JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Development Code Amendment

CASE 030-25 Text Amendment

CONTEXT:

The City of Joplin adopted a new development and zoning code in July of 2022. Following three years of implantation and application of this new code, staff is proposing amendments to add items that were not carried over from the prior zoning code, adopt revised policies to create better solutions for development regulations that present problems in practice and enforcement, and clarify ambiguities. City staff is recommending to table this case to allow for additional review time and a work session for City Council in October.

DISCUSSION:

Section 2: Allowing large outbuildings to be placed in front of the primary dwelling was included in the 2004 zoning code but was not adopted with the 2022 Development Code. This exception will allow large, isolated properties (lots over 40,000 square feet) to have some flexibility in the placement of the building. Typically, accessory buildings are not supposed to sit in front of the home. This change is intended for properties where the aesthetic will be minimal, as neighborhoods of this size would be vastly low density. This change will also require the structures to be placed at least 60 feet from the property line, which severely limits any visibility from the right-of-way.

Section 3: This is also corrective language that should have been included from the 2004 zoning code, Procedures Manual. The rule to mail letters to properties within 185 feet is a state requirement for rezoning and special use permit cases. The state does not require cities mail letters for vacations, so the blanket "letters to property owners to properties within 185 feet" is misleading. The City has created the practice of mailing property owners who utilize the right-of-way with the adoption of the 2004 Zoning Code. The current code fails to differentiate based on the type of case. This section also corrects a typo in the table name.

Section 4: Encroachment agreements require public hearings; however, they were not included as a type of case or on the fee schedule. This revises this table to include encroachment agreements as a type of public hearing. This section also corrects a typo in the table name.

Section 5. This section removes the fee amounts from the zoning code, as they are currently inaccurate. It adds reference to the ordinance for the most up to date fee schedule. Fee changes are made more frequently than the zoning code is updated, and this is the most reliable source for this information.

Section 6. In order to protect the historic value of properties within the City of Joplin, removing rezoning fees is a way to ensure that applicants are not deterred from applying for the Historic Preservation overlay.

Section 7. Our current code establishes a design emphasis on shared lane markings when creating bike lanes. The change references NACTO's guidelines which requires protected bike lanes, which are either elevated or provide a barrier between vehicles and bicycles, to create safer road conditions.

Section 8. Major utilities should be eligible for special use permit in all districts, as depending on the need for services, they may not be able to provide services for all areas, such as residential, if they are solely located in industrial districts. Currently they are only permitted in Industrial Districts. In the previous code, they were permitted via special use permit in all zoning districts. Currently, we have substations located in residentially zoned districts.

Section 9. The City adopted medical marijuana provisions and amended the zoning district table in 2019. Since then, the state has adopted recreational use. This update permits the same uses we permitted in the same districts, while removing the "medicinal" language. Article 9 is adopted in Section 34 to define these uses. This does not nullify the medicinal marijuana ordinance, Ordinance No. 2019-079, rather, it adds recreational uses to the zoning code.

Section 10. Permits Cultivation Facilities in the AG District.

Section 11. Permits Dispensaries and Testing Facilities in the C-2 and C-3 Districts.

Section 12. Permits Cultivation and Infused Product Manufacturing in the M-2 District.

Section 13. Permits Apartments in C-3 by right, rather than by special use. This will support integrated mixed-use development areas in large commercial developments, such as Prospect Village.

Section 14. The definition of Outdoor Sales, Large, currently includes motor vehicle sales. This use is not permitted in C-3 by right, under the current zoning table. However, almost all of the existing car lots in Joplin are located within a C-3 district and are legally non-conforming. The City adopted a form-based code under these provisions, which places an emphasis on beautification and site standards, such as building design, landscaping and more intensive buffer requirements. These standards accomplish the desired compatibility between outdoor motor sales and normal commercial retail uses, which is why staff is recommending we change the table to allow motor vehicle sales by right.

Section 15. Animal Care, General is permitted in C-1 through Special Use, and C-3 by right. This requested change will allow animal care in a C-2 District by City Council approval of a

Special Use Permit. These facilities would still be subject to the specific use standards for Kenneling.

Section 16. Similar to Section 14, this section seeks to amend the zoning table to allow commercial drive-up storage units in a C-3 District, due to the same reasoning: the City has adopted development standards that better integrate typical commercial uses with commercial uses such as storage units or motor sales.

Section 17. The definitions for this section clarify that this section is not exclusive to RV's (Outdoor storage or parking of recreational vehicles, water craft or trailers, or trucks with 12,000 pound gross vehicle weight or less), however, the title can be a little misleading, so we seek to remedy this by changing *Recreational* to *Large.*

Section 18. This clause was in our old zoning code, which allowed for a tractor unit for a tractor/trailer combination to be parked in the driveway for a limited period of time, to protect residents who were employed as truckers and did not have anywhere else to store their vehicle. This clause never made it into the current zoning code, so staff is seeking to correct this.

Section 19. Staff is recommending allowing solar panel ground mounts by right. Ground mounts are already treated as accessory structures and must comply with size, setback, and placement restrictions, along with the allowable building coverage (the amount of the yard that may have structures, versus the amount that must remain lawn) sections in in Article 5, Table 5-02. The code also refers to these as "conditional use permits" instead of "special use permits," which is the only time in the code this language is used. This is a copy and past error that was brought in from another code. "Conditional" and "special" use permits can be used interchangeably within the planning field, but per our procedures they are referred to as a Special Use Permit.

Section 20. This is a typo correction.

Section 21. There is a conflict with the animal care definitions in Article 9, and the kennel specific use standards. Currently, Animal Care, General, allows up to 50 animals, on properties between 5,000 and 20,000 square feet, and includes commercial kennels as an included use for that category. The current kennel specific use standards restrict the number of kenneled animals to 20, and requires a minimum of 2 acres, which most of our existing facilities in the City do not meet. Staff recommend we remove the 20 animal limitation and require a minimum of 2 acres if the facility houses more than 50 animals, bumping the use up to Animal Care, Large. All kennels will still be required to be screened, include outside runs, restrict their proximity to residential dwellings, and have an enclosed area for each animal. This will permit the legally non-conforming facilities by right, while also making our definitions consistent with the specific use standards.

Section 22. City staff researched codes from the City of Springfield, which had more indoor climate-controlled storage units (currently the City of Joplin has one). Our existing parking requirements are written to address drive-up, outdoor storage units, and do not provide realistic parking industry standards for indoor units. This will provide parking provisions specific to the indoor units, which do not generate as much traffic and require less parking spaces. This was

verified with the City of Springfield Planning office, who confirmed that their current provisions work for them.

Section 23. This is another clause that was in the previous zoning code but did not make it into the current code. This was adopted as an amendment to the previous code, which is why it was missed. In order to preserve historic buildings and sites, this clause allows limited commercial uses that are compatible with residential neighborhoods through the application for a Special Use Permit, contingent upon City Council approval.

Section 24. This section provides the use restrictions and standards for recreational marijuana uses, compliant and consistent with the Missouri statutes, and includes provisions that the City adopted for medicinal use. This section limits the facility's proximity to churches, schools, and licensed daycares, requires ventilation, prohibits onsite consumption, prohibits a facility in a building containing a residence, and prohibits outdoor storage.

Section 25. This is a typo correction, the setback should be 15 feet non 15 inches.

Section 26. This section allows residential property owners to have a detached garage and a pool or solar mount, rather than one or the other (most pools and solar installations are over 200 square feet, and for most residential lots, the limit is one per property). This section still limits the property to the maximum lot coverage standards, so residents will still not be able to fill the entire backyard with accessory structures.

Section 27. The current code states that fences that are over 5 feet and closed construction are limited to the backyard. The intent behind the adoption of this change was to allow privacy fences up to 12 feet along the side yard. Everything else is limited to 4 feet and to be open construction. Under the old code they were strictly limited to the backyard. However, due to the way this was worded, this can be interpreted to allow 5-foot privacy fences up to the front building line. This revised section will clean up the language to only allow privacy fences in the back and back side yard.

Section 28. T-posts and woven wire are not explicitly allowed as approved fence materials under the current zoning code. Materials that are not explicitly approved are left to the Planning Development and Neighborhood Services Director's discretion. The Joplin Municipal Code permitted these, however, the current code super cedes this, as there was a clause under the adoption of the 2022 Development Code that any ordinance in conflict with this code would be null and void. After implementing this code, staff is recommending to explicitly allow t-posts and woven wire in agricultural and industrial districts. This revision also removes the 15 foot property line setback for chain link fences in industrial and commercial areas. This was added to our code in 2022, and conflicts with the provisions in the municipal code and the previous zoning code (2004). It is a common industry standard for schools and industrial facilities to enclose their property with security fences up to the property line, so long as site triangles are not obstructed.

Section 29. One problem with the existing buffer requirements is when it is applied to existing sites, many of those whose existing buildings lay within what would be the required buffer perimeter. There is currently an applicability section that allows for the Director to pro-rate landscaping for the site where full compliance is not practical or possible. However, this added

section will provide an option for denser vegetation within a smaller perimeter area, or move the required amount to other areas of the site, as another option to pro-rating, so that conflicting use screening may still be provided to fulfill the intent of this section.

Section 30. This section was added as another design option for Accessible parking spaces. Our current design section for Accessible parking references the federal Americans with Disabilities Act Design Standards (2010), but our code only provides one of the design options for van accessible spaces, which is a 11-foot-wide aisle with a 5-foot-wide loading/unloading aisle. The ADA standards also provide the option for an 8-foot-wide space with an 8-foot-wide loading aisle. Staff is recommending the City include this design option in our code as well, making it consistent, and not more restrictive, than the federal requirements.

Section 31. This is a typo correction, the original code language references the R-5 District, not the MP District, by mistake.

Section 32. Staff is recommending removing the word "modular" from the Manufactured Home Park and Small Format Home District (MP) section. "Modular" and "Manufactured" mean fundamentally different things under federal law. The previous zoning code referred to homes within this district as "manufactured," not "modular." They should not have been referred to as "modular" in our current code. "Modular" homes are homes that are constructed to local building codes, may not be distinguishable from site-built homes, and are considered real property. "Modular" homes are financed through traditional means, such as Federal Housing Act (FHA) loans. Manufactured homes are built to the U.S. Department of Housing and Urban Development (HUD) codes, are not always subject to the same method of financing and may not always be permanently anchored to a foundation.

Section 33. We allow duplexes to be developed on a single parcel subject to them being treated as a multi-family project, where the lots are not subdivided and the buildings are not for individual sale. This changes some of the development requirements, like triggering stormwater and landscaping standards. This change will add a clause that allows for the City to require lots or parcels be merged, so that the owner does not split lots off later without City approval, creating non-conforming lots.

Section 34. This section has been revised to ensure that mobile vendors or micro businesses do not set up on vacant lots and gives the City some authority to require site plan review and/or special use permits if deemed necessary.

Section 35. This section adds the marijuana use definitions to the Use Definition section in the current zoning code.

Section 36. This section amends the ground cover definition by adding a section that prohibits invasive species as defined by the Missouri Department of Conservations. It also includes an allowance for cultivated native landscape beds. Neighborhood Services have been working with individuals who wish to maintain and conserve native plants. These revisions seek to provide specific language that will allow residents to conserve wildlife and native landscaping, but requires that it is done so in a maintained and orderly fashion.

Section 37. This section amends the Appendix C (Walkable Design Guidelines) applicability section to allow some flexibility in neighborhoods that would generally meet the other applicability sections for walkable design, but where strict application of the Walkable Design Guidelines would make new structures incompatible with the rest of existing homes.

Section 38. This section redefines the Historic Preservation overlay (HP District) by breaking it down into two categories. It creates one overlay (Historic Landmark - HL) for individual properties, and one overlay for (Historic District - HD) for historic districts or neighborhoods. An example of a Historic District designation would be for the Sunshine Lamp District. A historic landmark would be a single property nominated for historical significance. This change was brought before the Historic Preservation Commission in July 2025, with a recommendation for approval.

Staff recommends to table Case 030-25

ENCLOSURES:

- Council Bill
- Amended Development Code