

City of Rolla, MO
Chapter 42
Zoning and Subdivision Regulations

DRAFT

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1 **Section 100 Administration**

2
3 **Sec 42.100 Title**

- 4 1. This chapter of the Rolla City Code shall be known and may be cited as the Rolla
5 Zoning and Subdivisions Code, and may also be referred to as Zoning Regulations,
6 Zoning Code, or Subdivision Regulations.
7
8 2. This chapter shall be in full force and effect as Chapter 42, of the Rolla City Code,
9 from and after its passage and approval in the manner required by law.
10

11 **Sec 42.101 Purpose**

- 12 1. This code is adopted in order to promote the health, safety, morals, and the
13 general welfare of the community by regulating features including the height,
14 number of stories, and the size or bulk of buildings and other structures, lot
15 coverage, the size of yards and other open spaces, the density of population and
16 the location and use of buildings and structures for trade, industry, residences or
17 other purposes. Additional purposes include the conservation and protection of
18 property values, encouraging efficient and economic use of property, prevention of
19 traffic congestion, mitigation of adverse environmental impacts, mitigation of
20 disaster potential impacts, and planning for future needs.
21
22 2. In addition, The subdivision regulations are designed to provide for the safe,
23 orderly, and economic use of transportation facilities; to facilitate orderly land use
24 and layout; to ensure proper legal description and creating monuments for
25 subdivided land; to secure safety from fire, panic and other dangers; to provide
26 adequate light and air; to prevent overcrowding of land; to facilitate the adequate
27 provision of municipal services including streets, water, sewerage, electricity, parks,
28 open space, schools, and other requirements; and to promote the development of
29 affordable housing.
30

31 **Sec 42.102 Applicability and Jurisdiction**

32 The regulations and restrictions in this chapter shall apply to all buildings, structures, land,
33 and land uses within the corporate limits of the City of Rolla, unless otherwise exempted or
34 grand-fathered by other provisions of this code.
35

36 **Sec 42.103 Authority**

37 The City Council enacts the Rolla Zoning and Subdivisions Code pursuant to the authority
38 conferred by Chapter 89 Revised Statutes of Missouri, as applicable.
39

40 **Sec 42.104 Severability**

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

- 43 1. If any court of competent jurisdiction shall adjudge any provision of this chapter to
44 be unconstitutional, invalid, or illegal, such judgment shall not affect any other
45 provisions of this chapter.
46 2. If any court of competent jurisdiction shall adjudge the application of any provision
47 of this chapter to a particular property, building or structure to be unconstitutional,
48 invalid, or illegal, such judgment shall not affect the application of said provision to
49 any other property.
50

1 **Sec 42.105 Rules of Interpretation**

- 2 1. When referring to this chapter, the following rules of interpretation shall be
3 applied, except when the context clearly requires otherwise:
4 a. The words 'shall' and 'must' are always mandatory and not discretionary. The
5 word 'may' is permissive.
6 b. Words used in the present tense shall include the future and words used in the
7 singular include the plural and the plural the singular, unless the context clearly
8 indicates the contrary.
9 c. The use of the male pronoun includes the use of the female pronoun.
10 d. The word person includes individuals, firms, corporations, associations and any
11 other similar entities.
12 e. The words parcel, site, or tract are synonymous and are general terms for the
13 description of land.
14 f. The word City means the area of jurisdiction of the City of Rolla, Missouri.
15
16 2. Where uncertainty exists as to the boundaries of zoning districts as shown on the
17 Official Zoning Map, the following shall apply:
18 a. Boundaries shown as approximately following the centerlines of streets,
19 highways, or alleys shall be construed to follow centerlines.
20 b. Boundaries shown as approximately following platted lot lines shall be
21 construed as following lot lines.
22 c. Boundaries shown as following City Limit lines shall be construed as following
23 such City Limits.
24 d. Boundaries shown as following railroad lines shall be construed to be midway
25 between the main tracks.
26 e. Boundaries shown as following shorelines of bodies of water shall be construed
27 to follow such shorelines, and in the event of change in the shoreline, shall be
28 construed as moving with the actual shoreline; boundaries indicated as
29 approximately following the center lines of streams, ponds, or lakes shall be
30 construed to follow such center lines.
31 f. Where physical or cultural features existing on the ground are at variance with
32 those shown on the Official Zoning Map, or in other circumstances not covered
33 by paragraphs (a) through (e) above, the Community Development Director
34 shall interpret the district boundaries.
35 g. Any interpretation may be appealed to the Board of Adjustment.
36
37 3. Whenever any public right-of-way is vacated by official action of the Planning and
38 Zoning Commission and City Council, the zoning district adjoining each side of the
39 vacated right-of-way shall automatically extend to the centerline of the vacated
40 property; or, in the case where all of the vacated right-of-way shall revert to one
41 property, the zoning district of the host property shall extend to the vacated area.
42

43 **Sec 42.106 Conflicts**

44 If there is a conflict between any part of this chapter and any other law, city code provision,
45 ordinance, regulation, or other part of this chapter the provisions that are more restrictive
46 or that impose higher standards or requirements shall govern.
47

1 **Sec 42.107 Duties of the Community Development Director.**

2 The Community Development Director or his duly designated and authorized
3 representative, in addition to the duties delegated to him under this chapter and other
4 ordinances of the City, shall administer and enforce this chapter including:

- 5 1. Receiving applications for permits for the construction, erection, structural
6 alteration, enlargement and removal of parking lots, signs, and land use.
- 7 2. Receiving applications for variances and special exceptions, rezonings (map
8 amendments), amendments to the zoning codes, subdivision of land, conditional
9 use permits, and planned unit developments.
- 10 3. Notifying applicants of all City ordinances pertaining to said applications.
- 11 4. Making and maintaining records for all functions pertaining to codes administration
12 duties.
- 13 5. Interpreting the provisions of this chapter.
- 14 6. Providing technical assistance to the City Council, Planning and Zoning Commission,
15 and Board of Adjustment as they may require in the performance of their duties
16 under this chapter.
- 17 7. Conducting inspections of buildings, structures, and uses of any premises to
18 determine compliance with the terms of this chapter.
- 19 8. Maintaining for distribution to the public copies of the zoning map or maps, the
20 text of the Zoning Ordinance.
- 21 9. Making recommendations with respect to city planning, zoning, land use and
22 development to the City Council, Planning and Zoning Commission, City
23 Administrator and other departments and agencies of the City.
- 24 10. Maintaining permanent and current records of official actions on all variances,
25 conditional use permits, special exceptions, re-zoning applications, and other
26 activities of the Planning and Zoning Commission and Board of Adjustment and all
27 functions of the Community Development Department related to the
28 administration of this chapter.

29
30 **42.109 Development Review Committee**

- 31 1. There is hereby established a Development Review Committee to establish a
32 method and procedure to facilitate and coordinate decision-making concerning
33 land development and the enforcement of this chapter and any other city
34 ordinances related to land development The Development Review Committee shall
35 not be construed to supplant, modify, or limit authority expressly granted to
36 administrative officials. Neither shall the Committee serve in any appeals capacity.
37
- 38 2. The Development Review Committee may consist of the following individuals or
39 their authorized representative:
 - 40 a. The Community Development Director;
 - 41 b. The Codes Administrator;
 - 42 c. The Director of Public Works;
 - 43 d. The City Engineer;
 - 44 e. General Manager – Rolla Municipal Utilities;
 - 45 f. The Parks Department Director
 - 46 g. Additional ~~ex-officio~~ representatives ~~may be added~~, including other City
47 officials, public/private utilities, City departments, agencies, boards and
48 commissions.
- 49 3. The Development Review Committee may:
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- a. Act in an advisory capacity to the Mayor, City Council, City Administrator, and the city's boards and commissions on matters relating to the Zoning Code and related development issues.
 - b. Review subdivision plats, Board of Adjustment, and land use 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.
 - c. 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 Zoning Code.
 - d. Conduct informal hearings or meetings for the purpose of obtaining factual information and expert opinion regarding the interpretation of the Zoning Code prior to any appeals.
 - e. 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. The Planning and Zoning Commission of Rolla, Missouri, also referred to as the Commission, is 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

1. 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.
2. 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 serve as an ex-officio member of the commission with no voting authority.

Sec 42.112 Planning and Zoning Commission - Terms

1. 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. 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.
2. The city council may remove any member during their term for cause stated in writing and after a public hearing.

Sec 42.113 Planning and Zoning Commission – Rules

1. The commission shall elect a chairman, and secretary/vice-chairman, 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.
2. 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.
3. A quorum shall require five members of the commission.
4. 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.
5. 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.

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6. The Planning and Zoning Commission should consider the following information when reviewing re-zoning (map amendment) requests:
 - a. Whether the proposed zoning district classification is consistent with the intent of the Rolla Comprehensive Plan;
 - b. 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;
 - c. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
 - d. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied creating an economic hardship; and
 - e. Relevant information submitted at the public hearing.

 7. The Planning and Zoning Commission should consider the following information when reviewing Conditional Use Permit requests:
 - a. Whether the proposed use is consistent with the intent of the Rolla Comprehensive Plan;
 - b. Whether the proposed use, scale, and location is appropriate and compatible with the uses permitted on other property in the immediate vicinity;
 - c. Whether adequate utility service and facilities exist or can be reasonably provided to serve the uses permitted on the property if rezoned;
 - d. Whether reasonable conditions may be imposed to mitigate any impacts to the immediate vicinity;
 - e. The impact the proposed use would have upon vehicular and pedestrian traffic safety;
 - f. Relevant information submitted at the public hearing.

 8. The Planning and Zoning Commission should consider the following information when reviewing Planned Unit Development requests:
 - a. Whether the proposed zoning district classification is consistent with the intent of the Rolla Comprehensive Plan;
 - b. 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;
 - c. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
 - d. Whether adequate utility service and facilities exist or can be reasonably provided to serve the uses permitted on the property if rezoned;
 - e. The impact the proposed uses would have upon vehicular and pedestrian traffic safety;
 - f. Whether the intent and goals of the Planned Unit Development requirements are met;
 - g. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied creating an economic hardship; and
 - h. Relevant information submitted at the public hearing.

- 1 9. The Planning and Zoning Commission should consider the following information
2 when reviewing Annexation requests:
 - 3 a. Whether the proposed annexation meets the minimum statutory
4 requirements;
 - 5 b. Whether the proposed annexation is consistent with the Comprehensive Plan;
 - 6 c. Whether adequate utility and city services and facilities exist or can be
7 reasonably provided to serve the area proposed to be annexed; and
 - 8 d. Relevant information submitted at the public hearing.
- 9
- 10 10. The Planning and Zoning Commission should consider the following information
11 when reviewing Subdivision requests:
 - 12 a. Whether the proposed subdivision is consistent with the intent of the Rolla
13 Comprehensive Plan;
 - 14 b. Whether the design of the subdivision is compatible with the immediate
15 vicinity;
 - 16 c. Whether adequate utility service and facilities exist or can be reasonably
17 provided to serve the property;
 - 18 d. The impact the proposed subdivision would have upon vehicular and
19 pedestrian traffic safety;
 - 20 e. Whether the proposed subdivision meets the requirements of city codes;
 - 21 f. Relevant information submitted at the public hearing.
- 22

23 **Sec 42.114 Planning and Zoning Commission - Duties**

- 24 1. The Planning and Zoning Commission reviews and makes recommendations to the
25 City Council on preliminary plats, final plats, subdivision variances, annexation, de-
26 annexation, re-zonings (map amendments), conditional use permits, planned unit
27 developments, and amendments to the zoning and subdivision regulations.
- 28
- 29 2. The Commission may within its discretion, make one of the following
30 recommendations in connection with each proposed re-zoning (map amendment)
31 application:
 - 32 a. Recommend against the change in zoning.
 - 33 b. Recommend a change in zoning.
 - 34 c. Recommend a change in zoning for such area together with its
35 recommendations as to requirements for to protect adjacent property and
36 secure substantially the purpose and intent of this chapter. Such requirements
37 shall be items that could reasonably be completed prior to the ordinance
38 becoming effective or within a stated period of time thereafter.
- 39
- 40 3. The Commission also reviews and makes recommendations to the City Council on
41 planning documents such as the Rolla Comprehensive Plan, the Major
42 Thoroughfare Plan, neighborhood plans, corridor plans, area plans, etc., as well as
43 make recommendations regarding certain public improvement projects.
- 44
- 45 4. The City Council may request and shall receive from the Commission
46 recommendations on specific problems or questions concerning planning and
47 zoning within a reasonable period of time.
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49 **Sec 42.115 Planning and Zoning Commission - Powers**

- 50 1. In general, the Commission shall have the power necessary to enable it to perform
51 its functions and promote municipal planning.

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2. 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.
 3. 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.
 4. All public officials shall, upon request, furnish to the Commission, within a reasonable time, all available information it requires for its work.
 5. The Commission 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.
 6. The Commission shall have and perform all of the functions of the zoning commissions as provided for in the state statutes.
 7. 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.
 - a. 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.
 - b. 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.
 - c. Otherwise, any new, widened, relocated, or extended street must be approved by approval of a plat by the commission and city council.
 8. 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.
 - a. 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.
 - b. 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.

1 **Sec 42.116 Plans – Preparation and Review**

- 2 1. The Commission shall assist the City Council in making, reviewing, and adopting a
- 3 comprehensive plan, or any other plan such as the Major Thoroughfare Plan, area
- 4 plans, neighborhood plans, etc., for the physical development of the city.
- 5
- 6 2. Any such plan shall be made with the general purpose of guiding and accomplishing
- 7 a coordinated development of the city which will, in accordance with existing and
- 8 future needs, best promote the general welfare, as well as efficiency and economy
- 9 of the city in the process of development. The Commission shall be responsible for
- 10 the periodic review of the adopted plans.

11 **Sec 42.117 Plans – Process to Adopt**

- 13 1. Prior to the adoption of the plan by the City Council, the Commission shall hold at
- 14 least one public hearing thereon. The Commission shall hold such public hearing
- 15 prior to any amendment or extension of such plan as adopted by the Council.
- 16 Notice of such public hearing shall be published in a newspaper of general
- 17 circulation in the city at least fifteen (15) days in advance. Such notice shall indicate
- 18 the time, place, and date of such hearing. The hearing may be adjourned from time
- 19 to time.
- 20
- 21 2. The adoption of the plan by the Commission requires a majority vote of the full
- 22 membership of the Commission. The resolution shall refer expressly to the maps,
- 23 descriptive matter, and other matters intended by the commission to form the
- 24 whole or part of the plan and the action taken shall be recorded on the adopted
- 25 plan or part thereof by the identifying signature of the chairman of the
- 26 Commission.

27 **Sec 42.118 Plans – Effect on Decisions**

28 Any adopted plan is a guiding document to assist in future decision making. The plan itself
29 does not create regulations or restrictions for the use of property. The Commission should
30 consider the impact of any decision on adopted plans, however, the Commission is not
31 bound to the recommendations provided in the plans. The Commission should provide
32 record of the reasons for departure from the adopted plans.
33
34

35 **Sec 42.119 Plans – Adopted**

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

- 38 a. The Rolla 2020 Comprehensive Plan Update, 2005, is hereby adopted in its entirety,
- 39 b. The 2008 Major Thoroughfare Plan is hereby adopted and shall be included as part
- 40 of the Rolla 2020 Comprehensive Plan Update, 2005
- 41 c. The Rolla West Master Plan is hereby adopted as an amendment to the Rolla 2020
- 42 Comprehensive Plan Update, 2005 in its entirety
- 43 d. The Schuman/Ber Juan Neighborhood Plan, 2021, is hereby adopted as an element
- 44 of the Rolla 2020 Comprehensive Plan Update, 2005

45

1 **Section 120 Board of Adjustment**

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

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

8

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

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

13

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

18

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

20 1. The members of the Board of Adjustment shall be appointed for staggered terms of
21 five (5) years each. No member shall serve more than two (2) consecutive terms.

22

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

27

28 3. All members shall be removable for cause by the City Council upon written charges
29 and after public hearings.

30

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

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

36

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

40

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

44

45 4. Every decision of the Board of Adjustment shall be in writing and shall contain a full
46 record of the findings of the Board in each case, and shall be a public record.

47

48 5. Any interested party may appear at the hearing in person or by agent or by
49 attorney. The burden of proof shall be on the applicant to establish the facts

1 necessary which the Board of Adjustment must find before granting any special
2 exception or variance.

- 3
- 4 6. The Board may impose such conditions and restrictions as may be necessary to
5 comply with the standards set out in this chapter to reduce, minimize, or mitigate
6 the effect of such special exception or variance upon the property in the
7 neighborhood, and to better carry out the intent of this chapter.
8
- 9 7. The concurring vote of four members of the Board shall be necessary to decide in
10 favor to affect any variance of this chapter or to grant any special exception.
11

12 **Sec 42.124 Board of Adjustment – Powers**

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

- 14 1. Hear and decide appeals where it is alleged there is error in any order, requirement
15 decision or determination made by an administrative official in the enforcement of
16 this chapter and decide any questions involving the interpretation of any of the
17 provisions of this chapter, including the location of any district boundaries, if there
18 is uncertainty with respect thereto.
19
- 20 2. In appropriate cases and subject to appropriate conditions and safeguards, make
21 special exceptions to the terms of this chapter.
22
- 23 3. Authorize, upon appeal, in specific cases such variance from the terms of this
24 chapter or other chapters in the Rolla Code of Ordinances as according to the
25 criteria for approval of such variance.
26
- 27 4. Shall serve as the members of the Board of Appeals for the adopted version of the
28 International Property Maintenance Code, as required in that Code, and shall hear
29 appeals by any person directly affected by a decision of the Community
30 Development Director or a notice or order issued under this Code. The chairman of
31 the Board of Adjustment shall serve as the chairman of the Board of Appeals. The
32 alternate members of the Board of Adjustment shall serve as alternate members of
33 the Board of Appeals.
34

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

- 36 1. The Board of Adjustment may grant an applicant a variance in the following
37 instances:
38 a. A variance from the applicable bulk regulations for buildings and structures,
39 including maximum height, lot coverage, and required yard areas.
40 b. A variance from the applicable minimum requirements for lot size, width,
41 depth, or setback distances.
42 c. A variance from the applicable off-street parking, signage, open space,
43 landscaping and buffer area requirements.
44 d. A use variance to allow a use of a property or building which is not permitted
45 by this chapter.
46
- 47 2. The Board of Adjustment may authorize special exceptions to this chapter as
48 follows:
49 a. The Board of Adjustment may grant a special exception to allow a legal non-
50 conforming use to be changed to any other use, provided the proposed use is

1 not more intense than the existing use in terms of traffic generation and other
2 impacts on surrounding property.

- 3
- 4 b. Permit the extension or expansion of an existing legal non-conforming use in a
 - 5 building or upon a lot currently occupied as a legal non-conforming use.
 - 6 c. Permit the use of property owned by a church for a parking lot in any district
 - 7 under such safeguards and conditions as are necessary to protect adjacent
 - 8 property.
 - 9 d. Alternative arrangements for landscaping, signage, or parking which is found to
 - 10 meet the intent of this chapter
 - 11 e. Any other land use specifically eligible for approval with a special exception in
 - 12 this chapter.
- 13

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

- 15 1. The Board of Adjustment shall not grant a variance request unless and until it shall
- 16 make findings based upon the particular evidence presented to it in each specific
- 17 case that:
- 18 a. That there are special circumstances or conditions applying to the land or
 - 19 buildings for which the variance is sought, which are peculiar to such land or
 - 20 building and do not apply generally to lands or buildings in the same zone or
 - 21 neighborhood, and;
 - 22 b. That said circumstances or conditions are such that the strict application of the
 - 23 provisions of this chapter create an unnecessary economic hardship by
 - 24 depriving the applicant of the reasonable use of such land or building, and;
 - 25 c. That the alleged hardship has not been created by any person presently having
 - 26 an interest in the property, or based exclusively on a desire to enhance the rate
 - 27 of return from or value of the property, and;
 - 28 d. That the granting of such variance will not be detrimental to the public safety
 - 29 or public welfare, in such zoning district or neighborhood areas in which the
 - 30 property is located, and;
 - 31 e. That the variance as granted by the Board is the minimum variance that will
 - 32 accomplish this purpose, and;
 - 33 f. That relief from the literal enforcement and strict application of the provisions
 - 34 of this chapter is consistent with the intent and spirit of the chapter, and;
 - 35 g. That substantial justice is achieved by relief from the ordinance which cannot
 - 36 be achieved in any other means.
- 37
- 38 2. The Board of Adjustment may grant use variances when the board finds that based
- 39 on the particular evidence presented to it meets the following criteria:
- 40 a. Where the strict enforcement of this chapter may cause an unnecessary
 - 41 hardship resulting from the unique characteristics of a site or proposed
 - 42 use, and;
 - 43 b. That granting the use variance is consistent with the intent of the
 - 44 Comprehensive Plan, and;
 - 45 c. That granting the variance will result in the achievement of substantial
 - 46 justice which cannot be achieved in any other means.
- 47
- 48 3. The Board of Adjustment may grant a special exception from the provisions of this
- 49 chapter once the board finds that based on the particular evidence presented it
- 50 meets the following criteria:
- 51 a. The request is consistent with the general spirit and intent of the regulations.

- b. The request is consistent with the general and specific rules for the Special Exception.
- c. 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.

1. Such appeal shall be submitted within fifteen (15) day’s time after an administrative officer has rendered the decision.
2. The applicant for an appeal, shall bear the burden of producing evidence establishing the grounds of the appeal.
3. 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.
4. 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.

1. Applications related to the subdivision of property are described in Section 42.500 Subdivision Regulations.
2. All applications are subject to revocation if found to be incomplete or the payment is not received. Applications are processed in the order received.
3. 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.
4. Applications may be received during business hours at the Community Development Department office or submitted electronically emailed to the department together with all attachments.

Sec 42.131 Rezoning (Map Amendment)

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

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

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 which may be deemed acceptable, desirable, or in the public interest to locate in certain zoning districts. The purpose of the review is to determine whether the proposed location of the use 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.

1. A property owner or authorized representative may request a Conditional Use Permit by submitting the following:
 - a. Completed application on forms supplied by the Community Development Department;
 - b. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - c. Filing fee;

- 1 d. Five (5) paper copies and an electronic copy (pdf preferred) of the site plan, if
2 applicable;
- 3 e. A letter of request or project report detailing the proposed use or
4 development, and;
- 5 f. Other supporting materials, if desired.
6
- 7 2. A site plan is required for proposals which include the development or re-
8 development of a property. A site plan is not required for changing the use of an
9 existing building when no changes to the site are proposed. The site plan shall
10 contain the information described below:
 - 11 a. Approximate location of proposed and existing designated uses or buildings
12 and other structures;
 - 13 b. Flood plain areas, if applicable;
 - 14 c. Proposed landscaping/screening;
 - 15 d. An elevation view of the site showing preliminary building form (new
16 construction only);
 - 17 e. Proposed ingress and egress to the site, including right-of-way and
18 pavement width for proposed and existing streets;
 - 19 f. Locations of existing and proposed easements, utilities, and drainage
20 facilities;
 - 21 g. The location, lighting and type of proposed signs;
 - 22 h. The location and number of proposed off-street parking areas; and
 - 23 i. Table indicating the proposed number of dwelling units, density, building
24 height, parking spaces (proposed and required), and required setbacks.
25
- 26 3. The letter of request or project report must detail the proposed use or project
27 including the proposed number of dwelling units, density, building height, building
28 or use area, proposed parking, proposed landscaping, proposed business hours,
29 statement of potential impacts and proposed mitigation of impacts, estimated
30 traffic levels, etc., as may be applicable.
31
- 32 4. The Planning and Zoning Commission may require that a drainage study, traffic
33 generation/impact study, photometric study, noise study, and/or other studies or
34 documents be provided prior making a recommendation to the City Council.
35
- 36 5. The Planning and Zoning Commission may impose such conditions as it determines
37 necessary. Said conditions may include but not be limited to the following:
 - 38 a. Permitted uses, including maximum floor area;
 - 39 b. Height limitations,
 - 40 c. Minimum yard requirements;
 - 41 d. Off-street parking and loading requirements;
 - 42 e. Sign regulations;
 - 43 f. Minimum requirements for Site Plans; and
 - 44 g. Time limitations for commencement of construction.
45
- 46 6. A Final Site Plan shall be submitted for review by the Community Development
47 Director to determine compliance with the specified conditions of the permit prior
48 to issuance of any building permit or commencement of the use of the property.
49 The Community Development director may require that the Planning and Zoning
50 Commission also review and approve the final site plan if, in the directors opinion,
51 the final site plan is not fully in conformance with the required conditions.

- 1
2 7. Conditional Use Permits shall be valid for an unlimited period unless a lesser period
3 shall be provided in a particular permit.
4
5 8. Unless otherwise stated in the Conditional Use Permit, substantial work or
6 construction shall commence within three (3) years of the effective date of the
7 permit, unless such time period is extended through appeal to the City Council. If
8 no extension of time is granted the permit shall terminate.
9

10 **Sec 42.133 Amendment to Conditional Use Permit**

- 11 1. Amendments to an approved Conditional Use Permit may be reviewed in the same
12 manner as a new application.
13
14 2. The Community Development Director may review minor deviations from the
15 approved final site plan for consistency in purpose and content with the nature of
16 the proposal as originally approved by the City Council.
17
18 3. If the Community Development Director determines that the deviation is not in
19 conflict with the Final Site Plan and meets all conditions of the Conditional Use
20 Permit, the Community Development Director may approve the request.
21
22 4. The director may use the following criteria to review minor deviations:
23 a. Does not increase maximum density or any building height approved by more
24 than five (5) percent;
25 b. Does not decrease by more than five (5) percent the area approved for open
26 space or number of parking spaces;
27 c. Does not significantly alter the arrangement of land uses, driveways, roads,
28 building locations, parking areas, or required landscaping or open spaces;
29

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

- 31 1. *Process.* The process for review of a Planned Unit Development (PUD) Overlay
32 District involves the following steps:
33 a. Optional Sketch Plan Review by the Development Review Committee and
34 Planning and Zoning Commission.
35 b. Optional Neighborhood Meeting.
36 c. Preliminary PUD Review by Planning and Zoning Commission and City Council.
37 d. Final PUD Review by Community Development Department for compliance
38 with approved PUD site plan, PUD report, and any imposed conditions.
39 e. If needed, Amended PUD Review by Planning and Zoning Commission and City
40 Council.
41
42 2. *Sketch Plan Review.* Prior to submitting an application for a PUD Overlay District,
43 the applicant may provide a sketch plan for review by the Development Review
44 Committee and Planning and Zoning Commission. The purpose of the optional
45 sketch plan review is to allow the applicant to receive comments from staff and the
46 Planning and Zoning Commission to incorporate into the PUD application.
47
48 3. *Optional Neighborhood Meeting.* The applicant is encouraged to hold an optional
49 neighborhood meeting with the residents and/or property owners in the vicinity of
50 the subject property.
51

- 1 4. *Preliminary PUD Application.* A property owner or authorized representative may
2 request a PUD Overlay District zoning designation by submitting the following:
3 a. Completed application on forms supplied by the Community Development
4 Department;
5 b. Letter authorizing a representative to apply on behalf of the property owner, if
6 applicable;
7 c. Filing fee;
8 d. Five (5) paper copies and an electronic copy (pdf preferred) of the Preliminary
9 PUD site plan;
10 e. Survey prepared by a registered land surveyor;
11 f. Five (5) paper copies and an electronic copy (pdf preferred) of the PUD report,
12 and;
13 g. Other supporting materials, if desired.
14
- 15 5. *Preliminary PUD Report.* The PUD Report must contain the following information at
16 a minimum. Additional information may be required by the Planning and Zoning
17 Commission and/or Community Development Director.
18 a. The applicant's name and address;
19 b. The owner's name and address;
20 c. The names and addresses of all professional consultants advising the applicant
21 with respect to the proposed PUD;
22 d. A description of the project including the proposed uses, number of units,
23 phasing, and schedule of construction;
24 e. Description of how the project differs from the current zoning and/or zoning
25 category that allows the proposed use;
26 f. Explanation of why the project cannot be built with conventional zoning, and;
27 g. Elevations for any proposed buildings or existing buildings to be modified;
28
- 29 6. *Preliminary PUD Development Plan.* The Preliminary PUD Development Plan must
30 include the following information, if applicable:
31 a. The legal description of the subject property;
32 b. All existing and proposed property lines with bearings and dimensions;
33 c. All easements, rail lines, roadways, and rights-of-way on or adjacent to the
34 subject property;
35 d. Topography at contours not more than ten (10) feet;
36 e. existing and proposed buildings, signage, parking areas, driveways, stormwater
37 management systems, and utilities;
38 f. Water courses, drainage ways, sinkholes, ponds, lakes, marshes or flood plains,
39 including the 100-year flood plain, where applicable;
40 g. The proposed zoning classification and use areas;
41 h. Proposed landscaping buffer areas and other open spaces, and indicating any
42 areas for tree preservation;
43 i. Any proposed phases with approximate construction schedule, and;
44 j. A tabulation of the following information, if applicable:
45 1) The total number of dwelling units proposed by type of structure,
46 2) The total land area for each land use; and
47 3) The number of off-street parking and loading spaces
48 4) Proposed height and setback requirements, if different from underlying
49 zoning.
50

- 1 7. *Final Development Plan.* After approval of the Preliminary PUD by the City Council,
2 the applicant must proceed to file a Final Development Plan with the Community
3 Development Department for review and approval prior to receiving any building
4 permits for the project.
- 5 a. The Final Development Plan must include the same information required on
6 the Preliminary Development Plan and must incorporate any conditions of
7 approval from the City Council. The plan must substantially conform to the
8 approved preliminary plan and may include minor deviations as necessary as
9 the final engineering plans are developed.
- 10 b. The Community Development Director may approve the plan, or may refer
11 review to the Planning and Zoning Commission if, in the directors opinion, the
12 plan does not substantially conform to the approved preliminary plan or meet
13 the intent of plans as approved by the City Council.
- 14 c. If referred, the Planning and Zoning Commission will review the plan for
15 substantial compliance.
- 16 d. If the Final Development Plan is found to not be in substantial compliance with
17 the approved Preliminary Development Plan the applicant must submit a new
18 Preliminary PUD application.
- 19 e. The following criteria may be used to determine if a Final Development Plan is
20 in substantial conformity with an approved Preliminary Development Plan:
- 21 1) Does not increase maximum density or any building height approved in the
22 Preliminary Development Plan more than five (5) percent;
- 23 2) Does not decrease by more than five (5) percent the area approved for
24 open space or number of parking spaces;
- 25 3) Does not significantly alter the arrangement of land uses, driveways, roads,
26 building locations, parking areas, or required landscaping or open spaces
27 within the PUD;
- 28
- 29 8. *Amended PUD Review.* An approved PUD may be amended to modify the approved
30 Development Plan and/or PUD Report if desired. An Amended PUD Review is the
31 same process as a Preliminary PUD Review. The amendment may amend the entire
32 approved PUD or may amend the PUD for only a portion of the
33 property/development.
- 34

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

- 36 1. A special exception is a permission given by the Board for an applicant to use his
37 property for certain uses.
- 38
- 39 2. A variance is an authorization by the Board granting relief from the zoning code to
40 allow the use of a property.
- 41
- 42 3. An appeal is a request for the Board to review a decision made by an administrative
43 officer for compliance with the intent and meaning of the regulations. The Board of
44 Adjustment may designate conditions on granting special exceptions or variances
45 that secure the public interest and intent of this chapter.
- 46
- 47 4. A property owner or authorized representative may request a variance, special
48 exception, or appeal to the Board of Adjustment by submitting the following:
- 49 a. Completed application on forms supplied by the Community Development
50 Department, and;

- b. Letter authorizing a representative to apply on behalf of the property owner, if applicable, and;
- c. Filing fee, and;
- d. Legal description of the subject property in an electronic format which can be copied, pasted, and manipulated (MS Word file or email preferred), and;
- e. Site Plan indicating the proposed development of the property, if applicable, and;
- f. A letter of request which explains the project/request and how the request meets the criteria for approval, and;
- g. Other supporting materials, if desired.

5. 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.

6. 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

- 1. A property owner or authorized representative may request a property be annexed into the corporate limits of the city by submitting the following:
 - a. Completed application on forms supplied by the Community Development Department, and;
 - b. Letter authorizing a representative to apply on behalf of the property owner, if applicable, and;
 - c. Filing fee, and;
 - d. Legal description of the subject property in an electronic format which can be copied, pasted, and manipulated (MS Word file or email preferred), and;
 - e. 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;
 - f. A letter of request or other supporting materials, if desired.
- 2. 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
- 3. 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.

1 **Sec 42.138 Vacations**

- 2 1. An adjoining property owner or their authorized representative may request a
3 partial or total vacation of an easement or street right-of-way by submitting the
4 following:
- 5 a. Completed application on forms supplied by the Community Development
6 Department, and;
 - 7 b. Letter authorizing a representative to apply on behalf of the property owner, if
8 applicable, and;
 - 9 c. Legal description of the subject property to be vacated in an electronic format
10 which can be copied, pasted, and manipulated (MS Word file or email
11 preferred), and;
 - 12 d. Vacation exhibit, and;
 - 13 e. A letter of request or other supporting materials, if desired.
- 14
- 15 2. A vacation exhibit must include the area requested to be vacated as well as any
16 adjacent property lines, buildings, utilities, or public infrastructure on or within
17 thirty (30) feet of the area requested to be vacated. The exhibit must be based on a
18 survey for the property lines, but all other data may be sourced from the city GIS
19 maps and/or field observations.
- 20
- 21 3. A vacation request may be reviewed concurrently with a subdivision application. In
22 such case, no separate application or fee is required.
- 23
- 24 4. The Development Review Committee reviews all requests for vacations. The
25 committee may determine such vacation is appropriate. Staff will forward the
26 request to the Planning and Zoning Commission for their recommendation to the
27 City Council.
- 28
- 29 5. The Development Review Committee may determine that such vacation request is
30 not appropriate. In such case, the applicant may appeal that decision to the
31 Planning and Zoning Commission for their recommendation to the City Council. In
32 such case, the applicant is responsible for reimbursement to the city for the costs
33 of the public notice.
- 34
- 35 6. The Commission shall not recommend the vacation of any street or part thereof of
36 a dedicated street if such vacation will interfere with access to the public street of
37 any abutting property or with the uniformity or improvement of the existing street
38 system.
- 39

40 **Sec 42.139 Reserved**

Section 140 Processes

Sec 42.140 Building Permits

1. 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.
2. Parking lots require review and a permit when expanding an existing lot to add more than five (5) parking spaces or adding an additional parking area that serves more than five (5) parking spaces on a developed property, or constructing a parking lot on an undeveloped property.
3. No building permit shall be issued unless a site plan is filed, drawn to scale and 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. Failure to provide complete and accurate information shall be good cause for the revocation of any such building permit.
4. Unless approved by 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.
5. 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 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.
6. No building permit shall be issued for and no building shall be erected on any lot unless the street giving access to the lot 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.
7. 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.
8. Building permit applications may be considered to be abandoned after six months after providing comments; or after six (6) 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.

1 **Sec 42.141 Land Use Review**

- 2 1. Prior to the issuance of a building permit or business license, the use of the
3 proposed building and/or property will be reviewed for compliance with this
4 chapter.
5
6 2. An application for a business license that is determined to be a change of use (as
7 listed in the permitted/conditional use lists of each district, not as described in
8 building codes), increase of intensity of use, or the establishment of a new use shall
9 only be approved if the use and parking and all other regulations of this chapter are
10 met.
11

12 **Sec 42.142 Public Hearings**

- 13 1. Applications for special exceptions, variances, shall be submitted not less than
14 twenty-eight (28) days prior to a regularly scheduled Board meeting, or by a filing
15 deadline as posted by the Community Development Department.
16
17 2. Applications for rezoning (map amendment), conditional use permit, preliminary
18 plat, final plat, planned unit development, or annexation must be submitted not
19 less than twenty-eight (28) days prior to a regularly scheduled Commission
20 meeting, or by a filing deadline as posted by the Community Development
21 Department.
22
23 3. Meeting dates assigned at the time of application are tentative only, as additional
24 information or revisions to plans may be needed prior to being able to be heard at
25 a meeting.
26
27 4. When any of the following land use actions are proposed through the submittal of
28 an application or initiated by the city or legislative body, the signage, mail, and
29 newspaper public notification procedures listed below shall be carried out by the
30 Community Development Department at least fifteen days prior to the Board of
31 Adjustment or City Council public hearing for such a proposal:
32 a. Major Subdivisions;
33 b. Planned Unit Developments;
34 c. Conditional Use Permits;
35 d. Rezoning (Map Amendment);
36 e. Text Amendments (no signage required);
37 f. Appeals to the Board of Adjustment;
38 g. Variances;
39 h. Special Exceptions;
40 i. Vacations (entirety of street rights-of-way only);
41 j. Preliminary Plats;
42 k. Amendments to Conditional Use Permits; and
43 l. Amendments to Planned Unit Development Final Development Plans.
44
45 5. A yard sign must be posted on each street-facing side of the combined land subject
46 to the land use action, or at a street intersection for corner lots. The sign may be
47 placed at the nearest street in the event that the subject property does not have
48 frontage which would be visible to the general public. The sign(s) shall convey that
49 a land use action has been proposed and the contact information for the
50 Community Development Department.
51

- 1 6. An informational packet must be mailed to the property owners of the subject
2 parcel(s) and those owners of properties located within a 300-foot perimeter
3 around the subject parcel(s). The informational packet shall include a map that
4 indicates where the subject parcel(s) is/are located and a letter that includes a
5 description of the proposal; and the location, time, and date of the Board of
6 Adjustment or Planning & Zoning Commission meeting and the City Council-held
7 public hearing. When applicable, the letters shall explain the extraordinary majority
8 requirements described in Section 89.060 of the Revised Statutes of Missouri.
9
- 10 7. A legal advertisement must be posted in an official paper or a paper of general
11 circulation in Rolla, including a description of the request, address or location of the
12 subject property, the time and place of the City Council-held public hearing. A map
13 showing the general location of the subject property may also be provided.
14
- 15 8. Notice may also be provided on Rolla's government website and social media,
16 including the location of the proposal; a description of the proposal and the
17 location, time, and date of the Board of Adjustment or Planning & Zoning
18 Commission meeting and the City Council-held public hearing. Such notice may be
19 provided by posting the meeting/hearing agenda, staff report, and attachments.
20
- 21 9. If a land use action impacts a minimum of five percent (5%) of the total city land
22 area, such as a text amendment to this chapter or a city-initiated amendment to
23 the zoning map of a large area of the city, only the online and newspaper
24 notification is required.
25

26 **Sec 42.143 City Council Review**

- 27 1. The City Council may affirm, reverse or modify, in whole or in part, any
28 determination of the Planning and Zoning Commission.
29
- 30 2. When the Planning and Zoning Commission has recommended a change in zoning,
31 subdivision, planned unit development, or conditional use permit together with
32 recommendations for conditions of approval, the City Council shall be at liberty to
33 either accept, reject or make other or additional conditions. Any such conditions, in
34 the discretion of the City Council to be made, shall become a part of the ordinance
35 for the request.
36
- 37 3. In the case of a protest petition against a rezoning (map amendment), planned unit
38 development, or conditional use permit, duly signed and notarized by the owners
39 of thirty (30) percent or more of the land area (exclusive of streets and alleys)
40 within a perimeter of one hundred eighty-five (185) feet from the subject property,
41 such request shall not be approved except by the favorable vote of two thirds (2/3)
42 of all the members of the City Council.
43
- 44 4. A favorable vote of two-thirds (2/3) of all the members of the City Council is
45 required for the adoption of, additions to, changes or modifications of the
46 Comprehensive plan.
47
48

1 **Sec 42.144 Fee Schedule**

Land Use Action Type	Application Fees
Preliminary Plat	\$500
Final Plat	\$500
Minor Subdivisions (Administrative Review)	\$250
Minor Subdivision (requiring Final Plat process)	\$450
Lot Consolidations	\$50
Lot Line Adjustments	\$50
Planned Unit Developments	\$600
Conditional Use Permits	\$450
Rezoning (Map Amendments)	\$375
Voluntary Annexation	\$600
Appeals to the Board of Adjustment	\$375
Variances	\$375
Special Exceptions	\$375

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1. 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.
2. 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 three (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

1. Any use, building, or structure that does not conform to the regulations of this chapter, but were lawful and conforming when established or constructed, may continue, but shall be subject to the limitations of this section and any other exemptions or limitations provided by this chapter.
2. The term 'structure' includes accessory structures. Proof of lawful establishment must be provided by those who wish to continue such nonconformance.
3. Signs are subject to the nonconforming structure regulations in the sign regulations section of this code.
4. Discontinuance of a use is defined as voluntary and continuous vacancy or nonuse of land or structures or part thereof for a period of one (1) year.
5. 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:

- a. Expansion or increase in intensity of a nonconforming use of land or structure or part thereof is not permitted;
- b. 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;
- c. 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 if such changes result in greater conformance with the specifications of this chapter;
- d. 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;
- e. 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 (2) years of the date of the catastrophe.
- f. 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.

1 **Sec 42.152 Board of Adjustment**

- 2 1. The Board of Adjustment may grant a special exception to allow a legal
3 nonconforming use to be changed to any other use provided the proposed use is
4 not more intense than the existing use in terms of traffic generation and other
5 impacts on surrounding property.
6
7 2. The Board of Adjustment may grant a special exception to allow a preexisting
8 nonconforming use or structure to be expanded if, in the opinion of the Board,
9 such expansion will not be more objectionable to or detrimental to the character of
10 the neighborhood.
11
12 3. The Board of Adjustment may grant a special exception to allow the re-
13 establishment of a discontinued use within an existing structure if, in the opinion of
14 the Board, it is impractical to use the structure for a conforming use and such re-
15 establishment would not be detrimental to the character of the neighborhood.
16

17 **Sec 42.153 – 42.159 Reserved**

1 **Section 160 Enforcement**

2
3 **Sec 42.160 Penalties**

4 Any person violating or failing to comply with any provisions of this chapter shall be guilty
5 of a misdemeanor and upon conviction thereof shall be fined not more than three hundred
6 (300) dollars, per day, for each day of noncompliance.
7

8 **Sec 42.161 Violations**

- 9 1. Whenever the Community Development Director, or authorized representative,
10 determines that there are reasonable grounds to believe that a violation of any
11 provision of this chapter exists on any parcel of land within the City, he shall give
12 notice of such alleged violation to the owner or agent of said parcel. The City shall
13 attempt to give notice when the violation does not pose an imminent danger and
14 the owner has not previously been notified either orally or in writing regarding a
15 violation of the same Section of this chapter. Such notice shall:
16 a. Be in writing and include a statement of any alleged violations, what remedial
17 action(s) are to be taken, and any fines or fees associated with the
18 enforcement of this chapter;
19 b. Allow a reasonable time for the correction of any violation or the performance
20 of any required act,
21 c. Be served upon the owner or his agent personally, by registered mail to his last
22 known address, or is posted conspicuously in or about the building, structure,
23 or sign affected by the action.
24
25 2. Whenever the Community Development Director has ordered a person to correct
26 any violation and when such violation has not been corrected within the time
27 specified by such order, thereafter the director may institute an action to revoke
28 any permits issued by the City under which the activity is conducted and occupancy
29 permits.
30
31 3. If a person violates this chapter or if a notice of a violation is not complied with
32 within the time specified, the director may cause a municipal court summons to be
33 issued, and he may also request the City Attorney to institute the appropriate legal
34 proceedings to obtain an injunction to restrain, correct or abate such violation or to
35 acquire removal or termination of the unlawful use of a building, structure or sign
36 in violation of the provisions of this chapter or any order or direction made
37 pursuant thereto.
38
39 4. The imposition of the fines herein prescribed shall not limit the City Attorney from
40 instituting appropriate action to prevent unlawful construction or to restrain,
41 correct or abate a violation, or to prevent illegal occupancy of a building, structure
42 or premises, or to stop an illegal act, conduct, business or use of building or
43 structure in or about any premises, in violation of this chapter.
44

45 **Sec 42.163 – 42.169 Reserved**

46
47 **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 in a way that is not permitted. A use which is not expressly permitted will be considered to not be permitted unless otherwise approved as described in this chapter.
2. *Number of structures on a lot.* Not more than one principal building shall be located on the same lot in the R-1 and U-R zoning districts. In all other districts any number of buildings or structures may be established on a single lot pursuant to the district regulations.
3. *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 zoning districts, the location and boundaries of which are shown on the Official Zoning Map. The Official Zoning Map is incorporated in this chapter by this reference.

1. Residential Districts:
 - a. **R-1, Suburban Residential District:** designed to support detached single-family residential development and supporting uses.
 - b. **R-2, One and Two-family Residential District:** designed for detached single-family or two-family (duplex) dwellings and supporting uses and serve as a transition between the lower-intensity residential districts and commercial and higher-intensity residential districts.
 - c. **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.
 - d. **R-3, Multi-family Residential District:** designed for low and medium-density multi-family residential uses and supporting uses.
 - e. **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.
2. Commercial Districts:
 - a. **C-1, Neighborhood-Commercial District:** established to accommodate individual small-scale retail stores, offices, and personal service businesses for residents of an adjoining neighborhood or at a scale to provide a transition between residential uses and higher intensity uses.
 - b. **C-2, General-Commercial District:** designed for uses that provide community-wide personal and business services, small shopping centers and specialty retail shops.
 - c. **C-C, Center-City District:** designed to accommodate urban scale commercial, residential, and mixed-uses and to encourage appropriate development in the downtown area.

- 1 d. **M, Manufacturing District:** designed to accommodate industrial and
2 warehousing uses and larger scale uses where adverse impacts to adjacent
3 residential properties can be minimized.
4
- 5 3. Special Districts:
- 6 a. **P, Public Use District:** designed for governmental buildings and uses which are
7 owned by the city, county, state, or federal governments, or other public or
8 semi-public uses.
- 9 b. **U, University District:** To be applied to properties owned by Missouri University
10 of Science and Technology and are not subject to zoning requirements.
11
- 12 4. Official Zoning Map. Incorporation of Official Zoning Map by Reference: The City of
13 Rolla is hereby divided into the districts as listed this section and as shown on the
14 Official Zoning Map which, together with all explanatory matter thereon, is hereby
15 adopted by reference and declared to be a part of this Zoning Code.
- 16 a. Such map shall bear the signature of the Mayor and attestation of the City
17 Clerk and bearing the Seal of the City.
- 18 b. The original map or a revised version with any adopted amendment shall be
19 available in the Community Development Department.
- 20 c. It shall be the duty of the Community Development Department to keep up to
21 date the originals, showing all changes, additions and amendments thereto and
22 maintaining records of the date of passage by ordinance.
- 23 d. Regardless of the existence of copies of the Official Zoning Map that from time
24 to time may be published, the Official Zoning Map shall be located in the
25 Community Development Department and this map shall be considered the
26 final authority as to the current zoning status of land and water areas in Rolla.
- 27 e. Copies of the Official Zoning Map may be provided to the public through the
28 city website or the city GIS database.
29
30

1 **Sec 42.202 Zoning District Summary Table**

2

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

5

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

6

- 7 1 Minimum 3 acres required for properties not served by public water and sewer
- 8 services.
- 9 2 Side yard setbacks are increased by three (3) feet for buildings with more than one
- 10 story adjacent to the side yard.
- 11 3 Additional minimum lot sizes may apply based on the proposed use.
- 12 4 20 feet if adjacent to an alley for all uses except detached single-family dwellings.
- 13 5 10 feet when adjacent to any other district.
- 14 6 20 feet when adjacent to any other district.
- 15 7 Maximum building height limited to two stories for buildings located within 50 feet
- 16 of the R-1 district.
- 17 8 20 feet when adjacent to an alley.
- 18 9 20 feet when adjacent to any other district.
- 19 10 Ten stories and 120 feet with a Conditional Use Permit.
- 20 11 10 feet when adjacent to a residential district.
- 21 12 20 feet when adjacent to a residential district.
- 22 13 10 foot maximum setback.
- 23 14 20 feet when adjacent to any other non-residential district.
- 24 15 100 feet when adjacent to any residential district.

1 **Sec 42.203 Zoning Use Definitions**

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

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

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

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

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

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

30
31 *Civic and Social Organizations:* Establishments primarily engaged in promoting the civic and
32 social interests of their members, such as alumni associations, fraternal lodges, and social
33 clubs.

34
35 *Community center:* A building for social, educational, and recreational activities of a
36 neighborhood or community, provided any such use is not operated primarily for
37 commercial gain. The use includes outdoor recreation facilities such as pools, ball fields,
38 and golf courses.

39
40 *Commercial Use:* Includes all commercial activities conducted within a building such as
41 offices, retail, assembly of people/audiences, accommodations, and non-commercial uses
42 such as governmental uses, education, Medical Uses, etc. as determined by the Community
43 Development Director. Such use does not include Industrial Uses. Such use may include
44 limited outdoor storage and display which does not meet the definition of Outdoor
45 Commercial Use.

46
47 *Customary Agricultural Use:* The continued use of agricultural practices such as crop
48 production, keeping of livestock, etc. is permitted on any property in any zoning district.
49 Such uses should be conducted in a way to not cause nuisance, adheres to all other city
50 ordinances, and may include sales of products grown on the property if conducted as a

1 Home Occupation. The use does not include operations which would be classified as an
2 Agricultural Business use.

3
4 *Detached Single-family Dwelling:* A detached building surrounded by open space on the
5 same lot designed exclusively for occupancy by one family. The use includes Modular
6 Homes and Residential-design Manufactured Homes.

7
8 *Domestic Violence Shelter:* Temporary residential facility with the primary purpose of
9 housing survivors of domestic violence and/or sexual violence and their families or
10 household members at no cost or at a charge that is less than the full cost of providing
11 services; and/or as defined by the Missouri Coalition Against Domestic and Sexual Violence.
12 A domestic violence shelter is a form of an overnight shelter which is subject to different
13 operational requirements due to the special nature of the use.

14
15 *Family Child Care Home:* A state licensed child care facility serving permitted to serve no
16 more than ten (10) unrelated children.

17
18 *Fraternity/Sorority House:* A building maintained exclusively by an incorporated
19 fraternity/sorority or other similar organizations for members and their guests or visitors
20 and affiliated with an academic or professional college, university, or other institution of
21 higher learning.

22
23 *Industrial Use:* Includes all industrial activities such as assembly and manufacturing, etc.
24 and associated uses such as research and development, storage, and offices as determined
25 by the Community Development Director.

26
27 *Manufactured Home:* A residential dwelling unit constructed in one or more sections in an
28 off-site manufacturing facility and built in accordance with National Manufactured Housing
29 Construction and Safety Standards Act of 1974, 42 USC 5401 or subsequent regulations.

30
31 *Manufactured Home Park:* A property or development on which one or more
32 Manufactured Homes are located.

33
34 *Medical Use:* Includes medical and healthcare uses such as offices or clinics for massage
35 therapy, chiropractors, physicians, dentists, optometrists, mental health, etc., generally by
36 appointment and not for overnight services, as determined by the Community
37 Development Director. Such use does not include emergency rooms, 24 hour clinics, walk-
38 in clinics, in-patient care, housing, or veterinary services.

39
40 *Medical Marijuana Dispensary:* A facility licensed by the State of Missouri to acquire, store,
41 sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia
42 used to administer marijuana as provided for in this section to a qualifying patient, a
43 primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana
44 Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.

45
46 *Medical Marijuana Testing Facility:* A facility certified by the State of Missouri, to acquire,
47 test, certify, and transport marijuana.

48
49 *Medical Marijuana-infused Products Facility:* A facility licensed by the State of Missouri, to
50 acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical

1 Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical
2 Marijuana-Infused Projects Facility.

3
4 *Medical Marijuana Cultivation Facility:* A facility licensed by the State of Missouri to
5 acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary
6 Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products
7 Manufacturing Facility.

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

13
14 *Mobile Home:* A transportable, factory-built home, designed to be used as a year-round
15 residential dwelling containing the same water supply, waste disposal and electrical
16 conveniences as immobile housing which was built prior to the enacting of the National
17 Manufactured Housing Construction and Safety standards Act of 1974, 42 USC 5401. Due to
18 the age of these homes and the lack of building standards when they were constructed,
19 Mobile Homes are prohibited.

20
21 *Modular Home:* A residential dwelling constructed in an off-site manufacturing facility and
22 built according to the minimum adopted building codes of the City of Rolla.

23
24 *Multi-family:* A building or portion thereof arranged, designed or occupied as a residence
25 by three or more dwelling units.

26
27 *Nursing Home:* Facilities which provide housing and/or medical care, including nursing
28 homes, assisted living facilities, and associated independent living facilities

29
30 *Outdoor Use:* A Use which involves the outdoor use of a property or the portion of a
31 property devoted to commercial use. The use includes such land uses as vehicle/equipment
32 sales lots, outdoor storage, mini-storage units, wind and solar generation, lumber yards,
33 outdoor recreation, RV Parks, etc. as determined by the Community Development Director.
34 Such use does not include Industrial Uses. Such use includes all areas outside of buildings
35 used for storage or display of merchandise for sale or rent. Such use is allowed where
36 expressly permitted in this section.

37
38 *Overnight Shelter:* A facility, building, or property where overnight housing services are
39 provided temporarily to persons impacted by temporary or chronic homelessness, at no
40 cost or at a charge that is less than the full cost of providing the services, whether or not
41 other related services are provided at the location. Such use shall not include any of the
42 following:

- 43 (a) Residential group homes;
44 (b) Temporary lodging for families of patients, or patients themselves, of state-
45 licensed health facilities within Phelps County;
46 (c) University or educational institution residence halls;
47 (d) Fraternity or sorority houses;
48 (e) State and city licensed nursing homes and day care centers;
49 (f) Foster homes licensed under Chapter 210, RSMo;
50 (g) Hospitals, mental institutions, residential care facility or institution that is
51 licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;

- 1 (h) Emergency shelters related to relocation and are available during or after a fire
- 2 or natural disaster for a limited duration;
- 3 (i) Food pantries and distribution
- 4 (j) Hotels, motels, boarding houses, and other similar forms of lodging

5
6 *Parking Lots and Garages:* A property for the parking of vehicles, either on a surface
7 parking lot or in a parking garage as a primary use of the property.

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

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

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

24
25 *Rooming and Boarding Houses:* A building other than a motel where lodging and/or meals
26 is provided by the owner or operator for compensation by renting room(s) to more than
27 eight (8) individuals.

28
29 *Seasonal Sales:* A temporary use of a property for the display of products for sale, with or
30 without a tent or temporary building. Such use is limited to 30 continuous days of
31 operation, with a cessation of operation for a minimum of 15 days between operations.

32
33 *Sexually-oriented Business:* A business which meets the definition in Section 42.421.

34
35 *Soup kitchen:* An establishment where meals are provided to a person or persons at no cost
36 or at a charge that is less than the full cost of providing same and that the provision of such
37 meals and related services is the principal service of the establishment, whether or not
38 additional services are provided. A soup kitchen is differentiated from a restaurant or food
39 service establishment by providing services for no cost or for less than the cost of providing
40 the services and provision of related social services. A soup kitchen does not include the
41 provision of an overnight shelter, temporarily or otherwise.

42
43 *Temporary Use:* A use of a building and/or property for less than one year for any land use
44 with conditions or limitations imposed by the Community Development Director to
45 mitigate the impacts or as required by a Conditional Use Permit. The use may include the
46 placement of temporary buildings. The use may include holding large events like concerts,
47 festivals, etc.

48
49 *Townhouse:* Two or more attached single-family dwelling units as defined in the building
50 code.

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

8
9 *Two-family (Duplex) Dwelling:* A structure on a single lot containing two dwelling units, as
10 defined in the building codes.

11
12 **Sec 42.204 – 42.209 Reserved**

13

Section 210 Residential Districts

Sec 42.210 Residential Districts

The following districts are together known as the “residential districts”. Wherever this chapter refers to a “residential district”, the intent is to refer to all of these districts. Wherever this chapter refers to a “multi-family district”, the intent is to refer to the R-3, and R-4 districts.

Sec 42.211 R-1, Suburban Residential District

1. The following uses are permitted “by-right” in the R-1, Suburban Residential District:
 - a. Single-family detached dwellings
 - b. Churches and other places of worship on lots less than one acre in size
 - c. Residential group homes
 - d. Family child care homes
 - e. Adult day care home
 - f. Community Center
2. The following uses are permitted with approval of a Conditional Use Permit in the R-1, Suburban Residential District:
 - a. Churches and other places of worship on lots of one acre or greater
 - b. Agriculture Business Use
 - c. Medical Use
 - d. Nursing Home
 - e. Temporary Use
3. The following minimum requirements for subdivision and building applies in the R-1, Suburban Residential District:
 - a. The minimum lot size to subdivide a property: 6,000 square feet; 3 acres if not served by public water and sewer services.
 - b. Minimum Lot frontage: 25 feet at front lot line.
 - c. Minimum Lot Width: 60 feet at building line.
 - d. Maximum percentage of lot that may be occupied by buildings: 40 percent.
 - e. Maximum height of buildings/structures: Two stories and fifty feet
 - f. Minimum setback dimensions:
 - 1) Front yard: 20 feet
 - 2) Side yard: 5 feet
 - 3) Side yard-Corner lot: 10 feet
 - 4) Rear yard: 10 feet from the rear lot line.
4. Exceptions:
 - a. 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.
 - b. 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.

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

- 2 1. The following uses are permitted “by-right” in the R-2, One and Two-family
3 Residential District:
- 4 a. Detached Single-family Dwellings
 - 5 b. Two-family (Duplex) dwellings
 - 6 c. Residential-design Two-family Dwellings
 - 7 d. Churches and other places of worship
 - 8 e. Residential group homes
 - 9 f. Family child care homes
 - 10 g. Adult day care home
 - 11 h. Community Center
- 12
- 13 2. The following uses are permitted with approval of a Conditional Use Permit in the
14 R-2, One and Two-family Residential District:
- 15 a. Fraternity/sorority houses
 - 16 b. Townhouses
 - 17 c. Nursing Home
 - 18 d. Medical Use
- 19
- 20 3. The following minimum requirements for subdivision and building applies in the R-
21 2, One and Two-family Residential District:
- 22 a. The minimum lot size to subdivide a property 5,000 square feet; in addition,
23 the Minimum size of lot based on the use of the property applies when the
24 property is developed:
 - 25 1) 5,000 square feet for single-family detached uses;
 - 26 2) 7,500 square feet for two-family uses or two detached single-family
27 dwellings;
 - 28 3) 12,000 square feet for all other uses.
 - 29 b. Minimum Lot frontage: 40 feet at front lot line.
 - 30 c. Minimum Lot Width: 60 feet at building line.
 - 31 d. Maximum percentage of lot that may be occupied by buildings: 40 percent.
 - 32 e. Maximum height of buildings/structures: Two stories and fifty feet
 - 33 f. Minimum setback dimensions:
 - 34 1) Front yard: 20 feet
 - 35 2) Side yard: 5 feet
 - 36 3) Side yard-Corner lot: 10 feet
 - 37 4) Rear yard: 10 feet from the rear lot line.
- 38
- 39 4. Exceptions:
- 40 a. Townhouse development is exempt from the minimum lot width, lot coverage,
41 open space, and side yard setbacks (interior lot lines only). Townhouse units
42 are required to be platted on separate lots and are subject to a minimum lot
43 size of 4,000 square feet.
 - 44 b. A 15 foot side yard is required when located adjacent to a lot in the R-1 district.
- 45

- 1 **Sec 42.213 U-R, Urban-Residential District**
- 2 1. The following uses are permitted “by-right” in the U-R, Urban-Residential District:
- 3 a. Detached Single-family Dwellings
- 4 b. Townhouses
- 5 c. Multi-family dwelling, up to four (4) units per lot
- 6 d. Churches and other places of worship
- 7 e. Residential group homes
- 8 f. Family child care homes
- 9 g. Adult day care home
- 10 h. Community Center
- 11 i. Civic and Social Organizations (no on-site alcohol sales)
- 12
- 13 2. The following uses are permitted with approval of a Conditional Use Permit in the
- 14 U-R, Urban-Residential District:
- 15 a. Commercial Uses up to 5,000 square feet per lot
- 16 b. Medical Uses
- 17 c. Multi-family, five (5) units or more per lot if demonstrated to be compatible
- 18 with surrounding area
- 19 d. Civic and Social Organizations (with on-site alcohol sales)
- 20 e. Mixed-residential use with up to 5,000 square feet of Commercial Use
- 21 f. Child care centers
- 22
- 23 3. The following minimum requirements for subdivision and building applies in the U-
- 24 R, Urban-Residential District:
- 25 a. The minimum lot size to subdivide a property 2,500 square feet; in addition,
- 26 the Minimum size of lot based on the use of the property applies when the
- 27 property is developed:
- 28 1) 2,500 square feet for one or two dwelling units;
- 29 2) 6,000 square feet for Multi-family dwellings;
- 30 3) 12,000 square feet for all other uses.
- 31 b. Minimum Lot frontage: 25 feet at front lot line.
- 32 c. Maximum height of buildings/structures: Two stories and fifty feet
- 33 d. Minimum setback dimensions:
- 34 1) Front yard: 10 feet
- 35 2) Side yard: 5 feet
- 36 3) Side yard-Corner lot: 10 feet
- 37 4) Rear yard: 10 feet; 20 feet if adjacent to an alley for all uses
- 38 except detached single-family dwellings
- 39
- 40 4. Exceptions:
- 41 a. Townhouse development is exempt from the side yard setbacks (interior lot
- 42 lines only) and minimum lot size requirements.
- 43 b. Townhouses are subject to a minimum lot frontage of 15 feet and a minimum
- 44 lot depth of 75 feet.
- 45 c. Townhouse units are required to be platted on separate lots.
- 46
- 47

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

- 2 1. The following uses are permitted “by-right” in the R-3, Multi-family Residential
3 District:
- 4 a. Detached Single-family Dwellings
 - 5 b. Two-family (Duplex) dwellings
 - 6 c. Townhouses
 - 7 d. Rooming/Boarding Houses
 - 8 e. Multi-Family up to twenty-six (26) units per acre
 - 9 f. Churches and other places of worship
 - 10 g. Community Center
 - 11 h. Residential group homes
 - 12 i. Family child care homes
 - 13 j. Adult day care home
 - 14 k. Fraternity/sorority houses
 - 15 l. Child care centers
 - 16 m. Parking lots and Garages
 - 17 n. Civic and Social Organizations (no on-site alcohol sales)
 - 18 o. Nursing Homes
- 19
- 20 2. The following uses are permitted with approval of a Conditional Use Permit in the
21 R-3, Multi-family Residential District:
- 22 a. Commercial Use if demonstrated to be compatible with the surrounding area
 - 23 b. Mixed-residential Use
 - 24 c. Civic and Social Organizations (with on-site alcohol sales)
 - 25 d. Manufactured Home Park
 - 26 e. Transitional Housing
 - 27 f. Overnight Shelters
- 28
- 29 3. The following minimum requirements for subdivision and building applies in the R-
30 3, Multi-family Residential District:
- 31 a. The minimum lot size to subdivide a property 4,000 square feet; in addition,
32 the minimum size of lot based on the use of the property applies when the
33 property is developed:
 - 34 1) 4,000 square feet for single-family detached uses;
 - 35 2) 6,000 square feet for two-family uses;
 - 36 3) 7,500 square feet for multi-family uses;
 - 37 4) 12,000 square feet for all other uses.
 - 38
 - 39 b. Minimum Lot frontage: 40 feet at front lot line.
 - 40 c. Minimum Lot Width: 75 feet at building line.
 - 41 d. Maximum percentage of lot that may be occupied by buildings: 60 percent.
 - 42 e. Minimum open space per lot: twenty five (25) percent of the total lot area
 - 43 f. Maximum height of buildings/structures: Four stories and sixty-four feet.
 - 44 g. Minimum setback dimensions:
 - 45 1) Front yard: 25 feet
 - 46 2) Side yard: 5 feet; 10 feet when adjacent to any other district.
 - 47 3) Side yard – Corner lot: 15 feet
 - 48 4) Rear yard: 10 feet; 20 feet when adjacent to any other
49 district.
- 50
- 51 4. Exceptions:

- 1 a. Townhouse development is exempt from the side yard setbacks (interior lot
- 2 lines only) if platted on separate lots.
- 3 b. Not more than 8 bedrooms are allowed per unit for residential uses except
- 4 Fraternity/Sorority Houses, Rooming/Boarding Houses, or Overnight Shelters.
- 5 c. The maximum height of buildings is limited to two stories for buildings located
- 6 within 50 feet of the R-1 district.
- 7

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

- 2 1. The following uses are permitted “by-right” in the R-4, Urban Multi-family District:
- 3 a. Detached Single-family Dwellings
- 4 b. Two-family (Duplex) dwellings
- 5 c. Townhouses
- 6 d. Rooming/Boarding Houses
- 7 e. Multi-Family (no maximum density)
- 8 f. Churches and other places of worship
- 9 g. Community Center
- 10 h. Residential group homes
- 11 i. Family child care homes
- 12 j. Adult day care home
- 13 k. Fraternity/sorority houses
- 14 l. Child care centers
- 15 m. Parking lots and Garages
- 16 n. Mixed-residential Use with up to 10,000 total square feet of Commercial Use
- 17 o. Civic and Social Organizations
- 18
- 19 2. The following uses are permitted with approval of a Conditional Use Permit in the
- 20 R-4, Urban Multi-family District:
- 21 a. Commercial Use if demonstrated to be compatible with the surrounding area
- 22 b. Seasonal Sales
- 23 c. Transitional Housing
- 24 d. Overnight Shelters
- 25
- 26 3. The following minimum requirements for subdivision and building applies in the R-
- 27 4, Urban Multi-family District:
- 28 a. Minimum size of lot: 4,000 sq. ft.
- 29 b. Minimum Lot frontage: 25 feet at front lot line.
- 30 c. Minimum Lot Width: 25 feet at building line.
- 31 d. Maximum height of buildings/structures: Five stories and 75 feet;
- 32 Ten stories and 120 feet with a Conditional Use Permit.
- 33 e. Minimum setback dimensions:
- 34 1) Front yard: 5 feet
- 35 2) Side yard: No minimum setback; 10 feet when adjacent to
- 36 any other district; 20 feet when adjacent to an
- 37 alley.
- 38 3) Side yard – Corner lot: 5 feet
- 39 4) Rear yard: 10 feet; 20 feet when adjacent to an alley or any
- 40 other district.
- 41
- 42 4. Exceptions:
- 43 a. Townhouse development is exempt from the minimum lot size and side yard
- 44 setbacks (interior lot lines only) if platted on separate lots.
- 45 b. Not more than 8 bedrooms are allowed per unit for residential uses except
- 46 Fraternity/Sorority Houses and Overnight Shelters.
- 47

48 **Sec 42.216 – 42.219 Reserved**

49

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-1, Neighborhood Commercial District

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

- a. Child care centers.
- b. Churches and other places of worship.
- c. Commercial Use up to 12,000 square feet
- d. Mixed-residential Use up to two (2) units per lot

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

- a. Commercial Uses over 12,000 square feet
- b. Seasonal Sales
- c. Temporary Use
- d. Mixed-residential Use with more than two (2) units

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

- a. Minimum size of lot: 6,000 sq. ft.
- b. Minimum Lot frontage: 60 feet at front lot line.
- c. Minimum Lot Width: 60 feet at building line.
- d. Maximum percentage of lot that may be occupied by buildings: 40 percent
- e. Maximum height of buildings/structures: Two stories and 50 feet
- f. Minimum setback dimensions:
 - 1) Front yard: 10 feet
 - 2) Side yard: 5 feet; 10 feet when adjacent to a residential district
 - 3) Side yard – Corner lot: 10 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to a residential district.

4. Exceptions

- a. Businesses are not permitted to operate between the hours of 11:00 PM and 7:00 AM.
- b. Alcohol sales are not permitted to constitute more than 50% of the sales for any business.
- c. Not more than 20% of a property or portion of a property used for commercial purposes may be used for an Outdoor Use.
- d. An Outdoor Use may be required to be screened from any adjacent residential property.
- e. An Outdoor Use may be required to be screened from any adjacent property or roadway if determined to be necessary by the Community Development Director.

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

- 2 1. The following uses are permitted “by-right” in the C-2, General Commercial District:
- 3 a. Commercial Use
- 4 b. Industrial Use up to 15,000 square feet and conducted within a building
- 5 c. Churches and other places of worship
- 6 d. Seasonal Sales
- 7 e. Temporary Use
- 8 f. Mixed-residential Use up to two units per lot
- 9 g. Medical Marijuana Dispensary Facility
- 10 h. Parking Lots and Garages
- 11 i. Sexually-oriented Business as permitted by Section 42.423
- 12
- 13 2. The following uses are permitted with approval of a Conditional Use Permit in the
- 14 C-2, General Commercial District:
- 15 a. Medical Marijuana Testing Facility.
- 16 b. All other Industrial Uses, if the scale and intensity can be demonstrated to be
- 17 compatible with surrounding uses
- 18 c. Medical Marijuana-Infused Products Facility
- 19 d. Multi-family up to twenty-six (26) units per acre
- 20 e. Mixed-residential Use (more than two (2) units per lot)
- 21 f. Overnight Shelters
- 22 g. Soup Kitchens
- 23 h. Amusement and Recreation Use
- 24 i. Any other use not listed in any district
- 25
- 26 3. The following minimum requirements for subdivision and building applies in the C-
- 27 2, General Commercial District:
- 28 a. Minimum size of lot: 5,000 sq. ft.
- 29 b. Minimum Lot Width: 50 feet at building line.
- 30 c. Maximum height of buildings/structures: Four stories and 64 feet
- 31 d. Minimum setback dimensions:
- 32 1) Front yard: 10 feet
- 33 2) Side yard: 0 feet; 20 feet when adjacent to a residential
- 34 district
- 35 3) Side yard – Corner lot: 10 feet
- 36 4) Rear yard: 10 feet; 20 feet when adjacent to a residential
- 37 district.
- 38
- 39 5. Exceptions
- 40 a. Not more than 20% of a property or portion of a property used for commercial
- 41 purposes may be used for an Outdoor Use unless such property has frontage or
- 42 access to an arterial or collector road.
- 43 b. An Outdoor Use may be required to be screened from any adjacent residential
- 44 property.
- 45 c. An Outdoor Use may be required to be screened from any adjacent property or
- 46 roadway if determined to be necessary by the Community Development
- 47 Director.
- 48

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

- 2 1. The following uses are permitted “by-right” in the C-C, Center-City Commercial
3 District:
- 4 a. Medical Marijuana Dispensary Facility.
 - 5 b. Churches and religious institutions
 - 6 c. Commercial Use
 - 7 d. Townhouses
 - 8 e. Detached Single-family Dwelling
 - 9 f. Two-family (Duplex) Dwelling
 - 10 g. Mixed-residential Use
 - 11 h. Parking Lots and Garages
- 12
- 13 2. The following uses are permitted with approval of a Conditional Use Permit in the
14 C-C, Center-City Commercial District:
- 15 a. Industrial or Outdoor Use, if the scale and intensity can be demonstrated to be
16 compatible with surrounding uses and conducted within a building
 - 17 b. Multi-family
 - 18 c. Fraternity/Sorority House
 - 19 d. Temporary Use
 - 20 e. Medical Marijuana Testing Facility
 - 21 f. Medical Marijuana Infused Products Facility
 - 22 g. Transitional Housing
 - 23 h. Soup Kitchens
- 24
- 25 3. The following minimum requirements for subdivision and building applies in the C-
26 C, Center-City Commercial District:
- 27 a. There are no lot size, building height, or lot coverage requirements.
 - 28 b. Minimum Lot frontage: 15 feet
 - 29 c. Building setback requirements:
 - 30 1) Front yard: No minimum setback; 10 feet maximum setback
 - 31 2) Side yard: 0 feet
 - 32 3) Side yard – Corner lot: 0 feet
 - 33 4) Rear yard: 0 feet; 20 feet if adjacent to an alley
- 34
- 35 4. Exceptions:
- 36 a. Minimum parking requirements: None for commercial uses.
 - 37 b. Not more than 20% of a property or portion of a property used for commercial
38 purposes may be used for an Outdoor Use.
 - 39 c. An Outdoor Use may be required to be screened from any adjacent residential
40 property.
 - 41 d. An Outdoor Use may be required to be screened from any adjacent property or
42 roadway if determined to be necessary by the Community Development
43 Director.
- 44

1 **Sec 42.224 M, Manufacturing District**

- 2 1. The following uses are permitted “by-right” in the M, Manufacturing District:
- 3 a. Medical Marijuana Cultivation Facility.
 - 4 b. Medical Marijuana-Infused Products Facility.
 - 5 c. Medical Marijuana Testing Facility
 - 6 d. Industrial Uses
 - 7 e. Commercial Uses
 - 8 f. Temporary Use
 - 9 g. Parking Lots and Garages
 - 10 h. Sexually-oriented Business as permitted by Section 42.423

- 11
- 12 2. The following uses are permitted with approval of a Conditional Use Permit in the
- 13 M, Manufacturing District:
- 14 a. Overnight Shelters

- 15
- 16 3. The following minimum requirements for subdivision and building applies in the M,
- 17 Manufacturing District:

- 18 a. Minimum size of lot: 25,000 sq. ft.
- 19 b. Minimum Lot Frontage: 25 feet at front lot line.
- 20 c. Minimum Lot Width: 100 feet at building line.
- 21 d. Maximum height of buildings/structures: No maximum
- 22 e. Minimum setback dimensions:
 - 23 1) Front yard: 35 feet
 - 24 2) Side yard: 10 feet;
 - 25 20 feet when adjacent to any other non-residential
 - 26 district;
 - 27 100 feet when adjacent to any residential district
 - 28 3) Side yard – Corner lot: 25 feet
 - 29 4) Rear yard: 10 feet;
 - 30 20 feet when adjacent to any other non-residential
 - 31 district;
 - 32 100 feet when adjacent to a residential district

- 33 4. Exceptions:
- 34 a. Outdoor Uses are permitted.

35

36 **Sec 42.225 – 42.239 Reserved**

1 **Section 240 Special Districts**

2

3 **Sec 42.240 Special Districts**

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

7

8 **Sec 42.241 P, Public District**

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

13

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

17

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

27

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

30

31 **Sec 42.242 U, University District**

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

37

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

41

42 **Sec 42.243 – 42.249 Reserved**

1 **Section 250 Overlay Districts**

2

3 **Sec 42.250 Overlay Districts**

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

8

9 **Sec 42.251 Historic District Overlay**

10 Reserved

11

12 **Sec 42.252 Downtown District Overlay**

13 Reserved

14

15 **Sec 42.253 – 42.259 Reserved**

Section 260 Planned Unit Developments (PUD)

Sec 42.260 Planned Unit Development Overlay Districts (PUD)

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. No PUD Overlay District may be considered for a property less than two (2) acres in size.
7. Approval of a PUD should promote the following goals:
 - a. Implementation of the Rolla Comprehensive Plan.
 - b. Efficient use of land that will protect and preserve, where possible, natural features of the land such as mature trees, streams, and topographic features.
 - c. Harmonious and coherent site and building design that create a sense of place.
 - d. 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.
8. Review of a PUD Overlay District may consider the location of the property, scale of the development relative to the vicinity, mitigation measures, impacts to utilities and streets, and public safety. Conditions may be imposed to limit the allowed uses, limit building size, limit height, increase setbacks, impose landscaping and buffering, limit signage, limit density, address traffic concerns, require public improvements to mitigate impacts, require open space or existing features to be

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

3

4 **Sec 42.261 – 42.299 Reserved**

1 **Section 300 General Provisions**

2
3 **Sec 42.300 General Provisions**

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

5
6 **Sec 42.301 – 42.309 Reserved**

7
8 **Section 310 Parking**

9
10 **Sec 42.310 Parking**

- 11 1. Parking facilities shall be provided for the temporary storage or parking of motor
12 vehicles for the use of occupants employees and patrons of buildings and/or
13 properties according to this chapter.
14
- 15 2. No business licenses shall be approved by the Community Development
16 Department, nor shall any sign permits be issued, nor shall the approval of a final
17 building inspection be given until the required parking is installed.
18
- 19 3. A "parking space" shall mean:
20 a. a space of a minimum of 162 square feet; and having a minimum width of nine
21 (9) feet, exclusive of drives or aisles giving access thereto, accessible to streets
22 or alleys or aisles leading to streets or alleys and to be usable for the storage or
23 parking of motor vehicles whenever such parking space is not marked or
24 delineated;
25 b. A space within a garage or carport a minimum area of 162 square feet and a
26 minimum width of nine (9) feet;
27 c. An area marked or delineated for the parking of vehicles; or
28 d. A space meeting the definition of an accessible parking space in the Americans
29 with Disabilities Act.
30
- 31 4. Truck loading and unloading space as may be required by ordinance shall not be
32 construed as supplying required off-street parking space.
33
- 34 5. When a determination of the number of parking spaces required by this Division
35 results in a fractional space, the fraction shall be rounded up to count as one (1)
36 parking space for all non-residential uses. For residential uses, a fraction of less
37 than 0.5 spaces may be rounded down.
38
- 39 6. The required number of parking spaces may be computed in the following
40 methods, as specified in this sections:
41 a. Floor Area: Area used or intended to be used for a service to the public as
42 customers, patrons, clients or patients, or as tenants, including areas occupied
43 by fixtures and equipment used for display or sale of merchandise, for show
44 windows, or for offices incidental to the management or maintenance of stores
45 or buildings. Floors or parts of floors used principally for toilet or rest rooms or
46 for utilities, or for fitting rooms, dressing and alterations rooms,
47 restaurant/retail back offices, halls, storage rooms, file rooms, stairways,
48 elevators shall be excluded.
49 b. Hospital Beds: In hospitals, bassinets shall not be counted as beds.

- c. 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.
- d. 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.

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

- a. Unless otherwise exempt, new buildings and land uses shall conform to all current parking regulations and standards.
- b. A change of use as listed in the permitted/conditional use lists of each district, increase of intensity of use, or the establishment of a new use shall only be approved if, the current parking regulations and standards are met.
- c. Any property with an existing building may not be required to increase the number of parking spaces in the event of a change in use if more parking cannot be constructed without reducing the building footprint or required landscaping, or otherwise feasibly be installed.
- d. Requests for additions and expansions to existing structures or uses shall not be permitted if the increased parking requirements that are induced by such requests cannot be provided.
- e. 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.

Sec 42.311 Cooperative Parking Plan

- 1. A Cooperative Parking Plan may be approved by the City to allow more flexibility in the provision of required parking facilities. 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 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.
- 2. 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:
 - a. The hours of operation of each building, structure, or use which is to be party to the Cooperative Parking Plan, and
 - b. 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.

3. 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.

Sec 42.312 Required Parking Spaces

1. Residential and Lodging Uses:
 - a. **All Residential Uses:** 0.66 parking spaces for each bedroom with a minimum of two parking spaces for a two bedroom single-family detached dwelling, two-family dwelling, or townhouse unit on a separate platted lot.
 - b. **Dormitories, fraternities, 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.
 - c. **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:
 - a. **Restaurants:** Restaurants, including night clubs, bars, lunch counters, diners and all other similar dining or drinking establishments, shall provide at least one off-street parking space for every seventy-five (75) square feet of floor area and outdoor dining area.
 - b. **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
 - c. **Retail, Service, or mercantile establishments:** One (1) off-street parking space for each two hundred (200) square feet of floor area used or intended to be used for service to the public as customers, patrons and clients
 - d. **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.
 - e. **Other commercial use not classified:** One (1) per three hundred (300) square feet of floor area used for services to the public and workspace for employees.
 - f. **Industrial and Warehouse Uses:** One (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.
3. Schools, Institutions and Places of Public Assembly:
 - a. **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, ect.
 - b. **Convention/Exhibition Halls:** One (1) for each one hundred (100) square feet of building space used for exhibition or conventions.
 - c. **Indoor Recreation:** One (1) for each two hundred fifty (250) square feet of floor area.
 - d. **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.
 - e. **Private schools:** One (1) for each eight students, plus one (1) for each employee.

- 1 f. **Hospitals:** One (1) for each bed for inpatient care facilities and one (1) for each
2 two hundred fifty (250) square feet of total building floor area.
- 3 g. **Day care centers and nursery schools:** One (1) for each employee and one (1)
4 for each five (5) children.
- 5 h. **Nursing homes and similar facilities:** One (1) for each three beds plus one (1)
6 for each two (2) employees.
- 7
- 8 4. Exceptions and reductions from the required parking:
 - 9 a. Large uses: The required parking may be reduced by 10% for uses which
10 require more than one hundred (100) parking spaces.
 - 11 b. Shared parking: The required parking may be reduced by up to 10% for shared
12 parking areas if a shared parking agreement and/or cross access easements are
13 executed.
 - 14 c. Motorcycle/scooter parking: A minimum of two (2) spaces and up to 10% of all
15 vehicle parking spaces may be converted into motorcycle/scooter parking.
 - 16 d. Electric vehicle charging: Electric vehicle charging spaces count towards the
17 minimum parking requirements.
 - 18 e. An approved Cooperative Parking Plan reduces the required amount of parking
19 for the duration of the plan being in effect.
 - 20 f. Approval of a PUD, variance, or CUP may reduce the required parking if the
21 reduction is specifically approved.
 - 22 g. No minimum parking requirements apply to commercial properties located in
23 the C-C, Center City district. Parking for residential uses may be reduced by
24 providing parking off-site, providing parking passes for residents, paying an
25 impact fee for parking (if established), or by providing bicycle parking for all
26 dwelling units as specified in this section.
 - 27 h. Tandem Parking: The Community Development Director may approve tandem
28 parking for certain commercial uses, two or more bedroom residential units, or
29 fraternities/sorority houses.
- 30

31 **Sec 42.313 General Requirements**

- 32 1. Every required parking and/or driving surface area shall be paved.
- 33
- 34 2. Areas used for storage, overflow parking areas, and access for uses which do not
35 generate traffic such as telecommunications towers may use a gravel surface, if
36 approved by the City Engineer.
- 37
- 38 3. A gravel surface may be approved for single-family uses by the City Engineer in
39 locations where stormwater drainage will not wash the gravel, provided that the
40 portions of the driveway within fifty (50) feet of the right-of-way line is paved.
- 41
- 42 4. All vehicles or trailers, etc. may only be parked or stored on an approved surface in
43 a front yard. Continued parking or storage of vehicles on a grass, dirt, or other
44 unapproved surface is a zoning violation.
- 45
- 46 5. Pavement may include concrete, asphalt, chip and seal, engineered permeable
47 pavement, or paver bricks.
- 48
- 49 6. Delineated parking spaces must conform to the following dimensional
50 requirements:

- 1 a. Parking spaces generally must be a minimum of nine (9) feet in width and
- 2 eighteen (18) feet in length
- 3 b. Designated "Compact Only" parking spaces may be reduced in width to eight
- 4 (8) feet and length to sixteen (16) feet
- 5 c. Designated parking compliant with the Americans with Disabilities Act may use
- 6 the width and length dimensions as specified in those regulations
- 7 d. Designated parking for motorcycles/scooters must be a minimum of four and a
- 8 half (4.5) feet in width and eight (8) feet in length
- 9
- 10 7. Parking designated for compact vehicles must have signage to designate them for
- 11 compact vehicles and must be grouped together and located as close to the main
- 12 entryway as possible. Compact parking is not intended to be used to fill in excess
- 13 areas within a parking lot. A maximum of 10% of the total provided parking may be
- 14 designated for compact vehicles.
- 15
- 16 8. All required parking must be demarcated by paint, change in pavement material or
- 17 color, delineators, or some other means which clearly defines the area of each
- 18 parking space. Storage, display, and overflow parking areas are not required to be
- 19 demarcated.
- 20
- 21 9. All required parking must be located on the property for which the parking is
- 22 required, or may be located on property which is adjacent, across the street, or
- 23 within two hundred (200) feet of the subject property, provided that off-site
- 24 parking areas are zoned for non-residential uses.
- 25
- 26 10. Parking which is compliant with the Americans with Disabilities Act (ADA) or related
- 27 guidance from the Department of Justice must be provided. For convenience, the
- 28 requirements for the number of required spaces at the time of the adoption of
- 29 these zoning regulations is provided below:
- 30

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

- 1 11. ADA compliant parking must be designated with signage, per the ADA
2 requirements.
- 3
- 4 12. Overflow parking may be permitted for certain uses and for temporary events.
 - 5 a. Permanent gravel overflow parking lots may be established for uses such as
6 churches or event centers which would utilize the overflow area not more than
7 an average of once per week each month. Overflow parking lots must use a
8 dustless gravel to reduce impacts to surrounding properties. Overflow parking
9 is not permitted as a primary use on a property.
 - 10 b. Temporary grass overflow parking may be used for temporary events such as a
11 festival or concert which may occur not more than four consecutive days once
12 per month or ten (10) consecutive days once per year.
- 13
- 14 13. Loading docks are not permitted to be arranged in such a way that the utilization of
15 the docks would block any sidewalks, alleyways, or streets.
- 16

17 **Sec 42.314 Bicycle Parking**

- 18 1. Bicycle parking is encouraged for all uses. Bicycle parking is required for certain
19 uses. Where required bicycle parking is provided, the parking must meet the
20 following requirements.
- 21
- 22 2. Required. Bicycle parking is required for all multi-family residential uses and non-
23 residential uses located in the C-C, Center City district; R-4, Urban district; and U-R,
24 Urban Residential district.
- 25
- 26 3. Number. A minimum of one-half (0.5) bicycle parking spaces must be provided for
27 each residential unit. A minimum of two (2) bicycle parking spaces must be
28 provided for each business space, except office uses or uses which do not offer any
29 services to the public.
- 30
- 31 4. Additional bicycle parking. Any additional bicycle parking in excess of the required
32 amount may be used one for one to reduce the required amount of vehicle parking
33 by up to 50%.
- 34
- 35 5. Location. Bicycle parking spaces may be installed in the right-of-way adjacent to the
36 property for commercial uses. Bicycle parking for residential uses must be located
37 inside or under a roof. On ground-level residential units or units on floors served by
38 an elevator, bicycle storage may be located inside the unit. Where bicycle parking is
39 provided in a parking garage, such parking may only be located on the ground level.
- 40
- 41 6. Type. The 'Inverted U' type bicycle rack is required for all commercial uses.
42 Residential uses may use the 'Inverted U' type rack for common storage, may use
43 non-traditional locations capable of locking a bike by the frame such as railings as
44 approved by the Community Development Director, or a wall hanger for storage
45 inside a unit.
- 46

47 **Sec 42.315 – 42.319 Reserved**

48

Section 320 Projections, Encroachments, Obstructions, and Fencing

Sec 42.320 Projections, Encroachments, Obstructions, and Fencing

1. The following exceptions to the minimum setback, lot width, and maximum height limits found elsewhere in this code may be applied.
2. 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.

Sec 42.321 Projections

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

- a. Cornices, eaves, gutters, belt courses, sills, and other similar architectural features, may project into a required side yard by no more than two (2) feet and may project into a required front or rear yard by up to three (3) feet;
- b. Awnings, arcades, canopies, marquees, and galleries are permitted to encroach into the right-of-way by up to ten (10) feet and not less than two (2) feet from the curb, in the C-C Center City district. Such awnings, etc. must provide for a minimum clearance of seven (7) feet above any pedestrian way. Awnings, etc. may project up to five (5) feet into any required yard, provided that they are set back a minimum of one (1) foot from any property line. A license agreement may be required for such projections.

Sec 42.322 Encroachments

- a. Open (i.e. no roofs or cover) fire escapes and open stairways required for emergency egress may be permitted to extend into a required rear or side yard by up to five (5) feet.
- b. Open handicapped ramps are not subject to any setback requirements.
- c. In residential districts, bay windows and unenclosed balconies, porches, stoops, terraces, and their eaves may encroach into the required setbacks by up to five (5) feet and not more than five (5) feet from a property line.
- d. A porte-cochere may be permitted to encroach in the front or corner lot side setback to the right-of-way.
- e. 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.
- f. Chimneys may project up to thirty (30) inches into any yard.
- g. Flag poles and light poles are not subject to front yard setbacks.
- h. A carport which is designed with no walls all sides may be permitted with a minimum ten (10) foot setback along any street frontage and a minimum three (3) foot setback along all other property lines.
- i. 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.
- j. A child's playhouse, recreational equipment, and clotheslines are not subject to side and rear yard setbacks.

1 **Sec 42.323 Obstructions**

2 The following Section is intended to establish regulations governing the placement of
3 natural or man-made obstructions to vision.
4

- 5 a. No building, wall, parking space, fence or other structure shall be constructed and
6 no hedge, tree, shrub, or other growth or object of any kind shall be maintained in
7 such location within the yard so as to obstruct the view of pedestrians and
8 motorist.
- 9 b. A clear sight triangle of a minimum of twenty five (25) feet is required at all local
10 street intersections and at all driveways.
- 11 c. A clear sight triangle is determined by the City Engineer at all other street
12 intersections.
- 13 d. The City Engineer may determine that additional clear sight triangle distance is
14 needed at any location.
15

16 **Sec 42.324 Setback Exceptions**

- 17 1. A setback of twenty (20) feet is required for the rear yard in all residential districts
18 along any arterial street.
19
- 20 2. The required front or street side setback may be reduced to align with the
21 frontages of the other adjacent existing buildings. However, in the usage of this
22 provision, no front or street-side side setback shall be reduced to less than five (5)
23 feet for interior lots and less than ten (10) feet for corner lots. If the required
24 setback is reduced in this manner, the structure will be considered to be
25 conforming to the setback provisions of this chapter.
26

27 **Sec 42.325 Fences, Walls, and Hedges**

- 28 1. Fences not exceeding fifty (50) percent screening and four (4) feet in height are
29 permitted within all setbacks.
30
- 31 2. Hedges, shrubbery, flowers or other similar vegetation planted to form a
32 continuous line of growth shall not exceed a height of four (4) feet when located
33 within the clear sight triangle for street intersections or driveways.
34
- 35 3. Fences not exceeding seven (7) feet in height are permitted within the side and
36 rear yard setbacks. Such fences are also permitted along the side yard adjacent to a
37 street of a corner lot. Where such fence is located within a rear yard setback and
38 adjacent to a collector or arterial road, the fence must be set back a minimum of
39 two (2) feet from the property line to allow for landscaping, if desired.
40
- 41 4. Fences are permitted to be located within utility easements, however, such fences
42 may be removed to allow access to the easement. Removed fences may be
43 replaced at the property owners' expense.
44
- 45 5. A building permit is required for fences over seven (7) feet in height. Fences over
46 seven (7) feet in height may be permitted outside the applicable zoning setbacks.
47
- 48 6. A removable retaining wall which is four (4) in height or less may be permitted
49 within any setback or utility easement.
50

- 1 7. Retaining walls over four (4) feet in height and less than ten (10) feet in height may
2 be permitted within a side or rear yard setback. Such walls are not permitted within
3 any easements. A building permit is required for such walls.
4
- 5 8. Retaining walls over ten (10) feet in height are not permitted along a property
6 frontage. Grade changes over ten feet may be accomplished through separate
7 retaining walls with a minimum five foot landscaped area between the walls. Such
8 landscaping must include hedges and/or shrubs planted to create a spacing of not
9 more than three feet at maturity. The Community Development Director may
10 approve a wall that is designed to have the landscaping incorporated with the wall.
11
- 12 9. Property owners may not use the following materials for fencing:
13 a. Cast-off, secondhand, or other items not originally intended to be used for
14 constructing or maintaining a fence;
15 b. Plywood less than five-eighth (5/8) inches thick and/or plywood not of a grade
16 approved for exterior use, particle board, paper, visqueen plastic, plastic tarp,
17 or sheet metal;
18 c. Electrified fencing, barbed wire, razor wire, and other similar fencing materials
19 capable of inflicting significant physical injury, unless used in a commercial or
20 manufacturing zoning district for security fencing or on property containing
21 livestock if approved for use by the Community Development Director.
22
- 23 10. All wooden fencing shall be installed finished-side facing out to any adjoining lot or
24 street.
25

26 **Sec 42.325 – 42.329 Reserved**
27
28

Section 330 Landscaping, Screening, and Buffer yards

Sec 42.330 Landscaping, Screening, and Buffer yards

1. 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.
2. 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.
3. 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.

Sec 42.331 Parking Lot Screening

1. Where an open off-street parking area for any 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 four (4) feet in height is required to screen the off street parking area from the adjacent residential district.
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 four (4) feet in height is required to screen the parking area from the adjacent residential district.

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 or more parking spaces 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 Additional requirements include:
 - a. All landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs;
 - b. There shall be a minimum of two (2) under-story trees or one (1) canopy tree planted for each thirty (30) parking spaces, or fraction thereof; and
 - c. 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 one hundred (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 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 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. 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 effected utility company.
8. 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

1. 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 section to effectively mask the specified area.

2. 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.

Sec 42.335 Buffer-yards

1. Buffer-yards shall be required as shown on the Table of Buffer-yard Requirements. A buffer-yard shall be provided for a proposed 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

1 **Table of Buffer-Yard Requirements**

2

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

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

5

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

8

9 **Required plantings per 100 linear feet**

10

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

11

12 **Sec 42.336 General Standards for Trees**

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

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

30

31 **Sec 42.337 – 42.339 Reserved**

Section 340 Signage

Sec 42.340 Signage

1. The purposes of these sign regulations are:
 - a. to encourage the effective use of signs as a means of communication in Rolla;
 - b. to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
 - c. to promote pedestrian and traffic safety;
 - d. to minimize the possible adverse effect of signs on the enjoyment and economic value of nearby public or private property;
 - e. to preserve the right of free speech and expression;
 - f. and to enable the fair and consistent enforcement of these restrictions.
2. When the word "sign" or "signs" is used in this Division it may also be referring to patio furniture, merchandise, and decorations.
3. 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.
4. The following definitions apply to this section of the zoning code:

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.

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.

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.

Feather Flags (Also known as advertising flags, flag banners, swooper flags, flutter flags, blade flags, sail flags, bow flags, tear drop flags): These advertising tools come in the form of a long, narrow, lightweight canvas or other non-rigid material that is attached to a flexible pole (generally) that can be placed into the ground or attached to a weighted stand that allows them to be portable. The shape of the canvas usually resembles a feather or tear drop or a sail with its long side attached to the pole and perpendicular to the ground. Feather flags are temporary in nature and do not include flags or banners.

1 *Flag:* Any sign printed or painted on cloth, plastic, canvas, or other like material
2 with distinctive colors, patterns, or symbols and is attached to a pole or staff and
3 anchored along only one edge or supported or anchored at only two corners.
4

5 *Flashing Signs:* Signs whose illumination is characterized by a repetitive cycle in
6 which the period of illumination is either the same as or less than the period of
7 non-illumination. Generally, a message is continuously repeated, with the sign used
8 as an attention-getting device.
9

10 *Freestanding Signs:* A sign supported by structures or supports that are placed on,
11 or anchored in the ground; and that is independent and detached from any
12 building or other structure. The following are subtypes of freestanding signs:

- 13 1. Ground Sign (Also known as monument sign): A sign permanently affixed to
14 the ground at its base, supported entirely by a base structure, and not
15 mounted on a pole or attached to any part of a building.
- 16 2. Pole Sign: A freestanding sign that is permanently supported in a fixed
17 location by a structure of one or more poles, posts, uprights, or braces
18 from the ground and not supported by a building or a base structure. This
19 definition includes pylon signs.
- 20 3. Temporary Freestanding Sign: A freestanding sign that is not anchored in
21 the ground or supported by a structure that is anchored in the ground or a
22 freestanding sign that is easily removed from the ground by hand, such as
23 h-frame lawn signs. This type of sign does not include balloon signs,
24 inflatable signs, feather banners, sandwich board signs, vehicular signs,
25 animated/electronic signs, mechanical movement signs, or revolving signs.
26

27 *Frontage, Building:* The length of an exterior building wall or structure of a single
28 premises along the public's rights-of-way.
29

30 *Frontage, Property:* The length of the property line(s) of any single premises along a
31 public street. When the word "frontage" is used alone, it refers to property
32 frontage.
33

34 *Illumination:* A source of any artificial or reflected light, either directly from a
35 source of light incorporated in, or indirectly from an artificial source.

- 36 1. External Illumination: Artificial light, located away from the sign, which
37 lights the sign, the source of which may or may not be visible to persons
38 viewing the sign from any street, sidewalk, or adjacent property.
- 39 2. Internal Illumination: A light source that is concealed or contained within
40 the sign and becomes visible in darkness through a translucent surface.
41 Message center signs, digital displays, and signs incorporating neon lighting
42 shall not be considered internal illumination for the purposes of this
43 ordinance.
44

45 *Illuminated Sign:* A sign with electrical equipment installed for illumination, either
46 internally illuminated through its sign face by a light source contained inside the
47 sign or externally illuminated by a light source aimed at its surface.
48

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

1
2 *Internal Signs:* Any on-premises sign located entirely within a building.
3

4 *Mechanical Movement Sign:* A sign having parts that physically move rather than
5 merely appear to move as might be found in a digital display. The physical
6 movement may be activated electronically or by another means, but shall not
7 include wind-activated movement, such as used for banners or flags. Mechanical
8 movement signs do not include digital signs that have changeable, programmable
9 displays.
10

11 *Mural:* A graphic which is painted directly to a wall or surface of a building.
12

13 *Off-Premises Sign (Also known as a third-party sign, billboard, or outdoor*
14 *advertising):* An outdoor sign that contains a message or messages that directs
15 attention to a specific business, product, service, event or activity, or other
16 commercial or noncommercial activity, or contains a non-commercial message
17 about something that is not sold, produced, manufactured, furnished, or conducted
18 on the premises upon which the sign is located.
19

20 *On-Premises Sign:* A sign that contains a message or messages and design that
21 relates to an individual business, profession, product, service, event, point of view,
22 or other commercial or non-commercial activity sold, offered, or conducted on the
23 same property where the sign is located.
24

25 *Permanent Sign:* A sign attached or affixed to a building, window, or structure, or to
26 the ground in a manner that enables the sign to resist environmental loads, such as
27 wind, and that precludes ready removal or movement of the sign and its intended
28 use appears to be indefinite.
29

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

- 33 1. *Sandwich Board Sign (Also known as A-frame sign):* A type of freestanding,
34 portable, temporary sign consisting of two faces connected and hinged at
35 the top and its message is targeted to pedestrians. Includes a board sign on
36 a stand instead of hinged.
- 37 2. *Vehicular Sign:* A sign affixed to a vehicle in such a manner that the sign is
38 used primarily as a stationary advertisement for the business on which the
39 vehicle sits or is otherwise not incidental to the vehicle's primary purpose.
40

41 *Premises:* The lot or lots, plots, portions, or parcels of land considered as a unit for
42 a single use or development, whether owned or leased.
43

44 *Projecting Sign (Also known as a blade sign):* A building-mounted, double-sided sign
45 with the two faces generally perpendicular to the building wall. Signs and banners
46 that hang from a canopy, awning, or roof shall be considered projecting signs.
47

48 *Revolving Sign:* A sign which revolves in a circular motion; rather than remaining
49 stationary on its supporting structure.
50

1 *Roof Sign:* A sign mounted on the main roof portion of a building or on the
2 uppermost edge of a parapet wall of a building and which is wholly or partially
3 supported by such building. When permitted, a roof sign will be considered a wall
4 sign for the purpose of calculating maximum sign area.
5

6 *Sign:* Any device, structure, fixture, painting, emblem, or visual that uses words,
7 graphics, colors, illumination, symbols, numbers, or letters for communicating a
8 message. A sign includes the sign faces as well as any sign supporting structure
9

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

- 12 1. Where the sign consists of individual letters, designs, or symbols that are
13 attached individually and directly upon a wall without a change in color or
14 appearance of the surface background, the area shall be that of the
15 smallest rectangle which encompasses all of the letters, designs, and
16 symbols.
- 17 2. In the case of panel or cabinet type signs, the sign area shall include the
18 entire area of the sign panel or cabinet upon which the sign copy is
19 displayed or illustrated, but not open space between separate panels or
20 cabinets.
- 21 3. In the case of sign copy enclosed within a painted or illuminated border, or
22 displayed on a background contrasting in color with the color of the
23 building or structure, the sign face shall comprise the area within the
24 contrasting background, or within the painted or illuminated border.
- 25 4. Only one side of a double-sided sign shall be considered when determining
26 the sign area if the faces are equal in size and the interior angle formed by
27 the faces is zero degrees.
- 28 5. Where the faces of a double-sided sign are not equal in size, but the
29 interior angle formed by the faces is zero degrees, the larger sign face shall
30 be used as the basis for calculating sign area.
- 31 6. When the interior angle of a double-sided sign formed by the faces is
32 greater than zero degrees, all sides of such sign shall be considered in
33 calculating the sign area.
- 34 7. The sign area for signs that are (or include) a three-dimensional object is
35 calculated as the sum of two adjacent vertical faces of the smallest cube
36 encompassing the sign or object.
37

38 *Sign Copy:* The letters, figures, characters, representations, pictures or wording on
39 a sign, including any identification, description, symbol, trademark, object, design,
40 logo, illustration, or device comprising the content or message of a sign; or any
41 emblem or painting designed to advertise, communicate, identify, or convey
42 information.
43

44 *Sign Height:* The vertical dimension of a sign. The computation details and relevant
45 regulations are as follows:

- 46 1. Sign height shall be measured as the distance from the highest portion of
47 the sign to the mean finished grade of the street closest to the sign. In the
48 case of a sign located greater than one hundred (100) feet from a public
49 street, height shall be measured to the mean grade at the base of the sign.

- 1 2. Clearance shall be measured as the smallest vertical distance between
2 finished grade and the lowest point of the sign, including any framework or
3 other structural elements that project from the wall.
4

5 *Sign Types:* Signs are divided into various types of signs. Signs may be a permanent
6 sign or a temporary sign. A sign may be an on-premises sign or an off-premises sign.
7 A permanent sign may be a wall sign, a freestanding sign, a roof sign, an EMC, or a
8 projecting sign. A temporary sign may be a portable sign or a banner. Signs can also
9 be classified by their characteristics, such as a flashing sign or an illuminated sign.
10

11 *Snipe Sign (Also known as bandit sign):* A sign tacked, nailed, posted, pasted, glued,
12 or otherwise attached to trees, poles, stakes, fences, public benches, streetlights,
13 or other objects, or placed on any public property or in the public's rights-of-way or
14 on any private property without the permission of the property owner.
15

16 *Structural Alteration:* Any alteration to the structure which supports a sign,
17 including the foundation and support poles. Such definition does not include
18 replacement of the sign cabinet, sign boards, supports for the sign boards, or
19 routine maintenance.
20

21 *Temporary Sign:* A sign that cannot be defined as a permanent sign.
22

23 *Vehicular Sign:* A vehicle or mechanical contraption that has signage integrated or
24 attached and is situated such that it cannot be considered to be a freestanding
25 sign; and not including operable vehicles primarily and actively used for business
26 purposes and/or personal transportation.
27

28 *Wall Sign (Also known a fascia sign, parallel wall sign, or band sign):* A building-
29 mounted sign, which is either attached to or displayed on an exterior wall in a
30 manner parallel with the wall surface. A sign or banner installed on a roof, eave,
31 canopy, or awning in a manner parallel with the structures surface is also
32 considered a wall sign. See projecting signs for signs that hang from such
33 structures.
34

35 *Zoning District, Non-residential:* C-1, C-2, C-C, M, and P districts.
36

37 *Zoning District, Residential:* R-1, R-2, U-R, R-3, and R-4 districts.
38

39 **Sec 42.341 Exempt Signs**

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

- 42 a. Any sign that is posted by a governmental unit on government property and any
43 sign required by local, state, or federal law.
44 b. Signs that are less than ten (10) feet in height if the sign face is not visible from any
45 street.
46 c. In nonresidential districts, any sign less than seven feet in height and that is more
47 than one hundred (100) feet away from any lot line fronting a street or not visible
48 from any street.
49 d. In nonresidential districts, if the signs are four square feet or less in area and four
50 feet or less in height, and located adjacent to the driveway(s) serving the property
51 and outside the street right-of-way.

- e. 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.
- f. 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.
- g. 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.
- h. Signs carved into a building or raised in integral relief on a building.
- i. Murals.

Sec 42.342 Prohibited Signs

The following signs are prohibited:

- a. Flashing signs.
- b. Signs that employ pyrotechnic or blue casting components and signs that emit smoke, visible vapors, particulate matter, or odor.
- c. Signs that employ any searchlights or strobe lights and reflective signs or signs containing mirrors.
- d. 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.
- e. Signs that shield from view any traffic control device, sign, signal or other government sign.
- f. Snipe signs.
- g. Vehicular signs.
- h. Signs which do not meet the requirements of this section or other city, state, or federal laws.

Sec 42.343 General Sign Provisions

1. *On-Premises Signage.* Signage, except as authorized by this section and signs authorized by federal and state law, shall only be on-premises signage.
2. *Permitting Exceptions.* The following operations shall not require the issuance of a sign permit:
 - a. 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
 - b. Maintenance, including repainting, cleaning, or other normal repair of an existing sign not involving structural alterations or changes in size, location, or placement.
 - c. Window signs and wall signs less than twenty (20) square feet in size.
3. *Permitting Process.* Except for exempt signs, all permanent signs require the submission and approval of an application for a sign permit and a sign site plan. 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

1 information may be required. No sign permits shall be issued if the premises
2 requesting the permit contains a prohibited sign.

3
4 4. *Site Plan Requirements.* Sign site plans for detached signage shall be provided as
5 follows:

- 6 a. The site plan shall be drawn to scale or shall show the dimensions of all
7 relevant objects/elements and show all the distances between all of the
8 relevant objects/elements.
- 9 b. The site plan shall indicate the property lines of the premises and, in cases
10 whereby signs are being placed in the rights-of-way, the site plan shall indicate
11 the type of ROW surface, the location of the curblin, the sidewalk, and any
12 objects within the ROW in front of the property subject to the proposal.
- 13 c. The site plan shall show the proposed location of each sign in relation to
14 property lines, nearby buildings, walkways, streets, driveways and parking
15 areas.

16
17 5. *Sign Location and ROW.* All signs and other objects regulated by or exempt from
18 this Division, including merchandise, patio furniture, sign structures, flags,
19 decorations, and temporary signs, must be erected/placed and attached totally on
20 or within private property, except that if a tenant space is located in a
21 nonresidential zoning district along a street and there is less than five (5) feet
22 between the full building frontage of the tenant space and the street, certain types
23 of signs and other objects may be placed in or project over the street right-of-way,
24 but not in or over any roadway. The following provisions listed below describe the
25 applicability and the restrictions of such an allowance:

- 26 a. Only wall signs, flags, and projecting signs shall be permitted to project over
27 sidewalks. The minimum clearance of such objects shall be seven (7) feet and
28 the object shall not occupy space beyond a vertical plane of two (2) feet from
29 the curb line.
- 30 b. Only patio furniture, merchandise, and sandwich board signs are permitted on
31 sidewalks. The maximum height for such signs/objects shall be five feet.
- 32 c. One flag or temporary freestanding sign may be located in each city-owned
33 flowerpot if the sign is less than two (2) square feet in area, the object does not
34 exceed five (5) feet in height when in the flowerpot, the flowerpot is watered
35 and maintained by the tenant, and those flowerpots are on a public sidewalk
36 and abut the tenant space responsible for locating such a sign in said flowerpot.
- 37 d. Temporary and portable signage on sidewalks are subject to additional
38 requirements in this section.

39
40 6. *Permission.* The party constructing/installing/placing the sign or object on private
41 property is responsible for obtaining the permission of the property owner before
42 such action is taken.

43
44 7. *Setbacks.* All signs, including temporary signs and exempt signs but not including
45 signage which is allowed within street rights-of-way, shall conform to the side and
46 rear setback requirements of the zoning district they are located in. No setback
47 applies to a front yard or along any street. However, no sign over ten (10) feet in
48 height is permitted within or over a utility easement. In addition, signs must not
49 impair the sight distance requirements for driveways or street intersections.

- 1 8. *Sign Sounds*. No sign that emits sound shall be permitted in or within one hundred
2 (100) feet of a residential zoning district, not including zoned rights-of-way.
3
- 4 9. *Illumination*. Externally lit signs shall be illuminated only with steady, stationary,
5 and shielded light sources directed solely onto the sign. The illumination of signs
6 shall not be brighter than is necessary for clear and adequate visibility. Illumination
7 shall not exceed approximately 750 cd/m² or Nits at night. The illumination of signs
8 shall not be of such intensity or brilliance as to impair the vision of a motor vehicle
9 driver with average eyesight or to otherwise interfere with the driver's operation of
10 a motor vehicle.
11
- 12 10. *Roof Signs and Sign Placement*. In no instance shall a wall sign or projecting sign
13 project above the eave line or beyond a wall edge, except for roof signs in the C-2
14 and C-C zoning districts. Roof signs shall not exceed the building height limit of the
15 zoning district in which the sign is located.
16
- 17 11. *Maintenance*. All signs, together with their supports, braces, connections, or
18 anchors shall be kept in good repair. Unsafe signs, damaged, or deteriorated signs,
19 or signs in danger of breaking apart or falling shall be removed or repaired.
20
- 21 12. *Obstructions*.
- 22 a. Fire escapes, means of egress or standpipes: Signs, sign structures and awnings
23 are prohibited from being erected in any manner that interferes in any way
24 with the free use of any fire escape, means of egress or standpipe. Attaching
25 signs, sign structures or awnings to a fire escape is prohibited, unless such a
26 sign is required for safety.
- 27 b. Obstruction of windows and ventilation: Signs, sign structures and awnings are
28 prohibited from being installed in any way that obstructs any building openings
29 to such an extent that light, ventilation, or exhaust are reduced to a level below
30 that required by either the Building Code, Plumbing Regulations, Heating and
31 Ventilating Regulations, or Housing and Maintenance Regulations.
32
- 33 13. *Measurements*. All lineal distances required by this Division shall be measured from
34 the nearest outside edge of the subject sign, whether a support, structural
35 member, or the sign surface itself, to the nearest outside edge of the
36 corresponding sign, building, right-of-way, property line, easement, or other
37 object/element involved.
38
- 39 14. *Changeable Copy*. Changeable copy, whether digitally or manually activated, is
40 permitted only if it is integrated into a pole, ground, marquee, projecting, or wall
41 sign. In addition, only manually activated changeable copy is permitted on
42 sandwich board signs.
43

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

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

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

- 30 1. *General Provisions*: Each building, not individual tenants, are permitted a maximum
- 31 amount of area for wall signs. The owner(s) of the premises may divide and
- 32 distribute the allowable sign area in any way she/he/they chooses. It is the
- 33 responsibility of the person/entity posting the sign to obtain permission from the
- 34 owner to install/locate a sign of a certain size on the owner's property.
- 35
- 36 2. Sign standards for properties located in C-1 and C-C Districts:
- 37 a. *Type*. Pole signs, ground signs, projecting signs, and wall signs shall be
- 38 permitted. Roof signs are permitted in the C-C district.
- 39 b. *Number*. Each premises is permitted an unlimited amount of wall signs and is
- 40 permitted one projecting sign for each tenant space. In addition, all premises
- 41 are permitted one (1) permanent freestanding sign (i.e. ground signs and pole
- 42 signs) for each one hundred (100) feet of road frontage if there is a distance of
- 43 five hundred (500) feet or more between pole signs with a minimum of one (1)
- 44 sign allowed for each lot frontage.
- 45 c. *Sign Area*. Maximum wall sign area shall be determined by multiplying the
- 46 lineal feet of building wall by two (2) square feet. Projecting signs shall not
- 47 exceed twenty (20) square feet in area, regardless of the amount of other
- 48 signage on the premises. Each Pole or ground sign shall be limited to one
- 49 hundred (100) square feet each.

1 d. *Height and Clearance.* Ground and pole signs shall be limited to a maximum
2 height of twenty (20) feet. Projecting signs shall have a minimum clearance of
3 seven (7) feet.
4

5 3. Sign standards properties located in C-2, M, or P Zoning Districts:

6 a. *Type.* Pole signs, ground signs, projecting signs, and wall signs shall be
7 permitted. Mechanical movement and revolving signs are also permitted. In
8 addition, roof signs are only permitted in C-2 zoning districts and such signs will
9 be considered wall signs in the calculation of maximum sign area. If a
10 mechanical movement or revolving sign is attached to a building it will be
11 considered a projecting sign and if such signs are not connected to a building,
12 they will be considered a permanent freestanding sign (i.e. ground signs and
13 pole signs).

14 b. *Number.* Each premises is permitted an unlimited amount of wall signs and is
15 permitted one (1) projecting sign for each tenant space. In addition, all
16 premises are permitted one (1) permanent freestanding sign (i.e. ground signs
17 and pole signs) for each one hundred (100) feet of road frontage if there is a
18 distance of five hundred (500) feet or more between pole signs with a
19 minimum of one (1) sign allowed for each lot frontage.

20 c. *Sign Area.* Maximum wall sign area shall be determined by multiplying the
21 lineal feet of building wall by four (4) square feet. Projecting signs shall not
22 exceed twenty (20) square feet in area, regardless of the amount of other
23 signage on the premises. Each Pole or ground sign shall be limited to four
24 hundred (400) square feet each.

25 d. *Height and Clearance.* Ground and pole signs shall be limited to a maximum
26 height of forty (40) feet.
27

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

29 The following provisions apply to nonresidential zoning districts only. The following
30 restrictions apply to temporary and portable sign placement/installation/construction:

31 1. Each independently occupied tenant space on a property in a nonresidential district
32 is permitted to locate two temporary signs on such a property, except that when a
33 tenant locates a balloon sign or inflatable sign on the property, the tenant shall not
34 locate any other temporary or portable sign on the property. Off-premise
35 temporary signage shall not be posted for more than fourteen (14) consecutive
36 days in any given quarter of a year and such signage shall be removed within
37 fourteen (14) days of receiving notice from the City of Rolla. A vacant parcel shall
38 be permitted an unlimited number of temporary freestanding signs only, but the
39 total sign area of such signs shall not exceed ninety-six (96) square feet.
40

41 2. Tenants may only choose from the following types of temporary and portable signs:

- 42 a. Temporary freestanding signs
 - 43 b. Banners
 - 44 c. Balloon signs
 - 45 d. Inflatable signs
 - 46 e. Feather flags
 - 47 f. Sandwich board signs
- 48

49 3. Area restrictions by sign type:

50 a. Temporary freestanding signs, banners, and feather flags shall not exceed
51 thirty-two (32) square feet.

- 1 b. Sandwich board signs shall not exceed sixteen (16) square feet
- 2 c. Inflatable signs and balloon signs are limited to seventy-five (75) square feet
- 3
- 4 4. Height restrictions by sign type:
 - 5 a. Temporary freestanding signs and sandwich board signs shall be limited to
 - 6 seven (7) feet in height.
 - 7 b. Balloon signs and inflatable signs shall be limited to twenty-four (24) feet in
 - 8 height.
 - 9
- 10 5. General restrictions:
 - 11 a. The party posting the temporary sign is solely responsible for obtaining the
 - 12 permission of the property owner before posting their temporary sign.
 - 13 b. Except for movement caused by air compressors for inflatable signs,
 - 14 mechanical motion, illumination, EMC technology, and electronically activated
 - 15 changeable copy is prohibited.
 - 16 c. Manual changeable copy is only permitted when integrated into a sandwich
 - 17 board sign.
 - 18 d. No temporary or portable sign that is more than seven (7) feet tall shall be
 - 19 permitted within one hundred (100) feet of a residential zoning district.
 - 20
- 21 6. Sidewalk restrictions. If permitted by this section, the following restrictions apply:
 - 22 a. If signs are permitted on sidewalks, signs shall only be located on the sidewalk
 - 23 space that abuts the tenant space that is permitted to locate such signs on such
 - 24 sidewalks.
 - 25 b. No object shall obstruct a continuous through pedestrian zone of at least five
 - 26 (5) feet in width.
 - 27 c. Sandwich board signs that are on a public sidewalk shall be located within
 - 28 twelve (12) feet of the primary public entrance of the tenant's establishment.
 - 29 d. Sandwich board signs shall be weighted, temporarily secured, or strategically
 - 30 placed to avoid being carried away by high winds.
 - 31 e. Sandwich board signs and merchandise shall not be displayed on any sidewalk
 - 32 during hours of non-operation.
 - 33 f. No signs shall obstruct pedestrian and wheelchair access from the sidewalk to
 - 34 parking spaces or access ramps designated for people with disabilities or
 - 35 building exits, including fire escapes.
 - 36
- 37 7. Installation and Maintenance
 - 38 a. All signs/objects must be installed such that, in the opinion of Rolla's building
 - 39 official, they do not create a safety hazard.
 - 40 b. All signs must be made of durable materials and shall be well maintained. Signs
 - 41 that are frayed, torn, broken, or that are no longer legible will be deemed
 - 42 unmaintained and required to be removed.
 - 43 c. Owner or tenant will be given one warning for violating any of the provisions
 - 44 pertaining to temporary/portable signs. After the initial warning, all subsequent
 - 45 violations may result in the issuance of a citation without any further notice in
 - 46 perpetuity.
 - 47

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 and zoned C-2 or M. Within areas zoned Planned Unit

1 Development District overlay, or property in any zoning district upon which a conditional
2 use permit has been issued in the above mentioned corridors, such advertising structures
3 shall only be permitted when specifically authorized upon the final development plan or
4 permit approval.

5
6 1. Area, Height, Location - I-44:

- 7 a. The maximum height of a billboard along Interstate 44 shall not exceed forty-
8 five (45) feet. No part of structure shall extend below fifteen (15) feet.
- 9 b. The maximum surface area along Interstate 44 shall be six hundred seventy-
10 two (672) square feet with a maximum sign height of twenty (20) feet and a
11 maximum sign width of forty-eight (48) feet. The sign shall be limited to two (2)
12 signs in each direction with one message per sign. In no case will the total sign
13 surface in any one direction exceed six hundred seventy-two (672) square feet.
- 14 c. Sign spacing along I-44 shall be five hundred (500) lineal feet per side of the
15 highway.

16
17 2. Area, Height, Location - Hwy. 63, Hwy. 72, and Kingshighway:

- 18 a. The maximum height of a billboard along Highway 63, Highway 72, and
19 Kingshighway shall be thirty (30) feet. The maximum surface area of a billboard
20 along Highway 63, Highway 72, and Kingshighway shall be one hundred ninety-
21 two (192) square feet surface on each side with a maximum sign height of
22 twelve (12) feet and a maximum sign width of twenty-four (24) feet. Such signs
23 must have a minimum clearance of fifteen (15) feet.
- 24 b. Sign spacing along Highway 63, Highway 72, and Kingshighway shall be one
25 thousand (1000) lineal feet per side.
- 26 c. No sign shall be located within one thousand (1000) feet of a residential zoning
27 district which fronts on the same road as the proposed sign.
- 28 d. The minimum front yard setback for such signs shall be fifteen (15) feet from
29 any public right-of-way, and/or private roadway easement. The maximum
30 setback for such sign shall be fifty (50) feet from the public right of way.

31
32 3. Restrictions for all highways:

- 33 a. External lighting of billboards are permitted, provided the light source is
34 directed upon the face of the sign and is effectively shielded so as to prevent
35 beams or rays of light from being directed toward any residential structure or
36 into any portion of the main travel way. The lights are not permitted to be of
37 such intensity so as to interfere with the residential use of property or to cause
38 glare, impair the vision of the driver of a motor vehicle, or otherwise interfere
39 with a driver's operation of a motor vehicle.
- 40 b. No part of any billboard shall be located on or project over any public street or
41 private utility easement, drainage easement, or railroad right-of-way.

42
43 **Sec. 42.348 Electronic Message Center Signs.**

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

- 48 a. With the exception of flashing signs and full motion video or film display via an
49 electronic file imported into the EMC software or streamed in real time into the
50 EMC, EMC display features and functions are permitted in nonresidential zoning
51 districts only.

- 1 b. No EMCs are permitted within one hundred (100) feet of any residential zone.
- 2 c. An EMC sign may be a portion or comprise the entirety of the sign face of a wall
- 3 sign, pole sign, ground sign, or projecting sign.
- 4 d. All EMC signs shall have automatic dimming controls, either by photocell
- 5 (hardwired) or via software settings, in order to bring the EMC lighting level at
- 6 night into compliance with sign illumination standards of this section.
- 7 e. An off-premises sign can be constructed as, or converted into, an EMC if the sign
- 8 structure meets all requirements of the sign code.
- 9

10 **Sec. 42.349 Non-Conforming Signs.**

11 Nonconforming signs are signs that do not conform to this section, yet were legally
12 established prior to the adoption of this section. The burden of proof will be on the
13 property owner to show that the sign was legally established. Nonconforming signs may
14 continue to exist after passage of this section if they maintain their nonconforming status.
15 Nonconforming signs are permitted to be removed and/or changed in accordance with the
16 provisions of this Section:

- 17 a. Permanent signs and sign structures that are moved, removed, replaced, or
- 18 structurally altered must be brought into conformance with the sign regulations.
- 19 However, nonconforming signs required to be moved because of public right-of-
- 20 way improvements may be reestablished. Removable faces or sign panel inserts in
- 21 a cabinet style sign may also be changed.
- 22 b. Once a sign is altered to conform or is replaced with a conforming sign, the
- 23 nonconforming rights for that sign are lost and a nonconforming sign may not be
- 24 reestablished.
- 25 c. When a sign or sign structure is removed or intentionally destroyed, replacement
- 26 signs and sign structures must comply with the current standards. However, if a
- 27 sign or sign structure that has nonconforming elements is partially or totally
- 28 damaged by fire or other causes beyond the control of the owner, the sign and sign
- 29 structure may be rebuilt to the same size and height using the same materials.
- 30 d. Once a sign loses its nonconforming status, it must be removed before any other
- 31 permits for signs shall be issued for the premises on which the sign that has lost its
- 32 nonconforming status exists.
- 33 e. A sign may be replaced if the structure is in danger of an imminent failure which
- 34 would cause danger to the general public, as determined by a structural engineer.
- 35

1 **Sec 42.350 Design Requirements**

2

3 **Sec. 42.350 Design Requirements**

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

7

8 **Sec. 42.351 Townhouse Design Requirements**

9 Buildings designed as Townhouses are subject to the following design requirements:

- 10 a. Buildings shall not exceed eight (8) units in length when fronting along a street;
- 11 b. At least every sixty (60) linear feet, wall or roof planes shall contain offsets or
- 12 setbacks of at least two (2) feet or by providing a front porch for each unit with a
- 13 minimum depth of five (5) feet and a minimum width of eight (8) feet.
- 14 c. A change in texture, material or the use of architectural features to differentiate
- 15 individual units to ensure that buildings have a multi-faceted exterior in which
- 16 building fronts are combined with window and door placements as well as other
- 17 architectural details, such as the use of dormers, gabled roof front stoops, flower
- 18 boxes, and or shutters may be used in-lieu of (b) above.

19

20 **Sec. 42.352 – 42.359 Reserved**

21

1 **Sec 42.360 Development Requirements**

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

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

8 **Sec. 42.361 Sidewalks.**

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

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

- 4 g. In the event that an existing sidewalk in good condition abuts the subject
5 property, the Director of Public Works may waive the requirement to replace
6 the sidewalk, or may authorize modifications to enhance ADA compliance. In all
7 other situations, the existing sidewalk must be replaced with a compliant
8 sidewalk.
- 9 h. The Community Development Director may approve an alternative off-site
10 location for a sidewalk in lieu of a sidewalk along the subject property frontage
11 where such sidewalk would create enhanced pedestrian access to the
12 neighborhood. Cost estimates for the sidewalk must demonstrate that the
13 alternative location would be equal or greater in cost. Written authorization
14 must be provided from the adjacent property owners.
- 15 i. The Community Development Director may waive the requirement of providing
16 a sidewalk in locations which are determined to be impractical and unneeded,
17 such as sites which are more than two thousand (2,000) feet from the nearest
18 existing sidewalk and not needed as part of the trails network.
- 19 j. Sidewalks may be waived or required where an adopted neighborhood plan
20 includes a plan for the locations of needed sidewalks in the subject area.
- 21 k. The Board of Adjustment shall have the authority to waive the requirement for
22 sidewalks through the approval of a variance.

- 23
- 24 3. All commercial or multi-family development shall be provided with a designated
25 ADA accessible route through the site to a public sidewalk where a sidewalk exists
26 along an adjacent street. In such case that no public sidewalk exists, the
27 Community Development Director may require such accessible route to a point to
28 connect to a future or planned sidewalk.
- 29
- 30 4. Sidewalks shall be constructed to city standards and inspected and approved by the
31 Public Works Department, except that sidewalks constructed within the right-of-
32 way along MoDOT controlled roadways require approval, inspection, and
33 acceptance from MoDOT.
- 34
- 35 5. The City of Rolla may participate in the cost of construction of sidewalks to close
36 gaps in sidewalk connectivity, enhance ADA compliance, build wider sidewalks in
37 the center city or for trails as indicated in the adopted Trails Master Plan, and
38 construct pedestrian bridges or culverts to cross highways, railways, or waterways.
- 39
- 40 6. Encroachments or narrowing of sidewalks for short distances may be permitted to
41 allow for street trees, street signage, utility poles, utility meters, etc. In no case
42 shall an encroachment or narrowing of a sidewalk reduce the width to less than
43 four (4) feet or encroach for more than four (4) consecutive feet along the length of
44 the sidewalk.
- 45

46 **Sec. 42.362 Exterior Lighting Standards**

- 47 1. The purpose of this section is to regulate the spillover of light and glare on
48 operators of motor vehicles, pedestrians, and land uses in the proximity of the light
49 source. Safety considerations form the basis of these regulations pertaining to
50 motor vehicle use. In other cases, both the nuisance and hazard aspects will be

1 regulated. This section is not intended to apply to public street lighting, signs, or
2 seasonal displays.

- 3
- 4 2. The following standards are required of all exterior lighting, subject only to the
5 exemptions permitted in this section:
- 6 a. The light source or luminary for all exterior lighting shall have a cutoff so that
7 the bare light bulb, lamp or light source is completely shielded from the direct
8 view of an observer at ground level at the property line adjacent to property
9 within a residential zoning district.
 - 10 b. No flickering or flashing lights shall be permitted.
 - 11 c. A photometric study may be required to be submitted for non-residential
12 development which includes exterior lighting and is within or adjacent to a
13 residential zoning district to demonstrate compliance with this section.
 - 14 d. Spillover light may not exceed 0.5 foot-candle onto adjacent property in the R-1
15 or R-2 districts; 2 foot-candle onto adjacent property in other residential
16 districts; or 5.0 foot-candle onto public streets.
- 17
- 18 3. The following exceptions apply to this section:
- 19 a. Outdoor Recreational Uses. Baseball diamonds, playing fields, and tennis courts
20 shall be exempt from the exterior lighting standards because of their unique
21 requirements for nighttime visibility and hours of operation.
 - 22 b. Private Outdoor Lights. Private outdoor lights installed by a public utility on
23 private property for security purposes are exempt from the exterior lighting
24 standards provided the installation is approved by all property owners of
25 residential property from which the light source can be viewed.
 - 26 c. In Manufacturing Zoning Districts. Due to unique lighting requirements for
27 some industrial or warehousing activities, exterior lighting shall be exempt
28 from exterior lighting standards, except for parking lot lighting.
 - 29 d. Emergency Warning Lights. Safety signal and warning device lighting shall be
30 exempt from the exterior lighting standards of this Section.
- 31

32 **Sec. 42.363 Driveway Access**

- 33 1. All existing tracts of record are guaranteed at least one driveway to a public street
34 or right-of-way, either directly or by access easement.
- 35
- 36 2. On Collector streets, one driveway may be permitted for each one-hundred (100)
37 feet of lot frontage. Such driveways must be located a minimum of fifty (50) feet
38 from the right-of-way of any intersecting street.
- 39
- 40 3. On Arterial streets, one driveway may be permitted for each one-hundred-twenty-
41 five (125) feet of lot frontage. Such driveways must be located a minimum of two-
42 hundred (200) feet from the right-of-way of any intersecting street. No driveway
43 will be permitted for any lot with less than one-hundred-twenty-five (125) feet of
44 lot frontage unless there are no other viable options for access as determined by
45 the City Engineer.
- 46
- 47 4. Approval of driveway locations is determined by the City Engineer. Locations may
48 be denied based on other options for access, sight-distance, traffic levels, accident
49 history, separation from adjacent or opposite driveways or streets, or impacts to
50 public parking.
- 51

- 1 5. Driveway approvals on MoDOT controlled roads also require approval from
2 MoDOT.
3
- 4 6. The maximum width of a driveway measured at the property line for residential
5 uses is highly dependent on the location, use, and need for on-street parking. In
6 general, the following widths may be approved:
 - 7 a. Single-family use in R-1 district: thirty-two (32) feet
 - 8 b. Two-family use: forty (40) feet
 - 9 c. Three-family and Four-family dwellings: twenty-two (22) feet per unit, up
10 to four (4) driveways
 - 11 d. Other multi-family: Treated as commercial driveway
 - 12 e. Locations in older areas of city: To be determined by City Engineer
- 13
- 14 7. The maximum width of a driveway may be divided between up to two (2) separate
15 driveways for residential properties with one or two dwelling units. An additional
16 driveway may be permitted for corner lots.
17
- 18 8. The minimum width of a driveway measured at the property line for non-
19 residential and multi-family uses is twelve (12) feet for a one lane one-way
20 driveway and twenty (20) feet for a two lane driveway. The maximum width is
21 fifteen (15) feet for a one lane driveway; twenty-four (24) feet for a two lane
22 driveway; and thirty-four (34) feet for a driveway with an additional left turn exit
23 lane. The City Engineer may approve wider driveways that primarily serve truck
24 traffic.
25
- 26 9. Unless no other access is possible, no additional driveways may be permitted on
27 Lions Club Rd between US 63 and Hwy 72. Where such driveway is necessary, the
28 City Engineer may approve the minimum number of shared driveways necessary to
29 provide access to all lots.
30

31 **Sec. 42.364 Traffic Impact Analysis**

- 32 1. A traffic impact analysis may be required for any new development that will
33 generate one hundred (100) or more peak hour trips using current Institute of
34 Traffic Engineers Trip Generation Manual, or accessing a street or road or near an
35 intersection with a known level of service of D, E, or F.
36
- 37 2. The following situations may trigger the requirement for a traffic impact analysis to
38 be submitted:
 - 39 a. A subdivision plat which would/could result in greater than 100 dwelling
40 units.
 - 41 b. Low rise multifamily with greater than 179 units
 - 42 c. High rise multifamily with greater than 278 units
 - 43 d. A hotel with greater than 167 rooms
 - 44 e. A shopping center with greater than 26,000 square feet of gross floor area
 - 45 f. A gas station with greater than 2,000 square feet of gross floor area
- 46

47 **Sec. 42.365 – 42.399 Reserved**

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.

1. Customary home occupations include the following activities:
 - a. Home offices;
 - b. Studios for artists, sculptors, authors, photographers, musicians, and composers;
 - c. Computer programming and data processing;
 - d. 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.;
 - e. Dressmakers, seamstresses, and tailors;
 - f. Home crafts, such a model making, rug weaving, woodworking, ceramics (with a kiln up to six (6) cubic feet) and similar activities;
 - g. Mail order sales;
 - h. Retail and sales, by appointment only;
 - i. Music and art teachers or other tutoring services, with classes limited to ten (10) persons per day;
 - j. Telephone answering service;
 - k. Washing and ironing service;
 - l. Services such as hair salon, nail salon, pet grooming;
 - m. Food preparation and catering with proper Health Department licensure;
 - n. Professional services such as counselling and massage therapy;
 - o. Sale of foods grown on the property;
 - p. "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.
2. No home occupation shall be permitted if it:
 - a. Changes the outside appearance of the dwelling or is visible from the street;
 - b. Generates traffic or parking, in excess of what is normally found in a residential neighborhood. Excess traffic is defined as more than ten (10) vehicle trips per

- 1 day or more than two (2) vehicles associated with the home occupation on a
2 regular basis;
- 3 c. Creates a hazard to person or property, results in electrical interference or
4 becomes a nuisance; or
- 5 d. Results in outside storage or display.
- 6
- 7 3. The following limitations for home occupations uses apply:
- 8 a. The home occupation shall not produce offensive noise, vibration, smoke,
9 electrical interference, dust, odors or heat. Any noise, vibration, smoke,
10 electrical interference, dust odors, or heat detectable beyond the property
11 lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily
12 structure, shall constitute a violation;
- 13 b. The receipt or delivery of merchandise, goods or supplies for use in a home
14 occupation shall be limited to the United States mail, similar parcel delivery
15 service, or private vehicles with a gross vehicle weight rating of 24,000 pounds
16 or less; and
- 17 c. Not more than one commercial vehicle utilized in the business shall be parked
18 on site.
- 19 d. Signage is limited to one sign up to 4 square feet in area.
- 20 e. The number of employees and customers is not permitted to exceed the
21 occupancy limit for the residential building.
- 22
- 23 4. A business license may be required for any customary home occupation which
24 requires that customers or patrons come to the property.
- 25
- 26 5. A Special Exception may be granted by the Board of Adjustment to allow for a
27 customary home occupation for any use not listed or similar to a listed use.
- 28

29 **Sec 42.411 to 42.419 Reserved**

30

31

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.*

1. 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.
2. 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.
3. 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:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. The number of cases of sexually transmitted diseases has been on the rise or remain at high levels in the United States.
 - e. 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.
 - f. 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

1 incentive on the operators to see that the sexually oriented business is
2 managed in a way consistent with the health, safety, and welfare of its patrons
3 and employees, as well as the general public. It is appropriate to require
4 reasonable assurances that the licensee is the actual operator of the sexually
5 oriented business, fully in possession and control of the premises and activities
6 occurring therein.

- 7 g. Removal of doors on adult booths and requiring sufficient lighting on premises
8 with adult booths advances a substantial governmental interest in curbing the
9 illegal and unsanitary sexual activity occurring in adult theaters.
- 10 h. Requiring licensees of sexually oriented businesses to keep information
11 regarding current employees and past employees will help reduce the
12 incidence of certain types of criminal behavior by facilitating the identification
13 of potential witnesses or suspects and by preventing minors from working in
14 such establishments.
- 15 i. The disclosure of certain information by those persons ultimately responsible
16 for the day to day operation and maintenance of the sexually oriented
17 business, where such information is substantially related to the significant
18 governmental interest in the operation of such uses, will aid in preventing the
19 spread of sexually transmitted diseases.
- 20 j. In the prevention of the spread of communicable diseases, it is desirable to
21 obtain a limited amount of information regarding certain employees who may
22 engage in conduct that this section is designed to prevent, or who are likely to
23 be witnesses to such conduct.
- 24 k. The fact that an applicant for an adult use license who has been convicted of a
25 sexually related crime leads to the rational assumption that the applicant may
26 engage in that conduct in contravention of this section.
- 27 l. The barring of such individuals from the management of adult uses serves as a
28 deterrent to, and prevents conduct that leads to the transmission of sexually
29 transmitted diseases.
- 30 m. The general welfare, health, morals, and safety of the citizens of Rolla, Missouri
31 will be promoted by the enactment of this section.

32 33 **Sec 42.421 Adult Use Definitions**

34 Words and phrases contained in this section shall be deemed to have certain meanings, as
35 follows:

36
37 *Explicit sexual material* means:

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

44
45 *Sexually oriented business* means any business enterprise that:

- 46 1. Has as a regular and substantial business purpose for the sale, display or rental of
47 goods that are designed for use in connection with "specified sexual activities," or
48 that emphasize matters depicting, describing or relating to "specified sexual
49 activities" or "specified anatomical areas"; or
- 50 2. Has one of the following as a regular and substantial business purposes: the
51 providing of entertainment where the emphasis is on performances, live or

- 1 otherwise, that depict, portray, exhibit or display "specified anatomical areas" or
2 "specified sexual activities"; or the providing of services that provide "specified
3 sexual activities" or "specified anatomical areas" ancillary to other pursuits, or
4 allow participation in "specified sexual activities" ancillary to other pursuits,
5 3. The definition of "Sexually oriented business" also includes, but is not limited to,
6 any and all of the following as defined herein:
7 a. "Adult retail establishments" means an establishment that has as a regular and
8 substantial business purpose, offers for sale or rent, any one or more of the
9 following: instruments, devices, gifts, or paraphernalia that are designed for
10 use in connection with "specified sexual activities" or clothing that graphically
11 depicts "specified anatomical areas" or any materials, such as printed
12 materials, photographs, slides, films, videotapes or DVD, sold or rented in an
13 adult bookstore, adult news rack, or adult news stand that are characterized by
14 their emphasis on matter depicting, describing or relating to "specified sexual
15 activities" or "specified anatomical areas".
16 b. "Adult entertainment business" means any establishment to which the general
17 public, patrons or members are invited or admitted and wherein an entertainer
18 provides "adult entertainment", as defined herein. These establishments
19 include, but are not limited to, adult theater, adult entertainment cabaret,
20 adult entertainment studio, adult encounter parlors, and body painting studios.
21 c. "Adult motion picture theater" means an establishment containing a room that
22 seats facing a screen or projection areas, where a regular and substantial
23 portion of its business is the exhibition to customers of films, videotapes, or
24 other such devices that are intended to provide sexual stimulation or sexual
25 gratification to the customers and that are distinguished by an emphasis on
26 matter depicting, describing or relating to "specified sexual activities" or
27 "specified anatomical areas".
28 d. "Bath house" means an enterprise where a regular and substantial portion of
29 its business is offering baths with other persons present who are nude or
30 displaying "specified anatomical areas".
31 e. "Adult motel" means an enterprise where a regular and substantial portion of
32 its business is offering public accommodations for consideration for the
33 purpose of viewing closed circuit television transmissions, films, motion
34 pictures, videotapes, slides or other photographic reproductions that are
35 distinguished or characterized by an emphasis on the depiction or description
36 of "specified sexual activities" or "specified anatomical areas" and rents room
37 accommodations for less than six hours at a time.
38

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

1
2 *Employee* means any and all persons, including managers, entertainers and independent
3 contractors, who work in or at or render any services directly related to the operation of an
4 adult entertainment business.
5
6 *Entertainer* means any person who provides adult entertainment within adult
7 entertainment premises as defined in this section whether or not a fee is charged or
8 accepted for entertainment.
9
10 *Knowingly* means having knowledge of the character and content of any material described
11 herein or failure on notice to exercise reasonable inspection, which would disclose the
12 content and character of the same.
13
14 *Manager* means any person who manages, directs, administers, or is in charge of the affairs
15 and/or conduct of any portion of any activity involving adult entertainment occurring at any
16 adult entertainment premises.
17
18 *Material* means any book, magazine, or other printed or written material, or any picture,
19 drawing, photograph, videotape, or other pictorial representation, figure, object or article.
20
21 *Operator* means any person who manages, directs, administers, or is in charge of the affairs
22 and/or conduct of any portion of any activity involving adult entertainment occurring at any
23 adult entertainment premises.
24
25 *Person* means any individual partnership, corporation, trust, incorporated or
26 unincorporated association marital community joint venture, governmental entity, or other
27 entity or group of persons however organized
28
29 *Public place* means any area generally visible to public view and includes streets, sidewalks,
30 bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or
31 not.
32
33 *Sadomasochistic abuse* means flagellation or torture by or upon a person who is nude or
34 clad in undergarments or in revealing or bizarre costume, or the condition of being
35 fettered, bound or otherwise physically restrained on the part of one so clothed.
36
37 *Server* means any person who serves food or drink at an adult entertainment business.
38
39 *Specified anatomical areas* means (1) uncovered or exposed human genitals, pubic region
40 or pubic hair; or buttock; or female breast or breasts below a point immediately above the
41 top of the areola or nipple, or any combination of the foregoing; or (2) human male genitals
42 in a discernible erect state, even if completely and opaquely covered.
43
44 *Specified sexual activities* means sexual conduct, being actual or simulated, acts of human
45 masturbation, sexual intercourse, or physical contact, in an act of apparent sexual
46 stimulation or gratification, with a person's clothed or unclothed genitals, pubic area,
47 buttocks, or the breast of a female, or any sadomasochistic abuse or acts including animals
48 or any latent objects in an act or apparent sexual stimulation or gratification, as such terms
49 are defined in the pornography and related offenses chapter of the Missouri Criminal Code.
50

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

5
6 *Display* means:

- 7 1. To expose in whole or in part; or
- 8 2. To permit an unfolding, viewing or examination.

9
10 **Sec 42.422 Adult Use License**

- 11 1. It shall be unlawful for any person to operate or maintain a sexually oriented
12 business in the City unless the owner, operator or lessee thereof has obtained an
13 adult entertainment business license and any required zoning approvals from the
14 City, or to operate such business after such license has been revoked or suspended
15 by the City.
16
- 17 2. It shall be unlawful for any person to knowingly work as an entertainer, server or
18 manager at a sexually oriented business unless said business is licensed in the City.
19
- 20 3. It shall be prima facia evidence that any sexually oriented business that fails to post
21 the required adult entertainment business license in the manner prescribed herein
22 shall be operating unlawfully. In addition it shall be prima facia evidence that any
23 entertainer, employee or manager who performs any service or entertainment in a
24 sexually oriented business in which an adult business license is not posted as
25 specified herein, shall have knowledge that such business is not licensed.
26
- 27 4. Any licensed sexually oriented business shall be deemed to have consented to a
28 periodic inspection of the business premises by appropriate City officials. This
29 inspection shall take place during hours when such sexually oriented business is
30 open to the public, unless otherwise requested by the sexually oriented business,
31 and shall not unreasonably interfere with the conduct of such business.
32
- 33 5. It is unlawful for any person to work as an entertainer, server or manager at a
34 sexually oriented business without first obtaining a license to do so from the City,
35 or to work as an entertainer, server or manager at a sexually oriented business
36 after such person's license to do so has been revoked or suspended.
37
- 38 6. The license year for all fees required under this chapter shall be from January 1
39 through December 31.
 - 40 a. The classification of licenses and fees for each shall be as follows:
 - 41 i. Adult entertainment business license fee is \$500.00 per year.
 - 42 ii. Adult entertainment manager's license fee is \$50.00 per year.
 - 43 iii. Adult entertainer's license fee is \$20.00 per year.
 - 44 iv. Adult entertainment server's license fee is \$20.00 per year.
 - 45 b. The application is not complete until the fee is paid. Licenses are for specific
46 locations as indicated on the license and are nontransferable. Any change in
47 the type of sexually oriented business shall invalidate the adult business
48 license. No more than one sexually oriented business may occupy a business
49 premise at one time.
- 50 7. A prospective licensee (owner, server, entertainer or manager) shall provide:
51

- 1 a. A notarized application to the Finance Department of the City of Rolla with his
2 or her name, address (mailing and residence), phone number, principal
3 occupation, recent photograph (2" X 3" color), date of birth, place of birth,
4 driver's license, social security number, signed permission for FBI check and
5 similar information for all partners or stockholders in the venture, as well as a
6 description of the proposed business.
- 7 b. A statement from the applicant, that the applicant has not been convicted of,
8 released from confinement for conviction of, or diverted from prosecution on:
9 i. A felony criminal act within five years immediately preceding the
10 application, or a misdemeanor criminal act within two years
11 immediately preceding the application where such felony or
12 misdemeanor criminal act involved sexual offenses, prostitution, sexual
13 abuse of a child, pornography or related offenses as defined in the
14 Missouri Criminal Code, or involved controlled substances or illegal
15 drugs or narcotics offenses as defined in the Missouri Controlled
16 Substances Act or other statutes or ordinances.
17 ii. Upon submission of each such application, the Police Department shall
18 review the information contained therein and verify the qualifications
19 of the applicant. The City Council shall, within 45 days, consider the
20 application at a regular session. The applicant shall be present in
21 person at the meeting when said application is considered by the City
22 Council. If the application meets all the requirements as set forth in this
23 Chapter, the City Council may issue a license for operation of the
24 sexually oriented business. Those opposing such a license could present
25 objections at this time. Granting the license requires a super majority
26 vote.
- 27 c. No person is eligible nor shall a license be issued to a sexually oriented business
28 applicant if one or more of the following conditions exist:
29 i. The applicant's premises is located within seven hundred fifty (750)
30 feet of a school, church, hospital, City Park, or licensed childcare center
31 or property zoned for residential use as measured in a straight line of
32 property boundary.
33 ii. The applicant's premises is located within one thousand (1,000) feet of
34 any other sexually oriented business for which there is a license issued.
35 iii. The applicant failed to supply all of the information requested on the
36 application.
37 iv. The applicant gave material false, fraudulent or untruthful information
38 on the application.
39 v. The applicant's proposed business premises does not comply with or
40 meet the requirement of the applicable health, zoning, building code,
41 fire and property maintenance ordinances of the City of Rolla.
42 vi. The applicant has been convicted, released from incarceration for
43 conviction, or diverted on any of the crimes set forth in said section.
44 vii. The applicant has had an adult entertainment license revoked or
45 suspended in this City or any other City or County during the past five
46 years.
- 47
48 8. Upon receipt of a complete application for an adult entertainment business license,
49 the Finance Department shall transmit one copy of the application to the Police
50 Department for investigation of the application and one (1) copy to the Community
51 Development Department.

- 1
2 9. It shall be the duty of the Police Chief or a designee to investigate the application to
3 determine whether the information contained therein is accurate and whether the
4 applicant has qualified to be issued the license. The results of this investigation
5 shall be forwarded to the Finance Department no later than ten (10) working days
6 from the application date.
7
- 8 10. It shall be the duty of the Director of Community Development to determine
9 compliance with the requirements of this section and the applicable health, zoning,
10 building code, fire and property maintenance ordinances of the City. The Director
11 shall provide his report to the Finance Department within ten (10) working days
12 from the application date.
13
- 14 11. Upon receipt of these reports, the Finance Department shall either issue or deny
15 the license, provided the license applications for sexually oriented businesses,
16 entertainers, servers, and managers shall be approved or disapproved within forty-
17 five (45) days from the filing date. If the license is disapproved, the applicant shall
18 be notified in writing by certified mail to the applicant's last known address, and
19 the notification shall state the basis for disapproval.
20
- 21 12. Any person found to be in violation of any provision of this Code, though he may
22 have been previously issued a license as provided herein shall have his license
23 revoked immediately forthwith. Prior to revocation said licensee shall have notice
24 of said violations, and the matter of revocation shall be placed before the next
25 regularly scheduled meeting of the City Council for hearing. Should the City Council
26 find said violations did occur, and upon motion of the City Council after hearing,
27 the revocation shall be issued from the City Clerk, all licenses previously issued
28 surrendered, for a period of one (1) year unless the City Council may by motion
29 direct a shorter time.
30

31 **Sec 42.423 Adult Use Requirements and Standards**

- 32 1. Display. It is unlawful for a person knowingly to:
 - 33 a. Display any explicit sexual material or sadomasochistic abuse at newsstands or
34 any other business establishment frequented by minors under the age of
35 eighteen (18) years or where said minors are or may be invited as a part of the
36 general public; or
 - 37 b. Permit or authorize the display of any explicit sexual material or
38 sadomasochistic abuse at newsstands or any other business establishments
39 frequented by minors under the age of eighteen (18) years or where said
40 minors are or may be invited as a part of the general public; or
 - 41 c. When requested by the police department of the City, to fail to promptly
42 remove from display from property in his possession or under his control, any
43 explicit sexual material or sadomasochistic abuse, at newsstands or other
44 business establishments frequented by minors under the age of eighteen (18)
45 years or where said minors are or may be invited as a part of the general
46 public.
47
- 48 2. Removal. Where it appears that this section or any part of this section is being or
49 about to be violated, the mayor or city attorney of the City of Rolla, may commence
50 and maintain, in the name of the City, an action in the circuit court to enjoin the
51 display of any explicit sexual material. No provisions of this Section shall be

1 construed to prohibit the prosecution for violation of the provisions of this Section
2 in the municipal court.

- 3
- 4 3. Penalty. Any person violating this section shall be deemed guilty of a misdemeanor,
5 and upon conviction thereof, shall be fined not less than two hundred dollars
6 (\$200.00) or be imprisoned in jail for not less than five (5) days or be punished by
7 both such fine and imprisonment or be fined not more than five hundred dollars
8 (\$500.00) or be imprisoned in jail for not more than sixty (60) days or be so
9 punished by both such fine and imprisonment.
- 10
- 11 4. Employees. No employee of any business responsible for selling or renting sexually
12 explicit material shall be less than eighteen (18) years of age.
- 13
- 14 5. Restrictions. Nothing in this section shall be construed so as to prohibit or restrict
15 any political subdivision or any department, agency, office or facility thereof, or any
16 employee or agent thereof when engaged in the performance of his official duties,
17 or any person in the conduct of a legitimate activity for bona fide educational,
18 scientific or medical purposes.
- 19
- 20 6. Design. The facility shall be designed in such a fashion that all openings, entries and
21 windows prevent view into such facilities from any pedestrian, sidewalk, walkway,
22 street or other public area. No business activities shall take place outside the
23 sexually oriented business visible from the exterior.
- 24
- 25 7. Signage. The facility in which such a use is located shall be limited to one (1) wall
26 mounted advertising sign no greater than one (1) square foot of sign per linear foot
27 of wall length, not to exceed a total of fifty (50) square feet. Said sign shall not
28 flash, blink or move by mechanical means and shall not extend above the roof line
29 of the building. No flashing lights and/or lighting that leaves the impression of
30 motion or movement shall be permitted.
- 31
- 32 8. Merchandise Display. No merchandise or pictures of products or entertainment on
33 the premises shall be displayed in window areas or any area where such
34 merchandise or pictures can be viewed from the sidewalk in front of the building.
- 35
- 36 9. Lighting. Lighting in the parking area must provide a minimum light level of 0.25
37 foot candles over the entire parking area, but in no point shall the light level exceed
38 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at
39 the lot line. The interior premises of sexually oriented businesses must be equipped
40 with overhead lighting of sufficient intensity to illuminate every place to which
41 customers are permitted access at an illumination of not less than one foot candle
42 as measured at the floor level, and such illumination must be maintained at all
43 times that any customer or patron is present in or on the premises.
- 44
- 45 10. Conduct. No owner, operator, manager or other person in charge of the premises
46 of a sexually oriented business premises shall:
- 47 a. Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon
48 or consumed on the premises, (unless otherwise permitted pursuant to
49 Chapter 4, Alcoholic Beverages, of the City Code).
- 50 b. Knowingly allow or permit the sale, distribution, delivery or consumption of any
51 controlled substance or illegal drug or narcotic on the premises.

- c. Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises in any capacity as entertainer, server or customer.
- d. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, or
- e. Knowingly allow or permit a violation of this section or any other City ordinance provision or state law.

11. Hours of Operation. Hours of operation shall not exceed 10 A.M. to 1 A.M.

12. 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:

- a. Any manager, server or entertainer issued a license by the City under the provisions of this section 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.
- b. 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".
- c. 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.
- d. 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.
- e. 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 eighteen (18) enters the premises.

13. 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.

14. Performances. Performances shall always take place on a stage of at least twenty-four (24) inches above the floor level of the audience. Entertainers shall be at least ten (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.

1 15. Visibility. The premises of all sexually oriented businesses shall be physically
2 arranged so that the entire interior portion of any booths, cubicles, room or stalls
3 are visible from a common area. The use of video cameras to meet this
4 requirement is not allowed. Visibility shall not be blocked or obscured by doors,
5 curtains, drapes or any other obstruction. The manager shall be required to
6 position himself/herself so as to be able to view the entire interior portion of the
7 premises while on duty.
8

9 16. License Posting. Every person, corporation, partnership, or association licensed
10 under this Chapter as a sexually oriented business shall post such license in a
11 conspicuous place and manner on the premises of the business.
12

13 17. Required Signage. All sexually oriented businesses shall have conspicuously
14 displayed in the common area at the entrance to the premises a sign of which
15 uppercase letters shall be at least two (2) inches high and lowercase letters at least
16 one inch high, which read as follows:
17

18 "THIS SEXUALLY ORIENTED BUSINESS IS REGULATED AND LICENSED BY THE
19 CITY OF ROLLA, MISSOURI ENTERTAINERS ARE:
20

21 Not permitted to engage in any type of sexual conduct or
22 prostitution on the premises or to fondle caress or touch the
23 breasts, pubic region, buttocks or genitals of any employee, patron,
24 or other entertainer or to permit any employee, patron, or other
25 entertainer to fondle, caress or touch the breasts, pubic region,
26 buttocks or genitals of said entertainer.
27

28 Not permitted to be nude, unclothed, or in less than opaque attire,
29 costume or clothing so as to expose to view any portion of the
30 breasts below the top of the areola, or any portion of the pubic
31 region, buttocks and or genitals.
32

33 Not permitted to demand or collect any payment or gratuity from
34 any patron for entertainment.
35

36 Not permitted to perform, except on a stage of at least twenty-four
37 (24) inches above the floor level of the audience and to maintain at
38 least a ten (10) foot separation from any patron at all times while
39 performing.
40

41 PATRONS ARE:
42

43 Not permitted to be upon the stage at any time.
44

45 Not permitted to touch, caress or fondle the breasts, pubic region,
46 buttocks or genitals of any employee, server or entertainer or
47 engage in solicitation for prostitution."
48

49 18. Location. No sexually oriented business is permitted to locate within an area
50 circumscribed by a circle which has a radius of seven hundred-fifty (750) feet, as

1 measured by a straight line drawn from the lot line of any proposed sexually
2 oriented business, to any residential zoning district, school, park, or church.

3

4 **Sec 42.424 – 42.429 Reserved**

5

Section 430 Telecommunications

Sec 42.430 Telecommunications

1. Statement of Purpose. The general purpose of this section 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 is intended to:
 - a. Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the City of Rolla;
 - b. 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;
 - c. Ensure that any new Wireless Communications Facilities are compatible with the neighborhood or surrounding community to the extent possible; and
 - d. 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.
2. Applicability; preemption. Notwithstanding any ordinance to the contrary, the procedures set forth in this section 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 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 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.
3. 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, 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, the following terms shall have the meanings and usages indicated:

Accessory Use: Any use authorized herein that exists in addition to the principal use of the property.

1 *Antenna*: Any device that transmits and/or receives wireless radio waves for voice,
2 data, or video communications purposes including, but not limited to, television,
3 AM/FM radio, texts, microwave, cellular telephone, and similar forms of
4 communications. The term shall exclude satellite earth station antenna less than two
5 meters in diameter (mounted within twelve (12) feet of the ground or building-
6 mounted) and any receive-only home television antenna.
7

8 *AGL (Above Ground Level)*: Ground level shall be determined by the elevation at the
9 center location of measurement.
10

11 *Authority Pole*: A Utility Pole that is owned and/or operated by the City but shall not
12 include municipal electric utility distribution poles or facilities.
13

14 *Cabinet*: A structure for the protection and security of communications equipment
15 associated with one or more Antenna where direct access to equipment is provided
16 from the exterior and that has horizontal dimensions that do not exceed four (4) feet
17 by six (6) feet, and vertical height that does not exceed six (6) feet.
18

19 *Director*: The Community Development Director or his/her designee or official acting in
20 such capacity.
21

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

- 31 1. It is consistent with and contributes to and does not detract from the
32 character and property values and use of the area and neighborhood in
33 which it is located;
- 34 2. It does not contain distorted proportions, size, or other features not
35 typically found on the type of structure or feature to which it is designed to
36 replicate;
- 37 3. It cannot be identified as a Support Structure by persons with reasonable
38 sensibilities and knowledge;
- 39 4. Its equipment, accessory buildings, or other aspects or attachments
40 relating to the Disguised Support Structure are wholly concealed using a
41 manner consistent with and typically associated with the architectural or
42 natural structure or feature being replicated; and
- 43 5. It is of a height, design, and type that would ordinarily occur at the location
44 and neighborhood selected.
45

46 *Existing Structure*: Any structure capable of supporting Wireless Communication
47 Facilities (other than a Support Structure) in full conformance with the design and other
48 requirements of this Division and is:

- 49 1. Existing prior to the date of all applicable permit applications seeking City
50 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.

4 *FAA:* The Federal Aviation Administration.

6 *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 (7) cubic feet in volume (comprised of no more than twenty-seven (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 (4) 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 (5) feet taller;
3. Not exceeding six (6) feet above the top of an Existing Structure or Utility Pole for a total height not exceeding fifty (50) feet nor taller than more than six (6) feet above the average of similar poles within three hundred (300) feet.

24 *FCC:* The Federal Communications Commission.

26 *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.

30 *Person:* An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

33 *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.

46 *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.

1 *Small Wireless Facility:* Antennas and associated equipment that meet the following:

- 2 1. Each Antenna could fit within an enclosure of no more than six (6) cubic
3 feet in volume; and
- 4 2. All other associated equipment, to the extent permitted by applicable law
5 to be calculated, of cumulatively no more than twenty-eight (28) cubic feet
6 in volume; provided that no single piece of equipment on the Authority
7 Pole shall exceed nine (9) cubic feet in volume, and no single piece of
8 ground mounted equipment shall exceed fifteen (15) cubic feet in volume.

9
10 *Support Structure:* A Tower or Disguised Support Structure.

11
12 *Tower:* A structure designed for the support of one or more Antenna and including
13 guyed towers, self-supporting (lattice) towers, or monopoles, but not Disguised
14 Support Structures, Utility Poles, or buildings. The term shall also not include any
15 Support Structure that includes attachments of fifty (50) feet or less in height owned
16 and operated solely for use by an amateur radio operator licensed by the FCC.

17
18 *Utility Pole:* A pole or similar structure that is or may be used for wireline
19 communications, electric distribution, lighting, traffic control, signage, or a similar
20 function, or for the collocation of Small Wireless Facilities or Fast Track.

21
22 *Wireless Communications Facility:* Any Antenna, Small Wireless Facility, Fast Track,
23 Cabinet, Shelter, and Support Structure and associated equipment.

24
25 **Sec 42.432 Application Procedures; Timing**

- 26 1. Applications. Applications for permitted, administrative, or conditional uses
27 pursuant to this section shall be subject to the supplementary procedures in this
28 section. Applications shall be submitted to the City as a complete application on
29 forms provided by the City. A "complete application" shall be an application
30 submitted on the forms provided by the City, fully executed by the applicant,
31 identifying the specific approval sought, and containing all attachments, fees as
32 may be established to reimburse the City for its inspection and review costs, and
33 information as required thereon or by the City, consistent with this section.
34 Applications shall be accompanied by a building permit application and other
35 applicable forms.
- 36
37 2. Proof of Owner Consent. Applications for permitted, administrative, or conditional
38 uses pursuant to this section shall be required to provide proof of owner consent,
39 which shall minimally include:
 - 40 a. Written consent to pursue the application by all fee simple owners of the
41 underlying real estate (or where located in street rights-of-way, the rights-of-
42 way owner thereof), including when the proposed location is also in a utility
43 easement; and
 - 44 b. Written consent to pursue the application of the owner of the structure on
45 which such Facility is to be placed, if different than applicant.
- 46
47 3. Timing. Applications shall be decided upon within a reasonable time, subject
48 further to state or federal specific additional time requirements as may apply to the
49 particular application.

- 1 4. Consolidated Applications for Small Wireless Facilities. An applicant may submit a
2 consolidated application and receive a single permit for up to twenty (20)
3 collocated Small Wireless Facilities, provided that they are for the same or
4 materially the same design of Small Wireless Facility being collocated on the same
5 or materially the same type of Utility Pole or Support Structure. Denial of one or
6 more Small Wireless Facilities in a consolidated application shall not delay
7 processing of any other Small Wireless Facilities in the same consolidated
8 application.
9
- 10 5. Opportunity to Cure. In case of a denial, the applicant may cure the deficiencies
11 identified by the City and resubmit the application within thirty (30) days of the
12 denial without paying an additional application fee. The City shall approve or deny
13 the revised application within thirty (30) days of resubmission and limit its review
14 to the deficiencies cited in the original denial.
15

16 **Sec 42.433 General Requirements**

- 17 1. Applicability. The requirements set forth in this section shall be applicable to all
18 Wireless Communications Facilities within the City installed, built, or modified after
19 the effective date of this section to the full extent permitted by law. Such zoning
20 review and approvals required in this section shall be in addition to any other
21 generally applicable permitting requirement, including applicable building,
22 excavation, rights-of-way, or other permits or approvals.
23
- 24 2. Principal or accessory use. Towers may be either a principal or accessory use in all
25 non-residential zoning districts, subject to any applicable requirement relating to
26 yard or setback. An accessory use subject to a leasehold interest of a person other
27 than the lot owner may be approved for a Tower only if the leasehold area
28 separately meets all requirements for a separate subdivided lot, including
29 dedicated access, parking, setbacks, and lot size, applicable to a principal use in the
30 district in which the use is proposed as if it was a separate subdivided lot. No other
31 district shall allow Towers unless required by law. All other Wireless
32 Communications Facilities and Utility Poles other than Towers, may be a principal
33 or accessory use in all districts subject to the requirements herein.
34
- 35 3. Building codes, safety standards, and zoning compliance. Wireless Communications
36 Facilities shall be constructed and maintained in compliance with all standards
37 contained in applicable state and local building codes. A certified engineer's
38 structural report shall be required for all applications to construct a new or modify,
39 or any way alter, a Support Structure, a Utility Pole, or Antenna, including Small
40 Wireless Facility and Fast Track, unless waived upon application to the Director
41 stating why such report is unnecessary to the specific application and a
42 determination in the discretion of the Director approving such statement. In
43 addition to any other approvals required by this Division, no Wireless
44 Communication Facility or portion thereof, except for a modification under 47
45 U.S.C. § 1455(a), shall be erected, replaced, or expanded prior to receipt of a
46 Certificate of Zoning Compliance, unless otherwise required by law, and the
47 issuance of a Building Permit.
48
- 49 4. For sites within City rights-of-way:
50

- a. The most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the official zoning map;
- b. 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
- c. 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.

5. 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.

6. 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.

7. Lighting. Antenna, Small Wireless Facilities, Fast Track, and Support Structures shall 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.

8. 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.

9. Design.
a. 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

1 alternative painting scheme approved by the Director, or the City Council in the
2 case of Conditional Use Permits, consistent with the requirements of this
3 Division.

- 4 b. Ground equipment. When authorized, equipment Shelters, or Cabinets shall
5 have an exterior finish reasonably compatible with the natural or built
6 environment of the site and shall also comply with any design guidelines as
7 may be applicable to the particular zoning district in which the facility is located
8 unless not feasible. All ground equipment shall be either placed underground,
9 contained in a single Shelter or Cabinet, or concealed within a building or
10 approved walled compound.
- 11 c. Antenna design. Antenna attached to a Disguised Support Structure shall be
12 contained within the Disguised Support Structure or within or mounted flush
13 on the surface to which they are mounted. Antenna attached to an existing
14 building, Utility Pole, or structure shall be of a color matching the surface to
15 which they are mounted. Antenna on the rooftop or attached to a building shall
16 be screened or constructed and/or colored to match the structure to which
17 they are attached.
- 18 d. Height. Support Structures and Antenna shall not exceed the height limitation
19 of any airport overlay zone as may be adopted by the City or other regulatory
20 agency. Support Structures and Utility Poles may exceed underlying zoning
21 district height restrictions for buildings and structures only where shown to be
22 necessary, provided that no reasonable and feasible alternative exists. To the
23 extent permitted by applicable law, district height restrictions shall be
24 considered by the City in determining the appropriateness of the design and
25 location of the application under the applicable standards for approval. No
26 Support Structure shall be approved at a height exceeding one hundred-twenty
27 (120) feet AGL unless the applicant clearly demonstrates that such height is
28 required for the proper function of the applicant's system.
- 29 e. Monopole design. All Towers shall be of a monopole design. Lattice, guyed
30 Towers, or other non-monopole Tower designs shall not be permitted.
- 31 f. Compound walls/landscaping. All Towers shall be surrounded by a minimum of
32 a six (6) foot high decorative wall constructed of brick, stone, or comparable
33 masonry materials and a landscape strip of not less than ten feet in width and
34 planted with materials, which will provide a visual barrier to a minimum height
35 of six (6) feet. The landscape strip shall be exterior to any security wall. In lieu
36 of the required wall and landscape strip, an alternative means of screening may
37 be approved by the Director, or by the City Council in the case of a Conditional
38 Use Permit, upon demonstration by the applicant that an equivalent degree of
39 visual screening will be achieved. Landscaping or other improvements may be
40 required for Disguised Support Structures if needed to implement an approved
41 disguise.
- 42 g. Setbacks. All Support Structures shall be separated from any rights-of-way,
43 sidewalk or street, alley, parking area, playground, or other building which is
44 located on a another property, and from the property line of any adjacent
45 property at least a horizontal distance equal to 25% of the height of the
46 Support Structure.
- 47 h. Storage. Vehicle or outdoor storage on any Wireless Communications Facilities
48 site is prohibited, unless otherwise permitted by the zoning district.
- 49 i. Parking. One hard-surfaced parking spot per Support Structure for periodic
50 maintenance and service shall be provided.

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

12
13 10. Public property. Wireless Communications Facilities located on property owned,
14 leased, or otherwise controlled by the City shall be subject to the requirements of
15 this Division. A license or lease with the City authorizing the location of such
16 Wireless Communications Facilities shall be required for each site.

17
18 11. As-built plans. Within sixty (60) days of completion of the initial construction and
19 any additional construction, three complete sets of plans drawn to scale and
20 certified as accurately depicting the location of all Wireless Communications
21 Facilities constructed shall be furnished to the City.

22
23 12. Historic preservation; thirty (30) day hearing period. To the extent permitted by
24 law, approval shall not be issued for any Wireless Communications Facility that the
25 Director or City Council determines would create a significant negative visual
26 impact or otherwise have a significant negative impact on the historical character
27 and quality of any property within a Historic Preservation District or such District as
28 a whole. For collocation of any certified historic structure as defined in Section
29 253.545 RSMo., in addition to all other applicable time requirements, there shall be
30 a thirty (30) day time period before approval of an application during which one or
31 more public hearings on collocation to a certified historic structure are held. The
32 City may require reasonable, technically feasible and technological neutral deign
33 and concealment measures as a condition of approval of a Wireless
34 Communication Facility within a historic district or on a historic structure.

35
36 13. Administration. The Director shall have the authority to establish forms and
37 procedures consistent with this Division and applicable federal, state, and local law
38 to ensure compliance and to facilitate prompt review and administration of
39 applications.

40
41 **Sec 42.434 Permitted Use**

- 42 1. Permitted use. The placement of Wireless Communications Facilities fully
43 conforming with the applicable General Requirements in this section are permitted
44 in all zoning districts (including the right-of-way) only as follows:
- 45 a. Towers in industrial districts. Antennas attached to towers in industrial districts
46 are a permitted use.
 - 47 b. Collocations on Existing Support Structures. The attachment of Antenna
48 including Small Wireless Facilities, or associated equipment to any existing fully
49 conforming Support Structure or Utility Pole, or as otherwise authorized by
50 state or federal law where local zoning is preempted, provided that building
51 permit requirements, national safety codes, and other applicable codes

1 including recognized accepted industry standards for structural, safety,
2 capacity, reliability, and engineering are satisfied, including specifically the
3 requirement to submit a certified structural engineering report.

- 4 c. Antenna on high-voltage Towers. The mounting of Antenna on or within any
5 existing high-voltage electric transmission Tower, but not exceeding the height
6 of such Tower by more than ten (10) feet, provided that all requirements of this
7 Division and the underlying zoning ordinance are met, except minimum
8 setbacks provided in this Division shall not apply.
- 9 d. Antenna on existing buildings/structures. In all districts, except not on single-
10 family residential or two-family dwellings, the mounting of Antenna on any
11 existing and conforming building or structure (other than a Support Structure
12 or Utility Pole) provided that the presence of the Antenna and equipment is
13 concealed by architectural elements or fully camouflaged or concealed by
14 painting a color identical to the surface to which they are attached, and further
15 provided that all requirements of this Division and the underlying zoning
16 ordinance are met.
- 17 e. Collocation of Small Wireless Facilities on Authority Poles. In accordance with
18 Section 67.5112 RSMo, a wireless provider may collocate Small Wireless
19 Facilities and install, maintain, modify, operate, and replace Authority Poles, at
20 heights below the height limitations outlined in this Subdivision, which shall be
21 a permitted use in all districts except single-family residential and historic
22 districts subject to Subsection ii of this Section below. New, replacement, or
23 modification of Authority Poles under the following circumstances shall not be
24 considered a permitted use under this Section:
- 25 i. Proposals to construct or modify an Authority Pole that exceeds
26 the greater of fifty (50) feet AGL or more than ten feet above the
27 tallest existing Authority Pole as of January 1, 2019 within 500 feet
28 of the proposed Authority Pole in the City; and
 - 29 ii. Proposals to collocate on an existing Authority Pole in place on
30 August 28, 2018, that exceeds the height of the existing Authority
31 Pole by more than ten feet.

- 32
- 33 2. Application procedure. Application for a Permitted Use under this Section shall
34 require submission of an application with proof of owner consent and an
35 application fee of \$100.00 per Small Wireless Facility and an application fee of
36 \$500.00 for the installation, modification, or replacement of a Utility Pole and
37 collocation of a Small Wireless Facility thereon as required to partly cover the City's
38 actual costs, and not to exceed such amounts as may be limited by law. If the
39 applicant is not a Wireless Services Provider, the applicant must submit evidence of
40 agreements or plans, or otherwise provide attestations to the same, which
41 conclusively demonstrate to the City that the proposed site(s) will become
42 operational and used by a Wireless Services Provider within one year of the
43 permit's issuance date. For any application for a Small Wireless Facility, the
44 applicant shall provide an attestation that the proposed Small Wireless Facility
45 complies with the volumetric limitations as required to meet the definition of a
46 Small Wireless Facility in accordance with this Division and pursuant to applicable
47 law. Applicant shall also submit a certified structural analysis as required in the
48 General Requirements of this Division. Applications requesting any information that
49 is prohibited by federal or state law under the applicable circumstance shall be
50 deemed inapplicable to the subject application. The Director shall issue a decision
51 on the application for a permitted use within the time frame permitted by

1 applicable law. A decision to deny an application shall be made in writing and state
2 the specific reasons for the denial. With respect to a proposed collocation of a
3 Small Wireless Facility or installation, modification, or replacement of a Utility Pole,
4 the Director may deny the application only if the proposal could reasonably be
5 expected to:

- 6 a. Materially interfere with the safe operation of traffic and control equipment or
7 City-owned communications equipment;
- 8 b. Materially and demonstrably interfere with the safe operation of traffic control
9 equipment or City-owned communications equipment;
- 10 c. Materially and demonstrably interfere with sight lines or clear zones for
11 transportation, pedestrians, or non-motorized vehicles;
- 12 d. Materially interfere with compliance with the American Disabilities Act, or
13 similar federal or state standards regarding pedestrian access or movement;
- 14 e. Materially obstruct or hinder the usual travel or public safety on the rights-of-
15 way;
- 16 f. Materially obstruct the legal use of the rights-of-way by the City, utility, or
17 other third-party;
- 18 g. Fail to comply with the spacing requirements;
- 19 h. Fail to comply with applicable national safety codes, including recognized
20 engineering standards for Utility Poles or Support Structures;
- 21 i. Fail to comply with the decorative pole replacement requirements herein; or
- 22 j. Fail to comply with undergrounding requirements;

23
24 **Sec 42.435 Administrative Approval**

- 25 1. Administrative approval. The placement of Wireless Communications Facilities fully
26 conforming with the General Requirements in this section are permitted in all
27 zoning districts (including the right-of-way) by Administrative Permit approved by
28 the Director only as follows:
 - 29 a. Disguised Support Structures. Any Disguised Support Structure shall have as a
30 condition of approval, unless expressly exempted in the approval, an obligation
31 that is recorded on the property that runs with the land for the benefit of the
32 public, prohibiting modifications to the Disguised Support Structure that
33 defeats the disguise, unless such proposed modification is approved by a duly
34 authorized zoning or conditional use approval approved. If the applicant does
35 not wish to have such a condition, the application shall not qualify for
36 Administrative Permit approval, unless another mechanism is proposed and
37 approved to ensure that the disguise is not subsequently defeated. A Disguised
38 Support Structure proposed to be located within a public or private right-of-
39 way, street, or other pedestrian or vehicular way may be exempted from the
40 General Requirements of this Article relating to parking/access and setbacks,
41 unless determined by the Director as applicable to the specific location for
42 safety reasons or other applicable reasons.
 - 43 b. Fast-Track Small Wireless Facilities. An application for a Fast-Track may be
44 approved administratively by the Director, subject to meeting the following
45 requirements:
 - 46 i. General requirements. The following requirements shall generally
47 apply to all Fast-Track located within the City:
 - 48 1. The Fast-Track shall substantially match any current
49 aesthetic or ornamental elements of the Existing Structure
50 or Utility Pole, or otherwise be designed to maximally

- 1 blend in to the built environment, with attention to the
2 current uses within the district at the proposed site;
- 3 2. Any portion above the Existing Structure or Utility Pole
4 shall be concealed and of the same dimensions and
5 appearance so as to appear to be a natural extension of the
6 Existing Structure or Utility Pole in lieu of an enclosure or
7 concealment;
- 8 3. The Fast-Track equipment shall not emit noise audible from
9 the building line of any residentially zoned or used
10 property; and
- 11 4. Location, placement, and orientation of the Fast-Track
12 shall, to the extent feasible, minimize the obstruction to, or
13 visibility from, the closest adjacent properties unless
14 otherwise required by the City for safety reasons.
- 15 ii. Additional requirements when sited near pedestrian and vehicle
16 ways. When a Fast-Track is proposed to be located on an Existing
17 Structure or Utility Pole on or adjacent to public or private streets,
18 sidewalks, or other pedestrian or vehicle ways:
- 19 1. The height of all portions of the Fast-Track shall be located
20 at least eight (8) feet above ground level;
- 21 2. No ground equipment shall be permitted; and
- 22 3. No portions of the Fast-Track shall extend horizontally from
23 the surface of the Utility Pole or Existing Structure more
24 than sixteen (16) inches.
- 25 iii. Waiver for good cause shown. Additionally, the Director may for
26 good cause shown increase any one or more of the maximum
27 volumetric specifications from the definition of a Fast-Track by up
28 to 50% if the applicant demonstrates that it:
- 29 1. Does not in any location nationally use equipment capable
30 of meeting the specifications and the purpose of the
31 equipment; and
- 32 2. Cannot feasibly meet the requirements as defined and
33 described.
- 34 iv. The City Council may further waive one or more of the
35 requirements found in the definition of Fast-Track, or from the
36 General Requirements or the Additional Requirements When Sited
37 Near Pedestrian or Vehicle Ways of this Subdivision, upon good
38 cause shown by the applicant, and provided a showing that the
39 waiver is the minimum necessary to accomplish the purposes of
40 this Division. The burden of proof for any waiver shall be wholly on
41 the applicant.
- 42
- 43 2. Application procedures. Applications for Administrative Permits shall be made on
44 the appropriate forms to the Director consistent with the requirements of this
45 section. Applications requesting any information that is prohibited by federal or
46 state law under the applicable circumstance shall be deemed inapplicable to the
47 subject application.
- 48 a. General application requirements. Applicant shall submit along with its
49 completed application form:
- 50 i. An application fee of not more than \$100.00 per "Fast Track" Small
51 Wireless Facility as required to partly cover the City's actual costs,

1 and an application fee of not more than \$500.00 for an application
2 for a Disguised Support Structure and collocation of a Small
3 Wireless Facility thereon and not to exceed such amounts as may
4 be limited by law; any amount not used by the City shall be
5 refunded to the applicant upon written request after a final
6 decision;

- 7 ii. A detailed site plan, based on a closed boundary survey of the host
8 parcel, shall be submitted indicating the exact location of the
9 facility, all dimensions and orientations of the facility and
10 associated equipment, in addition to all existing and proposed
11 improvements including buildings, drives, walkway, parking areas,
12 and other structures, rights-of-way, the zoning categories of the
13 subject and adjoining properties, the location of and distance to
14 off-site residential structures, required setbacks, required buffer
15 and landscape areas, hydrologic features, and the coordinates and
16 height AGL of the Utility Pole or Existing Structure, if applicable and
17 determined by the Director to be necessary to determine
18 compliance with this Division;
- 19 iii. Specifications, dimensions, photos, or drawings of the completed
20 installation;
- 21 iv. Proof of owner consent.
- 22 v. Certified structural analysis as required in the General
23 Requirements of this Division;
- 24 vi. If the applicant is not a Wireless Services Provider, the applicant
25 must submit evidence of agreements or plans, or otherwise
26 provide attestations to the same, which conclusively demonstrate
27 to the City that the proposed site(s) will become operational and
28 used by a Wireless Services Provider within one year of the
29 permit's issuance date; and
- 30 vii. All other information necessary to show compliance with the
31 applicable requirements of this Division.

32 b. Fast-Track specific application requirements. In addition to the above general
33 application requirements, applications for a Fast-Track shall include the
34 following:

- 35 i. An attestation that the proposed Fast-Track meets the volumetric
36 and other requirements to meet the definition of Fast-Track
37 provided in this Division; and
- 38 ii. Information demonstrating that the applicant's proposed plans are
39 in compliance with § 67.5113.3(9) RSMo. to the satisfaction of the
40 City.

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

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

- 1 e. Decisions; denials required in writing. The Director shall issue a decision on the
2 permit within the time frame permitted by applicable law. The Director may
3 deny the application or approve the application as submitted or with such
4 modifications or conditions as are, in his/her judgment, reasonably necessary
5 to protect the safety or general welfare of the citizens and property values
6 consistent with and to affect the purposes of this Division, and subject to
7 applicable law. The Director may consider the purposes of this Division and the
8 factors established herein. A decision to deny an application shall be made in
9 writing and state the specific reasons for the denial. Provided that with respect
10 to a proposed collocation of a Small Wireless Facility or installation,
11 modification, or replacement of a Utility Pole, the Director may deny the
12 application only for the reasons outlined above.
13

14 **Sec 42.436 Conditional Use Permit**

- 15 1. Conditional Use Permit Required. All proposals to construct or modify a Wireless
16 Communications Facilities in a commercial district (not permitted in any residential
17 district) and not permitted by the previous sections or not fully complying with the
18 General Requirements of this Division and except for modifications under 47 U.S.C.
19 § 1455(a) which must be approved, shall be permitted only upon the approval of a
20 Conditional Use Permit, subject to the following additional requirements,
21 procedures, and limitations:
- 22 a. Applications. Applications for Conditional Use Permits shall be filed on such
23 forms required by the Director and processed subject to the requirements of
24 and in the manner established by applicable law, herein, and for Conditional
25 Use Permits in the Zoning Code and, in addition to such other requirements,
26 shall be accompanied by a deposit of \$1,500.00, to the extent permitted by
27 applicable law to the specific Wireless Communications Facility. Any amount
28 not used by the City shall be refunded to the applicant upon written request
29 after a final decision. Applications requesting any information that is prohibited
30 by federal or state law under the applicable circumstance shall be deemed
31 inapplicable to the subject application.
- 32 b. Decision and findings required. A decision shall be contemporaneously
33 accompanied by substantial evidence supporting the decision, which shall be
34 made a part of the written record of the meeting at which a final decision on
35 the application is rendered. Evidence shall be under oath and may be
36 submitted with the application or thereafter or presented during the public
37 hearing by the applicant or others.
- 38 c. Additional minimum requirements. No Conditional Use Permit shall be issued
39 unless the applicant has clearly demonstrated by substantial evidence that
40 placement of Wireless Communications Facilities pursuant to the previous
41 sections of these regulations is not technologically or economically feasible.
42 The City may consider current or emerging industry standards and practices,
43 among other information, in determining feasibility.
- 44 d. Findings required. In addition to the determinations or limitations specified
45 herein and by the applicable provisions of this Zoning Code for the
46 consideration of Conditional Use Permits, no Conditional Use Permit shall be
47 approved by the City Council unless findings in the affirmative are made that
48 the following conditions exist:
- 49 i. That the design of the Wireless Communications Facilities,
50 including ground layout, maximally reduces visual degradation and
51 otherwise complies with provisions and intent of this Division;

- 1 ii. That the design is visually compatible with the area, will not
2 distract from the view of the surrounding area, is maximally
3 concealed or blended in with the environment, and will not
4 adversely affect property values;
5 iii. That such conditional use shall not be inconsistent or adversely
6 affect the regular permitted uses in the district in which the same is
7 located; and
8 iv. That the proposal fully complies with applicable law including the
9 General Requirements herein; provided that an exception to the
10 General Requirements, other than building or safety code
11 compliance, may be approved upon evidence that compliance is
12 not feasible or is shown to be unreasonable under the specific
13 circumstances shown.
14

15 **Sec 42.437 Removal of Support Structure**

16 Any Wireless Communications Facility or portion thereof that is no longer in use for its
17 original communications purpose shall be removed at the owner's expense. In the case of
18 multiple operators sharing use of a single Support Structure, this removal requirement shall
19 not apply to the Support Structure until all users cease operations of the same.
20

21 **Sec 42.438 Penalty**

22 Except as may otherwise be provided by law, any person violating any provision in this
23 section shall be subject to penalties as provided by the zoning codes and subject state and
24 federal laws.
25

26 **Sec 42.439 Appeals**

27 The procedures of the Board of Adjustment, shall govern appeals by any aggrieved person
28 of a final action of any City Officer, employee, board, commission, or the City Council that
29 are claimed by an aggrieved person to be unlawful or an unconstitutional taking of property
30 without compensation. To the fullest extent permitted by law, the review procedures of
31 Board of Adjustment, shall be exhausted before any action may be filed in any court against
32 the City or its officers, employees, boards, officials or commissions. Nothing herein shall be
33 deemed to unlawfully limit any remedy that is required to be available as a matter of law.
34
35

1 **Section 440 Manufactured Home Parks**

2
3 **Sec 42.440 Manufactured Home Parks**

4
5 **NOTE:** *The entirety of chapter 39 is recommended to be removed and relocated to Chapter*
6 *42, as revised because chapter 39 pertains to a particular land use.*

7
8 The following regulations apply to any new or expanded mobile home park in addition to
9 any conditions of approval which may be imposed.

10
11 **Sec 42.441 Definitions**

12 The following words and phrases shall have the meanings respectively ascribed to them by
13 this Section:

14
15 *License* - A written license issued by the city clerk allowing a person to operate and
16 maintain a manufactured home park under the provisions of this section and regulations of
17 the zoning code.

18
19 *Manufactured Home* – A transportable dwelling unit suitable for year-round occupancy
20 which is constructed at an off-site location and meets the National Manufactured Housing
21 Construction and Safety Standards Act of 1974 and/or any subsequent building regulations.

22
23 *Mobile home* - A transportable dwelling unit suitable for year-round occupancy that is not
24 constructed to the standards the National Manufactured Housing Construction and Safety
25 Standards Act of 1974. Due to the age and standards of construction of mobile homes,
26 mobile homes are not permitted within the city limits of Rolla.

27
28 *Manufactured home lot* - A parcel of land for the placement of a single manufactured home
29 and the exclusive use of its occupants.

30
31 *Manufactured home park* - A parcel of land which has been planned and improved for the
32 placement of manufactured homes for non-transient use.

33
34 *Manufactured home stand* - That part of an individual lot which has been reserved for the
35 placement of the manufactured home, appurtenant structures or additions.

36
37 **Sec 42.442 General Requirements for Manufactured Housing**

- 38 1. It shall be unlawful, within the limits of the city, for any reason to park, store, or
39 place any manufactured home on any street, alley or highway, or other public
40 place, or on any tract of land owned by a person, occupied or unoccupied, within
41 the city, except as provided by this section.
42
43 2. The city engineer and codes administrator are hereby authorized and directed to
44 make such inspections as are necessary to determine satisfactory compliance with
45 section. The city engineer and codes administrator shall have the power to enter at
46 reasonable times upon any private property for the purpose of inspecting and
47 investigating conditions relating to the enforcement of this section.
48
49
50

1 **Sec 42.443 Requirements for Manufactured Home Parks**

- 2 1. The person to whom a license for a manufactured home park shall operate the park
3 in compliance with this section and shall provide adequate supervision to maintain
4 the park, its facilities and equipment in good repair and in a clean and sanitary
5 condition.
6
- 7 2. The park management shall notify park occupants of all applicable provisions of this
8 section and inform them of their duties and responsibilities under this section.
9
- 10 3. The park management shall supervise the placement of each manufactured home
11 which includes securing its stability and installing all utility connections.
12
- 13 4. The park management shall maintain a register containing a record of all
14 manufactured homes and occupants. Such register shall be available to any
15 authorized person inspecting the manufactured home park and shall be preserved
16 for the period required by the health authority. Such register shall contain the
17 names and permanent addresses of all occupants;
18
- 19 5. The park manager must ensure that all required building permits are obtained prior
20 to moving a manufactured home onto the property.
21
- 22 6. RV's, travel trailers, tiny houses on wheels, park model homes and similar domiciles
23 which have not been constructed to the standards of a manufactured home are not
24 permitted to be placed, parked, stored, or occupied in a manufactured home park
25 without approval of a Conditional Use Permit specifically for that use.
26
- 27 7. The manufactured home park occupant shall comply with all applicable
28 requirements of this section and shall maintain their manufactured home lot, its
29 facilities and equipment in good repair and in a clean and sanitary condition.
30
- 31 8. A manufactured home shall not be occupied for dwelling purposes unless it is
32 properly secured and connected to water, sewerage and electrical utilities.
33
- 34 9. All manufactured homes shall be located at least ten (10) feet from any
35 manufactured home park property boundary line abutting upon a public street or
36 highway and at least fifteen feet from other park property boundary lines.
37
- 38 10. Off-street parking areas shall be provided in all manufactured home parks for the
39 use of occupants. Parking may be provided through a shared parking lot(s) or by
40 provision for parking on each manufactured home lot. If parking is provided on
41 each lot, a minimum of two (2) spaces are required per lot. If parking is provided by
42 a shared parking area, a minimum of one and a half (1.5) spaces are required for
43 each manufactured home lot the parking area is intended to serve.
44
- 45 11. Required car parking spaces shall be so located as to provide convenient access to
46 the manufactured home, but shared parking shall not exceed a distance of two
47 hundred (200) feet by walking distance along a sidewalk or drive from the
48 manufactured home that it is intended to serve.
49
- 50 12. Sidewalks are required to be constructed along the street frontage of a
51 manufactured home park, connecting to the sidewalk on all street frontages, along

1 all manufactured home park streets or drives serving lots within the park, and
2 connecting to all common facilities.
3

4 13. One or more storm shelters constructed to meet ICC-500 are required to serve all
5 residents for manufactured home parks with ten (10) or more lots.
6

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

- 10 a. Proposed manufactured home lots
- 11 b. Proposed streets or drives to serve each lot
- 12 c. Required sidewalks
- 13 d. Proposed common facilities including any clubhouse, office, pools, storm
14 shelters, laundry facilities, recreation areas, storage areas, etc.
- 15 e. Proposed parking areas
- 16 f. Proposed lighting
- 17 g. Locations of any proposed private utilities

18
19 **Sec 42.444 Manufactured Home Park License**

- 20 1. It shall be unlawful for any person to operate any manufactured home park within
21 the limits of the city unless he holds a valid license issued annually by the city clerk
22 in the name of such person for the specific manufactured home park.
23
- 24 2. All applications for licenses shall be made to the city clerk who shall issue a license
25 upon compliance by the applicant with provisions of this section and of other
26 applicable legal requirements.
27
- 28 3. Every person holding a license shall give notice in writing to the city clerk within
29 twenty-four hours after having sold, transferred, given away, or otherwise disposed
30 of interest in or control of any manufactured home park. Such notice shall include
31 the name and address of the person succeeding to the ownership or control of such
32 manufactured home park. Upon application in writing for transfer of the license
33 and deposit of a fee of thirty-five dollars (\$35.00), the license shall be transferred if
34 the manufactured home park is in compliance with all applicable provisions of this
35 section.
36
- 37 4. Application for original licenses shall be in writing, signed by the applicant,
38 accompanied by an affidavit of the applicant, as to the truth of the application and
39 by the payment of a license fee of thirty-five dollars (\$35.00), and shall contain the
40 name and address of the applicant; the location and legal description of the
41 manufactured home park; and a site plan of the mobile home park or travel trailer
42 park, showing all lots, structures, roads, walkways and other service facilities.
43
- 44 5. Applications for annual renewals of licenses shall be made in writing by the holders
45 of the licenses and shall be accompanied by the payment of a fee of thirty-five
46 dollars (\$35.00) and shall contain any change in the information submitted since
47 the original license was issued or the latest renewal granted.
48
- 49 6. Any person whose application for a license under this section has been denied may
50 request and shall be granted a hearing on the matter before the Board of
51 Adjustment.

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7. 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 or other regulations, the city engineer or codes administrator shall give notice in writing 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 home 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 home park.

8. 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 home park are corrected, may request an appeal to an administrative decision to the Board of Adjustment.

Sec 42.445 to 42.449 Reserved

Section 450 Special Uses

Sec 42.450 Special Uses

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

Sec 42.451 Accessory Structures and Uses

1. 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. Accessory uses are consistent with and supplemental to the permitted uses in the zoning district.
2. 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:
 - a. Garages;
 - b. Utility sheds;
 - c. carports;
 - d. In-ground and above-ground swimming pools and associated bath houses;
 - e. Green houses;
 - f. Gazebos, pergolas or pavilions;
 - g. Barns;
 - h. Well and wash houses.
 - i. Towers
3. 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:
 - a. Not less than forty (40) feet back of the front building line for the main building, for pools and portable buildings;
 - b. The minimum rear setback may be reduced to five (5) feet;
 - c. Not less than five (5) feet from the side lot line.
 - d. Not less than ten (10) feet from any lot line for two or more-story accessory building or structure;
4. Accessory buildings or structures shall comply with the height restrictions of the zoning district, except as provided elsewhere in this code.
5. The location of accessory buildings or structures in a non-residential district shall be located consistent with the height, setback, and bulk standards of the zoning district in which the property is located.
6. 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.
7. 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.

- 1 8. Temporary Accessory Storage – Portable On Demand Storage Units (PODS) or other
2 temporary accessory storage units are allowed for the purposes of storage of
3 household items, construction tools or materials for a period not to exceed sixty
4 (60) days unless used in conjunction with a renovation or new construction project
5 and then must be removed within sixty (60) days of the approved final inspection
6 or the building permit expiration. Temporary accessory storage must be placed on
7 a drive, parking area, or any other hard surfaced area on the property except when
8 the construction or renovation project will not allow for the use of these
9 areas. Temporary accessory storage shall not be placed on a street or other public
10 area without the approval of the Director of Public Works. Temporary accessory
11 storage shall be defined as cargo or storage containers, cargo crates, box trailers,
12 box or utility vans or trucks, van bodies or boxes removed from trailers or other
13 similar vehicles. Temporary accessory storage shall not be required to meet the
14 setback requirements of other permitted accessory buildings or structures due to
15 the temporary nature of their use on site.
16
- 17 9. A storage unit, shipping container, or other similar product up to two hundred
18 (200) square feet in size may be permitted for use as an accessory structure. Such
19 structure must be approved with a building permit. If located in a residential
20 district, such structure must be sided with a siding similar in appearance to the
21 principal structure.
22
- 23 10. Accessory structure less than two hundred (200) square feet in area may not
24 require a building permit, but are subject to the setback requirements of this
25 section. Such structures which are not attached to a foundation and have an
26 empty weight of less than two hundred (200) pounds may be located within utility
27 easements.
28
- 29 11. Accessory structures are required to be on the same lot as the related principal
30 structure. Specifically, an accessory structure is not permitted on a lot with no
31 principal structure. In the event that a platted lot is proposed to be subdivided such
32 that an accessory building(s) is located on a different lot than the principal
33 structure or the principal structure is demolished or destroyed through any means,
34 the property owner will have one year from the date of
35 approval/demolition/destruction to construct a principal structure on the lot with
36 the accessory building(s) or demolish the accessory structure, unless additional
37 time is granted by the Building Official.
38

39 **Sec 42.452 Child Care**

- 40 1. The following definitions apply to this section:

41
42 *Child day care:* The care of a child away from his own home on either a commercial
43 or non-commercial basis for any part of a twenty- four (24) hour period.
44

45 *Child care center:* A child day care facility serving more than ten (10) unrelated
46 children.
47

48 *Child day care home:* An child day care facility serving no more than five (5)
49 unrelated children, with no more than three (3) children under the age of two. For
50 the purposes of this section, children who live in the caregiver's home and who are

1 eligible for enrollment in public kindergarten, elementary, or high school shall not
2 be considered in the total number of children being cared for.

3
4 *Family Child care home:* A child care facility serving no more than ten (10)
5 unrelated children. For the purposes of this section, children who live in the
6 caregiver's home and who are eligible for enrollment in public kindergarten,
7 elementary, or high school shall not be considered in the total number of children
8 being cared for.

- 9
10 2. Permit. A permit application for a family child care home shall be completed and
11 filed with the Community Development Department on forms prescribed for that
12 purpose and accompanied by a processing fee of fifty dollars (\$50.00). Family child
13 care homes shall satisfy, in addition to satisfying all Missouri Department of Health
14 and Phelps/Maries County Health Department standards, the following
15 requirements as a condition for receiving a permit from the City of Rolla:
16 a. The residence for which a permit is sought shall be the permanent residence of
17 the child day care provider (operator);
18 b. No alteration of the principal residential building shall be made that changes
19 the character or appearance of the building to appear to be a commercial use.
20 c. Not more than one (1) person, other than someone related by blood, marriage,
21 adoption or custodial relationship to the operator and who also resides in the
22 dwelling unit, shall be employed in the family child care home;
23 d. Outdoor play areas shall only be located in the rear yard of a family child care
24 home; and
25 e. One (1) exterior, flush-mounted attached sign is permitted not to exceed one
26 (1) square foot in area.

27
28 **Sec 42.453 Residential Group Homes**

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

- 33 1. The structure is not permitted to be altered to appear to be a commercial building.
34 2. Not more than one (1) residential group homes are permitted to locate with three
35 hundred (300) feet of another residential group home unless such home is not
36 located on the same street.
37 3. No sign identifying the residential group home is permitted to exceed one (1)
38 square feet in area.
39 4. Signs may not be illuminated and must be attached to the residential group home.
40 5. No more than two (2) residents are permitted per bedroom.

41
42 **Sec 42.454 Medical Marijuana Uses**

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

44
45 *Marijuana or Marihuana:* Cannabis Indica, Cannabis sativa, and Cannabis ruderals,
46 hybrids of such species, and any other strains commonly understood within the
47 scientific community to constitute marijuana, as well as seed thereof and resin
48 extracted from the plant and marijuana-infused products. Marijuana does not
49 include industrial hemp containing a crop-wide average tetrahydrocannabinol
50 concentration that does not exceed three-tenths of one percent on a dry weight
51 basis, or commodities or products manufactured from industrial hemp.

1
2 *Marijuana-Infused Products*: products that are infused with marijuana or an extract
3 thereof and are intended for use or consumption other than by smoking, including,
4 but not limited to, edible products, ointments, tinctures, and concentrates.
5

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

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

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

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

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

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

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

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

- 1 3. Medical Marijuana Dispensaries. No Building shall be constructed, altered or used
2 for a Medical Marijuana Dispensary without complying with the following
3 regulations in this section:
4 a. No Medical Marijuana Dispensary shall be located within five hundred (500)
5 feet of a then existing elementary or secondary school, child daycare center, or
6 church.
7 b. Hours of Operation. All sales or distribution of Medical Marijuana and any
8 other products sold to the public through a Medical Marijuana Dispensary shall
9 take place between the hours of 8:00 a.m. and 8:00 p.m., Monday –
10 Sunday. Medical Marijuana Dispensaries shall be secured and closed to the
11 public after the hours listed in this subsection and no persons not employed by
12 the Medical Marijuana Dispensary may be present in such a facility at any time
13 it is closed to the public.
14 c. Site Plan Review. Any plans for a Medical Marijuana Dispensary shall meet the
15 standard new construction requirements.
16 d. Spacing. No Medical Marijuana Dispensary shall be operated or maintained
17 within five hundred (500) feet of another Medical Marijuana Dispensary except
18 when marijuana sales represent less than 5% of the dollar volume of a state or
19 federally licensed pharmacy.
20
- 21 4. Medical Marijuana-Infused Products Facility. No building shall be constructed,
22 altered or used for a Medical Marijuana-Infused Products Facility without
23 complying with the following regulations:
24 a. Distance Requirement. No Medical Marijuana-Infused Products Facility using
25 any shall be located within five hundred (500) feet of a then existing
26 elementary or secondary school, licensed child day care center, or church.
27 b. Outdoor Operations or Storage. All operations and all storage of materials,
28 products, or equipment shall be within a fully secured area inside the building
29 structure or outdoors on the property in an area enclosed by a razor wire fence
30 at least ten (10) feet in height, not including the razor wire.
31 c. Hours of Operation. All Medical Marijuana-Infused Products Facilities shall be
32 closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No
33 persons not employed by the business shall be on the premises at any time
34 without being approved entry and logged in by building security personnel and
35 are required to obtain a visitor pass.
36 d. Site Plan Review Required. Any plans for a Medical Marijuana-Infused Products
37 Facility shall meet standard new construction requirements.
38
- 39 5. Medical Marijuana Cultivation Facility. No building shall be constructed, altered or
40 used for a Medical Marijuana Cultivation Facility without complying with the
41 following regulations:
42 a. Distance requirement. No Medical Marijuana Cultivation Facility shall be
43 located within one thousand (1,000) feet of a then existing elementary or
44 secondary school, state-licensed child daycare center or church.
45 b. Outdoor Operations or Storage. All operations and all storage of materials,
46 products, or equipment shall be within a fully secured area inside the building
47 structure or outdoors on the property in an area enclosed by a razor wire fence
48 at least ten (10) feet in height, not including the razor wire.
49 c. Hours of Operation. All Medical Marijuana Cultivation Facilities shall be closed
50 to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not
51 employed by the business shall be on the premises at any time without being

1 approved entry and logged in by building security personnel and are required
2 to obtain a visitor pass.

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

12
13 **Sec 42.455 Noncommercial, Not-For-Profit Neighborhood Facilities**

- 14 1. Purpose. The purpose of these requirements is to provide opportunities for
15 necessary and desirable noncommercial, not-for-profit neighborhood facilities
16 while minimizing possible adverse impacts of such facilities on the surrounding
17 neighborhood.
- 18
- 19 2. Standards. The following standards apply to noncommercial, not-for-profit
20 neighborhood facilities:
- 21 a. The proposed structure(s) shall not be located within any front or rear yards
22 required by this Article or within ten (10) feet of the property line adjacent to
23 the side yards of the lot on which the structures are located. Swimming pool
24 pump and filter operations shall not be located closer than twenty (20) feet to
25 a side or rear property line.
- 26 b. Any outdoor swimming pool will be enclosed by a fence or wall with a
27 minimum height of six (6) feet with gates that shall be self-closing and latching.

28
29 **Sec 42.456 Accessory Dwelling Units**

30 Accessory structures shall be allowed under the following conditions:

- 31 1. One accessory dwelling unit may be permitted on any residential or commercial lot,
32 except for multi-family uses.
- 33 2. An accessory dwelling unit is limited to a maximum of eight hundred (800) square
34 feet in habitable area, except when located in an existing building. In such case, the
35 accessory dwelling unit may utilize the entire basement, floor, or attic area.
- 36 3. An accessory dwelling unit may be attached to an existing structure, constructed
37 within the existing structure, or may be constructed as a separate structure.
- 38 4. Additional off-street parking may be required to meet the minimum parking
39 requirements.
- 40 5. No accessory dwelling unit will be permitted to have separate utilities, utility
41 metering, or addressing from the principal use.
- 42 6. Accessory dwelling units are intended to be used as a guest house, security
43 quarters, servants quarters, or for living quarters for the owner or employee of the
44 attached business.
- 45 7. The accessory dwelling unit may be used as a rental unit. In no case may both the
46 accessory dwelling unit and principal dwelling both be rented separately. The
47 property owner is required to live on the property.

48
49 **Sec. 42.457 Overnight Shelter, Soup Kitchens, and Transitional Housing Uses**

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

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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 thirty (30) days without entering into case management to obtain housing. Clients shall not reside on the premises for more than six (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 one thousand (1,000) feet from any other property operating an overnight shelter facility.
6. Overnight shelters must be located a minimum of seven hundred-fifty (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 thirty (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.

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

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

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

34
35 **Sec 42.457.3 Soup Kitchen Uses**

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

- 40 1. A written operations plan must be submitted and approved by the Chief of Police
41 and Community Development Director. The plan must include the following
42 information: contact information for key staff, floorplan, security and exterior
43 lighting plan, health and safety protocols, occupancy policies, and outreach plan for
44 surrounding property owners and residents.
- 45 2. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the
46 property.
- 47 3. Security cameras are required at a minimum to film any persons using the building
48 entrances.
- 49 4. Adequate off-street parking for employees, volunteers, and any residents with
50 vehicles must be provided or made available through written agreements.

- 1 5. The operator of such facility must allow the City Administrator, or designee, access
2 to monitor the operation for compliance with the city codes, any conditions of
3 approval, and any other directives to mitigate impact to surrounding properties. If
4 the director finds any deficiencies, the director must notify the operator and allow
5 30 days to bring the operation into compliance. If the operator fails to correct the
6 deficiencies, the director is authorized to terminate the conditional use permit or
7 occupancy permit. The operator may appeal the termination to the City Council.
8

9 **Sec. 42.457.4 Transitional Housing Uses**

10 Such facilities must be located a minimum of five hundred (500) feet from another
11 transitional housing facility located on a separate property.
12

13 **Sec 42.458 RV Parks**

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

- 16 1. One or more storm shelters meeting the requirements of ICC-500 must be provided
17 on the site for all residents and employees.
18 2. Recreational vehicles and trailers are not permitted to remain in one rental space
19 for more than six (6) months.
20 3. No rental spaces may be established within a regulated floodplain.
21 4. RV Parks must be designed to meet the requirements of NFPA 1194.
22

23 **Sec 42.459 – 42.469 Reserved**
24

1 **Section 470 Floodplain Development**

2

3 **Sec 42.470 Floodplain Development**

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

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

14

15 **Sec 42.471 – 42.499 Reserved**

Section 500 Subdivision Regulations

Sec 42.500 Subdivision Regulations - General

1. These subdivision regulations apply to any subdivision or re-subdivision of land within the City jurisdiction. These regulations shall 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. Where this section imposes greater restriction upon land than is imposed or required by any other existing laws, ordinances, or covenants, the provisions of this section shall control.
2. 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.
3. No owners may sell property within the jurisdiction of the city which is not in compliance with these Subdivision Regulations.
4. 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.
5. 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.

Sec 42.501 Definitions

For the purpose of this Zoning and Subdivision Regulations, 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.

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.

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.

1 *Common Land:* Land set aside for open space, including storm water drainage
2 areas, retention ponds, and recreational use areas for the owners of the lots in a
3 subdivision, conveyed in trust for the benefit and enjoyment of the lot owners.
4
5 *Common Lot:* A lot which contains common amenities, open space, unbuildable
6 areas, or shared areas such as parking lots which is not intended to be used for
7 residential or commercial uses.
8
9 *Contiguous Properties:* Tracts or lots which abut one another along the side and/or
10 rear lot lines.
11
12 *Cul-de-Sac:* A street which terminates in a circular turnaround.
13
14 *Easement:* Authorized by a property owner for the use by another party, for a
15 specified purpose, of any designated part of said property.
16
17 *Final Plat:* The final map, drawing or chart on which the subdivider's plan of
18 subdivision is presented for approval, and which, if approved, will be submitted to
19 the County Recorder for filing.
20
21 *Flag Lot:* A lot which is served by a minimal frontage and consisting of an access
22 portion having frontage on or abutting a public street, to serve the building portion,
23 and a building portion not fronting on or abutting a public street, which contains
24 the buildable areas of the lot.
25
26 *Local Street:* See Minor Street.
27
28 *Lot:* A property as designated in a duly approved and recorded subdivision or by a
29 metes and bounds description.
30
31 *Lot Consolidation:* A process to combine two or more adjoining lots under common
32 ownership into one lot for the purposes of building permitting and setbacks.
33
34 *Lot-line Adjustment:* A process to move a lot line which does not result in any
35 additional lots.
36
37 *Minor Street:* A street primarily providing direct access to abutting property and
38 designated to accommodate low volume, low speed traffic.
39
40 *Major Subdivision:* Any subdivision not classified as a minor subdivision, lot
41 consolidation, or lot line adjustment, generally involving more than five lots and/or
42 a dedication of easements/rights-of-way.
43
44 *Minor Subdivision:* Any subdivision containing not more than five (5) lots.
45
46 *Official Map:* The map established by the City Council showing streets and
47 highways previously laid out, adopted and established by law and any amendments
48 or additions thereto adopted by City Council through the subdivision process.
49

1 *Owner:* Any individual, firm, association, syndicate, partnership, corporation, trust
2 or any other legal entity having sufficient proprietary interest in the land proposed
3 for subdivision to effectuate transfer of the property once subdivided.
4

5 *Person:* See Owner.
6

7 *Preliminary Plat:* The preliminary map, drawing, or chart indicating the proposed
8 layout of the subdivision initially required in the subdivision process.
9

10 *Right-of-Way:* This term, for land platting purposes, shall mean that right-of-way
11 hereafter established and shown on a final plat to be separate and distinct from
12 lots or parcels adjoining such right-of-way, and not included within the dimensions
13 or area calculations of such lots or parcels.
14

15 *Re-plat/Re-subdivision:* A process for a modification or revision of a plat.
16

17 *Setback or Building Line:* A line specifically established upon the plat or established
18 by the zoning code which identifies an area into which no part of a building shall
19 project.
20

21 *Sketch plat:* A process used to solicit comments from city staff and Planning and
22 Zoning Commission for a proposed subdivision.
23

24 *Subdivider:* Any person commencing proceedings under this Article to effectuate a
25 subdivision of land.
26

27 *Subdivision:* The subdivision of land into two (2) or more lots, for the purpose of
28 ownership transfer or development. The term includes re-subdivisions.
29

30 *Subdivision, Cluster:* A form of development that permits reductions in lot area and
31 bulk requirements, provided there is no increase in overall permitted density and
32 that the resultant undeveloped land area is devoted to open space or other public
33 purpose.
34

35 **Sec 42.501 Major Subdivision Process**

- 36 1. A Major Subdivision requires that a Preliminary Plat and a Final Plat be filed.
37
- 38 2. The Commission and City Council may impose reasonable conditions of approval
39 for design, dedication, improvement and land use so as to conform to the
40 appropriate and economic development of the City; and to promote the safety and
41 general welfare of future landowners in the City.
42

43 **Sec 42.502 Sketch Plat**

- 44 1. The subdivider must hold a property owners meeting to present a sketch plat or
45 conceptual plan and solicit input from nearby property owners prior to submitting
46 a preliminary plat which proposes to create more than thirty (30) lots. Such
47 meeting is encouraged to occur early in the design process to allow for input to be
48 incorporated. Such meeting must be conducted by the subdivider or their
49 surveyor/engineer at a public location. Notice for the meeting must be mailed by
50 the subdivider no less than seven (7) days prior to the meeting. Notice must also be

1 provided to the Community Development Department. A representative from the
2 Community Development Department will be required to attend the meeting.

- 3
- 4 2. The subdivider may submit a sketch plat and supporting information prior to the
5 delivery of a preliminary plat. City staff shall review this material and provide input
6 to the subdivider concerning design standards and improvement requirements. If
7 desired by the subdivider, the sketch plat may be presented to the Planning and
8 Zoning Commission for review and input.
- 9
- 10 3. The sketch plat is intended to be conceptual in nature. Sketch plats should provide
11 information sufficient to determine general compliance with City regulations and
12 policies. The sketch plat should include the property to be subdivided.
- 13
- 14 4. A property owner or authorized representative may request a review of a sketch
15 plat by submitting the following:
- 16 a. Completed application on forms supplied by the Community Development
17 Department;
- 18 b. Letter authorizing a representative to apply on behalf of the property owner, if
19 applicable;
- 20 c. No application or fees are required for review of a sketch plat;
- 21 d. Three (3) paper copies of the sketch plat and an electronic copy (pdf preferred).
- 22
- 23 5. At a minimum, the sketch plat should include the following information for review:
- 24 a. Scale, north arrow and date prepared.
- 25 b. The sketch plat shall list the proposed subdivision or project name and the
26 name and address of the owner and/or subdivider.
- 27 c. A map insert or description shall accurately locate the property by lot, section,
28 township, range or other appropriate description.
- 29 d. Data table with current zoning, total number of proposed lots, and setbacks
30 required by the zoning district.
- 31 e. The general dimensions of the property including property lines, existing
32 easements, public and railroad right-of-way, buildings/structures, cemeteries,
33 watercourses, flood prone areas, and other natural or manmade features that
34 may impact development on or adjacent to the site.
- 35 f. The classification, location, dimensions, and name of all existing streets
36 adjacent to the property.
- 37 g. The approximate location, width, and proposed name of proposed streets or
38 alleys.
- 39 h. The approximate location and size of all existing sewer and water mains on or
40 immediately adjacent to the site.
- 41 i. The approximate location, dimensions and configuration of all proposed lots.
- 42 j. The approximate location and general layout of proposed water lines and
43 sewage collection and disposal systems.
- 44

45 **Sec 42.503 Preliminary Plat**

46 A preliminary plat is a more precise drawing of the proposed subdivision plan than the
47 sketch plat and is intended for detailed review by City, utility, and other officials. The
48 purpose is to provide a preliminary design for a more conceptual review. Review of a
49 preliminary plat is required for a major subdivision.

50

- 1 A property owner or authorized representative may request a review of a preliminary plat
2 by submitting the following:
- 3 1. Completed application on forms supplied by the Community Development
4 Department;
 - 5 2. Letter authorizing a representative to apply on behalf of the property owner, if
6 applicable;
 - 7 3. Filing fee;
 - 8 4. Three (3) paper copies of the preliminary plat and an electronic copy (pdf
9 preferred)

10
11 Preliminary plats shall include the following information:

- 12 1. Name of the subdivision;
- 13 2. Title indicating the plat to be a preliminary plat;
- 14 3. Name and address of the subdivider and owner;
- 15 4. surveyor or engineers name;
- 16 5. north arrow, scale, date of preparation and any revisions, key, location map
17 showing the subdivision location in the land section with major streets
18 identified;
- 19 6. A legal description of the land to be subdivided, with the total acreage
20 listed;
- 21 7. Data table with the current property zoning, total number of proposed lots,
22 and setbacks required by the zoning district;
- 23 8. Boundary lines showing traverse bearings and internal angles with
24 dimensions in hundredths of feet to close the traverse within a maximum
25 of one (1) foot in ten thousand (10,000) feet;
- 26 9. If a resubdivision, the lot or block numbers and the name of the original
27 subdivision;
- 28 10. All property lines, names of adjacent subdivisions, easements, rights-of-
29 way, street/alley/sidewalk pavement, and other significant features within
30 twenty-five (25) feet of the boundary of the plat;
- 31 11. Location and widths of existing and proposed streets;
- 32 12. Names of proposed and existing streets within and adjacent to the
33 subdivision;
- 34 13. Location and dimensions of all existing and proposed alleys, easements,
35 and other public rights-of-way;
- 36 14. Location of all existing property lines, buildings, sewer or water mains,
37 electric power lines, gas mains, storm sewers and other underground
38 structures;
- 39 15. Arrangement, location, and dimensions of all proposed lots, land to be
40 dedicated for public use, and common lots, including lot area;
- 41 16. Lot and block numbers;
- 42 17. Lot line bearings and angles;
- 43 18. Zoning district boundaries, when the property has more than one zoning;
- 44 19. Intended building setback lines;
- 45 20. Topography with contour intervals of not more than two (2) feet, referred
46 to USGS datum on and within twenty-five (25) feet of the boundary of the
47 plat;
- 48 21. Locations of watercourses, wetlands, ponds, and other relevant features
49 that might impact development;
- 50 22. Extents of any 100 and 500 year floodplain and the approximate BFE;
- 51 23. Proposed phases for development and filing of final plats, if applicable;

- 1 24. Location and size of proposed sewers (storm and sanitary);
- 2 25. Proposed extents of stormwater detention;
- 3 26. Curve tables and line tables, if needed;
- 4 27. Signature block for the chairman of the Planning and Zoning Commission;
- 5

6 The Commission shall approve, conditionally approve, or disapprove the preliminary plat by
7 resolution. In any case, a notation of the action taken and the reason(s) the action was
8 taken shall be entered in the records of the Commission.

9
10 The approval of a plat by the commission does not constitute or effect an acceptance by
11 the municipality or public of the dedication to public use of any street or other ground
12 shown upon the plat. The final approval and acceptance of dedications is by the City
13 Council.

14
15 If disapproved, the subdivider may appeal the commission's decision to the City Council
16 within ninety days after the Commission's action. If testimony to the City Council is
17 substantially and materially different from that presented to the Commission, the City
18 Council may refer, the matter back to the Commission for their review with the new
19 information or evidence. The City Council may vote to override the Commission disapproval
20 with a vote of 2/3 of the City Council.

21
22 The approval of a preliminary plat shall be effective for one year, unless a final plat is
23 approved for any phase shown on the preliminary plat. Once a final plat phase has been
24 approved, the remainder of the preliminary plat is effective for a period of ten (10) years,
25 provided that any subsequent final plat must adhere to any changes in the city codes since
26 the approval of the preliminary plat. The Commission may extend the effective period in
27 six-month increments with the written request by the subdivider justifying the extension.

28 29 **Sec 42.504 Final Plat**

- 30 1. Following approval of the preliminary plat by the Planning and Zoning Commission,
31 the applicant shall prepare a final plat together with development plans for the
32 required public improvements. The final plat shall be in substantial conformance to
33 the approved preliminary plat, as determined by the Director. Review of a final plat
34 is required for all major subdivision and minor subdivision requests which involve
35 the dedication of easements and/or rights-of-way.
- 36
37 2. The final plat is reviewed by city staff and comments are provided for needed
38 revisions. Once revised, the plat may be scheduled for review by the Planning and
39 Zoning Commission. The commission will make a recommendation to the City
40 Council for approval, disapproval, or approval with conditions.
- 41
42 3. Computer source copies of the final plat and development plans shall be prepared
43 and submitted using Computer Assisted Drafting and Design (CADD) format that is
44 compatible with the latest version of AutoCAD (.dwg format) used by the City.
45 CADD files shall be submitted referenced to the Missouri Coordinate System of
46 1983 (Revised 1996) Standards of Practice No. 7.
- 47
48 4. A property owner or authorized representative may request a review of a final plat
49 by submitting the following:
 - 50 a. Completed application on forms supplied by the Community Development
51 Department;

- 1 b. Letter authorizing a representative to apply on behalf of the property owner, if
- 2 applicable;
- 3 c. Filing fee;
- 4 d. Three (3) paper copies of the final plat and an electronic copy (pdf preferred);
- 5 e. Civil plans for any proposed streets, sanitary sewers, storm sewer, or other
- 6 public infrastructure;
- 7 f. Copy of proposed HOA documents, protective covenants, private easements,
- 8 cross-access agreements, maintenance agreements, etc., if applicable.
- 9

10 5. Final plats must include the following information:

- 11 a. Name of the subdivision;
- 12 b. Name and address of the subdivider and owner;
- 13 c. Surveyor or engineers name;
- 14 d. North arrow, scale, date of preparation and any revisions, key, location map
- 15 showing the subdivision location in the land section with major streets
- 16 identified;
- 17 e. A legal description of the land to be subdivided, with the total acreage listed;
- 18 f. Boundary lines showing traverse bearings and internal angles with dimensions
- 19 in hundredths of feet to close the traverse within a maximum of one (1) foot in
- 20 ten thousand (10,000) feet;
- 21 g. If a resubdivision, the lot or block numbers and the name of the original
- 22 subdivision;
- 23 h. Location, widths, and names of existing and proposed streets;
- 24 i. Location and dimensions of all existing and proposed alleys, easements, and
- 25 other public rights-of-way;
- 26 j. Arrangement, location, and dimensions of all proposed lots, land to be
- 27 dedicated for public use, and common lots (setbacks should not be shown on a
- 28 final plat);
- 29 k. Lot and block numbers;
- 30 l. Lot line bearings and angles;
- 31 m. Curve tables and line tables, if needed;
- 32 n. Surveyor's Certificate:
- 33

34 KNOW ALL MEN BY THESE PRESENTS:

35
36 THAT I, _____, DO HEREBY CERTIFY THAT THIS PLAT MEETS
37 MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND
38 WAS PREPARED UNDER MY SUPERVISION FROM ACTUAL SURVEY OF THE LAND
39 HEREIN DESCRIBED PREPARED BY _____ DATED _____ AND
40 SIGNED BY _____ L.S. NO. _____ AND THAT CORNER MONUMENTS
41 AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL
42 SUPERVISION OF _____ L.S. NO. _____ IN ACCORDANCE WITH
43 ARTICLE II, CHAPTER 42, OF THE CITY CODE OF ROLLA, MISSOURI.

- 44 o. If applicable, An express deeding to the public use the streets, alleys, rights-of-
- 45 way, easements and any parkland or open space to be deeded to the public
- 46 with a notarized signature block for the owner(s).
- 47

48 _____ OWNER(S) OF THE PROPERTY SHOWN AND DESIGNATED
49 HEREON, HEREBY DEED AND CONVEY THE STREETS, ALLEYS, RIGHTS-OF-
50 WAY, EASEMENTS, PARKS, AND PUBLIC DEDICATIONS SHOWN HEREON TO
51 THE CITY OF ROLLA, MISSOURI. FURTHER, (I OR WE) CERTIFY THAT THERE

1 ARE NO SUITS, ACTIONS, LIENS, OR TRUSTS ON THE PROPERTY DEEDED
2 AND CONVEYED HEREIN, AND WARRANT GENERALLY AND SPECIFICALLY
3 THE PROPERTY DEEDED AND CONVEYED HEREIN FOR PUBLIC USE AND
4 WILL EXECUTE SUCH FURTHER ASSURANCES AS MAY BE REQUIRED.

- 5 p. If applicable, a release of any liens or mortgages on any areas to be dedicated
6 for public use.
- 7 q. Where land is dedicated to a cooperative association as open space, common
8 area or facilities under a Planned Unit Development or cluster subdivision
9 development the owner(s) shall place the following statement with notarized
10 signatures on the final plat.

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

- 18 r. The following note shall be placed on all final plats where access limitations to
19 collector streets, arterial streets or highways has been placed by the City
20 Council: "LIMITS OF NO ACCESS." The lots and area affected by such limitation
21 shall be clearly indicated.
- 22 s. If applicable, the acceptance and/or acknowledgement of all required public
23 improvements and dedications, as shown on the development plans on file
24 with the City Engineer, shall be attested on the final plat by the signatures of
25 the City Engineer, the General Manager of Rolla Municipal Utilities,-and the
26 Parks Director.
- 27 t. The Chairman of the Planning and Zoning Commission shall sign the final plat to
28 certify the Commissions approval:

29 APPROVED THE _____ DAY OF _____. 20__, BY THE PLANNING
30 AND ZONING COMMISSION OF ROLLA, MISSOURI

- 31 u. The Phelps County Collector of Revenue shall sign and date the final plat to
32 certify that all taxes have been paid.
 - 33 v. The Mayor shall sign the final plat and his signature shall be attested by the City
34 Clerk.
 - 35 w. The Recorder of Deeds for Phelps County shall sign the final plat upon
36 recordation identifying the cabinet and file number of the plat.
- 37
- 38 6. Within sixty (60) days after the submission of a plat to the Planning and Zoning
39 commission, the commission shall recommend the City Council to approve or
40 disapprove the plat; otherwise the plat is deemed recommended for approved by
41 the commission, except that the commission, with the consent of the applicant for
42 the approval, may extend the sixty (60) day period to address any deficiencies or
43 recommended changes.
 - 44 7. The City Council may accept the plat dedications and authorize the mayor to sign
45 the plat by ordinance. If accepted by the City Council, the plat may be recorded
46 with the Phelps County Recorder of Deeds once all required signatories have signed
47 the plat, all fees have been paid, and the public improvements have been
48 constructed or the required guarantees have been submitted.
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8. 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.
9. 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.
10. If not approved, the Director shall attach a statement to the plat outlining the reasons for such disapproval for return to the applicant.
11. 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

1. A minor subdivision is an administrative process for subdivisions which create no more than five (5) additional lots.
2. 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.
3. 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.
4. 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.
5. A property owner or authorized representative may request a review of a minor subdivision by submitting the following:
 - a. Completed application on forms supplied by the Community Development Department;
 - b. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - c. Filing fee; and
 - d. Three (3) paper copies of the final plat and an electronic copy (pdf preferred).

- 1 6. Minor subdivision plats must include the following information:
 - 2 a. All information required of a preliminary plat for a first submittal.
 - 3 b. All information required of a final plat for the final submittal to be recorded,
4 except that the signature block for the Planning and Zoning Commission must
5 be replaced with a signature block for the Community Development Director;
6 and the dedication language must be replaced with a signature block for the
7 property owners to state that they are causing the plat to be created.
8
- 9 7. The Community Development Department receives the plat submittals and
10 coordinates review by city staff. The applicant may submit the final version of the
11 plat once all comments are addressed.
12
- 13 8. If approved, the plat may be recorded with the Phelps County Recorder of Deeds
14 once all required signatories have signed the plat and all fees have been paid.
15
- 16 9. The applicant is responsible for the recording of the plat with the Phelps County
17 Recorder of Deeds and all associated costs. The applicant must provide the record
18 number to the Community Development Department after recording the plat. The
19 plat will be deemed invalid if not recorded within one (1) year of approval.
20
- 21 10. If disapproved, the applicant may appeal the decision to the Board of Adjustment
22 or may request the subdivision be processed following the processes for a final
23 plat.
24

25 **Sec 42.506 Lot Consolidations and Lot Line Adjustments**

- 26 1. Lot consolidations and lot line adjustment applications are reviewed
27 administratively. A lot consolidation is recorded on the city records to enable the
28 interior lot lines to be disregarded for setbacks, bulk standards, etc. A lot line
29 adjustment allows for the lot lines to be relocated if such change follows all zoning
30 requirements.
31
- 32 2. No street or utility extensions or dedications must be necessary for the lot
33 combination or lot line adjustment.
34
- 35 3. A property owner or authorized representative may request a review of a lot
36 consolidation or lot line adjustment by submitting the following:
 - 37 a. Completed application on forms supplied by the Community Development
38 Department;
 - 39 b. Letter authorizing a representative to apply on behalf of the property owner, if
40 applicable;
 - 41 c. Filing fee;
 - 42 d. One (1) paper copy of a lot consolidation/lot line adjustment exhibit and an
43 electronic copy (pdf preferred); and
 - 44 e. Proposed legal descriptions of the affected lots.
45
- 46 4. The lot consolidation/lot line adjustment exhibit is not required to be prepared by a
47 registered land surveyor, but the exhibit must:
 - 48 a. be prepared to be to scale;
 - 49 b. show the entirety of all affected lots;
 - 50 c. provide an approximate distance from proposed property lines to any existing
51 buildings if the building could potentially be within a required setback;

- d. show the approximate location of sewer and water service lines; and
- e. include the property address(s), the property owner(s) names, north arrow, and scale.

- 5. 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.
- 6. The Community Development Department receives the application and submittals and coordinates review by city staff.
- 7. 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.
- 8. 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.
- 9. The approval of the lot consolidation/lot line adjustment will be deemed invalid if deeds are not recorded within one (1) year of approval.
- 10. If disapproved, the applicant may appeal the decision to the Board of Adjustment.

Sec 42.507 Subdivision Exceptions

- 1. The Commission may approve a subdivision exception from the provisions of this section where it finds that an undue hardship or practical difficulty may result from requiring strict compliance with this section. A subdivision exception 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.
- 2. 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.
- 3. No subdivision exception shall be granted by the Commission unless it is found that:
 - a. The granting of the subdivision exception 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
 - b. The conditions upon which the request for subdivision exception is based are unique to the property for which the subdivision exception is sought, are generally not applicable to other properties, and are not self-imposed; and
 - c. 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

- 1 reasonable use of his land should the strict interpretation of these regulations
2 be enforced; and
- 3 d. The subdivision exception will not in any manner abrogate the goals,
4 objectives, or policies of the Rolla Comprehensive Plan.
- 5
- 6 4. The Commission shall be empowered to grant subdivision exceptions with respect
7 to the improvements and the design standards relative to and arrangement, street
8 location, alignment, the location and alignment of easements, and similar
9 standards. The Commission may establish certain conditions on subdivision
10 exception approval that will, in the judgment of the Commission, substantially
11 secure the purpose of this Zoning and Subdivision Code.
- 12
- 13 5. If denied by the Commission, the City Council shall review the denial for a variance
14 upon a written appeal by an applicant.
- 15
- 16 6. Requests for subdivision exceptions may be submitted concurrently with the
17 review of the preliminary plat; or final plat if it is a minor subdivision. The written
18 subdivision exception request shall state precisely the provisions from which a
19 subdivision exception is needed along with the reasons for the subdivision
20 exception, particularly as the request relates to the conditions of subdivision
21 exception approval.
- 22
- 23 7. Requests for subdivision exceptions may be submitted independent of plat review
24 if the applicant can show good cause why such request was not made when the
25 plat was filed. Such requests must be approved by both the Commission and the
26 City Council.
- 27
- 28 8. The City Council may elect to disapprove a preliminary or final plat based on the
29 approval of a subdivision exception by the Commission.
- 30

31 **Sec 42.508 – 42.509 Reserved**

32

33

1 **Sec 42.510 Subdivisions – Additional Options**
2

- 3 1. Phasing. Proposed phasing should be shown on the preliminary plat. The Director,
4 with input from the City Engineer, shall determine if the proposed phasing of the
5 final plat satisfies the following requirements. The final plat for any major
6 subdivision that has received preliminary approval may be submitted in sections or
7 phases provided:
- 8 a. Each phase satisfies the requirements set forth in this Subdivision Code and
9 other City ordinances;
 - 10 b. All required improvements are provided for each phase along with any
11 other necessary improvements to secure the subdivision's orderly
12 development; and
 - 13 c. Adequate assurances are made for the completion of improvements
14 required for each phase.
- 15
- 16 2. Re-platting/Re-subdivision. Re-subdivision shall be required to change an approved
17 or recorded final plat through the final plat process when such change will affect
18 public right-of-way, areas reserved for public use, easements, the vacation of right-
19 of-way, areas reserved for public use and easements dedicated to the City.
20
- 21 3. Cluster subdivisions. Cluster subdivisions may be approved which will result in
22 improved living and working environments; which will promote affordable housing
23 by reducing development costs and encourage a variety of dwelling types; which
24 will support ingenuity and originality in total subdivision design; and which will
25 preserve open space for recreational, scenic and public service purposes. To
26 achieve these purposes:
- 27 i. Variations in lot areas, widths, lot coverage and setbacks are
28 permitted as long as overall dwelling unit densities established for
29 the respective residential zoning district are not exceeded;
 - 30 ii. Procedures are established to assure adequate maintenance and
31 restricted use of open space areas for the inhabitant's benefit only
32 or for dedication to public use; and
 - 33 iii. Procedures are established to assure adequate protection of
34 existing and potential developments adjoining the proposed cluster
35 subdivision.
- 36
- 37 a. The minimum size of a lot of record within a residential cluster subdivision shall
38 be three-thousand (3,000) square feet.
39
 - 40 b. All lot size reductions shall be compensated for by an equivalent amount of
41 land permanently preserved as open space or common area; excluding parking
42 lots, private drives, open storage areas or any land which has been or will be
43 conveyed to a public agency under a purchase agreement or to meet the park
44 land dedication requirements. The open space may be dedicated to the public
45 in the manner prescribed herein or may remain in private ownership.
46
 - 47 c. Cluster subdivisions shall be considered as a major subdivision regardless of the
48 number of proposed lots. The sketch plan review shall be mandatory.
49
 - 50 d. The Commission must find that the proposed cluster subdivision:
51 i. Is consistent with the Rolla Comprehensive Plan;

- 1 ii. Will provide usable and accessible open space for recreation or public
2 use based on the size, shape, and topographic characteristics of the
3 site; and
4 iii. Will include open space with significant and irreplaceable natural and
5 manmade features.
6
7 e. The plat must describe all reductions in lot size, setbacks, lot coverage, etc.
8 approved by the plat.
9

10 4. Zero lot line. The purpose of zero lot line construction is to permit a procedure for
11 development that will result in improved living and working environments; which
12 will promote more economic subdivision layout; which will encourage a variety of
13 types of residential dwellings; which will support ingenuity and originality in total
14 subdivision design; and which can preserve open space to serve the recreational,
15 scenic and public service purposes related thereto, all within the densities
16 established by the zoning district in which the zero lot line construction is
17 permitted.
18

- 19 a. The required side yard setback in the R-1 and R-2 Districts may be zero (0) on
20 one side of the lot provided:
21 i. The lot adjacent to that side is also owned by the applicant or proof of
22 consent is provided from the adjacent lot owner at the time of initial
23 construction and the minimum side yard setback for such adjacent lot
24 is either zero (0) or not less than ten (10) feet;
25 ii. The opposite side yard must be a minimum of ten (10) feet;
26 iii. The adjacent side yard setback is perpetually maintained free and clear
27 of any obstructions other than a three (3) foot eave encroachment,
28 normal landscaping, patios, garden walls or fences unless it is a zero (0)
29 side yard;
30 iv. The wall located at the zero (0) side yard setback is constructed with
31 easily maintained, solid material without windows, except clerestory
32 windows;
33 v. No portion of the dwelling or architectural features project over any
34 property lines; and
35 vi. The zero (0) side yard is not adjacent to a public or private street or
36 alley right-of-way.
37

38 c. Appropriate private maintenance and use easements shall be shown on the
39 final plat for all affected properties. The maintenance and use easement shall
40 be included in the deed or deeds for all affected properties. A separate private
41 covenant or easement must be filed for the private maintenance and use
42 easement.
43

44 d. The zero (0) side wall shall be placed precisely on the lot (property line) with a
45 perpetual maintenance easement on the adjacent lot.
46

47 e. A zero lot line lot may be created through a minor subdivision or major
48 subdivision. A precise site plan, shall be submitted. Said plan shall delineate all
49 structures proposed for initial construction.
50

51 **Sec 42.511 Design Requirements – General**

- 1 1. In addition to the requirements established herein, all subdivision plats shall
2 comply with the relevant laws, rules, and regulations, such as the City's zoning
3 code, and regulations of the Phelps County Health Department and/or appropriate
4 State agencies, Missouri Department of Transportation if abutting a State highway,
5 and appropriate State and federal agencies.
6
- 7 2. The proposed name of the subdivision shall not duplicate or sound like the name of
8 any other subdivision, any existing or platted street, or any unrelated established
9 business or development in Phelps County. Whenever final plats of a subdivision
10 are approved in phases, each submittal for final approval shall be numbered
11 consecutively.
12
- 13 3. Re-plats may be approved with a different subdivision name from the original plat,
14 or may numbered consecutively. The sub-title of any re-plat must reference the
15 original plat and refer to the re-plat as a re-plat or re-subdivision, i.e. "YYY
16 Subdivision, a Re-plat of ZZZ Subdivision, Lot 1"; or "ZZZ Subdivision Number 2, a
17 Re-plat of ZZZ Subdivision, Lot 1".
18

19 **Sec 42.512 Design Requirements – Streets**

- 20 1. Conformity. The character, extent, width, grade, and location of all streets shall
21 conform to the Comprehensive Plan or Major Thoroughfare Plan and shall be
22 considered in their relation to existing and planned streets, to topographic
23 conditions, to public convenience and safety, and in their relation to proposed
24 adjoining land uses. Where not shown on any map or plan, the arrangement and
25 other design standards of streets shall conform to the provisions found herein.
26
- 27 2. Relation to Adjoining Streets. The arrangement of streets in new subdivisions shall
28 make provision for the continuation of the existing streets into the abutting
29 subdivision or tract where appropriate and must connect to adjoining streets or
30 street rights-of-way which dead end at the boundary line.
31
- 32 3. Extension of Streets. The Planning and Zoning Commission may require that street
33 rights-of-way be extended to the property line to facilitate future connectivity.
34 Generally, streets should be extended to larger, undeveloped/developable
35 property at intervals of approximately 500 to 1,200 feet, except in cases where site
36 conditions would make connection unnecessary, undesirable, or impractical. A
37 temporary turnaround approved by the City Engineer shall be installed at this point
38 unless the terminus of the new street is less than two hundred (200) feet from the
39 intersecting right-of-way of an existing street.
40
- 41 4. Secondary access. All new subdivisions must adhere to the International Fire Code,
42 Appendix D, as amended and adopted, for emergency vehicle access.
43
- 44 5. Street Jogs Prohibited. Street jogs with centerlines offsets of less than one hundred
45 fifty (150) feet shall be prohibited.
46
- 47 6. Dead-end Street or Cul-de-Sac. Dead-end streets or cul-de-sacs shall require a
48 turnaround at intervals not to exceed six hundred (600) feet and shall be provided
49 at the closed end with a turnaround having a minimum property line diameter of
50 one hundred (100) feet. If a dead-end street is of a temporary nature, the City
51 Engineer may require a similar turnaround along with provisions made for the

1 future extension of the street. The City Engineer may approve alternative
2 turnaround standards, such as "hammerhead" or "Y" configurations, if adequately
3 designed to provide traffic circulation and better land use.
4

5 7. Generally discouraged. Dead-end Street or Cul-de-sacs generally discouraged,
6 except in limited cases, as determined by the Commission, where adjacent
7 properties are fully developed, drainage ways, areas with steep slopes, areas with
8 existing buildings or common areas, railroads, highways, and adjacent to properties
9 with a different zoning classification. The Commission may require that dead ends
10 or cul de sacs be eliminated, where possible.
11

12 8. Minor Streets. Minor streets shall be arranged so as to discourage through traffic,
13 to permit efficient drainage and utility systems, and to require the minimum
14 number of streets necessary to provide convenient and safe access to all
15 properties. Minor streets should provide connectivity within a neighborhood and
16 connectivity between neighborhoods.
17

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

Street Type	Right of Way Width
Cul-de-Sac	50'
Minor (Local)	50'
Collector	50'
Collector-Commercial	60'
Arterial	80'

21
22 10. Street widths in commercial and industrial zones. Greater right-of-way widths may
23 be required as determined by traffic projections made by the City Engineer for
24 commercial or industrial zones.
25

26 11. Right-of-way dedication. Additional rights-of-way may be required for adjacent
27 streets and roads which for which the existing rights-of-way are not adequate.
28

29 12. Street width reduction. The right-of-way and pavement width required for public or
30 private streets may be reduced for developments which provide for off-street
31 parking. Such street paving and right-of-way width may be reduced as determined
32 by the City Engineer if adequate easements for utilities are provided. Barrier curbs
33 and appropriate signage are required to prevent parking on the street. A minimum
34 of one space for each lot/dwelling unit of private off-street parking must be
35 provided for guests. Sidewalks are required on both sides of the street.
36

37 13. Intersections. Streets shall intersect one another at as near a ninety (90) degree
38 angle as is possible. No intersection of streets at angles less than seventy (70)
39 degrees shall be approved. At each street intersection the property line at the block
40 corner shall be rounded with a curve having a radius of not less than twenty five
41 (25) feet. The intersection of more than two (2) streets at any one (1) point shall be
42 prohibited.
43

- 1 14. Subdivision into Tracts Larger than Ordinary Building Lots. Where a tract is
2 subdivided into larger parcels than ordinary building lots, as determined by the
3 Director, such parcels shall be arranged so as to allow the opening of future streets
4 and future subdivision.
- 5
- 6 15. Curves. A tangent of at least one hundred (100) feet in length shall be introduced
7 between reverse curves on all streets, except for minor streets.
- 8
- 9 16. Reserve Strips. Reserve strips that control access to abutting streets and, as
10 determined by the Director, do not provide sufficient area to be of practical use
11 under the area's existing zoning classification, shall be prohibited.
- 12
- 13 17. Half-Street Prohibited. Half-streets shall be prohibited except to complete the
14 remaining half of an existing half-street.
- 15
- 16 18. Street Names. Names of new streets shall not duplicate existing or platted street
17 names unless the new street is a continuation of, or in alignment with and within
18 two thousand (2,000) feet, the existing or platted street. In such cases, it shall carry
19 the name of the existing street. Names shall be easily spelled and pronounced.
- 20
- 21 19. Gated Subdivisions. Gated subdivisions are discouraged and may only be approved
22 where all impacted streets are private. Adequate provisions for turnarounds must
23 be provided.
- 24
- 25 20. Alleys. Alleys may be platted in any subdivision with right-of-way widths of no less
26 than twenty (20) feet. Dead-end alleys shall not be permitted, except where
27 adequate turnaround is provided.
- 28
- 29 21. Access. Lots in the R-1 and R-2 districts created through the subdivision process
30 with frontage on a collector or arterial street, will not be allowed direct access to a
31 collector or arterial street unless no other access is possible. Shared access
32 easements may be required for any proposed lots fronting on collector or arterial
33 streets. Any needed access easements must be shown on the plat.
- 34
- 35 22. Access Restrictions. Access restrictions may be created by covenant on a plat.
36 Access may be limited on collector and arterial streets.
- 37

38 **Sec 42.513 Design Requirements – Utilities**

- 39 1. An easement for utilities may be required along the side, and/or rear lot lines
40 where necessary to form a continuous easement of at least ten (10) feet in width.
- 41
- 42 2. A ten (10) foot utility easement may be required along the frontage of lots along
43 streets with less than sixty (60) feet of right-of-way width; and collector and arterial
44 streets.
- 45
- 46 3. If necessary to accommodate the extension of water or sewer lines, to provide
47 space for pole guys for overhead lines along the periphery of a subdivision, or when
48 unusual circumstances require additional space, a total utility easement width of
49 twenty (20) feet or greater may be required.
- 50
- 51 4. A five (5) foot utility easement may be required as needed for street lighting.

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5. Where possible, utility easements shall connect to easements already established in adjoining properties.
 6. Drainage easements of varying widths and locations for storm water management may also be required as determined by the City Engineer.

Sec 42.514 Design Requirements – Platting

1. Blocks. Block lengths shall not exceed thirteen hundred twenty feet (1,320) feet, nor be less than two-hundred-fifty (250) feet. 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 (1,320) feet in length.
2. Lot Location. All residential lots, parcels, or tracts shall abut by their required 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, where not detrimental to the future subdivision of adjacent land. The easement shall be recorded as part of the platting process.
3. Lot Lines. Side lot lines should be substantially at right angles to straight street lines or radial to curved street lines.
4. Corner Lots. Corner lots should be provided extra width to permit required building setbacks.
5. Flooding. Lots located entirely within the FEMA designated 100 or 500 year floodplain 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. Lots or tracts subject to periodic flooding may be 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.
6. 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.
7. 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.
8. Double 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.
9. Flag Lots. Flag lots may be platted when the following criteria are met:
 - a. Flag lots will be allowed provided the minimum lot area is consistent with the requirements of the respective zoning district designation.
 - b. The access portion of such lots must have a minimum width of twenty-five (25) feet for lots less than three acres in size, and not longer than two hundred fifty

1 (250) feet in length. For lots greater than three acres in size, the access portion
2 must have a minimum width of fifty (50) feet.

- 3 c. The access portion of such lots may serve up to two lots with a shared driveway
4 and cross-access easement. In such case, the access portion of each lot may be
5 reduced to twelve and a half (12.5) feet to share the driveway.
6 d. Flag lots with an access portion more than one hundred (100) feet in length
7 must be served by a driveway which meets the width and construction
8 standards for fire access, as determined by the fire department.
9

10 **Sec 42.515 Design Requirements – Parks Dedication**

- 11 1. Purpose. A parks dedication is required in order to provide an adequate level of
12 public park facilities and services to new development based on the open space
13 needs generated by the development and to ensure that such development occurs
14 in a manner that is consistent with the components of the City’s comprehensive
15 plan. This section should encourage the placement of parks within new residential
16 developments or near or within a walkable distance of such developments, or will
17 provide for the development of neighborhood or community parks by considering
18 cash payment in lieu of parkland dedication.
19
- 20 2. Applicability. This provision shall apply to all residentially zoned subdivisions or re-
21 subdivisions for residential uses that have not been previously subject to parkland
22 dedication or fee in lieu of which create additional developable lots. This provision
23 does not apply to boundary line adjustments or lot consolidations. The
24 requirement for a fee-in-lieu payment also applies when a lot is rezoned from a
25 non-residential district to a residential district, to be due prior to issuance of a
26 building permit for development/redevelopment of the lot.
27
- 28 3. Prior to Recording the Final Plat. The applicant shall, as part of the final plat
29 process, provide a warranty deed to the City in a form that is acceptable to the City
30 or provide an equivalent fee-in-lieu payment, prior to recording the final plat.
31
- 32 4. Dedication Requirements. The area to be dedicated shall be clearly labeled and
33 delineated on the subdivision plat and shall meet the following requirements:
34 a. *Topography*: At least 50% of the tract shall have a grade of less than 4%. The
35 balance may be covered with slope, streams, ponds, or other natural features.
36 Retention areas or detention basins which are required by the City’s storm
37 water regulations, drainage easements, or water detention areas will not
38 qualify for the parkland requirement.
39 b. *Public Use*: This requirement shall be in addition to any private open space or
40 recreation facilities designated for the sole benefit of the subdivision residents.
41 c. *Location*: The parkland shall have access on a public street with a minimum
42 frontage of sixty (60) feet. Consideration shall be given to placing parks where
43 they can be added to by future subdivisions or as an addition to an existing
44 park. Consideration may be given to the existing and planned park facilities in
45 the vicinity.
46 d. *Size and shape*: The tract size shall not be less than one (1) acre in size, unless,
47 in the opinion of the Parks and Recreation Director and the Parks Advisory
48 Commission, this land can be added to an adjacent existing park or future park.
49 e. *Approval*: The Parks Advisory Commission and the Parks and Recreation
50 Director shall recommend the tract as suitable for use as a public park if the
51 requirements listed above have been deemed satisfied before the plat can be

1 approved by the City Council. The area of the tract shall be based upon a
2 calculation using the following schedule:

- 3 i. R-1, R-2, U-R districts: 5% of total residential area subdivided.
- 4 ii. R-3, R-4 districts: 7% of total residential area subdivided.

- 5
- 6 5. Computation: The percentage of land deeded shall be based upon the total area of
7 the development or subdivision used for residential uses (lots), excluding any non-
8 residential uses. Non-residential uses shall include such areas as right-of-way,
9 dedicated conservation areas, or private amenities, provided there are no
10 residences on these areas. If, during the subdivision process, a rezoning is proposed
11 for the same property, this provision will apply at the rate that is consistent with
12 the newly proposed zoning district.
- 13
- 14 6. Parks Director: The required dedication or fee is calculated by the Parks Director.
15 The Parks Director will provide a report to the appropriate City departments, the
16 Commission, and the City Council for final determination that describes the
17 suitability of the proposed land to be dedicated and the way in which the parkland
18 dedication requirement was calculated and, if applicable, the way in which the fee
19 in lieu of was calculated and the amount due by the applicant.
- 20
- 21 7. Encumbrances: The deeded land shall be free of liens, special assessments, and
22 other encumbrances and shall have all taxes paid to the date of deeding.
- 23
- 24 8. Use of Dedications: Nothing herein shall prevent the City from using such deeded
25 park property as allowed by Sec. 77.140 RSMo.
- 26
- 27 9. Fee in Lieu of Park Dedication: If the land available within the subject subdivision
28 proposal does not meet the requirements and stipulations of this section, a fee in
29 lieu of parkland dedication shall apply. The payment shall be calculated at a rate of
30 \$15,000 per acre of the parkland acreage requirements as calculated above. Any
31 fractional parts of an acre shall be prorated. This rate will apply unless the
32 developer can demonstrate to the satisfaction of the Parks Director and the Parks
33 Advisory Commission that the current fair market value should be used.
- 34
- 35 10. Payment of Fee in Lieu: All fee-in-lieu payments shall be deposited into the Parks
36 and Recreation Land Escrow Account. The applicant shall deposit the required
37 amount into this account without recourse or the right of recovery. Such cash
38 deposit shall be made prior to the recording of the Final Plat.
- 39
- 40 11. Use of Fee in Lieu Payments: These cash payments shall used for the following
41 purposes in priority as determined by the City Council with the advice and
42 recommendation of the Parks Director and the Parks Advisory Commission:
 - 43 a. Acquisition of neighborhood or community parks within one-half (1.5) mile of
44 the applicable subdivision.
 - 45 b. Improvements to existing parks within one (1) mile of the applicable
46 subdivision.
 - 47 c. Acquisition or improvement of larger regional or community-wide parks.
- 48
- 49 12. Reassessment of Rates: The dollar amount per acre value established herein will be
50 reassessed not sooner than every five (5) years from June 4, 2018 based on the cost
51 of inflation/increase in property values.

1
2 **Sec 42.516 Design Requirements – Other**

- 3 1. The improvements required in any subdivision shall be in accordance with the
4 following and shall conform to the City of Rolla "Standards and Specifications"
5 which are hereby adopted as the design standards for the public improvements
6 required by this Zoning and Subdivision Code.
7
- 8 2. Streets and Alleys. The subdivider shall grade and pave all new streets and alleys (if
9 any) within the subdivision. It is the City's policy to participate in or contribute only
10 to certain additional costs for the construction of collector or arterial streets over
11 and above the normal construction costs for minor street standards, when such
12 collector and arterial streets are identified on the Major Thoroughfare Plan, or
13 when designated by the City Engineer. Such participation is not mandatory and is
14 solely at the election of the City Council.
15
- 16 3. Sanitary Sewers. The subdivider shall extend sanitary sewer access and install
17 sanitary sewer connections for each lot. When sanitary sewers are not available, as
18 determined by the City Engineer, the subdivider shall install within the subdivision
19 capped sewer mains and house connections to each lot in addition to other
20 required onsite sewerage facilities. Prior to final approval of the plat, the subdivider
21 shall provide the City Engineer, for his approval, detailed construction plans for the
22 proposed sanitary sewer system. The city may participate in the costs of installing
23 sewer for sewer lines which may serve a large area beyond the properties owned
24 by the subdivider.
25
- 26 4. Storm Sewers. The subdivider is responsible for construction of all needed storm
27 sewer and storm water collection and storage systems necessary for development.
28 Construction plans for storm sewer facilities shall be shown both in plan and profile
29 with details of all necessary facilities. The data regarding the area to be served by
30 the facilities and the estimated run-off from the area tributary to the facilities
31 beyond the subdivision shall accompany the detailed plans. The city may
32 participate in the costs of installing storm water facilities if such facilities may serve
33 a large area beyond the properties owned by the subdivider.
34
- 35 5. Survey Standards and Monuments. The subdivider's surveyor shall establish, or
36 confirm the prior establishment, of permanent monuments at each controlling
37 corner on the boundary of the subdivision and at all block corners, point of
38 intersections, points of curvature, and points of tangency within the subdivision.
39 Monuments may be selected from the types described by the "Minimum Standards
40 for Property Boundary Surveys" of the Missouri Department of Natural Resources.
41 In addition, the subdivider's surveyor shall establish at least two (2) permanent
42 monuments as approved by the City Engineer for each block in the subdivision.
43 Monuments shall be placed so as to create base lines in each block from which all
44 points and lines in that block are laid out.
45
- 46 6. Sidewalks. The subdivider shall be responsible for the construction of sidewalks
47 along all proposed and existing streets within and adjacent to the development as
48 required by this Zoning and Subdivision Code.
49 a. Construction of sidewalks may be deferred per the requirements of this
50 section.

1 b. The Planning Commission may approve an alternative sidewalk plan to allow
2 modifications to the sidewalk requirements, or in a Planned Unit Development,
3 where the subdivider has submitted a proposed pedestrian circulation plan
4 that provides more direct and safer movement of pedestrian traffic.
5

6 7. Fire Hydrants. Fire hydrants shall be placed by the subdivider in accordance with
7 the requirements of the City's Fire Chief, International Fire Code, Rolla Municipal
8 Utilities, and the state inspection bureau of Missouri.
9

10 **Sec 42.517 Subdivision Improvement Guarantees**

- 11 1. Before the final plat of any subdivision is recorded, the subdivider shall provide for
12 the improvements described in this section to be extended to all lots shown on the
13 final plat. Subdivision Improvements includes all streets, alleys, waterlines, sewer
14 lines, storm sewers, stormwater detention basins, sidewalks, and any other
15 infrastructure which the developer will construct to serve the development. In lieu
16 of completion of the said improvements prior to recording, the subdivider or other
17 person who agrees with the City to make public improvements on behalf of the
18 subdivider, may post surety bond with one or more corporate sureties engaged in
19 the business of signing surety bonds in Missouri, an escrow agreement, letter of
20 credit or other appropriate security agreement, as approved by the City Engineer,
21 that will insure that the improvements will be completed by the subdivider.
22
- 23 2. The amount of corporate surety bond, escrow agreement, or other appropriate
24 security agreement shall not be less than the estimated cost of the public
25 improvements as determined by the City Engineer. The infrastructure may be
26 divided into phases of construction.
27
- 28 3. The City Engineer may, during the period of such bond, accept substitution of
29 principal or sureties on the bond or a substitution of a letter of credit, escrow or
30 other approved security agreement.
- 31 a. The City Engineer may require that certain improvements, such as storm water
32 facilities, be made and refuse to accept security for such improvements when
33 he determines that the improvements are necessary for immediate protection
34 of adjacent property. Otherwise, all improvements shall be completed within
35 two (2) years after recording the plat.
- 36 b. The Commission, upon proof of hardship, may extend the completion date for
37 improvements stated in the bond agreements for a maximum period of one (1)
38 additional year; provided the request is made prior to the end of the second
39 year following recordation and provided the security amount is revised if
40 required by the City Engineer.
- 41 c. The Commission may also defer at the time of final plat approval, subject to
42 appropriate conditions, the provision of any such improvements as, in its
43 judgment, are not appropriate because of incompatible grades, future planned
44 public improvements, inadequate or lack of connecting facilities, or other
45 reasons.
46
- 47 4. The release or reduction of required surety bonds, escrow agreement or other
48 security agreement shall be in accordance with the following:
- 49 a. When a petition for improvements by the tax bill method is filed and when said
50 petition has passed the required remonstrance petition assuring the City that

1 all improvements will be provided, said bond or agreements posted by the
2 subdivider may be released by the City Engineer.

- 3 b. The City Engineer may release or reduce said bond or agreements when he has
4 determined that all or a portion of the required improvements have been
5 satisfactorily completed and are free of any liens or other encumbrances. Any
6 reduction in the bond or agreements shall not exceed the ratio of the cost of
7 the completed improvements bears to the total estimated cost of all public
8 improvements for the plat.

- 9
10 5. Said improvement guarantee expires two (2) years after being executed, or another
11 date provided by the document. If all improvements are not complete after the
12 expiration the guarantee must re-negotiated with current costs of construction for
13 all remaining infrastructure to be built.
14
15 6. In particular, it is expected that the developer will construct all remaining sidewalks
16 within the development if the development is not fully built-out within the first two
17 (2) years.
18
19 7. If the improvements are not complete after the terms of the guarantee and the
20 guarantee is not re-negotiated, the city has the right to demand payment of the
21 guarantee, pursuant to state statutes, to pay for the cost of completing the
22 improvements.
23

24 **Sec 42.518 Building Permits After Platting**

- 25 1. No building permits may be issued prior to the final plat being recorded.
26
27 2. No certificate of occupancy may be issued for a building in the development until
28 the infrastructure in the development, or phase of construction, if applicable, has
29 been completed and accepted by the city.
30
31 3. Sidewalks adjacent to the developed lot and any adjacent lots under the same
32 ownership (other than the developer) must be constructed prior to the issuance of
33 a certificate of occupancy.
34

35 **Sec 42.519 Common Lots and Open Space**

- 36 1. The regulations set forth in this sub-section shall apply in all developments where
37 the following features are held in common ownership by persons owning property
38 within a development.
39 a. All lands in common open space, not a part of individual lots, designed for the
40 mutual benefit of a group of persons owning property within a development,
41 where such lands are not dedicated to or conveyed for public use; whether or
42 not such lands are required by the provisions of this section; and
43 b. All private streets, driveways, parking facilities, and buildings or portions
44 thereof, as may be provided for common use, benefit and/or enjoyment of the
45 development occupants; whether or not such improvements are required by
46 the provisions of this Zoning and Subdivision Code.
47
48 2. All common open space and improvements shall be protected by legal
49 arrangements that are satisfactory to the City and sufficient to assure their
50 maintenance and preservation for the purposes intended. Covenants or other legal
51 arrangements shall specify ownership of the common open space and common

1 improvements, method of maintenance, responsibility for maintenance,
2 maintenance taxes and insurance; compulsory membership and compulsory
3 assessment provisions; guarantees that any association formed to own and
4 maintain common open space and common improvements will not be dissolved
5 without the consent of the City, and other specifications deemed necessary by the
6 City.

- 7
8 3. All subdivision of property containing common lots, open space and common
9 improvements shall be considered a subdivision and subject to review in
10 accordance with the provisions of the Subdivision Regulations.
11

12 **Sec 42.520 Condominium Development**

- 13 1. Condominium Property Act. Except where it can be demonstrated that the
14 provisions of this Section can be satisfied by other means, all lands and
15 improvements, as set forth in this Section shall be established and maintained in
16 accordance with the Condominium Property Act, Chapter 448, Missouri State
17 Statutes.
18
- 19 2. Platting. A condominium plat must be submitted for review in order to create a
20 condominium ownership arrangement. The plat may be reviewed following the
21 minor subdivision process if five (5) or fewer units are proposed; otherwise the plat
22 must be reviewed following the final plat review process.
23
- 24 3. Condominium plat covenants. Any restrictive covenants, rules and by-laws of the
25 ownership unit, as prepared in accordance with Chapter 448, Missouri State
26 Statutes, shall be approved by the City before any final plat is recorded. The
27 covenants and restrictions shall provide:
- 28 a. For the establishment of the condominium or homeowners association or trust
29 prior to the sale of any property;
 - 30 b. For the method of maintenance;
 - 31 c. That open space restrictions and maintenance shall be permanent;
 - 32 d. That the homeowners are liable for the payment of maintenance fees and
33 capital assessments;
 - 34 e. That unpaid homeowners fees and assessments will be a lien on the property
35 of the delinquent homeowners;
 - 36 f. That the association or trustee shall be responsible for liability insurance, taxes
37 and perpetual maintenance;
 - 38 g. That membership shall be mandatory for each homeowner and any successive
39 buyer;
 - 40 h. That each homeowner, at the time of purchase, shall be furnished with a copy
41 of the approved restrictions or conditions;
 - 42 i. That any association or trust formed to own and maintain common open space
43 and common improvements will not be dissolved without consent of the City;
44 and
 - 45 j. That the City of Rolla shall assume no responsibility for the enforcement of
46 private restrictive covenants.

47
48 **Sec 42.521 – 42.599 Reserved**
49

1 **Section 600 Form-Based Code**

2
3 **Sec 42.600 – 42.699 Reserved**

4
5 **Section 700 Appendix**

6
7 **Sec 42.700 Definitions**

8 Words found in the text or tables of this Zoning and Subdivision Regulations shall be
9 interpreted in accordance with the provisions set forth in this Section. Additional
10 definitions may be found in the sections where they would be most applicable. The
11 definitions herein are intended to apply to the entire code. Where words have not been
12 defined, the standard dictionary definition shall prevail. The following terms are hereby
13 defined:

14
15 *Accessory structure or building:* A structure which is subordinate to and serves a principal
16 structure; is subordinate in area, extent or purpose; and is located on the same lot with the
17 main use or building.

18
19 *Accessory Dwelling Unit:* Living quarters within a detached accessory building located on
20 the same premises with the main building; or within the principal dwelling, for use by
21 temporary guests of the occupants of the premises, or rented for the use by another family
22 or occupant.

23
24 *Alley:* A public way that extends only secondary means of access to abutting property
25 located within a block.

26
27 *Alteration, structural:* Any alteration to any component of a structure that supports any
28 vertical load in addition to its own weight.

29
30 *Berm:* A mound of earth, typically located in a buffer-yard to shield or block noise, lights or
31 other nuisances.

32
33 *Buffer-yard:* Land area typically containing trees, shrubs and other plants, berms, fences or
34 walls and used to visibly separate one use from another or to limit nuisances.

35
36 *Building:* A structure having a roof supported by columns or walls.

37
38 *Building codes:* The *Building Code* of the City of Rolla, Missouri together with electrical,
39 plumbing, fire, and any related code(s), including any regulations adopted in conformance
40 therewith.

41
42 *Building line:* A line located a distance corresponding to the district minimum front setback
43 from the front lot line between the side lot lines, beyond which no part of a building shall
44 extend.

45
46 *Building, front of or frontage:* The side of a building most nearly parallel with and adjacent
47 to the front of the lot on which it is situated.

48

1 *Bulk requirements:* Bulk requirements (synonymous with bulk regulations) provide a zoning
2 envelope for buildings by horizontal measurement. Such regulations include setbacks,
3 minimum street frontage, maximum lot coverage, and minimum lot size.
4

5 *Conditional use:* A use permitted only through approval of a Conditional Use Permit. Such
6 use may be permitted depending on the location, scale, or particular application and may
7 be approved with conditions to mitigate any potential impacts to surrounding properties as
8 authorized by the City Council.
9

10 *Condominium:* A building, groups of buildings or property in which units are owned
11 individually and all the owners on a proportional, undivided basis own the common
12 elements.
13

14 *District, Zoning:* A section(s) of the City of Rolla, for which the regulations governing the
15 areas, heights or uses of buildings or lots are uniform.
16

17 *Drive-through facility:* A facility, typically accessory to a principal use, which encourages or
18 permits customers to order, receive and consume goods and services while remaining in
19 their motor vehicles.
20

21 *Dwelling Unit:* A building or portion thereof designed exclusively for residential occupancy,
22 each with separate restroom, cooking, and sleeping facilities and intended to function
23 separately, generally with, for example, individual utility meters, addresses, points of entry,
24 etc., but not including hotels, motels, boarding, rooming and lodging houses; and
25 institutional care facilities.
26

27 *Economic hardship:* When the landowner cannot economically utilize the property and it is
28 impractical to sell or lease it or no market exists for it at a reasonable price.
29

30 *Family:* Not more than one family is permitted to live in a single dwelling unit. The following
31 living arrangements shall constitute a "Family":

- 32 1. Multi-family and Commercial districts: Eight (8) or fewer unrelated persons; or four
33 (4) or fewer unrelated persons plus their biological, adopted or foster children or
34 other minors, for whom they have legally established custodial responsibility, and
35 living as a single housekeeping unit in a single dwelling unit; or
- 36 2. Residential districts, except Multi-family districts: Four (4) or fewer unrelated
37 persons, plus their biological, adopted or foster children or other minors, for whom
38 they have legally established custodial responsibility, living as a single
39 housekeeping unit in a single dwelling unit; or
- 40 3. One (1) or more persons related by blood, marriage, adoption or custodial
41 relationship living as a single housekeeping unit; however,
- 42 4. The term family shall not be construed to mean fraternity, sorority, club,
43 institutional group, or Overnight Shelters to limit occupancy.
44

45 *Front lot line:* The line of the lot adjacent to the street on interior lots. On corner lots it is
46 the prolongation of the front lot line of an interior lot.
47

48 *Guest house:* Living quarters within a detached accessory building located on the same
49 premises with the main building, for use by temporary guests of the occupants of the
50 premises; with such quarters not meeting the definition of a dwelling unit and not rented
51 or otherwise used as a separate dwelling.

1
2 *Height, Maximum:* The maximum Height shall be calculated as the lessor of the maximum
3 Story Height or the Dimensional Height.
4
5 *Height, Dimensional:* A dimension that is measured from a height that is equal to the
6 lowest point along the intersection of the front(s) of the building (the side or sides of the
7 building that faces the front lot line or lines) and the ground to the highest point of either
8 the parapet line, cornice line, or eave line, whichever is applicable and highest.
9
10 *Height, Story:* The Story Height is the number of stories in a building, as defined by the
11 building code, excluding any basements and attics.
12
13 *Home occupation:* A business which is operated by the occupant of a dwelling from the
14 dwelling.
15
16 *Impervious surface:* Any part of a lot that is covered by buildings, structures, parking areas,
17 driveways, and any other surfaces which reduce or prevent absorption of storm water.
18
19 *Land Use:* The purpose for which land, a structure, a building, or part thereof is being used,
20 as categorized by this zoning code.
21
22 *Loading space:* An off-street space or berth on the same lot with a building or contiguous to
23 a group of buildings, for the temporary parking of a commercial vehicle while loading or
24 unloading merchandise or materials, and which abuts upon a street or other appropriate
25 means of access.
26
27 *Lot:* An undivided tract or parcel of land that is under one ownership, and is designated as a
28 separate tract of land by identifying its boundaries by a lot number or letter on a duly
29 approved and recorded subdivision or by a metes and bounds description on a recorded
30 instrument.
31
32 *Lot area:* The total horizontal area within the boundary lines of a lot.
33
34 *Lot, corner:* A lot situated at the intersection of two or more streets.
35
36 *Lot depth:* The horizontal distance between the front and rear lot lines measured along the
37 median between the two (2) side lot lines, or the distance from the front of the lot
38 measured at the mid-point of the rear lot line to the mid-point of the front lot line for
39 multi-sided or unusual lots.
40
41 *Lot, front of:* The front of a lot shall be considered to be that side on the lot that fronts on a
42 street. In the case of a corner lot, the narrowest side fronting on the street shall be
43 considered to be the front of the lot. In case the ~~corner~~ lot has equal frontage on two or
44 more streets, the lot shall be considered to front on that street with the greatest number of
45 lots front. The Community Development Director may designate any lot frontage to be the
46 front yard where, in his opinion, it would cause the lot to be most compatible with the
47 surrounding properties.
48
49 *Lot, interior:* A lot other than a corner lot.
50
51 *Lot lines:* The lines bounding a lot as defined herein.

1
2 *Lot, Odd-shaped:* A lot which has more than four (4) sides, or has three (3) sides, or has one
3 or more curvilinear sides. In such case, the Community Development Director may
4 designate the front, side, and rear sides.
5
6 *Lot of record:* A lot that exists as shown or described on a plat or deed in the records of the
7 County Recorder of Deeds or was recorded by a separate legal description on a deed
8 recorded prior to November 1, 1973.
9
10 *Lot, double frontage:* A lot having frontage on two parallel or approximately parallel streets.
11
12 *Lot width:* The horizontal distance between the side lot lines, measured at the building line.
13
14 *Non-conforming structure, legal:* A building or structure or portion thereof that was lawfully
15 erected, but does not conform to height, setback, or bulk regulations.
16
17 *Non-conforming use, legal:* A lawfully established use of land, a building, or a structure that
18 does not conform to the current Zoning Code.
19
20 *Non-conforming structure/use, illegal:* A use of land or a structure erected which does not
21 conform to the current Zoning Codes and which was not permitted at the time of erection
22 or establishment.
23
24 *Open space:* Area included in any side, rear or front yard of any unoccupied space on a lot
25 that is open and unobstructed to the sky except for the ordinary projection of cornices,
26 eaves, porches or decks. Open space does not include driveways, internal streets and other
27 forms of impervious surface. Water bodies that are not subject to public ownership may
28 also be included as open space.
29
30 *Owner of record:* The person, corporation, trustee or other legal entity listed as owner of a
31 premise in the records of the County Recorder of Deeds.
32
33 *Package liquor store:* An establishment where alcoholic beverages are sold for consumption
34 off premises.
35
36 *Parking space, automobile:* Space within a building or a private or public parking area for
37 the parking of one automobile.
38
39 *Person:* Any individual, corporation, association, firm, partnership, institution or other legal
40 entity, singular or plural.
41
42 *Premises:* A premises is any tract of land which operates as a functional unit regardless of
43 ownership or the number of lots. When developed, a premises has one or more
44 characteristics including shared parking, common management, common identification,
45 common access, or shared circulation systems.
46
47 *Principal building or structure:* A structure, or group of structures, in which the principal use
48 of a premises is located.
49
50 *Principal use:* The primary or predominant use of a premises.
51

1 *Rear lot line:* The line of the lot opposite the front lot line. In the event of an odd-shaped
2 lot, the rear lot line for setbacks may be designated by the Community Development
3 Director to be the deepest point of the lot or the point where the lot narrows to the
4 minimum lot width required by the applicable zoning district.

5
6 *Setback:* The mandatory minimum or maximum distance between a lot line and an
7 elevation of a building or the closest point of a structure that is not a building, unless
8 otherwise indicated.

9
10 *Side line:* Any lot line not a front line or a rear line.

11
12 *Street:* A public way that extends primary means of access to abutting properties.

13
14 *Street, arterial:* Those streets that are used primarily for high to moderate speed, high
15 volume, extended trip length between activity centers traffic.

16
17 *Street, collector:* A street or road primarily for the carrying of traffic from residential streets
18 to the arterial streets and freeways.

19
20 *Street, freeway:* A divided arterial highway for through traffic with full control of access and
21 generally with grade separations at intersections.

22
23 *Street, local:* A street primarily for access to the abutting properties.

24
25 *Structure:* A building or other object that has been constructed or erected on the ground or
26 attached to or on top of another object or building, or as defined in the Building Codes.
27 Walkways and driveways located on the ground are not considered structures.

28
29 *Yard:* An open space other than a court on the same lot between a building or group of
30 buildings and the nearest lot line and which is unoccupied and unobstructed from the
31 ground upward.

32
33 *Yard, front:* A yard extending across the full width of the lot, between the distance of the
34 minimum required front setback and the front lot line.

35
36 *Yard, rear:* A yard extending the full width of the lot, between the distance of the minimum
37 required rear setback and the rear lot line.

38
39 *Yard, side:* An open unoccupied space between the distance of the minimum required side
40 setback and the side line of the lot extending from the front yard to the rear yard.

41
42 **Sec. 42.701-709 Reserved**

43

1 **Sec 42.710 Zoning Use Table**

2 The following table is for reference only. Any errors, omission, or conflicts will be
 3 interpreted by deferring to the text of the zoning code.

4 P – Permitted C – Conditional Use X – Not Permitted * - w/ restrictions

5 - (Commercial Use)

	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
Residential Uses									
Detached Single-family Dwelling	P	P	P	P	P	X	X	P	X
Residential Group Home	P	P	P	P	P	X	X	X	X
Modular Home	P	P	P	P	P	X	X	X	X
Mobile Home	X	X	X	X	X	X	X	X	X
Manufactured Home	X	X	X	X*	X	X	X	X	X
Residential-design Manufactured Home	P	P	P	P	P	X	X	P	X
Manufactured Home Park	X	X	X	C	X	X	X	X	X
Two-family (Duplex) Dwelling	X	P	X	P	P	X	X	P	X
Townhouse	X	C	P	P	P	X	X	P	X
Multi-family	X	X	P*	P*	P	X	C*	C	X
Overnight Shelter	X	X	X	C	C	X	C	X	C
Transitional Housing	X	X	X	C	C	X	X	C	X
Fraternity/Sorority House	X	C	X	P	P	X	X	C	X
Rooming and Boarding Houses	X	X	X	P	P	X	X	X	X
Family Child Care Home	P	P	P	P	P	X	X	X	X
Adult Day Care Home	P	P	P	P	P	X	X	X	X
Community Center	P	P	P	P	P	-	-	-	-
Nursing Home	C	C	X	P	X	-	-	-	-
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
Commercial Uses									
Commercial Use	X	X	C*	C	C	P*	P	P	P
Industrial Use	X	X	X	X	X	X	P*	C	P
Agriculture Business Use	C	X	X	X	X	-	-	-	-
Amusement and Recreation Use	X	X	X	X	X	X	C	X	X
Civic and Social Organizations	X	X	P*	P*	P	-	-	-	-
Child Care Center	X	X	X	P	P	P	P	P	P
Churches and Places of Worship	P*	P	P	P	P	P	P	P	X
Medical Marijuana Dispensary	X	X	X	X	X	X	P	P	X
Medical Marijuana Testing Facility	X	X	X	X	X	X	C	C	P
Medical Marijuana-infused Products Facility	X	X	X	X	X	X	X	C	P
Medical Marijuana Cultivation Facility	X	X	X	X	X	X	X	X	P
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
Medical Use	C	C	C	C	C	-	-	-	-
Parking Lots and Garages	X	X	X	P	P	X	P	P	P
Seasonal Sales	X	X	X	X	C	C	P	P	P
Sexually-oriented Business	X	X	X	X	X	X	P*	P*	P*
Soup Kitchen	X	X	X	X	X	X	C	C	X
Temporary Use	C	X	X	X	X	C	P	C	P

6

7 **Sec. 42.710-799 Reserved**

1 **Section 800 Adopted Ordinances**

2
3 **NOTE:** *This section to be used to keep track of the adopted zoning changes and text*
4 *amendments. If required, this section could also record adopted vacations, subdivision,*
5 *street name changes, etc.*

6
7

1 **Chapter 40 - Urban Renewal**
2
3 **NOTE:** *The entirety of Chapter 40 of the city codes is recommended to be removed.*
4
5 **Article I - In General**
6 **Sec. 40-1. Powers of department of community development.**
7
8 **Secs. 40-1 to 40-6. Reserved.**
9
10 **ARTICLE II - ROLLA HISTORIC PRESERVATION COMMISSION**
11 **Sec. 40-7. Established; Purpose; Appointment; Qualifications.**
12
13 **Sec. 40-8. Terms of members, removal from office.**
14
15 **Sec. 40-9. Officers, Meetings.**
16
17 **Sec. 40-10. Powers and Duties of the RHPC.**
18
19 **Sec. 40-11. Designation of Historic Properties.**
20
21 **Sec. 40-12. Identification of Historic Districts.**
22
23 **Sec. 40-13 "Identification of Rolla Historic Preservation Properties"**
24
25 **Sec. 40-14. Restriction on Properties Designated as "Rolla Historic Preservation**
26 **Property".**
27
28 **Sec. 40-15. Financial Incentive to Foster Historic Preservation.**
29
30 **Sec. 40-16. Design Guidelines.**
31
32 **Sec. 40-17. Historic property construction permits.**
33
34 **Sec. 40-18. Application for an historic property construction permit.**
35
36 **Sec. 40-19. Application review.**
37
38 **Sec. 40-20. Stop work order.**
39
40 **Sec. 40-21. Fees and penalties.**
41
42

1 **NOTE:** *The following section is from Chapter 41 is proposed to be revised to read as follows.*

2

3 **Sec. 41-6. Discharge of bows and arrows and crossbows prohibited within the City Limits**
4 **of Rolla, Missouri; exceptions.**

5

- 6 (d) The use of longbow, recurve and/or compound bows, or crossbows, and the
7 discharge of broadhead or other hunting arrows or bolts is permitted within Rolla's
8 City Limits for the purpose of taking game as regulated by the Missouri Department
9 of Conservation and with the written permission of the property owner. Hunting
10 using bows and arrows or crossbows shall only be permitted on land three (3) acres
11 in size or larger, and subject to the provisions of subsection 41-6 (b).
12

1 **Chapter 28 Nuisances and Property Maintenance**

2
3 **NOTE:** *Section 20-1 though Section 20-2 from Chapter 20 are proposed to be relocated to*
4 *Chapter 28, Nuisances. Chapter 28 is to be renamed and revised as follows.*

5
6 **Sec. 28-1. Maintenance, etc., of nuisances prohibited.**

7 No person shall cause, maintain or permit, on premises owned or controlled by him, a
8 nuisance, as defined by the laws of this State or by this Chapter.

9
10 **Sec. 28-2. Nuisances enumerated.**

11 The following things are hereby declared to be nuisances; provided, that such listing shall
12 not be deemed exclusive:

- 13 a. Shrubs, hedges and limbs of trees projecting over a sidewalk or street at a height of
14 less than seven (7) feet.
- 15 b. All substances or things which cause an odor disagreeable to the surrounding
16 neighborhood.
- 17 c. Nuisances listed in the adopted International Property Maintenance Code.

18
19 **Sec. 28-3 Abatement of Nuisances**

- 20 1. If the person notified as provided in this Section shall fail, neglect or refuse to
21 comply with the same within the time specified in such notice, the codes
22 administrator or designated officer shall abate such nuisance upon receiving an
23 order to do so from a court.
- 24
25 2. If the estimated cost of abatement of the nuisance is in excess of \$1,000.00, the
26 codes administrator or designated officer shall report the same to the council of
27 the city. Thereupon the council shall call and have a full and adequate hearing upon
28 the matter, giving the affected parties at least fourteen days written notice of the
29 hearing. At such hearing, any party may be represented by counsel, and all parties
30 shall have an opportunity to be heard.
- 31
32 3. After the hearing, if the evidence supports a finding based upon competent and
33 substantial evidence that a nuisance exists, that the person having an interest was
34 notified, and that the person failed to abate the nuisance, the city council shall
35 issue an order based upon its findings of fact to the codes administrator or its
36 designated officer to proceed to abate the nuisance.

37
38 **Sec. 28-4 Liens from Abatements**

39 If the codes administrator or its designated official causes the nuisance to be abated by the
40 city, the costs of the abatement and a reasonable charge for administering the abatement
41 not less than one hundred dollars, shall be certified to the city clerk who shall cause a
42 special tax bill therefore against the property to be prepared and collected by the Finance
43 Director. The tax bill from the date of its issuance shall be deemed a personal debt against
44 the owner and shall also be a lien on the property until paid. If the certified cost is not paid,
45 the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be
46 governed by the laws governing delinquent and back taxes.

1 **Sec. 28-5 City council or designated officer to determine when weeds, etc., constitute**
2 **public nuisance.**

3 The growth of weeds, brush or rank vegetation shall constitute a public nuisance with the
4 following exceptions:

- 5 a. All lots or parcels or portions thereof not within one hundred (100) feet of any
6 residence or street.
- 7 b. All undeveloped lots, parcels or right-of-way owned by the City of Rolla and
8 dedicated for park and open space use, as bird sanctuaries, riparian corridors,
9 detention basins, or as dedicated but undeveloped public right-of-way.
- 10 c. Undeveloped lots which do not abut development on at least three (3) sides
11 (Including developed streets); however, in such case, areas within five (5) feet of an
12 abutting residential lot or within ten (10) feet of a street or within five (5) feet from
13 a sidewalk must be maintained free from high weeds and grass.
- 14 d. Undeveloped future phases of subdivisions that have been cleared or "brush
15 hogged" shall be maintained in that condition until further development occurs.

16
17 **Sec. 28-6 Weeds, etc., over ten inches in height declared nuisance per se.**

18 The growth of weeds, brush or other rank vegetation in excess of ten (10) inches in height
19 is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of
20 the public.

21
22 **Sec. 28-7 Notice to owner to abate weeds, etc.**

23 The Codes Administrator, or its designated official, must provide notice to any property
24 owner of a property on which a nuisance of weeds, brush, or other vegetation is located.
25 Such notice may be either by mail or by posting notice on the property. Such notice must
26 allow for not less than fifteen (15) days for the property owner to appeal the
27 determination. If the property owner does not appeal the determination, or if the appeal is
28 denied, the property owner must be given an additional five (5) days to correct the
29 violation(s) before the city may abate the violation(s).

30
31 **Sec. 28-8 Owner of land liable for cost of cutting weeds.**

32 If the Codes Administrator or its designated official abates a property by the cutting and
33 removing weeds, brush and other rank vegetation is, the costs of the abatement and a
34 reasonable charge for administering the abatement not less than one-hundred dollars, shall
35 be certified to the City Clerk who shall cause a special tax bill therefore against the property
36 to be prepared and collected by the Finance Director. The tax bill from the date of its
37 issuance shall be deemed a personal debt against the owner and shall also be a lien on the
38 property until paid. If the certified cost is not paid, the tax bill shall be considered
39 delinquent, and the collection of the delinquent bill shall be governed by the laws
40 governing delinquent and back taxes.

41
42 **Sec. 28-9. Reserved.**

43
44 **Sec. 28-10 2018 International Property Maintenance Code - Adopted.**

45 That for the purpose of establishing minimum standards governing the condition and
46 maintenance of all property, buildings and structures; by providing the standards for
47 supplied utilities and facilities and other physical things and conditions essential to insure
48 that structures are safe, sanitary and fit for occupation and use; and the condemnation of
49 buildings and structures unfit for human occupancy and use and the demolition of such
50 structures; known as "International Property Maintenance Code, 2018 Edition" of the City
51 of Rolla, Missouri, and each and all of the regulations of the International Property

1 Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set
2 out at length herein.
3

4 **Sec. 28-11 Amendments to adopted International Property Maintenance Code.**

5 101.1 **Title**, City of Rolla, Missouri.

6
7 103.5 **Fees**. Delete.

8
9 106.4 **Violation Penalties**. Any person who shall violate a provision of this code or shall fail
10 to comply therewith, or with any requirements thereof, shall be guilty of a Misdemeanor,
11 punishable by a fine of not more than \$500.00, or by imprisonment not exceeding ninety
12 (90) days, or both such fine and imprisonment. Each day that a violation continues after
13 due notice has been served shall be deemed a separate offense.
14

15 111.1 **Applications for appeal**. Any person directly affected by a decision of the code
16 official or a notice or order issues under this code shall have the right to appeal to the
17 board of appeals, provided that a written application for appeal is filed within thirty (30)
18 days after the day the decision, notice, or order was served. An application for appeal shall
19 be based on the claim that the true intent of this code or the rules legally adopted
20 thereunder have been incorrectly interpreted, the provisions of this code do not fully apply,
21 or the requirements of this code are adequately satisfied by other means.
22

23 111.2 **Membership of board**. The board of adjustment shall serve as the board of appeals.

24
25 111.2.1 – 111.2.5. **Alternate members. Chairman. Disqualification of member. Secretary.**
26 **Compensation of members**. Delete
27

28 111.3 – 111.6. **Notice of meeting. Open hearing. Procedure. Postponed hearing. Board**
29 **decision. Records and copies. Administration**. Delete
30

31 112.4 **Failure to comply**. \$50.00; \$500.00.
32

33 302.4 **Weeds**. Ten (10) inches (Add: Premises and exterior property specifically includes
34 adjacent streets. The property owner is required to maintain those areas between the
35 street pavement and the property line.)
36

37 304.14 **Insect screens**. (Year round)
38

39 602.3 **Heat supply**. (Year round)
40

41 602.4 **Occupiable work spaces**. (Year round)
42

1 **NOTE:** *The following portion of Chapter 15 will also be revised to read as follows.*
2

3 **Sec. 15-75. Authority and Scope.**

- 4 (a) This Chapter shall apply to all proposed development except for that development
5 which meets waiver or variance criteria as outlined in Section 15-80 of this Chapter.
6 (b) This Chapter shall apply to all timber harvesting activities, except those timber
7 harvesting operations which are implementing a forest management plan that has
8 been deemed to be in compliance with the regulations of the buffer Ordinance and
9 has received approval from the Missouri Department of Conservation.
10 (c) This Chapter shall apply to surface mining operations except that the design
11 standards shall not apply to active surface mining operations that are operating in
12 compliance with an approved state or federal surface mining permit issued by the
13 appropriate governing agency.
14 (d) Article V of this Chapter shall not apply to agricultural operations that are covered
15 by an approved Natural Resources Conservation Service (NRCS) conservation plan
16 that includes the application of BMPs.
17 (e) Article V of this Chapter shall not apply to streams with a tributary drainage area of
18 less than one hundred (100) acres.
19 (f) This Chapter shall apply to all parcels of land, structures, and activities that are
20 causing or contributing to:
21 (1) Pollution, including nonpoint source pollution, of the waters within the City
22 of Rolla;
23 (2) Erosion or sedimentation of stream channels;
24 (3) Degradation of aquatic or riparian habitat.
25