; or
2. Residential districts, except Multi-family districts: Four (4) or fewer unrelated persons, plus their biological, adopted or foster children or other minors, for whom they have legally established custodial responsibility, living as a single housekeeping unit in a single dwelling unit areas zoned RR (Rural Residential District), R-1 (Single Family District), and R-2 (Two Family District) with single kitchen facilities; or
3. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; however, or
4. The term family shall not be construed to mean fraternity, sorority, club, or institutional group, or Overnight Shelters to limit occupancy.

Farming or truck gardening: A tract of land cultivated by an owner or tenant for the purpose of supplying provisions or food.

Feedlot: A confined land area for fattening cattle or other animals or temporarily holding such animals for sale or shipping.

Flashing light: A continuously intermittent light or sequential light; but not including animation or lighting that changes the copy of a sign.

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

Frontage: All the property fronting on one side of a street between the two nearest intersecting streets, or other natural barriers.

Front lot line: The line of the lot adjacent to the street on interior lots. On corner lots it is the prolongation of the front lot line of an interior lot.
Funeral home: A building used for the preparation of the deceased for burial and display, with ceremonies connected therewith before burial or cremation, but shall not include facilities for cremation.

Garage, private: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Greenhouses: A building consisting of glazed frames or sashes, used for the purpose of cultivating plants too tender to endure open air.

Gross floor areas: The gross floor area of an apartment house shall be measured by taking an outside dimension of the apartment building at each floor level excluding, however, the floor area of basements or attics when not occupied as living quarters.

Group home, residential: A single family dwelling in which no more than ten (10) people reside, comprised of the following: eight or fewer unrelated mentally or physically handicapped persons, 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.

Guest house: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; with such quarters not meeting the definition of a dwelling unit having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Height, Maximum: Dimensional and Story: The maximum Height shall be calculated as the lessor of the maximum Story Height or the Dimensional Height number of stories in a building and by a dimension that is measured from a height that is equal to the lowest point along the intersection of the front(s) of the building (the side or sides of the building that faces the front lot line or lines) and the ground to the highest point of either the parapet line, cornice line, or eave line, whichever is applicable and highest. A story is limited to 14 feet from the finished floor to the ceiling, except that ground-floor stories used for commercial purposes may be as high as 20 feet. If there are multiple floor heights in one story, the lowest floor will be used for the calculation. Any story that exceeds these limitations will count as two stories. Basements that emerge four feet or less from the lowest ground level at the intersection of the front of the building and the ground and attics not exceeding four feet at the top of the kickwall shall not constitute an additional story. Any attic or basement that exceeds these limitations shall count as a story. When determining if a building meets maximum height regulations, both types of measurements, stories and dimensional height, shall be taken into consideration. Violation of either measurement constitutes a height violation.

Height, Dimensional: A dimension that is measured from a height that is equal to the lowest point along the intersection of the front(s) of the building (the side or sides of the building that faces the front lot line or lines) and the ground to the highest point of either the parapet line, cornice line, or eave line, whichever is applicable and highest.
**Height, Story:** The Story Height is the number of stories in a building, as defined by the building code, excluding any basements and attics.

**Home occupation:** Same as Customary home occupations. A business which is operated by the occupant of a dwelling from the dwelling.

**Hospital:** An institution or place where sick or injured patients are given medical or surgical care, whether at public or private expense.

**Hospital, animal:** An establishment where there are facilities to lodge animals that are being treated by a veterinarian.

**Hotel:** A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals in which, as a rule, the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twelve sleeping rooms.

**Hotel apartment:** A building or portion thereof designed for or containing both individual guest rooms, or suites of rooms, and dwelling units.

**Impervious surface:** Any part of a lot that is covered by buildings, structures, parking areas, driveways, and any other surfaces which reduce or prevent absorption of storm water.

**Kennel:** Any lot or premises on which four or more dogs, more than four months of age, are kept for commercial purposes.

**Land Use:** The purpose for which land, a structure, a building, or part thereof is being used, as categorized by this zoning code. The term does not refer to building code categorization of use. Rather, the land use should be listed in the permitted/conditional use lists of each district in this Article or be similar to one of those uses listed. If the use cannot be found, the use should be added to the list through a code interpretation request.

**Loading space:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

**Lot:** An undivided tract or parcel of land that is under one ownership, has frontage on a street or access to a street, and is designated as a separate tract of land by identifying its boundaries by a lot number or letter on a duly approved and recorded subdivision or by a metes and bounds description on a recorded instrument prior to November 1, 1973.

**Lot area:** The total horizontal area within the boundary lines of a lot.

**Lot, corner:** A lot situated at the intersection of two or more streets.

**Lot depth:** The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines, or the distance from the front of the lot measured at the mid-point of the rear lot line to the mid-point of the front lot line for multi-sided or unusual lots.
Lot, front of: The front of a lot shall be considered to be that side on the lot that fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street with the greatest number of lots front. The Community Development Director may designate any lot frontage to be the front yard where, in his opinion, it would cause the lot to be most compatible with the surrounding properties.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot as defined herein.

Lot, Odd-shaped: A lot which has more than four (4) sides, or has three (3) sides, or has one or more curvilinear sides. In such case, the Community Development Director may designate the front, side, and rear sides.

Lot of record: A lot that exists as shown or described on a plat or deed in the records of the County Recorder of Deeds and as approved under Chapter 42, Article II, Subdivisions or was recorded by a separate legal description on a deed recorded prior to November 1, 1973.

Lot, reversed corner: A corner lot the side street line of which is substantially a continuation of the front lot line of the lot or lots to its rear.

Lot, through or double frontage: A lot having frontage on two parallel or approximately parallel streets.

Lot width: The horizontal distance between the side lot lines, measured at the building line at right angles to the lot depth at a point midway between the front and rear lots lines.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Manufactured home: See "Mobile home".

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.

Motel: An establishment providing transient accommodations on a daily rate to the general public with at least twenty five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Natural or artificial barrier: Means any river, pond, canal, railroad, levee, embankment, or fence or hedge which prohibits a view of the use from the outside.

Non-conforming structure, legal: A building or structure or portion thereof that was lawfully erected, but does not conform to height, setback, or bulk regulations.

Non-conforming use, legal: A lawfully established use of land, a building, or a structure that does not conform to the current Planning and Zoning Code.
**Non-conforming structure/use, illegal:** A use of land or a structure erected which does not conform to the current Zoning Codes and which was not permitted at the time of erection or establishment.

**Nurseries:** A place where trees, shrubs, or flowering plants are raised from seed or otherwise in order to be transplanted or propagated for commercial purposes.

**Nursing home:** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**Office, sales:** An accessory office to a principal use where sales are primarily generated by telephone or off site by salespersons with only incidental retail sales on site.

**Office, retail/warehouse combination:** A facility that provides combined office, retail and warehousing facilities for one or more businesses.

**Open space:** Area included in any side, rear or front yard of any unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, porches or decks. Open space does not include driveways, internal streets and other forms of impervious surface. Water bodies that are not subject to public ownership may also be included as open space.

**Owner of record:** The person, corporation, trustee or other legal entity listed as owner of a premise in the records of the County Recorder of Deeds.

**Package liquor store:** An establishment where alcoholic beverages are sold for consumption off premises.

**Parking space, automobile:** Space within a building or a private or public parking area for the parking of one automobile.

**Person:** Any individual, corporation, association, firm, partnership, institution or other legal entity, singular or plural.

**Pick-up facility:** A facility typically accessory to a commercial establishment designed solely for the distribution of goods ordered before arriving at the establishment.

**Premises Premise:** A premises premise is any tract of land which operates as a functional unit regardless of ownership or the number of lots. When developed, a premises premise has one or more characteristics including shared parking, common management, common identification, common access, or shared circulation systems.

**Principal building or structure:** A structure, or group of structures, in which the principal use of a premises premise is located.

**Principal use:** The primary or predominant use of a premises premise.

**Print shop:** A typically small retail establishment whose principal activity is to provide duplicating or document production services using photocopy, blueprint, word processing or offset printing equipment or small printing presses.
Private club: An organization of persons for special purposes or the support of sports, arts, literature, politics and the like.

Qualifying Patient: A Missouri resident diagnosed with at least one qualifying medical condition.

Rear lot line: The line of the lot opposite the front lot line. In the event of an odd-shaped lot, the rear lot line for setbacks may be designated by the Community Development Director to be the deepest point of the lot or the point where the lot narrows to the minimum lot width required by the applicable zoning district.

Rear yard: A space unoccupied except by a building or accessory use as hereinafter permitted, extending the full width of the lot between the main building and the rear lot line. Where there is an alley the depth of the rear yard may be measured from the rear lot line.

Restaurant: An establishment where food and drink is prepared and served for consumption on or off premise. If alcoholic beverages are sold, more than fifty (50) percent of gross income must be derived from the sale of food and non-alcoholic beverages for consumption on premise for the establishment to be classified as a restaurant.

School: Any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school.

Self-service storage facility: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods.

Servants’ quarters: An accessory building located on the same lot or grounds with the main building and used as living quarters for servants employed on the premises, not less than fifty percent of his or her time, and not rented or otherwise used as a separate domicile.

Setback: The mandatory minimum or maximum distance between a lot line and an elevation of a building or the closest point of a structure that is not a building, unless otherwise indicated.

Side line: Any lot line not a front line or a rear line.

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

Street: A public way that extends primary means of access to abutting properties. No street right-of-way in the City of Rolla shall be less than fifty (50) feet in width.

Street, arterial: Those streets that are used primarily for high to moderate speed, high volume, extended trip length between activity centers traffic. Minimum right-of-way width shall be eighty (80) feet with sixty (60) feet required for an industrial arterial.

Street, collector: A street or road primarily for the carrying of traffic from residential streets to the arterial streets and freeways.
Street, freeway: A divided arterial highway for through traffic with full control of access and generally with grade separations at intersections.

Street, local minor residential: A street primarily for access to the abutting properties.

Street width: The horizontal distance between the side lines of a street, measured at right angles to the back of the curb or side lines if no curb exists.

Structure: A building or other object that has been constructed or erected on the ground or attached to or on top of another object or building, or as defined in the Building Codes. Walkways and driveways located on the ground are not considered structures.

Tavern: An establishment where fifty (50) percent or more of gross income is derived from the sale of alcoholic beverages for consumption on premise and where the serving of food and non-alcoholic beverages, as well as the sale of package liquors, are accessory activities.

Tea rooms: An establishment used primarily for the serving of non-alcoholic beverages for consumption on premise, with the sale of food as an accessory activity.

Trailer: Any portable or mobile vehicle on wheels, skids, or rollers not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used as living quarters or for commercial hauling and/or storage purposes, and herein referred to as a trailer.

Trailer or mobile home park: Any plot of ground where accommodation is provided for two or more trailer coaches or mobile homes used as living or sleeping quarters.

Used car sales yard: An area used for the display and sale of used automobiles in operating condition and where no repair work is done except the minor adjustments of the cars to be displayed or sold on the premises.

Width of side yard: The horizontal distance between that portion of the main building nearest the side property line and the side line of the lot.

Yard: An open space other than a court on the same lot between a building or group of buildings and the nearest lot line and which is unoccupied and unobstructed from the ground upward.

Yard, front: A yard extending across the full width of the lot, between the distance of the minimum required front setback nearest main building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the main building to the nearest point of the front lot line.

Yard, rear: A yard extending the full width of the lot, between the distance of the minimum required rear setback nearest main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building to the nearest point of the rear lot line.
Yard, side: An open unoccupied space between the distance of the minimum required side setback main building and the side line of the lot extending from the front yard to the rear yard. No part of an alley shall be used as part of the side yard.

Zero lot line: The location of a building on a lot in such a manner that one or more of the building’s sides rests directly on a lot line.

Sec. 42.701-709 Reserved
The following table is for reference only. Any errors, omission, or conflicts will be interpreted by deferring to the text of the zoning code.

<table>
<thead>
<tr>
<th>Sec 42.710 Zoning Use Table</th>
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- P – Permitted  
- C – Conditional Use  
- X – Not Permitted  
- * - w/ restrictions

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Section 800 Adopted Ordinances

NOTE: This section to be used to keep track of the adopted zoning changes and text amendments. If required, this section could also record adopted vacations, subdivision, street name changes, etc.
NOTE: the following is text from Chapter 42 which is proposed to be removed.

Sec 42.600 Urban Conservation and Redevelopment Areas

The City Council may permit a modification of the requirements of this Zoning and Subdivision Regulations Article in an area where an Urban Conservation or Redevelopment Plan, enacted pursuant to Article VI, Sections 19 and 21 of the Constitution of the State of Missouri, has been adopted to encourage urban conservation and support private sector reinvestment. This action may be necessary to encourage projects that conserve and preserve urban resources and that promote the stabilization and economic development of an area, provided the following conditions are met:

1. The project complies with an approved Urban Conservation or Redevelopment Plan;
2. The project complies with all ordinances, except those provisions to be modified;
3. The project does not interfere with easements, roadways, utilities, and public or private rights-of-way;
4. The project is not injurious to the use and enjoyment of surrounding property;
5. The project does not create drainage or erosion problems;
6. The project makes adequate provision for open space and for its maintenance;
7. An acceptable site plan has been submitted to the planning and Zoning Commission and City Council specifying what provisions of this Zoning and Subdivision Regulations Article are to be modified and why; and
8. The City Council may impose conditions to achieve the intent of City ordinances, the intent of the Urban Conservation or Redevelopment Plan or to achieve other public purposes. The applicant must comply or provide adequate assurances that all the conditions will be satisfied as set forth by the City Council.
NOTE: The entirety of Chapter 40 of the city codes is recommended to be removed.

Sec. 40-1. Powers of department of community development.
The mayor and city council approve of the exercise by the department of community
development of the city, acting by and through the city council, of the powers, functions
and duties as specified in the Land Clearance for Redevelopment Law as amended. It has
been the intent of the council that from the inception of the urban renewal program that
the city council be the administering authority. The previous actions of the city council with
regards to the department of community development of the city, the Ber-Juan Urban
Renewal Project and the urban renewal program are hereby ratified and confirmed.

Secs. 40-1 to 40-6. Reserved.

ARTICLE II - ROLLA HISTORIC PRESERVATION COMMISSION

Sec. 40-7. Established; Purpose; Appointment; Qualifications.
a. There is hereby established a Rolla Historic Preservation Commission (RHPC), the
purpose of which shall be to effect the protection, enhancement, perpetuation,
and use of districts, sites, buildings, structures, and objects which reflect elements
of the City's historic, aesthetic, archaeological and architectural heritage—
b. The RHPC shall endeavor, as its primary mission, to encourage preservation,
restoration, and rehabilitation of the City's historic structures, districts, and
neighborhoods.
c. The RHPC shall be appointed by the Mayor with the consent of the City Council and
shall consist of five (5) members, residents of the City or county. Not more than
two (2) members shall reside outside the City limits. In addition, a member of the
council and a member of the Planning and Zoning Commission may serve as ex
officio members, but shall have no vote.
d. To the extent feasible the Mayor and City Council will appoint to the RHPC persons
with professional backgrounds in architecture, law, real estate, engineering,
history, finance, and other fields relevant to historic preservation.

Sec. 40-8. Terms of members, removal from office.
a. The members of the RHPC shall hold office for a five (5) year staggered term
following the date of their appointment, excepting that the membership of the first
RHPC shall serve respectively for terms of one (1) for one year; one (1) for two (2)
years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5)
years. Vacancies shall be filled for the unexpired term only.
b. Upon recommendation by the Mayor, a member of the RHPC may be removed by a
vote of seven (7) City Council members. A member may also be removed by a vote
of eight (8) City Council members independently of the Mayor's recommendation.
c. Any RHPC member who fails to attend three (3) consecutive regular meetings shall
forfeit their membership upon notification by the RHPC Chairman and approval by
the Mayor—
d. RHPC members serve without compensation.

Sec. 40-9. Officers, Meetings.
a. Within fifteen (15) days after their initial appointment, the RHPC shall meet and
elect one of its members as Chairman and one as Vice-Chair. The term of the
Chairman and Vice-Chairman shall be one (1) year with eligibility for reelection.
b. The City Clerk or another person designated by the City Administrator shall be the
recording secretary and shall keep a record of all votes and actions taken at the
meetings. A copy of the minutes of every meeting of the RHPC shall be provided to
the City Council and shall be public record.

e. A quorum of the RHPC shall consist of at least three (3) voting members. All
decisions or actions of the RHPC shall be made where a quorum exists. Meetings
shall be held at regularly scheduled times to be determined by the RHPC annually
or at any time upon the call of the Chairman.

d. No member of the RHPC shall vote on any matter, which may materially or
apparently affect the property, income, or business interest of that member. No
action shall be taken by the RHPC which could in any manner deprive or restrict the
owner of a property in its use, modification, maintenance, disposition, or
demolition until such owners shall first have had an opportunity to be heard at a
public hearing on the matter, as provided herein.

Sec. 40-10. Powers and Duties of the RHPC.

a. Adopt its own procedural regulations, provided that such regulations are consistent
with this or any other chapter of the Rolla City Code and state or federal statutes;

b. Provide education to the public in historic preservation;

c. Develop a survey plan for Rolla to identify and document historically or
architecturally significant buildings, structures, and areas that exemplify the
cultural, social, economic, political, or architectural history of the nation, state, or
City.

d. Review and recommend to the City Council the identification of significant
historical, architectural, and archeological properties, sites, structures, buildings, or
areas as a Rolla Historic District or as a Rolla Historic Property without attaching to
those districts or properties any restrictions for receiving this designation;

e. Review and recommend to the City Council the designation of properties located in
Rolla fulfilling the requirements, as stipulated in Sec.40-13, as a "Rolla Historic
Preservation Property";

f. Confer recognition upon owners of a Rolla Historic property or of property or
structures within a Rolla Historic District by means of letters, certificates, plaques,
or markers;

g. Make recommendation for the design and implementation of specific markings of
the streets, and routes for a Rolla Historic District, or as a Rolla Historic property;

h. Keep a register of all districts and properties which have been designated as
historic or as a "Rolla Historic Preservation Property", including all information and
photos used for each designation and to determine if changes are being proposed;

i. Periodically review designated properties to insure continued compliance;

j. Advise and assist owners of Rolla Historic property on the physical and financial
aspects of preservation, restoration, rehabilitation, and reuse;

k. Advise interested parties on procedures for inclusion in the National Register of
Historic Places, provide relevant forms, review and comment on applications as
requested by the owner;

l. Review applications for a permit for construction, alteration removal, or demolition
affecting a property designated by the City Council as a Rolla Historic Preservation
Property;

m. Hold public hearings as determined necessary;

n. Develop, interpret, and apply design guidelines contained in this ordinance as they
relate to a "Rolla Historic Preservation Property";

o. Review and comment on proposed amendments or variances to Rolla’s planning
and zoning code pertaining to a "Rolla Historic Preservation Property" prior to any
action by the Planning and Zoning Commission or the Board of Adjustment;
p. Advise the City Council, the Planning and Zoning Commission, and the Board of Adjustment on any matter affecting historically, architecturally, archaeologically significant properties, structures, and areas;
q. Make recommendations to the Mayor concerning the application for and use of any federal, state, or private grant, grant-in-aid, gift, or bequest awarded to the City to further the purposes of this Chapter; and
r. Coordinate actions with the State Historic Preservation Office (SHPO);
s. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this Chapter.
t. Undertake appropriate action necessary for the implementation of the powers and duties and purpose of this Chapter.

a. Identification of a Rolla Historic District and historic properties and designation of properties earning the title “Rolla Historic Preservation Property” does not require either federal or state historic register certification before local designation may take effect nor does it confer any federal or state historic designations.

b. Rolla Historic Property identification,

1. Criteria to qualify for identification as an historic property. To qualify for identification as an historic property, each property described in the application must meet at least one of the following criteria:

a. Its value as part of the heritage or culture of Rolla;
b. Its location as a site of a significant event;
c. Its identification with a person or persons who made a significant contribution to the development of the community, state, or nation;
d. Its distinguishing characteristics of an architectural style or method of construction

e. Its identification as the work of a master designer, architect, landscape architect, or builder whose work influenced the development of Rolla, state, or nation

f. Its elements of design, detailing, materials or craftsmanship renders it significant

g. Its design elements make it structurally innovative;
h. Its unique location or physical characteristics that make it a familiar visual structure in Rolla

i. Its character as a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance; and/or

j. Its suitability for preservation or restoration.

2. Application procedures for identifying an historic property,

a. Applications for identification as a Rolla Historic Property may be obtained from the City Clerk or Chairman of the RHPC.
Sec. 40-12. Identification of Historic Districts.

1. Criteria to qualify for designation as a district.
   a. At least five (5) properties lying within the proposed district boundaries must be identified as eligible to be designated as a Rolla Historic Property.
   b. A majority of properties lying within the proposed district boundaries must also be identifiable as potential Rolla Historic Property.

2. Application procedures for identification as an historic district.
   a. Applications for designation as a Rolla Historic District may be obtained from the City Clerk or the Chairman of the RHPC.
   b. When completed, the application materials shall be returned to the RHPC or City Clerk by a group of five (5) or more property owners, whose properties are located in close proximity to each other may collectively seek to have their properties included in the historic district.

3. Application review seeking designation as a Rolla Historic Property or as a Rolla Historic District.
   a. The Chairman of the RHPC shall add each completed application to the agenda of the next regular meeting for review, providing each member of the RHPC shall have at least seven (7) days to review the application before the meeting.
   b. Review of all completed applications will be concluded within the thirty (30) days following the RHPC meeting at which the application was first reviewed, unless the RHPC concludes that additional information will be necessary before it may make an informed decision. Upon receipt of the last requested information, the review will be concluded within thirty (30) days.
   c. In its review, the RHPC shall be guided by the criteria set out in Section 40-16.
   d. Recommendation of the RHPC relating to identification as a Rolla Historic Property or as a Rolla Historic District. Upon consideration of the completed application, the RHPC shall, by majority vote, decide whether to recommend or not to recommend approval of the application to the City Council.
   e. If the vote is to recommend approval, the Chairman of the RHPC shall notify the property owner(s) and shall submit to the City Council the completed application, plus any additional information considered by the RHPC, together with the vote and the rationale behind the RHPC’s decision. If the vote is not to recommend approval, the Chairman of the RHPC shall meet with the property owner(s) and shall explain the RHPC rationale for its decision. If the property owner(s) then wish to ask the City Council to reject the recommendation of the RHPC, they may do so. In such case, the property owner(s) shall formally notify the Chairman of the RHPC, in writing, of his/her intent to appeal the recommendation of the RHPC to the City Council. Upon receipt of that notice, the Chairman shall forward the completed application to the City Council, plus any additional data...
considered by the RHPC, together with the vote and rationale of the RHPC.

f. The decision of the City Council to grant or to deny, identification as a Rolla Historic Property or for inclusion in a Rolla Historic District is final.

g. The decision of the City Council to grant these designations will be conveyed by the Community Development Director (Director) to the relevant property owner(s), the Planning and Zoning Commission, and the RHPC.

Sec. 40-13 "Identification of Rolla Historic Preservation Properties"

1. Criteria to qualify for designation as a "Rolla Historic Preservation Property". This designation is the most prestigious recognition granted in Rolla to an owner of an historic property. To qualify for this recognition requires that each property owner(s) follow the procedures outlined above to secure such designation as a historic property. Each owner must voluntarily agree, in writing, to abide by the restrictions described in Sections 40-11, 40-12, 40-13, 40-14, 40-15, 40-16, 40-17, 40-18, and 40-19.

2. Application for designation as a "Rolla Historic Preservation Property". Applications for designation as a "Rolla Historic Preservation Property", together with a copy of the historic preservation ordinance relating to this designation, may be obtained from the City Clerk or the RHPC Chairman. Completed applications may be submitted to the City Clerk or to the RHPC Chairman by the owner(s) of the property seeking this designation.

Every owner of a property proposed for this designation must sign the application, which shall include the following agreement:

"The undersigned, being the owner(s) of the above described property, hereby request its designation as a "Rolla Historic Preservation Property". I/we have read and understood the Rolla Historic Preservation Ordinance. By signing this application, I/we agree that if my/our property(ies) receive this designation, I/we accept all regulations, restrictions, and protections set out in this ordinance relating to historic properties and districts."

3. Upon consideration of the completed application, the RHPC shall, by majority vote, decide whether to recommend or not recommend approval of the application to the City Council.

If the vote is to recommend approval, the Director shall notify the property owner(s) and shall submit to the City Council the completed application, plus any additional data considered by the RHPC, together with the vote and rationale of the RHPC.

If the vote is not to recommend approval, the Director shall notify the property owner(s) and shall explain the RHPC rationale for its decision. If the property owner(s) then wish to ask the City Council to reject the recommendation of the RHPC, they may do so. In such cases, the property owner(s) shall notify in writing the Director of their intent to appeal the recommendation of the RHPC to the City Council upon receipt of that notification, the Director shall submit to the City Council the completed application, plus any additional data considered by the RHPC, together with the vote and the rationale of the RHPC.

4. The decision of the City Council to grant or deny an historic property the additional designation as a "Rolla Historic Preservation Property" is final.
The decision of the City Council to grant this additional designation will be conveyed to the respective property owner(s), the Planning and Zoning Commission, the RHPC, and the Director.

5. The property owner(s) may, upon notice to the RHPC, request that the subject property may have its designation as a “Rolla Historic Preservation Property” terminated by City Council.

Sec. 40-14. Restriction on Properties Designated as “Rolla Historic Preservation Property”.

Property owners who voluntarily seek this designation and who sign the statement/agreement stipulated in Section 40-13, contractually accept all regulations and protections provided in Sections 40-11 through 40-19.

1. Property owner(s) also acknowledge that these regulations, restrictions, and protections shall apply to the designated property in the future, regardless of the transfer of ownership. Current property owner(s) also agree that, before transferring their property to a new owner, they will notify that subsequent owner, in writing, with a copy sent to the City Clerk, of the property(s) designation as a “Rolla Historic Preservation Property” and shall provide the new owner with a copy of the current historic preservation ordinance, a copy of which may be obtained from the City Clerk.

2. Restrictions on properties designated as a “Rolla Historic Preservation Property” may be removed or modified only by action of the City Council.

Sec. 40-15. Financial Incentive to Foster Historic Preservation.

Should the City Council establish financial incentives to foster historic preservation, excluding recognition by means of letters, certificates, plaques, or markers, only those properties designated as a “Rolla Historic Preservation Property” shall be eligible.


The following design guidelines shall apply to any alteration, demolition, or new construction to properties designated by the City Council, following the process outlined in this Article, as a Rolla Historic Preservation Property”, so that properties will be compatible with their original style and character as well as to surrounding historic structures:

1. Height: The height of any proposed alteration or construction should be compatible.

2. Doors and windows proportions: The proportions and relationships between doors and windows should be compatible.

3. Relationship between building masses and spaces: The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

4. Roof type and material: The design of the roof should be compatible in terms of type and materials used.

5. Building scale: The scale of the building after alteration, construction, or partial demolition should be compatible.

6. Building facades: Facades in historic areas should blend with other structures—and should not be significantly higher or wider.

7. Architectural details:
a. Architectural details and materials should be treated so as to make an historic property compatible with its original design or its predominant architectural style.

b. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided.

c. Changes that create a false sense of historic architecture should not be undertaken. Most properties change over time; those changes that have acquired historic significance in their own right may be retained and preserved or the property may be restored to its original period.

d. Deteriorated historic features should be repaired rather than replaced. When replacement is required, the new feature shall match the old design and, where economically feasible, materials.

e. Chemical or physical treatments for surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Sandblasting is not recommended.

8. Archaeological resources: Significant archaeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.

9. Signage: The character of signs should be in compliance with City regulations and in keeping with historic or architectural character of the individual property and the surrounding district. The RHPC shall recommend approval or denial prior to any installation assuming the sign code is met.

10. Minimum maintenance: The minimum maintenance standards shall be those outlined in the Property Maintenance Code adopted and updated by the City Council.

11. Ordinary maintenance: Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior element of any building or structure. Ordinary maintenance is defined as work, for which a building permit is not required, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

12. Exclusion: This article shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any such elements, which the authorized municipal officers shall consider as necessary for the health, safety, or community welfare.

Sec. 40-17. Historic property construction permits.
The guidelines for the issuance of an historic property construction permit are:

1. An historic property construction permit will be required for any construction, structural alteration, removal, or demolition effecting the exterior of a "Rolla Historic Preservation Property", in whole or in part, and requiring a City building permit.

2. In addition to exterior work, an historic property construction permit will be required for other work, which includes, but is not limited to, the addition, alteration, or removal of architectural or decorative details as well as signage.

3. A construction permit involving historic properties will not be required for ordinary maintenance or repair of any exterior element of any building or structure. Ordinary maintenance is defined in Section 40-16 (11).

4. An historic property construction permit will not be required for:
   a. Landscaping;
   b. Paint color;
Sec. 40-18. Application for an historic property construction permit.
When an historic property permit is required, the applicant shall:
1. Contact the Director and/or the Codes Administrator to discuss the work and to
determine the need for an historic property construction permit and/or a building
permit.
2. If an historic property construction permit is needed, the application should be
made to the Community Development Department. The Director shall forward the
completed permit application, along with current photograph of the property, to
the RHPC. Applicants may also be required to submit plans or other detailed
information as may be required for review as a historic property.
3. Make every effort to attend the RHPC meeting during which the application is
reviewed.

Sec. 40-19. Application review.
When a completed application for an historic property construction permit has been
submitted to the RHPC, the commission shall:
1. Add the application to the next regular meeting for review. The commission may
call a special meeting to review routine applications when delay might become an
unnecessary inconvenience to the applicant.
2. Review of all applications will be completed within 15 days. If the commission
cannot meet the time frame specified for lack of a quorum, and the applicant
desires a decision, the Chairman of the RHPC shall have the authority to
recommend the approval or denial of the permit.
3. The review period may be extended an additional 15 days if more information is
required before a vote can occur.
4. Upon recommendation of approval by the commission, the Codes Administrator
shall issue the permit.
5. Any recommendation of denial shall be accompanied by a statement of the reasons
for that recommendation. The RHPC shall also include recommendations, which
would cause the commission to reconsider its recommendation. The RHPC
Chairman, the Codes Administrator, and Director, shall meet with the applicant as
soon as possible, to resolve the differences. The applicant may submit a petition for
a variance to the Board of Adjustment if an appeal is desired. In this case, the
provisions of Chapter 42 pertaining to variances shall be followed. The applicant
may amend the application at any time during the review process or reapply at a
later date.
6. If the RHPC fails to recommend approval or denial of the application within 30 days
of its submission, the application will be automatically approved.
7. Once an historic property construction permit has been issued, any minor changes,
as determined by the Director, may be approved without the submission of a new
application. All major changes must be reviewed by the RHPC.

Sec. 40-20. Stop work order.
When the Codes Administrator has reason to believe that an action for which an historic property construction permit is required has been initiated, or is about to be initiated, he shall make every effort to contact the property owner, occupant, contractor, or subcontractor and inform them of the necessity of submitting an application for an historic property construction permit. If the Codes Administrator determines it is a necessity to issue a stop work order, he shall make every attempt to serve the same on the property owner, occupant, contractor, or subcontractor in person and by certified mail.

**Sec. 40-21. Fees and penalties.**

Fees shall coincide with existing permit applications. Penalties shall be those set out under the existing penalty provisions in the Code as adopted by City Council.
NOTE: The following section is from Chapter 41 is proposed to be revised.

Sec. 41-6. Discharge of bows and arrows and crossbows prohibited within the City Limits of Rolla, Missouri; exceptions.

(a) Definitions:
Bow and arrows shall mean a bow and arrow combination that requires completely manual operation without any means to cock the weapon. This definition excludes bow and arrow combinations considered as toys and intended to release arrows incapable of penetrating a target or other surface.

Crossbow shall mean a traditional crossbow utilizing a mechanism wherein the weapon can be cocked and left in a stable state until it is subsequently released or fired at a later time via a trigger mechanism.

(b) It shall be unlawful for any person within the City Limits to discharge any bow and arrow or crossbow unless that person complies with the following regulations and in either subsections 41-6 (c) and 41-6 (d).

(1) It shall be unlawful for any person to discharge any type of bow and arrow or crossbow within Rolla's City Limits in a manner that endangers persons or property.

(2) It shall be unlawful for any person to discharge any type of bow and arrow or crossbow in such a manner that causes the arrow or bolt to land on any property other than the property on which the arrow or bolt was discharged, unless written permission is granted by the impacted property owner(s).

(3) It shall be unlawful to use and/or discharge any type of bow and arrow or crossbow on public property unless authorized by the City Council.

(c) The use of any type of bow and the discharge of target arrows is permitted within Rolla's City Limits for the purpose of target shooting. Any person who participates in target shooting pursuant to this subsection shall abide by subsection 41-6 (b) and the following rules:

(1) It shall be unlawful for any person fifteen (15) years of age or younger to participate in target shooting unless under the supervision of a parent or legal guardian.

(2) It shall be unlawful for any person who participates in target shooting pursuant to this subsection to discharge a broadhead or any type of hunting arrow.

(d) The use of longbow, recurve and/or compound bows, or crossbows, and the discharge of broadhead or other hunting arrows or bolts is permitted within Rolla's City Limits for the purpose of taking game as regulated by the Missouri Department of Conservation and with the written permission of the property owner. Hunting using bows and arrows or crossbows shall only be permitted on land three (3) acres in size or larger zoned "R-R" (Rural Residential) pursuant to Chapter 42, Article III, Zoning, and subject to the provisions of subsection 41-6 (b).
Chapter 28 Nuisances and Property Maintenance

NOTE: Section 20-1 though Section 20-2 from Chapter 20 are proposed to be relocated to Chapter 28, Nuisances. Chapter 28 is to be renamed and revised as follows.

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

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

a. Carcasses of animals remaining exposed more than six hours after death.
b. Ashes, slops, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant water, all sorts of decaying animal matter, decaying fruit or vegetables or other vegetable matter, broken kitchenware, wrecked or parts of worn out automobiles or other machines, scrap iron or other metals, tin cans, old bottles, broken glass, discarded wearing apparel, dead animals, or any other offensive or disagreeable substance or thing, old dilapidated barns, sheds or other buildings left, deposited or caused or permitted to remain, left or deposited in such quantity or in such condition as to be offensive to the sight or smell or a menace to health, safety, peace or comfort or of such a nature as to be or become harbors or breeding places for mosquitoes, ants, flies, rats, mice or other insects, animals or vermin, whether left or deposited upon private premises owned, occupied or controlled by persons causing or permitting the same or upon any public street, sidewalk, alley, parkway, public enclosure or vacant lot; all water, steam and condensation drained from, emitted from or thrown upon a sidewalk, parkway, alley or street from any place occupied by a commercial or business structure or any appurtenances thereto belonging. Also, the creation of dust by the operation of motor vehicles, racing cars, rides, or other motor driven contrivances where the dust is carried beyond the borders of the property whereon the above enumerated vehicles may be operated in such quantities as to interfere with reasonable enjoyment of any property in the neighborhood.
c. Factories, slaughterhouses and all places of business causing an offensive odor to a greater extent than is reasonably necessary in the prosecution or carrying on of such business.
d. Garbage deposited otherwise than in suitable containers for removal by the city.
e. Green or unsalted hides kept in an exposed or open place.
f. Hog pens.
g. Shrub, 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 barbecue 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. 28-6 Sec. 28-13. Weeds, etc., over ten inches in height declared nuisance per se.
The growth of weeds, brush or other rank vegetation in excess of ten (10) inches in height  
is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of  
the public.

Sec. 28-14. Permitting growth of high weeds, etc., prohibited.
It shall be unlawful for any property owner, lessee, or agent in control of any lot or piece of  
land where development has occurred on at least three (3) abutting sides (including  
developed streets), to allow weeds, brush, or rank vegetation to attain a height greater  
than ten (10) inches on such land, or lot. It shall be unlawful for any property owner, lessee,  
or agent in control of any lot or piece of land adjoining a developed street to allow weeds,  
brush, or rank vegetation to attain a height greater than ten (10) inches within ten (10) feet  
of any curb or street edge and five (5) feet from any other abutting developed parcel or lot.  
In addition to the street frontage maintenance requirement of ten (10) feet, undeveloped  
subdivisions that have been cleared or “brush hogged” shall be maintained in that  
condition until further development occurs.

Sec. 28-7 Sec. 28-16. Notice to owner to abate weeds, etc.
Whenever the city council, or its designated officer, is informed and believes that a  
nuisance, per se, exists under Section 28-13, or whenever the council or its designated  
officer, shall be of the opinion that a nuisance exists as provided by Section 28-12, the  
council, or such designated officer, shall cause to be posted a notice containing an order to  
abate the nuisance on the land where such nuisance exists, and shall cause a copy of such  
notice to be sent to the last known address of the owner. Receipt or acknowledgement of  
notification is not required. If the nuisance is not abated within the period of time  
determined by the council, or its designated officer, from the date the notice is posted or  
sent, then the council, or its designated officer, shall cause such nuisance to be abated by  
whatever reasonable means are necessary.

The Codes Administrator, or its designated official, must provide notice to any property  
owner of a property on which a nuisance of weeds, brush, or other vegetation is located.
Such notice may be either by mail or by posting notice on the property. Such notice must allow for not less than 15 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 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.
 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.

 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.

 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.

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

 Alternate members. Chairman. Disqualification of member. Secretary. Compensation of members. Delete


 Failure to comply. $50.00; $500.00.

 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.)

 Insect screens. (Year round)

 Heat supply. (Year round)

 Occupiable work spaces. (Year round)
NOTE: The following portion of Chapter 15 will also be revised.

Sec. 15-75. Authority and Scope.
(a) This Chapter shall apply to all proposed development except for that development which meets waiver or variance criteria as outlined in Section 15-80 of this Chapter.
(b) This Chapter shall apply to all timber harvesting activities, except those timber harvesting operations which are implementing a forest management plan that has been deemed to be in compliance with the regulations of the buffer Ordinance and has received approval from the Missouri Department of Conservation.
(c) This Chapter shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved state or federal surface mining permit issued by the appropriate governing agency.
(d) Article V of this Chapter shall not apply to agricultural operations that are covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that includes the application of BMPs.
(e) Article V of this Chapter may not apply to areas that are zoned R-R in accordance with the City of Rolla Zoning Ordinance.
(f) Article V of this Chapter shall not apply to streams with a tributary drainage area of less than one hundred (100) acres.
(g) This Chapter shall apply to all parcels of land, structures, and activities that are causing or contributing to:
   (1) Pollution, including nonpoint source pollution, of the waters within the City of Rolla;
   (2) Erosion or sedimentation of stream channels;
   (3) Degradation of aquatic or riparian habitat.