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SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
Article 1 General Provisions		
1.01 Overview A. Title B. Purpose C. Authority and Jurisdiction D. Exemptions E. Severability F. Transition Provisions	29A-100 Title 29A-101 Intent 29A-300 Jurisdictional Area 29A-305 Exemptions 29A-306 requirements Must Be Observed 29A-307 Annexed Land 29A-308 Interpretation Purpose and Conflict 29A-309 Invalidity of a Part 29A-310 Saving Clause 29B-1.1 Jurisdiction 29B-1.2 Purpose and Intent 29B-1.3 Applicability 29B-1.4 Exemption 29B Section 11 Effective Date	▪ Consolidated and simplified the technical and legal/jurisdictional sections from both the Subdivision Regulations (29B) and Zoning Ordinance (29A). ▪ Tailored the purpose statements more directly to the comprehensive plan policies. (Note: this begins to establish a hierarchy of guiding language throughout the development code: ○ Purpose – broad statements connecting policy and statutory authority to the regulations; primarily used to determine if the regulations are performing as expected over the long term. ○ Intent – more direct statements on how specific districts or sections are connected to planning goals and objectives; used to interpret and apply to code to different circumstances. ○ Design Objectives – statements of desired outcomes of specific standards; used to apply standards to particular contexts and projects, and guide flexibility or consideration of alternatives.
1.02 Interpretation A. Rules of Construction B. Conflicts C. Computations of Time D. Measurements [??] E. Interpretation of Zoning Map F. Nonregulatory Provisions G. Resources, Guides and Industry Standards	29-A-200 Rules of Construction and Interpretation 29-A-304 Rules Where Uncertainty May Arise 29A – 1814 Determination of Structure Setback Line	▪ Expanded on current sections to deal with some of the more common interpretation issues ▪ Built in interpretation aids – graphics, tables, not-regulatory provisions; and provide a mechanism for outside resources to guide the plans. These could be industry standards or technical professional guides; or the could be local and area-specific guides that could be made in the future through more specific planning and policy efforts.
1.03 Administration A. Staff B. Planning Commission C. City Council D. Board of Zoning Adjustment	29A-2300 Formation (Board of Adjustment) 29A-2301 Powers and Jurisdiction (non-procedures BZA) Article 25 Administration 29A-2500 Legislative and Quasi-Judicial Regulation of Land Use 29A-2501 Office of the Planning and Com. Dev.t Manager 29A-2502 Office of the Chief Building Official 29A-2503	▪ Consolidated sections that establish or refer to the different review bodies in one section. [Note: most of these bodies are established outside of the zoning ordinance elsewhere in the City Code, and have roles beyond the development code li.e. Planning Commission); however the BZA exists by virtue of adopting zoning, and its role and authority is exclusively within the development code, so it has a more detailed section.
1.04 Enforcement A. Violations B. Enforcement C. Penalty	Article 26 Violation and Penalty 29A-2600 29A-2601 29B Section 10 Penalty for Violations; Actions	Incorporated existing provisions with no substantive changes
1.05 Nonconformities A. Intent B. Nonconforming Uses C. Nonconforming Structures D. Nonconforming Site Conditions	Article 20 Nonconformities: 29A-2000 General 29A-2001 Nonconforming Lots of Record 29A-2002 Nonconforming Structures 29A-2003 Nonconforming Uses	▪ Incorporated existing provisions with some slight refinement to recognize different degrees of nonconformities (i.e. use or building vs. landscape or parking (site conditions), and more flexibility for compliance with lessor-degree nonconformities

SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
E. Nonconforming Lots F. Burden of Proof	29A-3004 Status of Special Uses	
Article 2 Procedures		
2.01 General – All Applications A. Applications and Fees B. Pre-application Meeting C. Neighborhood Meeting D. Staff Review E. Notice F. Public Hearings G. Action by review Bodies H. Appeals I. Protest Petitions J. Technical Studies K. Permits L. Successive Applications	29A-2514 Fees Various sections from multiple articles that are repeated in various sections (Article 21, Special Use Permits, Article 22 Site Plan Review; Article 23, Board of Adjustments; Article 24 Amendments) 29B-3.1 Submittals 29B-3.2 Pre-application 29B Section 9 Filing Fees; 9.1 Subdivision Plats	▪ Procedural elements that are repeated for multiple procedures in multiple sections are consolidated here to state only once in a generally applicable section, then referred to in other procedure sections. Table 2-01 then summarizes the specific review for each type of applications ▪ All procedures in other sections were streamlined and simplified with more specific provisions for: ○ Applicability – what is the process for; when is it triggered ○ Review criteria – how will the application be evaluated, connecting standards to purposes, intent, and design objectives. ○ Review procedures – anything specific for that particular application not in 2.01 ○ Effect of decision – what are next steps (appeals, additional applications, permits, etc.)
2.02 Platting A. Applicability B. Types of Plats and Applications C. Administrative Plats D. Major Subdivision Preliminary Plat (review criteria; review procedure; effect of decision; term of expiration) E. Final Plat (review criteria, review procedure, effect of decision) F. Subdivision Waiver	[Relevant and applicable sections listed with 2.01, above] 29B-3.3 Preliminary Plats 29B-3.4 Final Plat 29B-7.3 Lot Spits 29B – Section 8 Administration and Appeals 29B-8.1 Permits 29B-8.2 Recording of Plats	▪ Expanded the range of administrative plats to a variety of routine applications that do not involve any infrastructure/public investments, and which do not substantially alter or impact development patterns (more of technical issues and record keeping). ▪ Streamlined major subdivisions by allowing preliminary plats to be approved by Planning Commission, eliminating dual approval by PC and CC. City council approves and accepts final plat with public dedications.
2.03 Rezoning A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decision	29A-Article 24 Amendments 29A-2400 Amendments to Change Zoning Regulations or District Boundaries 29A-2406 Comprehensive Plan 29A-2407 Findings 29A-2408 Protest of An Amendment By Petition of Property Owners [Other sections in Article 24 included in 2.01 Procedures; General – All Applications]	No substantive changes other than improved criteria.
2.04 Planned Development A. Applicability B. Preliminary Development Plan / Regulation Plan	[See 2.03 regarding incorporation of zoning change elements of Article 24] 29A-1701 Overlay District PD, Planned Development Overlay District (procedural elements)	Significantly revised to a new approach. Rather than let "planned zoning" (PUDs) be a wide open process where any kind of plan can be submitted with few expectations on both the substantive development issues and the procedures, the new approach does the following:

SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
C. Review Criteria D. Review Procedure E. Effect of Decision	29A-2205 (Site Plan) Development in a PD overlay District	▪ Uses the improved base zoning district standards (i.e. R-2, R-3, or C-1) as the starting point. ▪ Relies on upgraded "typologies" (streets, buildings, frontages) and overall improved design standards for a baseline for flexibility. ▪ Includes specific criteria where flexibility from these base standards should be considered (additions to or subtractions from the applicable standards, and why) ▪ Establishes certain types of plans, and planning area parameters to identify the appropriate level of planning needed to justify flexibility in the zoning
2.05 Special Use Permit A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decision	29A Article 21 Special Use Permits 29A-2100 Intent 29A-2103 Standards for Issuance of Special Use Permits [Other sections in Article 21 included in 2.01 Procedures; General – All Applications]	▪ Shifted the SUP decision to the PC rather than CC, and require one public hearing rather than 2. ▪ Protest recharacterized to specific parties (See 2.01.I vs, 29A-2102)
2.06 Site Plan A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decision	29A Article 22 Site Plan Review 29A-2200 Intent 29A-2201 Applicability [Other sections in Article 22 included in 2.01 Procedures; General – All Applications]	No substantive changes other than improved criteria. Note: many of the current provisions are vague design standards masking as decision criteria. The more explicit design standards in the substantive provisions of the code, and the clear criteria for review and administrative flexibility should improve expectations and decision-making.
2.07 Variance A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decision	29A Article 23 Board of Adjustment 29A-2301 Powers and Jurisdiction (procedural elements) 29A-2302 Applications 29A-2303 Performance 29A-2304 Who May Appeal from the Board Decisions	No substantive changes.
2.08 Appeals of Administrative Decisions A. Applicability B. Effect of Filing C. Notice D. Action and Review Criteria E. Effect of Decision	29A-2302 Applications 29A-2303 Performance 29A-2304 Who May Appeal from the Board Decisions 29B – Section 7 Rule Exceptions 29B-7.2 Waivers 29B – Section 8 Administration and Appeals 29B-8.5 Appeals	No substantive changes, except making it clear that the BZAs role is different on appeal of administrative decisions vs. variance (error vs. hardship/uniqueness).
2.09 Text Amendment A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decision	29B.8.3 Consideration of Subdivision Regulation Amendments	No substantive changes.
2.10 Vacation of Streets or Easements A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decision		No substantive changes.

SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
Article 3 Subdivision Standards		
3.01 Streets A. Intent B. Street Network C. Street Design D. Intersection Design E. Engineering and Construction Specifications	29B-Section 4 General Planning standards and Subdivision Design requirements 29B-4.3 Pedestrian Ways and Sidewalks (See also Article 7, Section 7.02 Access & Circulation) 29B-4.4 Streets	▪ Improved street network connectivity standards more specific to context (walkable, general or remote), and clarified exceptions to standards ▪ Added street "design types" to overlay the functional classification of streets for better context, design character, and multimodal considerations ○ Functional classification = Arterial, collector, local ○ Design type = Standard, Neighborhood, Activity, Green ▪ Added "Complete Streets Design Guide" (See Appendix B) to coordinate with and add benchmarks for recent Complete Streets ordinance; this can also be used as a decision tree for when the specific street sections in the code need to be adjusted, or where they are applied to retrofit or redesign existing streets.
3.02 Blocks & Lots A. Intent B. Block Arrangement C. Lot Arrangement	29B-Section 4 General Planning standards and Subdivision Design requirements 29B-4.1 Lots 29B-4.2 Blocks 29B-4.8 Easements 29B.4.10 Natural features 29B-4.11 Uninhabitable Areas	▪ No substantive changes but better coordination with 3 scales of development – context (topography, natural features, etc.); development pattern (street network ./ connectivity per 3.01); and project / site (lot standards of various zoning districts)
3.03 Required Improvements A. Intent B. General Requirements C. Streets D. Utilities E. Permanent Monuments F. Upsizing	29B-Section 4 General Planning standards and Subdivision Design requirements 29B-4.5 Sewer and Other Utilities 29B-4.6 Water Utilities 29B-4.7 Drainage 29B-4.9 Erosion Control 29B Section 5 Improvements required 29B-5.1 Required Improvements (A-H: Streets, Water, Sewer, Walks; Storm Drainage, Street Signs, Permanent Monuments, Street Lights) 29B-5.2 Exceptions for Existing Improvements 29B Section 6 Improvement Procedures and Surety 29B-6.1 General 29B.6.2 Building Permits 29B-6.3 Occupancy Permits 29B-6.4 Plans and Specifications 29B-6.5 Construction of Improvements 29B.-6.6 Inspection 29B-6.7 Inspection Procedures 29B-6.8 Final Inspection 29B.6.9 Acceptance of Improvements	▪ No substantive changes; simplification and clarification of the timing and types of improvements; better coordination between planning and urban design standards (this code) and engineering and construction standards (other codes and specifications); ▪ Promote "upsizing" for long-range planning where city and developer can cooperate and coordinate for improvements needed beyond a specific project.

SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
3.04 Community Facilities & fees	29B.5.1.I. Required Improvements; Park Dedication	Generalized tool to apply to large-scale development, with options to use tool for acquisition / cooperation for broader community facilities through dedication or land reservation / negotiated acquisition.
Article 4 Zoning District & Use Standards		
4.01 Zoning Districts A. Intent B. Relationship to Comprehensive Plant C. Official Zoning Map	29A-301 Districts 29A-302 Overlay Districts	▪ Generally, this Article is just about uses, and Article 5 is about development standards ▪ Updated district and intent statements to have better distinctions between districts, better relationships to complimentary districts, and more direct connection to the comprehensive plan policies and goals. ▪ Repurposed or focused some districts more to the intent: ○ R-4 – broader range of small-scale, multi-unit, mixed-density housing (i.e. "missing middle") ○ C-O and C-1 – neighborhood scale business and retail (whether car-oriented or walkable)
4.02 Allowed Uses (Use Table) A. Use Table	29A – Appendix A Land Use table 29A – Article 4 - 16; All Zoning Districts; Sections #01 and #02 Permitted Uses and Special Uses (corresponding to use table)	▪ Overall, no substantive changes, but generalized use categories (more flexibility in category and types of uses), but made more distinctions on scale and intensity of uses keyed to different districts (more specificity in form/format)
4,03 Accessory Uses A. Accessory Uses Generally B. Specific Accessory Use and Structure Limits C. Accessory Dwelling D. Home Occupations E. Outdoor Storage, Residential F. Outdoor Storage, Non-residential G. Outdoor Display and Service Areas H. Accessory Drive-Through I. Recycle Drop Boxes J. Solar Panels K. Wind Energy Conservation Systems	29A-1807 Accessory Structures and Uses (residential and non-residential uses) 29A-1104 Use Standards (C-O District) 29A-1203 Use Standards (C-1 District) 29A-1303 Use Standards C-2 District 29A-1403 Use Standards C-3 District) 29A – 1503 Use standards M-1 District 29A-1505 Use Limitations (M-1) 29A – 1604 Use Limitations (M-2) 29A-2104 Additional Conditions for Particular Special Uses	▪ Emphasized that general "accessory use" provisions and basic performance criteria can address a wide range of unmentioned accessory uses (customarily incidental and subordinate to allowed uses.) ▪ Incorporated existing provisions for specific uses that have been generalized in the use table (a mix of site design standards, performance criteria, or conditions for specific uses under current standards. ▪ Expanded applicability of accessory dwelling units (any lot with a detached house as opposed to current 10K lot requirement). Owner occupancy only required in R-S and R-1 zoning ▪ Converted "drive though" from a land use to an accessory site condition to allow more context-specific treatment of drive-through standards. ▪ Added solar and wind energy provisions based on comp plan policies.
4.04 Specific Use Standards A. – V. capturing many existing and a few new uses	29A-2104 Additional Conditions for Particular Special Uses 29A1813 Temporary Uses Permitted 29A-1817 Home Occupations	▪ Captured provisions that apply to specific uses as a response to the use table being more general. (i.e. site design or performance criteria for specific uses beyond general zoning district standards). ▪ Included recent updates / amendments without substantive changes (i.e. Short Term Rentals
4.05 Temporary Uses	29A-1813– Temporary Uses Permitted	No substantive changes
Article 5 Building & Development Standards		
5.01 Residential Development Standards A. Residential Building Types & Intent B. Residential Building Type Development Standards	29A – Article 4 - 9 All Zoning Districts; Sections #04 Height and Area Regulations – converted to building types for residential) 29A-1800 Height, Yard And Area Exceptions (residential) 29A-1801 Height Exceptions (residential)	▪ Shifted to a "building type" approach to focus less on density and minimum lot sizes and setbacks, and rely more on building scale, form, and patterns to achieve compatibility. ▪ Expanded the range of building types allowed within some districts – specifically "missing middle" housing types (small-scale, multi-unit buildings – duplex, tri-plex, row

SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
C. Accessory Building's – Residential D. Design Guidelines E. Courtyard Pattern	29A-1803 Yard Exceptions (residential) 29A-1810 Number of Structures and Uses on a Zoning Lot	houses, small apartments), and specifically in the R-2 and R-4 districts (and limited infill locations for R-3) ▪ Added option for courtyard pattern for certain building types – small lot detached houses. Detached houses, duplexes, row houses and small apartments ▪ Recommended design guidelines – particularly applicable in R-4 district (new applications), infill in older urban areas, or for new applications where walkable patterns, mix of housing options, or improved neighborhood character are important. These simplify and replace the current design guidelines in the comprehensive plan. (See Appendix C: Walkable Neighborhood Design Guidelines)
5.02. Nonresidential Development Standards A. Intent B. Applicability C. District Lot and Building Standards D. Accessory Buildings – Nonresidential E. Frontage Design (types A- D) F. Building Design G. Lot Open Space Design_	29A – Article 10 - 16; All Zoning Districts; Sections #04 Height and Area Regulations – converted to building types for residential) 29A-1800 Height, Yard And Area Exceptions (nonresidential) 29A-1801 Height Exceptions (nonresidential) 29A-1803 Yard Exceptions (nonresidential) 29A-1802 Accessory Structures & Uses (nonresidential structures) 29A-1810 Number of Structures and Uses on a Zoning Lot	▪ Incorporate current lot and development standards of existing district without substantive changes, except shifted C-O and C-1 to maximum lot sizes to ensure neighborhood scale patterns. ▪ Coordinated design standards based on "frontage types" to account for a variety of contexts with in the community, ranging from walkable neighborhood, walkable urban, to car-oriented and suburban. This also accounts for the human-scale and design priority distinctions that can exist within centers and districts, ranging from pedestrian blocks, to traffic-moving streets, and service blocks. The standards associated with each frontage time simplify and replace the current design guidelines that are in the comprehensive plan.
Article 6 Landscape & Site Design Standards		
6.01. Intent & Applicability A. Intent B. Applicability	29A-1808 Landscaping	▪ Expanded current intent and applicability statement to align better with specific civic design and aesthetic / quality goals of the comprehensive plan. ▪ Clarified applicability (generally not smaller-scale 1F and 2F housing; and incremental compliance for infill, rehabilitation, or reuse
6.02 Plant Requirements & Specifications A Site Elements & Planting B Credits for Existing Vegetation C. Design D. Location E. Tree Diversity F. Plant Specifications G. Maintenance	29A-1808 Landscaping	▪ Plant requirements broken into specific elements of a site to reflect design priority, and not just counting plants and space. Streetscape, frontages / foundation areas, parking, buffers, and other. ▪ Requirements generally comparable to current standards – though simplified; and may be increased for more impacting areas of site, but less for more remote areas. ▪ Improved expectations – specific, measurable quantities based on each element (current standards rely on subjective qualities of a plan); however, flexibility is permitted through site plans from specific design objectives, specifications, and performance criteria. ▪ Tree diversity and current plant list incorporated per Tree Board direction.
6.03. Buffers & Screening A. Design Objectives B. Buffer Planting (Types I – III)	29A-1808 Landscaping	▪ Buffers refined / clarified into 3 types (similar to current but more specific) based on context and adjacencies (using a combination of space, plant screens, and/or structured screens)

SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
C. Buffer Locations D. General Screening		
6.04. Fences A. Front Fences B. Rear & Interior Side Fences C. Street Side Fences D. General Design Standards	29A-1815 Fences	Substantively similar to current standards, but simplified and clarified.
6.05 Outdoor Lighting A. Mounting Height B. Shielding C. General Standards	29A-1816.D.2. Performance Standards, Lighting Standards	Substantively similar to current standards, but simplified and clarified.
Article 7 Access & Parking Standards		
7.01. Intent & Applicability A. Intent B. Applicability	29A Article 19 Off-Street Parking & Loading Regulations 29A-1900 - Applicability	New – added to recognize the balance of accommodating cars vs. designing for pedestrians, and establishing different priorities based on the general context of the area and specific development patterns and urban near the site.
7.02 Access & Circulation A. Driveways B. Sidewalks C. Traffic Impacts	29B-4.3 Pedestrian Ways and Sidewalks (See also Section 3.02 Street Networks) 29A-1804 Sight Triangle 29A-1805 Fire Lane 29A-1806 Signage 29A-1811 Sight triangle Exceptions 29A-1812 Access to Business and Industrial Uses 29A-1903 Commercial Driveway requirements	▪ Vehicle access standards correspond to lot widths and building types (current standards refer to nonexistent section of the comp plan.) ▪ "Internal access street" concept emphasizes street-like connectivity and urban design for very large parcels or projects.
7.03 Required Parking A. Vehicle Parking Rates B. Maximum Parking C. Accessible Parking D. Parking Reductions E. Bicycle Parking	29A-1904 Required Spaces	▪ Established "soft maximum" parking – additional design or operation mitigation required for sites well over required parking. ▪ Retain current exemption for nonresidential parking in C-2 (downtown) ▪ Add range of additional credits / reductions for all contexts (on-street parking; bicycle parking; public, or shared) ▪ Add specific bicycle parking requirement for all nonresidential and multi-family.
7.04. Parking Design A. Location, Size and Landscape Area B. Landscape Design C. Dimension D. General Design Standards	29A1901 General Provisions (Parking) 29A – 1902 Layout and Design Requirements (Parking 29A-1818 Inoperable vehicles	▪ Design standards shifted to emphasize relationship to streetscape and adjacent property. ▪ Design mitigation on sliding scale based on combination of size of parking area, location on the site (front, side, rear), and nearness to streetscape.
7.05 Loading Areas A. Loading Requirements B. Mixed-use Buildings or District	29A-1906 Loading and Unloading Regulations	No substantive changes
7.06 Alternate Parking and Access Plan A. Site Plan.	29A-1905 Special Uses (Parking	▪ Two levels of additional discretionary flexibility added – staff / site plan = 15%; PC / site plan 35%, with specific criteria for granting exceptions.

SECTION MAP		
Updated Reorganized	***Current Code Sections***	***Comment***
B. Deferral of Required Spaces		
Article 8 Special District & Supplemental Standards		
8.01 Planned Districts A. Intent & Applicability B. Permitted Uses C. Development standards	29A-1701 Overlay District PD, Planned Development Overlay District (substantive elements) 29A-2205 (Site Plan) Development in a PD overlay District	New and improved approach (see comments with Section 2.04.)
8.02 Overlay Districts	29A-302 Overlay Districts 29A-2206 Development in a HP Overlay District 29A-2207 Development In an FP Overlay District 29A Article 17 Overlay Districts 29A-1700 Intent (Overlay Districts 29A-1702 Overlay District HP, Historical Preservation Overlay District 29A-1703 Overlay Distict FW / FWF, Floodway / Floodway Fringe	No substantive changes. Existing standards reformatted and incorporated in Appendix E. and F. (historic overlay and floodplain overlay respectively._
8.03 Manufactured Home Park (MP) District A. Intent & Applicability B. Permitted Uses C. Development Standards D. Common Areas E. Utilities & Services F. Landscape & Parking Design G. Subdivisions	29A Article 9, District M-P, Manufactured Home Park Residential District 29A-900 Intent 29A-901 Permitted Uses (see Use table) 29A-902 Special uses (see Use table) 29A-903 Height and Area Regulations 29A-904 Use Limitations 29A-905 Application Requirements	▪ Incorporated existing MP standards; reorganized with few substantive changes. ▪ Emphasized community design aspects included with "typology standards" throughout the code to stress better arrangement and relationship of projects. ▪ Allowed this technique to accommodate a wider range of small format housing based on planned district applications
8.04 Wireless Telecommunication Facilities		No substantive changes. Existing standards reformatted and incorporated in Appendix G.
8.05 Airport Height Standards	29A-1802 Airport Height Standards	No substantive changes
Article 9 Definitions & Terms		
9.01 Descriptions of Uses	29A-201 Definitions 29B-2 Definitions	Shifted to "description of uses" rather than definitions, to coordinate with use table. Allows more flexible interpretation of uses based on comparable scale, format, operations and impact, and allows for new or emerging uses to be more easily incorporated into the provisions
9.02 Definitions		Merge and purging of existing definitions, with some simplification and some new terms added to support new provisions.
9.03 Design & Architecture Terms		Added to provide more flexible guidance to new design standards and guidelines in the code.

ARTICLE 1. GENERAL PROVISIONS

1.01 Overview
1.02. Interpretation
1.03 Administration
1.04 Enforcement
1.05 Nonconformities

1.01 Overview

A. **Title.** This Appendix is known as the Joplin Development Code, which includes subdivision regulations, zoning districts and standards, and site development and design standards and guidelines. References to "this code", "the development code," or "these regulations" shall be considered a reference to the Joplin Development Code.

B. **Purpose.** The Joplin Development Code is adopted to promote the public health, safety, quality of life and general welfare of the community in the City of Joplin. More specifically, the regulations have the following general purposes:

1. Implement the comprehensive plan, and other plans and programs authorized under the guidance of the comprehensive plan;
2. Promote health and general welfare throughout the city, including the physical, social, and economic well-being of residents and businesses, the long-term value and viability of public investments, and the individual property values by balancing the co-equal rights of property owners.
3. Promote planning and urban design that emphasizes distinct places and unique elements of community character documented throughout Joplin;
4. Provide streets, trails, parks, and other civic and open spaces that help organize development and contribute to a valuable public realm;
5. Encourage and guide strategic infill, redevelopment and community revitalization consistent with the Citizens Advisory Recovery Team (CART) vision and recommendations
6. Secure proper arrangement and design of streets to support abutting land uses, provide access and circulation, coordinate with existing and planned streets, and strengthen investment in the public realm of the City;
7. Divide the City into zones and districts that promote the relationships and coordination of land uses and development patterns of the comprehensive plan;
8. Regulate and restrict the development and use of buildings and land within each zoning district to create a compatible scale and range of building types within districts;
9. Secure adequate provisions for water, drainage, sanitary sewer facilities and other public improvements based upon City, State, and Federal requirements; and
10. Provide for coordinated development and redevelopment of Joplin consistent with established policies of the City.

C. **Authority and Jurisdiction.** The Joplin Development Code is enacted pursuant to the authority granted in Chapter 89 RSMo, as amended, and other municipal authority that supports the principles of Chapter 89. It applies to all structures and land within the incorporated area of the City of Joplin, as depicted on the official zoning map, and other maps accompanying the City's plans and policies. It shall be unlawful to conduct any development or use of land until any applicable development review and processes have been followed, all applicable standards have been met, and all applicable approvals, permits or other authorizations have been issued.

D. **Exemptions**. The following structures and uses shall be exempt from the provisions of these regulations:

1. Utilities that are accessory to and serve principle uses of lots, including poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility. This exemption does not apply to utilities and facilities that are a principle use of land, such as sub-stations and power plants, or to utilities that are not customary and incidental to other uses and require a special use permit or specific conditions according to this code.
2. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
3. Land, public structures and public facilities located in the public right-of-way and authorized subject to City of Joplin permitting process, and according to the design standards of the Subdivision Regulations and the design and construction standards for public facilities. This exemption does not apply to facilities and structures associated with uses on private property and authorized to encroach into the right-of-way according to this code, and does not apply to other non-municipal uses of the public right-of-way for which the City reserves the right to manage and authorize through regulations, permits, design standards or franchise agreements.

E. **Severability**.

1. If any court of competent and final jurisdiction declares any part of this development code to be invalid, that ruling shall not affect any other provisions of this development code not specifically included in that ruling.

2. If any court of competent and final jurisdiction declares that the application of this development code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or projects with different circumstances.

3. No provision of this development code shall enable any circumstance in which is unlawful under superseding federal or state law. If any section, subsection, phrase, or portion of this development code is 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.

F. **Transition Provisions.** This section shall be used to guide the transition from previously existing regulations. Unless specifically stated otherwise in this code, the following rules shall apply:

1. *Generally.* All standards in this code shall apply beyond the effective date specified in the ordinance adopting this code, and all subsequent amendments shall become effective in the same manner. If no specific date is stated it is assumed that it is effective immediately on adoption of the ordinance.

2. *Applications.* Any official application submitted prior to the effective date of this code, and determined a complete application by the Director, shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.

3. *Permits and Site Plans.* All permits, site plans or other approvals issued under an administrative capacity prior to the effective date of this code shall remain effective for the duration specified in that permit or under the prior code as it existed immediately prior to this code. Where no duration is stated, the approvals shall be valid for up to six months from the effective date of this code.

4. *Plats.* Any approved preliminary plat may continue to be processed according to the standards and procedures of the prior code, for the duration of the approved preliminary plat applicable under the prior standards. Each subsequent approval of a final plat for a portion of a phased project may renew the validity of the previously approved preliminary plat as provided in Section 2.02 of this code.

5. *Special Uses.* Any special use or other approval that may be limited to a specific duration under prior regulations may continue for that specified duration. Any subsequent approvals of these uses upon expiration of that period shall be processed according to this code.

6. *Planned Developments.* All Planned Developments (PDs) approved under the previous regulations shall remain in effect. Any subsequent approvals needed for future development under the PDs shall be processed according to the standards previously applicable to PDs. However, changes to approved PDs, or future development or redevelopment within PDs not accounted for in the original approval shall be processed according to the procedures, standards and criteria in Section 2.04.

7. *Prior Violations.* Any violation of the previous standards that has accrued as of the effective date of this code is expressly saved and may be enforced by the City in any manner as if it is a violation of this code.

1.02 Interpretation

A. **Rules of Construction.** The following rules shall apply to the application and interpretation of these regulations, unless the context clearly indicates otherwise:

1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
2. The present tense includes the future tense and the future tense includes the present tense.
3. The singular includes the plural and the plural includes the singular.

4. Lists of examples prefaced by "including the following," "such as," or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of these lists including other similar, non-mentioned examples.
5. "Shall" or "must" is mandatory; "should" or "may" is permissive but recommended as a way to best meet the standard or achieve the intent of the standard.
6. A reference to an administrative official refers to that official or his or her designee, and all references to specific city officials may also include any other designee of the City Manager.
7. Reference to the "Department" or "Planning Department" refers to the Planning, Development & Neighborhood Services Department, and references to Director refers to the Director of that department, unless the context clearly implies otherwise.
8. Any reference to other official local, state or federal government rules or regulations includes the current versions of those regulations, provided they remain binding on the City of Joplin, or where not binding the current versions remain consistent with the purposes, intent, and objectives of these regulations.
9. References to a person includes individuals, partnerships, agencies, corporations or other legal entities.
10. No requirement of this code shall be interpreted or applied in any way to permit or maintain a dangerous condition or a potential nuisance.

B. **Conflicts.** In case of a conflict between these regulations and any other adopted regulation of the City, the higher standard or greater restriction shall apply. In making a determination of which is the higher standard or greater restriction the official may consider which is more specific; which is more consistent with the comprehensive plan; which is more consistent with the purposes, intent and objectives of these regulations; and which best promotes the public health, safety and welfare.

C. **Computations of Time.** The following rules apply to any computation of time, unless a specific section of these regulations indicates otherwise:
1. The day of the act that commences a period shall not be counted.
2. The last day of the period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the period. In all other cases Saturday, Sunday or legal city holidays count in the period.
3. Whenever any period is expressed for a formal submittal to the City, the period shall end at 4:00 P.M. on the last day of that period.
4. Any period expressed in years shall include a full calendar year(s) from the act that commences the period.

D. **Measurements.** The following rules shall apply to the interpretation of measurements and dimensional standards:

1. *General Calculations.* When calculations of an applicable standard result in fraction of something that is not divisible (e.g. parking space or trees) it shall be rounded up to the nearest whole number.

2. *Buildings.* The following shall be used in interpreting dimensional standards for buildings:

a. *Building Coverage.* The percentage of the total area of the lot covered by buildings or roofed areas of principal and accessory buildings, measured along the wall at ground level. Building coverage may control the scale, mass or orientation of the building more than is established within the setback lines. It does not include any unenclosed roof projections up to four feet from a foundation, or uncovered and unenclosed accessory structures such as decks and patios.

b. *Building Height.* Building height, when expressed as a dimension, is measured from the average grade to highest point of a roof. Average grade is determined by calculating the average of the highest and lowest elevation of pre-development grade along the front building line parallel to the street. Where significant development is proposed in association with a grading plan, post development grades may be used subject to that plan, provided the grading is not conducted in a manner to specifically alter permitted building heights. Building heights expressed in both dimension and stories shall use the additional story limits to impact the scale, form, and mass of the building within the permitted overall height.

c *Building Height Exceptions.* The following are exceptions to the height limits in the development standards:

(1) Accessory building elements integral to the design and construction of the building, such as parapet walls, false mansards may extend up to 6 feet above the roof deck.

(2) Architectural features such as belfries, chimneys, ornamental towers and spires may extend up to 50% above the actual building height, provided they are no more than 10% of the building footprint.

(3) Functional and mechanical equipment such as elevator bulkheads, cooling towers, smoke stacks or other equipment may be built up to their necessary height in accordance with building codes.

(4) Accessory site elements not specifically listed such as flag poles, monuments, water towers, may have a height limit of buildings on the site, but shall be setback a distance of at least 1/3 its height from the property line.

(5) Public, semi-public or public service buildings, such as hospitals, churches, schools may have a height limit of 100 feet, provided any portion above the allowed maximum height shall be setback from the property line an additional 1 foot for each foot above the maximum allowed height.

(6) All height exceptions shall be in conformance with air space regulations relative to the Airport Heigh Standards in Section 8.02.

d. *Building Setbacks.* The minimum required distance between any lot line and the building foundation or building wall where there is no foundation, except specifically authorized encroachments. When front building setbacks are expressed as a range (i.e. “10’ to 25’”), it shall be interpreted as a “build to” range, within which distance the front building line of the principal structure shall be established.

e. *Setback Exceptions.* The development standards for building placement or setbacks do not apply to the following situations, except that in no case shall this authorize structures that violate the provisions of any easement.

(1) Structural projections such as bay windows, balconies chimneys, eaves, cornices, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to four feet from the foundation and encroach into the setback, but no closer or three feet from any lot line.

(2) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required setback, but no structure may encroach on any easement or public right-of-way line of the alley.

(3) Any projection over a public street right of way or any similar area designed for pedestrian access or circulation shall be at least 8 feet above the grade, and in no case within 2 feet of a curb.

(4) In residential districts, primary entrance features may encroach into the front setback for any building and site designed according to the Walkable Neighborhood Design Guidelines in Appendix C.

(5) In residential districts, unenclosed and un-roofed decks or patios at or below the first floor elevation may extend into the rear or side setback up to 15 feet, but no closer than 5 feet to any lot line.

(6) In residential districts, ground-mounted mechanical equipment may be located in the side or rear setback provided that it extends no more than six feet from the principal building, no closer than three feet to the lot line, and is screened from public right-of-way by structures or landscape.

f. *Story.* The part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above the ceiling next above. Story heights shall be:

(1) Eight feet to 12 feet, generally;

(2) The first story for residential buildings should be nine feet to 14 feet;

(3) The first story in non-residential buildings should be 12 feet to 20 feet;

(4) Building types that require high floor-to-ceiling heights such as a gymnasium or warehouse, shall have the number of stories calculated as the finished floor-to-ceiling height divided by 15.

(5) Any story that has less than three feet of its height exposed above grade on all points of the front elevation shall not count as a story for the purpose of measuring building height.

e. *Story, Half.* The space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than two feet above the floor level and in which the possible floor area with head room of five feet or more is between 15% and 65% of the story directly beneath.

3. *Lots.* The following shall be used in interpreting dimensional standards for lots:

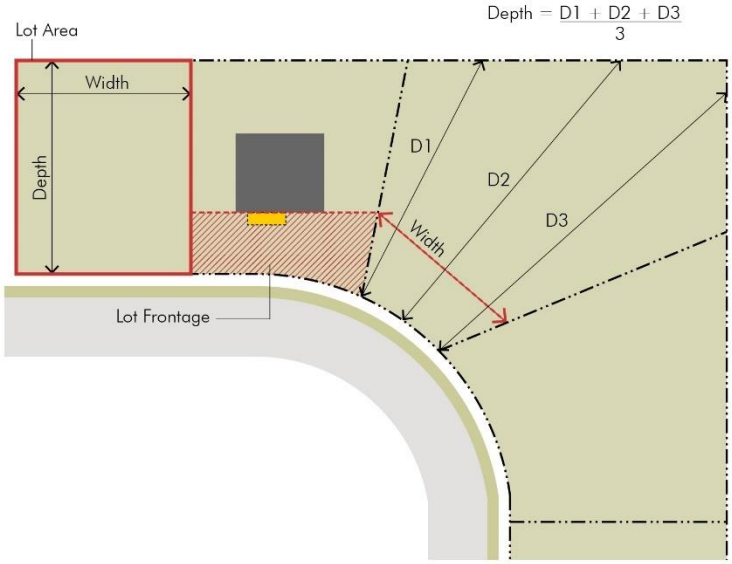
a. *Lot Area.* The minimum required area bounded by the front, rear and side lot lines, or when expressed as a range it shall be interpreted as a minimum and a maximum.

b. *Lot depth.* The horizontal distance between the front and rear lot lines measured at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured

from at least three different points along the front lot line, including the two corners at the front lot line.

c. *Lot frontage.* The portion of the lot that establishes the relationship between the building or site and the public realm or street upon which the lot fronts. When expressed as a linear dimension, the horizontal distance between side lot lines, measured at the front lot line. Where the front lot line abuts a curved right-of-way, the lot frontage requirement may be applied at the front building line for purposes of regulating the dimensions of lots. When expressed as a percentage, the maximum percentage of that frontage width applied to the entire depth of the frontage area.

d. *Lot width.* The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front building line.

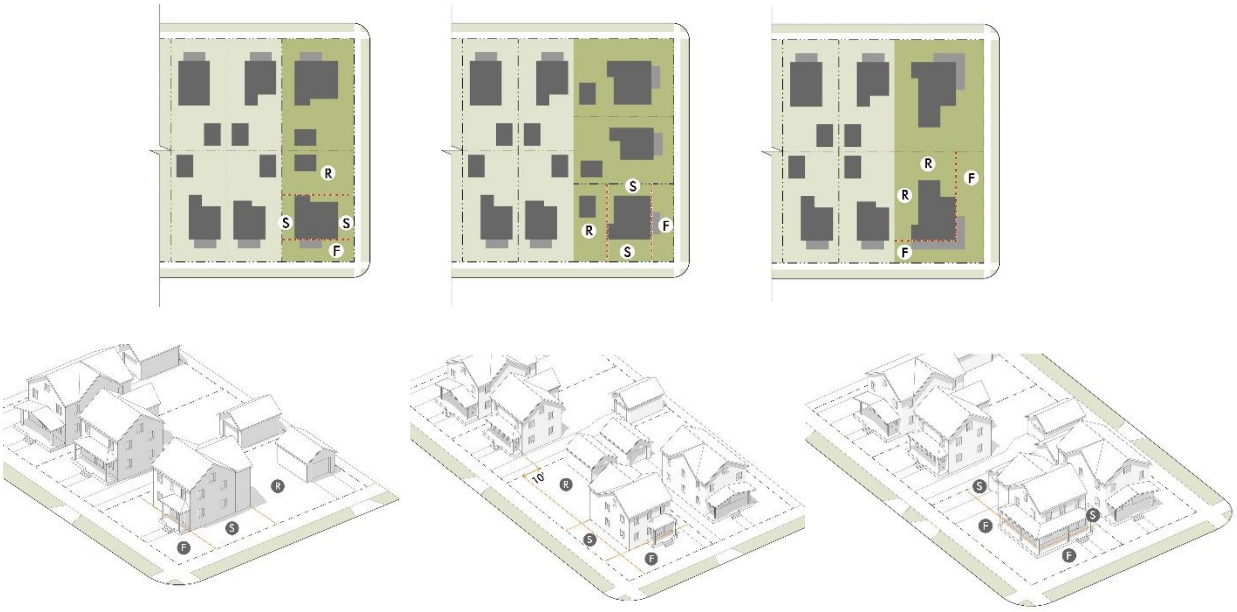


e. *Corner lots.* When applying building, lot and frontage standards to corner lots, lots can be arranged in one of three patterns based on the context of the block and abutting buildings and lots:

(1) *Standard Corner.* The building orients to the same front as all other buildings fronting on the same street, and an expanded setback may apply on the other street side. Side and rear setbacks apply to the remaining sides.

(2) *Reverse Corner.* The building orients to the end-grain of the block (not the same as other lots on the block), and the front setback and frontage design applies to that street. The other street-side setback can be the greater of (a) the stated street-side setback for that building type or (b) 15 feet in front of the forward most point of the front building line of any building the abutting lot that is within 50 feet of the proposed building. Side and rear setbacks apply to the remaining sides.

(3) *Corner orientation.* The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining sides are treated as side setbacks and there is no rear setback.



E. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:

1. Boundaries approximately following streets or other rights of way or rivers or streams, the centerlines or extension of these centerlines shall be the boundaries.
2. Boundaries indicated as approximately following property lines, the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.
3. Boundaries approximately following city limits shall be interpreted as following the actual city limits.
4. Boundaries that split any platted lots, the lot shall be interpreted in the district designated to the majority of the lot.
5. Boundaries that split any unplatted property, any future platting of property may generally follow the zoning boundary and then each resulting property may assume the zoning applicable to the majority of the resulting lot, or where any resulting lots have significant discrepancies with zoning boundaries, rezoning may be required.
6. Boundaries following a shoreline shall be interpreted to follow the shorelines and in the event of change in the shoreline shall move with the actual shoreline.

F. **Non-regulatory Provisions.** Intent statements, graphics and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards. In the event of any a conflict between the intent statements, graphics or commentary and a specific standard, the specific standard shall control.

G. **Resources, Guides and Industry Standards.** Resources, guides and industry standards that are recognized as reputable authority in the planning, development and urban design professions, may be used to supplement interpretation of this code. They shall be subject to the approval of the Director upon a determination that the content is consistent with the policies of the comprehensive plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the Director shall be listed in Appendix A and at least one copy shall be kept on file with the Planning, Development and Neighborhood Services Department. Use of these guides shall only be to the extent that it is consistent with the purposes, intent and design objectives expressed in these regulations, and shall not be used to otherwise modify, contradict or in any way conflict with any specific standard in these regulations.

1.03 Administration

A. **Staff.** The following city staff positions are responsible for administering specific aspects of this code.

1. *Director of Planning, Development, and Neighborhood Services.* The Director of Planning, Development, and Neighborhood Services (Director, or Planning Director when necessary to clarify) is responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other departments or relevant outside agencies to coordinate their plans, policies and programs that impact the comprehensive plan. The Director shall make all final interpretation decisions and any final administrative decisions referred to the Director under the procedures and standards of these regulations.
2. *Public Works Director.* The Public Works Director shall be responsible for regulating and reviewing the engineering design, construction, operation and maintenance of all public improvements and private infrastructure specified under these regulations. The Public Works Director shall advise the Planning Director on any technical specifications and engineering designs that impact implementation of the comprehensive plan, and may make any final administrative decisions referred to the Public Works Director under the procedures and standards of these regulations.
3. *Chief Building Official*. The Chief Building Official shall approve and authorize all building permits and occupancy certificates and ensure that all property has received all applicable zoning, subdivision or other design reviews prior to issuance of permits and certificates. The Chief Building Official shall also conduct inspections of structures and uses of land to determined compliance with applicable codes and regulations.
3. *City Manager and Other Staff*. All other department heads and staff may serve in an advisory role to the Planning Director and Public Works Director, as designated by the City Manager.

B. **Planning Commission**. The Planning Commission is the appointed body of the city responsible for all long-range and comprehensive planning, as well as review, recommendations and decisions on implementation of the comprehensive plan. In addition to other general planning authority by statute, local ordinance, or bylaws, the Planning Commission shall have the specific review responsibilities and final administrative decisions referred to the Planning Commission under the procedures and standards of these regulations.

C. **City Council.** The City Council is the elected body of the city responsible for all legislative decisions that affect implementation of the comprehensive plan. In addition to other general authority authorized by law, the City Council shall have the appeal authority and final decision authority referred to the City Council under the procedures and standards of these regulations.

D. **Board of Zoning Adjustment**. The Board of Zoning Adjustment for the City of Joplin is created under the provisions of RSMo. Chapter 89. The Board is authorized to grant variances and decide appeals as enabled in RSMo Chapter 89, and as further specified in these regulations. The Board is hereby established with the following provisions.

1. *Membership.* The Board of Zoning Adjustment shall consist of five members and up to three alternates, who shall be residents of the City. The membership of the first Board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each. Alternate members shall be appointed to serve in the absence, abstention or the disqualification of the regular members. Members and alternates shall be appointed by the Mayor and approved by the City Council.

2. *Officers.* The Board of Adjustment shall elect a Chairperson, Vice Chairperson and Secretary from among its members. The term of the Chairperson, Vice Chairperson and Secretary shall be for one year with eligibility for reelection. Unless otherwise absent or disqualified, the Chairperson shall preside over all meetings of the Board of Adjustment. In the absence or disqualification of the Chairperson, the Vice Chairperson shall preside. In the absence or disqualification of both the Chairperson and Vice Chairperson, the Secretary shall preside.

3. *Quorum.* Attendance by a quorum of four Board of Adjustment members or alternates shall be required for a meeting to be held.

4. *Meetings.* The Board of Adjustment shall hold regular meetings and special meetings, as necessary. Regular meetings shall be held on a regularly scheduled date as adopted by the Board of Adjustment, provided the Board has business to conduct. Additional meetings may be held at the call of the Chairperson and at such other times as the Board may deem appropriate.

5. *Rules and Bylaws.* The Board of Adjustment shall adopt rules and bylaws in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140, RSMo.

6. *Records.* The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record.

7. *Powers and Duties*. The Board of Adjustment shall have and perform all powers and duties authorized by RSMo. Chapter 89, as provided in Article 2, including:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this code.
b. To authorize upon appeal in specific cases a variance from the terms of this code.
c. To hear and decide special exceptions to the terms of the development code if specifically stated and authorized in particular sections of this code.

1.04 Enforcement

A. **Violations.** It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations. The owner or agent of any structure or premises where a violation exists, the lessee or tenant of an entire structure or premises where a violation exists, or the architect or agent of a structure where a violation exists shall be considered in violation of this code. It shall be the duty of the Director, all officers and employees of the City to assist the Director by reporting any seeming violation.

B. **Enforcement.** The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations. Upon presentation of proper credentials, the Director or Chief Building Official may enter at reasonable times any building, structure, or premises in the City or perform any duty imposed upon him by these regulations. If the owner or occupant shall refuse to allow entry, the Director or Chief Building Official may apply to a court of competent jurisdiction for a search warrant or take any legal action necessary for the purpose of securing entry.

C. **Penalty.** Any person violating any of the provisions of this code shall be guilty of a misdemeanor, each day constituting a separate offense, and any owner or other person employed in connection with a violation shall be guilty of a separate offense. Each offense shall be punished by a fine between ten and one-hundred dollars for each day of the violation, but if the offense is willful on conviction the fine shall be between one-hundred and two-hundred and fifty dullards for each day of the violation, or by imprisonment for ten days for each day of the violation, or by both in the discretion of the court. The City shall further have the right to maintain suits or actions in any court of competent jurisdiction for the purposes of enforcing these regulations and to abate any potential nuisance. In addition to all other remedies provided by law, injunctions, mandamus or other appropriate actions may be instituted to prevent or remedy violations including, prevent the sale or lease of property, withhold public improvements, or revoke any permit or certificate authorized under this code.

1.05 Nonconformities

A. **Intent.** The general policy of the City is to allow uses, buildings and lots that were created legally and in conformance with then-applicable requirements, but that do not conform to the current applicable requirements of these regulations to continue. However, it is also the policy of the City to bring such uses, buildings and lots into conformance with current regulations as is reasonably practical. The intent of this section is to balance the interests of property owners in past

investments, discourage investment that expands or reinforces nonconforming situations, and promote investment consistent with the comprehensive plan and these regulations.

B. **Nonconforming Uses.** Uses that were legally initiated prior to the adoption or amendment of this code, but which could not be continued under the current terms of this code may continue to exist subject to the following:

1. The use may not be expanded beyond any specific area of the site or lot, but may be expanded within any existing building provided no structural changes are needed.
2. Any new activity that triggers specific site design standards shall require full compliance of the site design standards in order for the nonconforming use to continue.
3. A use that is discontinued for one year or more shall lose its nonconforming status, and all future use of the site or building shall comply with these regulations.
4. Any change of use shall be to an allowed use or to a use that in the determination of the Director is more conforming to allowed uses than the current use.
5. Any nonconforming use reliant on a nonconforming structure or site condition shall be similarly limited by any greater restrictions on those different nonconformities

C. **Nonconforming Structures**. Structures that were legally constructed prior to the adoption or amendment of this code, but which could not be constructed under the current terms of this Code may continue to exist and be used for any allowed use subject to the following:

1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions may occur provided that they comply with all other requirements of this code, are not detrimental to the purposes, intent and objectives of the standards, and do not negatively impact development in conformance with this code on adjacent property.
2. If destroyed by fire, natural disaster, accident, or any other cause by less than 50% of its appraised value, the structure may be restored to its original condition if the restoration is started within one year. If destroyed by 50% or more of the appraised value, or if not restored within one year, then the right to maintain the nonconformance shall terminate.
3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this Title, and the cost of improvement or restoration is 50% or more of the appraised value of the structure, then the right to maintain the nonconformance shall terminate.

D. **Nonconforming Site Conditions.** Any site condition associated with an allowed use or structure (such as parking, landscape, open space or other non-building site characteristic) in existence prior to these regulations but which are not compliant with the standards of these regulations may continue to exist subject to the following:

1. Any change of use or expansion of use shall require compliance with any new standards required by the change.
2. Any site development activity on a portion of a site shall require compliance with the new standards up to that proportion that is subject to the development activity.
3. Where any investment is greater than 50% of the appraised value of the site, or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.
4. To promote infill development or adaptive reuse of existing sites and buildings, the Director or Planning Commission may consider exceptions that account for nonconforming site conditions through the site plan review and criteria in Article 2.

E. **Nonconforming Lots.** Any lots platted legally prior to the adoption or amendment of this code, but which could not be platted under the current requirements of this code may continue to exist provided it complies with all other applicable standards. Any difficulties meeting these standards caused by the nonconformity of the lot may be used as criteria in granting any discretionary relief to these standards.

F. **Burden of Proof**. The burden shall be on the applicant to establish entitlement to continuation of nonconforming situations or completion of nonconforming projects, which shall be a question of fact decided by the Director. An appeal of the Director's decision may go to Board of Adjustment.

ARTICLE 2. PROCEDURES

2.01 General – All Applications
2.02 Platting
2.03 Rezoning
2.04 Planned Development
2.05 Special Use Permits
2.06 Site Plan
2.07 Variance
2.08 Appeals of Administrative Decisions
2.09 Text Amendments
2.10 Vacation of Streets or Easements

Table 6-01: Summary of Procedures

	Eligible Applicants			Pre-application Meeting	Notice			Review Body				
	Owner	PC	CC		Post	Publish	Mail	Staff	PC	CC	BoA	Protest Permitted
Subdivision – Administrative Plat	■							D			A	
Subdivision – Preliminary Plat	■			☑				R	D			
Subdivision – Final Plat	■							R	D	Ac		
Rezoning	■	■	■	☑	☑	☑	☑	R	R/PH	D/PH		☑
Planned Development – Regulating Plan	■	■	■	☑	☑	☑	☑	R	R/PH	D/PH		☑
Special Use Permit	■			☑	☑	☑	☑	R	D/PH			☑
Site Plan	■							D			A	
Variance	■			☑	☑	☑	☑				D/PH	
Appeal of Administrative Decision	■	■	■		☑	☑	☑				D/PH	
Text Amendment	■	■	■			☑		R	R/PH	D/PH		
Vacation of ROW or Easements	■		■	☑	☑	☑	☑	R	option	D/PH		

☑ = Required
■ = Authorized
PC = Planning Commission
CC = City Council
BoA = Board of Adjustment

R = Review and recommending authority
D = Decision making authority
Ac= Acceptance of decision
PH = Public hearing required (distinguished from a public meeting generally open to the public)
A = Appeal of Decision

2.01 General – All Applications

A. Applications and Fees.

1. *Forms.* Applications required under this code shall be submitted to the Planning Department on forms supplied by the Department. The Director is authorized to modify the application forms and submittal requirements in order to ensure all applications can be evaluated for conformance with this Code.

2. *Fees.* Applications shall be accompanied by the following non-refundable fee, unless a more specific and recent fee is established by the City Council.

Table 6-02: Application Fees

Application	*Fee*
Subdivision – Administrative Plat	$ 125
Subdivision – Preliminary Plat	$ 125 + $15 per lot
Final Plat	n/a
Rezoning *Planned Development – Regulating Plan* *Special Use Permit* *Site Plan* *Variance* *Appeal of Administrative Decision* *Text Amendment* *Vacation of ROW or Easements*	$550

* Site Plan fee does not apply to administrative (staff) reviews; only for site plans referred to the Planning Commission or are appealed to the Board of Adjustments.

Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the Staff on behalf of the Planning Commission or City Council.

3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this code, which include the following:
   a. *Owner*. The record owner of property that is the subject of the application, or that owner's authorized agent.
   b. *Planning Commission.* The Planning Commission, acting on its own initiative according to its bylaws and rules of procedure, or based on the advice and recommendation of staff.
   c. *City Council.* The City Council acting on its own initiative according to its bylaws and rules of procedure, or based on the advice and recommendation of staff.

   Failure by the applicant to have a representative at the meeting will be cause to have the item withdrawn from the agenda or continued to the next agenda. Subsequent failures to have representation is cause to consider the application withdrawn.

B. **Pre-application Meeting.** Pre-application meetings may be requested for any application and shall be required as indicated in Table 2-1. Where required, the applicant shall confer with the

Director and other city staff or officials designated by the Director. The purpose of the pre-application meeting is to discuss the general nature of the proposal, including:

1. A concept plan identifying the general extent, design and character of building and site work anticipated, and proposed uses.
2. Existing conditions, including any buildings, structures or natural features such as topography, vegetation, natural resources on the subject property and on abutting property which may be impacted by the project.
3. Classification of the application under these regulations, and the procedure and submittal requirements for the application.
4. Criteria for processing and decisions on the application.
5. Notification requirements, timing and other procedural pre-requisites, or whether any special community outreach or public information may be important.
6. Planning and infrastructure impacts, including the need for any additional technical studies or outside agency coordination and review.
7. The relationship to the comprehensive plan, and whether any specific plans, policies or design initiatives affects the application.
8. Zoning requirements for the property in question and adjacent property.
9. Opportunities to improve or coordinate any preliminary design concepts with other public or private investments in the area.

A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request for any application that is routine in nature and where the above topics can be addressed by general correspondence.

C. **Neighborhood Meeting.** A neighborhood meeting may be required at the discretion of the Director for applications that are particularly large, complex or a significant change for an area. When required, a neighborhood meeting shall meet the following:

1. Be held at least 7 days prior to the first review of the Planning Commission. The Director may determine a different time, reasonably related to the formal public review, based on the nature of the proposal and the need to sufficiently address public comments prior to formal submittal and review of the application.
2. The applicant is responsible for coordinating the meeting location, and the meeting shall be held at a public meeting facility within the city, such as school, community recreation center, City Hall, or other convenient and accessible meeting center.
3. The applicant is responsible for all content of the meeting, which at a minimum shall include:
    a. The general nature and scope of the proposed project;
    b. A summary of the land use, including planned or all potential future uses under the request; and
    c. The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property.
4. The applicant is responsible for notification of the neighborhood meeting which at a minimum shall include posted and mailed notice as specified in subsection 2.01.E. The Director may require that notice be coordinated with all other notice for review of the project specified by Table 2.01 and subsection 2.01.E.

5. The applicant shall provide a written summary of the meeting to the Director at least 5 days prior to the first review of the Planning Commission or other review body. The summary shall include the general nature of the presentation and comments, and provide evidence of the notice, attendance, content, and outcomes of the meeting.

D. **Staff Review.** Upon receipt of an application, the Director shall take the following steps:

1. *Notification of Incomplete Application*. The Director shall determine if an application is complete within 10 days of the submittal.
   a. If an application is determined incomplete, the Director shall notify the applicant in writing of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within three days of the notice the incomplete application shall be considered withdrawn.
   b. If an application is complete it shall be processed for formal review.

2. *Referrals Agencies.* The Director may distribute the application materials to the appropriate referral agencies, and can allow up to 21 days for referral agency comments prior to advancing an application. Failure to receive comments from referral agencies within 21 days may be interpreted by the Director as consent to the application by the agency.

3. *Staff Report.* The Director shall coordinate a staff review within 30 days of receipt of a complete application, and provide the applicant the following information in writing:
   a. Recommended changes based on the results any referral agency comments, neighborhood meetings, or staff review on the merits of the application and requirements or criteria of this code.
   b. Any supplemental information necessary to support the application or help address any comments or recommended changes.
   c. Analysis of the application under the applicable standards and review criteria, and where appropriate a formal recommendation.

4. *Scheduling.* The Director shall schedule completed and revised applications for further review according to these regulations.
   a. Applications that require a public hearing shall be scheduled for the hearing within 60 days of receipt of a complete application.
   b. Applications that do not require a hearing but an official public meeting shall be scheduled for the public meeting within 45 days of a receipt of a complete application
   c. Applications that require only administrative review by staff shall be processed within 30 days of receipt of a complete application, and the Director shall provide a written decision to the applicant.
   d. Applications that require more comprehensive review and comment by administrative agencies outside of the city staff or multiple, concurrent city reviews and approvals may be processed on a schedule agreed to by the Director and applicant.

If the next regular meeting of the review body is beyond these periods, or has a full agenda in the determination of the Director, or the required notice cannot be given within these periods, the application shall be scheduled for the closest available meeting.

E. **Notice.** Notice shall be provided for each application as indicated in Table 2-1, which shall provide the date, time, and place of the public meeting; and general location of the property subject to application; type of application and review process; and a description of the proposal and where additional details may be found. Either the notice or the reference to additional details shall provide a complete legal description of the property, unless the application is a generally applicable amendment. Required notice shall be based on the following requirements.

1. *Published*. Where published notice is required, the City shall post the notice on the public notice portion of the City's official website at least 15 days prior to the meeting or hearing, and may be required to be published in a newspaper at the Director's discretion.

2. *Posted*. Where posted notice is required, the applicant shall post a sign on the property at least 15 days prior to the public review and the sign remain in place through the final decision. The sign shall be provided by the City, state the type of proposal under review, and contain contact information for the Planning Department. The sign shall be placed in the most publicly visible portion of the site, which generally should be at the center of the property and within five feet of the front property line. The applicant shall make a good faith effort to maintain this notice through the proceedings, but any failure of this notice beyond the reasonable good faith efforts shall not invalidate any subsequent action.

3. *Mailed.* Where mailed notice is required, the Director shall mail notice to all owners of record, within 185 feet of the boundaries of the property at least 15 days prior to the meeting or hearing. When mailed notices have been properly addressed and deposited in the mail, failure of a party to receive notice shall not invalidate any subsequent action.

F. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:

1. The hearing shall be conducted and a record of the proceedings shall be preserved, and made available to the public by the Planning Department.
2. Any interested person may appear and be heard in person or by agent.
3. The review body may request testimony or a report on the application from any government official or agency, or any other person with information pertinent to the application. All reports shall be become part of the record
4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time and location of the continued hearing is announced at the original hearing.
5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body, along with the record or access to the record of the hearing, within 45 days of the conclusion of the hearing, but in all cases within at least 5 days prior to the next scheduled meeting.
6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.

G. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in this Chapter, or recommend the same when the review body is a recommending body, including the following:

1. Approve the application.
2. Approve the application, with conditions, modifications or limitations that make it more consistent with the standards and approval criteria or make it less impacting than the proposed application.
3. Deny the application, with specific reasons for the denial. A failure to approve or recommend approval may be interpreted as a denial based on the record.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

H. **Appeals.** Where no appeal is designated in Table 2-1, the decision shall be final and only appealed as authorized by law. Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:

1. Appeals shall be filed with the Director within 15 days of the final decision.
2. The following persons and entities shall have standing to appeal the action of the review body:
   a. the applicant;
   b. the Director, on behalf of any public official, department or agency that can document that they are directly and materially affected by the decision; and
   c. any other person aggrieved by the decision and given the right of appeal by law.
3. The review body designated as the appellate body shall consider the application based solely on the established record, and within 60 days of the date that the appeal was filed may take any action authorized by the decision-making review body if it determines that a clear error was made. The procedure and required notice shall be the same as required of the original application.

I. **Protest Petitions.** For applications where a protest petition is authorized in Table 2-1, the following procedures apply:

1. A valid protest petition must be filed with the City Clerk prior to a recommendation of the Planning Commission being first presented City Council.
2. The petition shall be signed by at least 30% of the record owners of the land area subject to the application, excluding public right-of-way, or at least 30% of the record owners of land area within 185 feet from the land subject to the application.
3. A decision of the City Council against a valid protest petition shall require a favorable vote of two-thirds of the legislative body.

J. **Technical Studies.** The Director, on behalf of any public official, department, or agency, the Planning Commission or the City Council may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic

studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies or economic impacts. The persons or firms preparing the studies shall be subject to the approval of the Director. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable periods to conduct those studies or additional reviews.

K. **Permits.** Upon final approval as specified for each application in this Section, applicants with a vested property right may apply for all permits necessary to construct buildings, infrastructure and site improvements. Permits, plans or drawings necessary to show full compliance with the standards of this code, or other applicable City codes may be required.

L. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from the advertised review date. The Director, upon petition by the applicant, may permit a refiling of the application no sooner than 180 days after the scheduled review date when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant policy or development code text amendment has been adopted. There shall be no time limitation on a substantially different application when considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.

2.02 Platting

A. **Applicability.** Plat applications are required to establish or alter the legal boundaries of property, and to account for public facilities and services, infrastructure, development patterns, public realm design or other long-range growth and development considerations prior to potential fracturing of ownership. Plat applications may be initiated by the property owner.

Specifically plat applications shall apply to:

1. Any division of land into more than one lot or parcel, unless all resulting lots or parcels are larger than five acres and to be used primarily for agriculture purposes;
2. Any adjustment of previously platted lots that alter the legal boundaries or potential ownership patterns, other than those by operation of law, acquisition by a public entity, or by court order; and
3. Any development on previously unplatted property where access or connections to public infrastructure or public streets will be required, or where public or private easements will be required to build infrastructure.

B. **Types of Plats and Applications.** Plat applications are classified and processed as one of two types:

1. Administrative plats are routine applications such as lot line adjustments, lot splits, lot combinations or small land divisions that do not alter development patterns or impact public services.
2. Major subdivisions are all other land divisions or development impacting rights of way or infrastructure. Typically these require a preliminary plat where development patterns,

infrastructure plans and public realm design can be reviewed conceptually prior to detailed engineering and design, and a final plat to confirm specific locations, extent and design and construction specifications for elements of the preliminary plat.

C. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures.

1. *Eligibility.* The following situations are eligible for administrative plat processes:
   a. Lot line adjustment – the alteration of legal boundaries for up to four previously platted and contiguous lots.
   b. Lot splits or lot merger – the combination of two previously platted lots into one lot, or the splitting of one previously platted lot into two lots.
   c. Survey plat - A survey of multiple lots from a previously approved final plat, where the actual legal boundaries could only be determined by a post-construction survey. For example, individually owned town homes may be approved on a final plat, but the actual legal description can only be verified post construction by a legal survey.
   d. Minor subdivision – the division of previously unplatted land into five or fewer lots, or the replat of five or fewer previously platted lots that results between one fewer or one additional lot than originally platted.

2. *Review Criteria.* An application may be approved by the Director if the Director determines that all of the following are met.
   a. No new right-of-way or other public dedication is needed.
   b. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.), or impact on the ability to maintain existing service levels will result.
   c. The application does not alter any zoning district boundaries due to adjustments to any lots.
   d. All lots meet the legal standards of the subdivision regulations and applicable zoning districts.
   e. The lot patterns are consistent with the surrounding area, the planning policies, and any previously approved final plat for the subject property. In determining consistency, the size and dimension of lots, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development shall be considered.
   f. No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.

   Any application not classified as an administrative plat or not meeting these criteria shall be processed as a major subdivision.

3. *Review Procedures.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this Section apply to administrative plat applications.
   a. The Director shall review the application, and determine if the review or comment of any other department or agency is required.

b. The Director may extend the administrative review period for any application that requires referral to outside agencies. Where outside agency comments or objections require adjustments to the application, the Director may require resubmittal prior to action on the application.

c. If the Director determines that the application is not eligible for an administrative plat approval for any reason, the Director may either deny the application, or schedule the application for review as a major subdivision according to the procedures in this section.

4. *Effect of Decision.* The City Clerk shall cause the approved administrative plat to be recorded in the applicable county with the Recorder of Deeds. Upon recording the applicant my apply for permits necessary to authorize development.

D. **Major Subdivision Preliminary Plat.** A preliminary plat shall be processed according to the following criteria and specific procedures. The Director may determine that a routine major subdivision application that does not involve significant planning or infrastructure issues be processed as a concurrent preliminary and final plat, provided the submittal requirements and criteria for each application is met.

1. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria:
   a. The application is in accordance with the comprehensive plan and particularly the goals and objectives for the physical development and design of the area.
   b. The development patterns are compatible with the area, and in particular the arrangement of streets, blocks, lots and open spaces; the transitions of uses, lot patterns, and development intensity; and the public realm design and investments.
   c. Compliance with the requirements of this development code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning districts.
   d. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property, and that the timing, location and construction of amenities is consistent throughout phases.
   e. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
   f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.
   g. The recommendations of professional staff or any other public entity or review agencies asked to review the plat.

2. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the following procedures apply to preliminary plat applications:
   a. The applicant shall submit proof that the proposed plat has been reviewed by all affected utility companies or agencies, and demonstrate how any comments from these companies and agencies shall be addressed.

b. Preliminary grading and drainage plans, including the location and size of all storm sewers, existing and proposed contours, and the dimensions of all open drainage ways shall be submitted to the Public Works Department.

c. After receipt of all comments, or after the expiration of the referral notice period, the applicant shall meet with the Director to review the recommendations of the departments, companies or agencies.

d. The Planning Commission shall make a decision within 60 days of submission of the plat to the Commission, unless the applicant consents to a longer period for consideration.

e. The Director may accept simultaneous submission of the preliminary and final plats if the submittal meets the technical elements of each. The application shall otherwise follow all other procedures and review criteria for each application, and the applicant accepts the risk that additional designs for the final plat may need to be revised based on the preliminary plat review.

3. *Effect of Decision.* The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat.

4. *Term of Expiration.* The approval of the preliminary plat shall be effective for two years, except that any official submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and approval of the final plat shall restart a new two-year period for remaining portions of the preliminary plat. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat. Any such extension shall be requested by the applicant in writing prior to the expiration of the preliminary plat.

E. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area. A final plat shall be processed according to the following criteria and specific procedures.

1. *Review Criteria.* A final plat shall be reviewed according to the following criteria:

a. The layout and design of the final plat is substantially consistent with the approved preliminary plat considering the number and types of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments. Adjustments to the preliminary plat that do not affect the overall concept, development patterns, phasing, and concurrencies of facilities and amenities may be considered substantially consistent.

b. The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.

c. The phasing and timing of public improvements ensures construction and performance guarantees.

d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the comprehensive plan, the applicable zoning standards, and the purposes and intent of this code.

e. The recommendations of professional staff, or any other public entity asked to officially review the plat.

2. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01 the following procedures apply to preliminary plat applications.
   a. A final plat not meeting the review criteria may require reprocessing as a revised preliminary plat.
   b. The Planning Commission shall review the final plat for conformance with the planning and design elements, and the engineering specifications.
   c. Prior to forwarding a final plat approved by the Planning Commission to the City Council, the Director shall verify that the applicant has proper surety for required improvements as required by Section 3.03, Required Improvements.
   d. A final plat approved by the Planning Commission shall be forwarded to the City Council for review and acceptance of any dedications of land for public purposes or other public improvements. If the City Council refuses acceptance, they shall state the specific reasons for the refusal, and allow the applicant up to 60 days to cure the issue.
   e. Any street or public facility not approved by the Planning Commission in terms of location, classification or design, whether denied by the Planning Commission and appealed to the City Council, or approved by the City Council as a revised condition on a final plat, may only be approved and accepted by the City Council with a two-thirds approval of the legislative body.
   f. The Planning Commission and City Council shall make a decision within 60 days of submission of the plat to the Commission or Council, unless the applicant consents to a longer period for consideration.

3. *Effect of Decision.* The approval of the final plat and acceptance of the dedication of land for public purposes may be conditioned upon payment of all other applicable fees or execution of all applicable agreements prior to recording. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat.
   a. Once approved and all conditions are satisfied, the City Clerk shall cause the approved final plat to be recorded in applicable county with the Recorder of Deeds. Any plat not recorded within two years from the date of acceptance of land by the City Council shall expire.
   b. Upon recording of the plat, the applicant may proceed with the design and construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.
   c. For all single-family residential development in residential zoning districts, or other development not requiring approval of a site plan, development rights shall vest subject to compliance with zoning regulations upon recording of a final plat. If construction has not begun and substantial progress being made within five years of recording the plat, the development rights shall expire unless and extension is granted.
   d. For all non-single-family development requiring a site plan development rights shall not vest until the plat has been recorded and the site plan is approved. If no site plan is approved within five years of recoding of the plat, the development

rights shall expire unless an extension is granted or phasing has otherwise been approved through the platting process.

F. **Subdivision Waiver.** Through the preliminary or final plat process, the Planning Commission or City Council may waive certain subdivision requirements in Article 3, provided it finds the following:

1. Applying the standard to the specific site and application will not meet the intent of the standard, or the standard is otherwise not applicable to the site due to its specific context.
2. Rather than meeting the standard, the applicant's proposed design and any additional designs proposed to mitigate not meeting the standard, will equally or better meet the intent of the standard.
3. Meeting the standard is not necessary to meet any of the public goals associated with the standard when considering the application in a broader and long-range context.
4. Waiver of the standard will not be detrimental to any adjacent property owners or any future development opportunities on adjacent property.
5. Any waiver shall be specifically requested by the applicant on the application form, and shall be specifically noted on any approved preliminary of final plat.

2.03 Rezoning

A. **Applicability.** The rezoning process provides review of changes to the boundary of zoning districts (map amendment) that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development. Application for a rezoning may be initiated by the property owner, the City Council, or the Planning Commission.

B. **Review Criteria**. A rezoning shall be reviewed according to the following criteria:

1. The application is consistent with the comprehensive plan, and any official plan or program developed under the guidance of that plan.
2. The application supports the character of the neighborhood, considering the design of streets, civic spaces, and other open spaces; the scale, pattern, and format of buildings; the zoning of property and intent of other zoning districts in the vicinity; and the compatibility, transitions, and integration of existing and potential future uses.
3. The suitability of the subject property for the uses to which it has been restricted
4. The application furthers the intent of the proposed zoning district and the general purposes of these regulations.
5. The application demonstrates compliance with all substantive standards and guidance of the proposed zoning district; or, where no proposed development application is associated with the application, there is a likelihood of development that complies with all substantive standards can be demonstrated.
6. The ability of the City or other government agencies to provide any services, facilities or programs that may be necessary if the application is approved.
7. The effect of approval on surrounding property, including the likelihood that surrounding areas may be developed in accordance with current zoning or future plans.
8. The recommendations of professional staff or other reviews associated with the application.

C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to zoning map amendment applications.

1. Applications may be accompanied by one of the following complementary applications: a Site Plan, a Special Use Permit, or a Concept Plan of a similar nature to that required in Section 2.04 for Planned Developments.
2. Applications may be accompanied by any plat that is necessary for the project.
3. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
4. The Planning Commission may recommend or City Council may approve a lessor change than was proposed in the notice, whether in extent of property or project area, or in the scale, intensity, or other substantive standards for proposed project and zoning change.

D. **Effect of Decision.** Rezoning shall be approved by the City Council in the form of an ordinance. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following approval. Any application that includes a required site plans or other similar applications (except Concept Plans), may proceed to building permits after the effective date of the ordinance and upon satisfying all other conditions of the approval. If the applicant fails to obtain a building permit within one year of the effective date of the ordinance approving the change, the Director may schedule a hearing to reconsider and revert the zoning to the previous classification, subject to all procedures and criteria of the original change.

2.04 Planned Development

A. **Applicability.** The planned development process is intended for development concepts that require a higher degree of specific planning based on the scale and complexity of the project, the relationship of the project to the context, and the ability to exceed the purpose, intent and objectives of this code through innovative projects and more flexible application of the standards. A planned development application is a type of rezoning based on a specific and integrated development plan, and must meet all of the procedures and requirements of the rezoning process. Application for a planned development may be filed by the property owner, the City Council, or the Planning Commission.

A development plan shall include a minimum of five acres, or at the Director's discretion, it may include less if the plan is situated to have a significant influence on the plan elements and criteria for the subject property and the general vicinity, rather than simply benefit the subject property. Additions to previously approved development plans may be considered an amendment to that plan and do not require a minimum size.

B. **Preliminary Development Plan / Regulating Plan.** A development plan is a comprehensive and detailed plan for coordinated development of the entire area. The purpose of a development plan is to allow preliminary review of a proposed planned development before substantial technical work has been undertaken, but to also streamline and grant flexibility to development

based on the extent of planning and urban design assurances. A development plan shall generally include:

1. *Existing Conditions.* Analysis identifying the general layout of any existing structures, streets, civic spaces or infrastructure and the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other significant or sensitive features.

2. *Public Input Summary.* A summary of the type, extent and outcomes from any public engagement or neighborhood meetings regarding the plan and future development.

3. *Public Realm Plan*. A plan outlining the location, design characteristics, and functions of all proposed streets, storm water management systems, and open spaces and civic spaces – whether public, common or private – that will create the public realm for the plan. This plan shall also include the requirements for a preliminary plat.

4. *Regulating Plan.* A plan indicating the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan, and where relationships and transitions between these elements occur within the plan. A regulating plan shall be based off one or more base zoning districts, with the exception of where it notes deviations from based district standards, and becomes a project or area specific zoning map. The regulating plan shall specifically identify where and how development standards may differ from those otherwise applicable through the most comparable base zoning districts and general development requirements of this code. This plan shall also include the requirements for a zoning map amendment.

5. *Phasing or Implementation.* A strategy indicating the estimated timing of development, and any other administrative details of implementing the plan through future final plats and site plans.

6. *Illustrative Plan.* The preliminary development plan may include an illustrative plan that includes renderings, elevations or plans of buildings, streetscapes, and public spaces or other urban design and architectural details demonstrating how the plan will be executed according to the applicable development standards.

C. **Review Criteria.** A preliminary development plan shall be reviewed according to the following criteria:

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the comprehensive plan, and based upon generally accepted planning and urban design practice.
2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular that of the areas immediately near or within the proposed project, and are not strictly to benefit the applicant or a single project.

3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and are consistent with the objectives of any specific standards proposed to be modified when applied to the project or site.
4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the compressive plan and any specific plans to the area.
5. The plan meets all of the review criteria for a preliminary plat and zoning map amendment.

D. **Review Procedure.** In addition to all applicable general procedures in Table 2-1 and Section 2.01, the following specific procedures shall apply to planned developments.

1. The planned development process involves at least two steps – the preliminary development plan/regulating, and a site plan for specific components of the development plan. However, based on the complexity of projects and degree of advanced planning and urban design necessary for a project, the elements of a preliminary development plan in subsection B. may be broken into two or more steps.
2. In most cases land will need to be subdivided in order to carry out a development plan. The subdivision process is a separate process, but review and approvals may be incorporated into planned development process provided the procedural requirements and criteria are met for each application in the combined process.
3. All other review procedures for a zoning map amendment in Section 2.03.C. shall apply.

E. **Effect of Decision.** A preliminary plan including a regulating plan shall be approved by the City Council in the form of an ordinance.

1. *Preliminary Development Plan.* Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. It does not change or approve any zoning standards or development standards unless accompanied by a regulating plan.

2. *Regulating Plan.* Approval of a regulating plan, or a preliminary development plan accompanied by a regulating plan implements the base zoning districts shown in the plan and approves any proposed modifications, deviations or additions to the base zoning district standards. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following approval. Designation shall be the applicable base zoning district plus “PD” (planned). (For example, where a portion of the development plan uses the R-1 and the C-1 base zoning districts for the preliminary development plan, the future zoning of each area shall be R-1-PD and C-1-PD respectively.)

3. *Public Realm Plan.* Approval of a public realm plan, or a preliminary development plan accompanied by a public realm plan has the same effect as approval of a preliminary plat, provided all submittal requirements for a preliminary plat are included.

4. *Final Development.* Prior to applying for permits for final development, any project included as part of a planned development shall first require approval of a final plat and a site plan as provided in these regulations. In addition to all other information and criteria required for those applications, submittals under an approved planned development shall

include all information necessary to demonstrate that the standards, requirements, and conditions of the development plan have been met.

5. *Duration.* The preliminary development plan shall be valid for a period of two-years from the effective date of the ordinance, unless the ordinance or phasing plan establishes a different and specific implementation schedule. Submittal of a site plan for all or a portion of the area shall stay this two-year period, and approval of a site plan for a portion of the area shall renew the two-year period for the remainder of the preliminary development plan. If an applicant fails to obtain site plan approval within this period, the Director may schedule a hearing to reconsider and revert the zoning to the previous classification, subject to all procedures and criteria of the original change. Otherwise, all subsequent site plans under the lapsed preliminary development plan shall require the same procedures and review criteria as a preliminary development plan.

2.05 Special Use Permit

A. **Applicability.** A special use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses. These uses may not be appropriate generally throughout a district, but due to the specific design and operational characteristics of the use on a particular site or due to conditions around the proposed location of the use, could be appropriate in limited circumstances. These uses require a case-specific review to determine the compatibility in a specific context and location. Special use permits may be initiated by the property owner.

The special use permit process applies to uses identified as a special use in the applicable zoning district by Article 4, Table 4-03, Use Table.

B. **Review Criteria.** A special use permit shall be reviewed according to the following criteria:

1. The application furthers the intent of the proposed zoning district, does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the comprehensive plan.
2. Any site development or construction proposed with the use complies with the requirements of this code, including all specific conditions for the particular use.
3. Whether any additional site-specific conditions are necessary to meet the purposes, intent, or design objectives of any applicable subsections of this code or are necessary to mitigate any other potential impacts that are specific to the proposed use.
4. The impact on the public realm, including the design and function of the streetscape and relationship of building and site elements to the streetscape.
5. Compatibility with the character of the area considering building scale, building form, architectural character, landscape, and site design.
6. Compatibility with other uses or potential development in the area considering operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use, and other potential impacts on adjacent property.
7. Whether a limited period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and on-going enforcement of the permit.
8. The adequacy of drainage, utilities, police, fire, refuse collection, and other public facilities and services.
9. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.

10. The recommendations of professional staff or other technical reviews associated with the application.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to special use permit applications.
1. Applications may be accompanied by site plan where they are necessary to review conformance with standards of this code and any performance criteria for the particular uses.
2. The Director shall review the application, and determine if the review or comment of any other department or agency is required.
3. The Planning Commission may approve any additional conditions on the use including the physical development, operations, maintenance or any other limitation it feels necessary to ensure the application meets the criteria in this location.
4. A special use permit shall be approved by a resolution adopted by the Planning Commission.

D. **Effect of Decision.** Approval of a special use permit, and satisfaction of all conditions of the special use permit, shall authorize the applicant to apply for a building permit, and other applicable permits. Approval shall be valid for one year, and any application not acted upon within this period shall be void, and require a new application. A special use permit shall expire at end of any period specified in the permit, or if the use is abandoned for more than 12 months. Any expansion or other change in scale, intensity or operation of the use that could increase its impact shall require the permit to be amended through the same process as the original approval. A special use may be revoked through the same procedures granting the use, upon a finding that the conditions of approval have not been met, or the use has otherwise violated the provisions of this code or any other applicable law.

2.06 Site Plan

A. **Applicability.** The site plan process provides review of development projects that propose a change to buildings and sites that may impact the relationship to the streetscape or adjacent property, or may include a change of use or activity on the site. It ensures that projects meet the development and design standards of this code, and coordinates projects with surrounding development patterns and public spaces, including compatible arrangement of buildings, pedestrian and vehicle access, site design, lighting, and landscape design. Site plans may be initiated by the property owner.

The site plan process specifically applies to all applications associated with a land use permit, grading permit or building permit, except:
1. Permits for detached houses or multi-unit houses where less than three structures are proposed;
2. Accessory structures associated with a detached house or multi-unit house.

B. **Review Criteria.** In general, any site plan in compliance with all applicable standards of this code shall be approved. In making a determination of compliance with the standards applied to particular site, or exercising any discretion under the standards, a site plan shall be reviewed according to the following criteria:

1. ***Generally.***
   a. The plan meets all applicable standards, criteria, and conditions of any prior approvals, including any use-specific standards or procedures in this code, or

any criteria for specific exceptions or alternative compliance identified with any particular standard in this code.

b. The plan does not undermine any goals or objectives of the Comprehensive Plan that are applicable to the area or to the specific project.

c. The plan meets any applicable guidelines, or proposes reasonable alternatives that meet the intent or objectives of the guidelines.

d. There are no clear conflicts with the requirements of any subsequent permits or approvals needed to build the project as proposed.

e. The plan does not present any other apparent risks to the public health, safety or welfare of the community.

2. ***Site Design and Engineering***.

a. The plan provides safe access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle, bicycle, and pedestrian needs for the context.

b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development.

c. The plan provides adequate management of storm water runoff.

d. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.

3. ***Landscape and Open Space Design.***

a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape or other nearby public, civic, or common spaces.

b The plan enhances the environmental and ecological functions of un-built portions of the site, and makes effective use and conservation of natural features and resources.

c The plan reduces the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.

4. ***Building Design.***

a. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.

b. The selection and application of materials will promote proper maintenance and quality appearances over time.

c. The location and design of building and site lighting creates aesthetic enhancements, promotes safety and security, and accounts for sensitive borders with the right-of-way or adjacent property

d. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any consistency or commonality in the scale, proportion, forms and features, and materials of buildings in the area, they inform choices on the proposed building.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to site plan applications:

1. The Director shall review the application and determine if the review or comment of any other department or agency is required.

2. The Director may extend the administrative review period for any application that requires referral to outside agencies. Where outside agency comments or objections require adjustments to the application, the Director may require resubmittal prior to action on the application.

3. After staff review, receipt of any comments from referral agencies, and any necessary resubmittals, the Director may make a final decision. Any decision of the Director may be appealed to the Planning Commission.

4. The Director may refer any application to the Planning Commission for reasons including:
   a. The application does not clearly meet the approval criteria of this Section;
   b. The application presents interpretation questions of the applicable standards;
   c. The application unnecessarily deviates from or conflicts with any applicable guidelines;
   d. The application presents significant changes or potential impacts that could negatively impact the surrounding area.

D. **Effect of Decision.** Approval of a site plan shall authorize the applicant to apply for a building permit, and other applicable permits. An approved site plan shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed within one year of the approval. The Director may grant an extension for up to one additional year.

2.07 Variance

A. **Applicability.** Variances are a process to provide relief from a strict interpretation of the standards of this code, which when applied to a particular property and in a specific context would create an unnecessary hardship on all reasonable use of the property, except that a variance may not be granted to allow a use not permitted by the district regulations. Variances may be initiated by the property owner.

B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
3. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute unnecessary hardship upon the property, prohibiting any reasonable use of the property in a manner similar to other property in the same district;
4. The variance desired will not adversely affect the public health, safety, quality of life, order, convenience, prosperity or general welfare; and
5. Granting the variance would not be opposed to the general spirit and intent of this Code.
6. The variance is the minimum variance that will make possible the reasonable use of the land or structure.

C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to variance applications.
1. Findings of fact identifying and evaluating all factors relevant to the application shall be made part of the public record.
2. The concurring vote of four members of the Board of Adjustment shall be necessary to grant a variance.
3. In granting a variance, the Board of Adjustment may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
4. The Board shall issue all decisions in writing, including the grounds for its decision, within 15 days after the decision has been made at a public hearing

D. **Effect of Decision.** Any person, official or governmental agency dissatisfied with any order or determination of the Board may bring an action in the circuit court within 30 days of the final decision. Upon approval and satisfying any conditions, the applicant may proceed with any

necessary approvals or permits authorized in the variance. In general, a variance shall run with the land to extent the zoning of the subject property remains in place. Any decision not acted upon within one year of the decision by the Board shall expire, except that the Director can allow a one-year extension if the zoning and conditions affecting the variance have not changed since the decision.

2.08 Appeals of Administrative Decisions

A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in any final decision in the interpretation, administration or enforcement of this code by an administrative official of the City. Appeals of administrative decisions may be filed by any person aggrieved or by any officer, department, board of the City affected by any decision of the officer administering the zoning ordinance. Appeals of administrative decisions shall be filed with the Director and the Secretary of the Board within 60 days of the date of the decision being appealed.

B. **Effect of Filing.** An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record. The Director shall transmit all files constituting the record on the action appealed to the Board.

C. **Notice.** Notice of the appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken within 30 days of receipt of such filing of the appeal.

D. **Action and Review Criteria**. The Board of Zoning Adjustment shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. An appeal shall be sustained only upon written findings that the official was in error. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm, wholly or partly, or may modify the decision being appealed.

E. **Effect of Decision.** The decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official. The concurring vote of at least four members of the Board of Adjustment is necessary to approve an appeal and override an administrative official's decision or interpretation. Any person, including any city official or review body, aggrieved by a decision of the Board may bring an action in the district court within 30 days of the final decision of the Board.

2.09 Text Amendment

A. **Applicability.** Amendments to these regulations that are generally applicable throughout the city or in specific districts, or are uniformly applied to certain situations, may be initiated by the property owner, the City Council or the Planning Commission, or by Staff on behalf of these entities.

B. **Review Criteria**. A text amendment shall be reviewed according to the following criteria:
1. The amendment furthers the purposes of these regulations in Section 1.01.B.

2. The amendment is consistent with the comprehensive plan, and has been considered for both its long-range affects as well as immediate impacts.
3. The amendment promotes the public health, safety, quality of life and general welfare of the community in the City of Joplin.

C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to text amendment applications.
1. Applications may be accompanied by a related comprehensive plan amendment, or more specific plan, provided that amendment or plan has meet all of the legal and policy requirements for plan approvals independent of the proposed text amendment.
2. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
3. The Planning Commission may recommend or City Council may approve a lessor change than was proposed in the notice, when considering the proposed change relative to the currently applicable standards.

D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance, and be effective after the date specified in the ordinance. The Director shall incorporate approved amendments into this code by reference to the specific amending ordinance, and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code that incorporates the approved amendment.

2.10 Vacation of Streets or Easements

A. **Applicability.** Vacation is the process to eliminate any plat, part of a plat, street, alley, utility easement, or public reservation of land. The application shall be made by the public entity owning the property interest in the property sought to be vacated or by all owners of lands adjoining on both sides of the street, alley or public reservation proposed to be vacated.

B. **Review Criteria.** A vacation shall be reviewed according to the following criteria:
1. The application is in accordance with the comprehensive plan. In particular, the impact of the vacation on physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments reflect the principles and concepts of the plan.
2. Compliance with the requirements of this code. In particular, the vacation is consistent with the intent and design objectives of the subdivision design standards.
3. The vacation reflects sound planning and urban design principles with respect to existing and potential development in the vicinity, including consideration of current and future streets, opens spaces, blocks, lots, and public utilities and facilities.
4. Any impacts identified by specific studies or technical reports are mitigated with generally accepted sound planning, engineering, and urban design solutions, that reflect long-term solutions and sound fiscal investments.
5. No private rights will be injured or endangered by the vacation.
6. The street, easement or other public reservation of land to be vacated no longer serves a public purpose.
7. All resulting lots and parcels are capable of meeting the intent and objectives of the applicable zoning districts and development standards.

C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to vacations:

1. Notice shall be published for two consecutive weeks in an official City newspaper. The notice shall state that an application for vacation has been filed in the office of the City Clerk, describing the property fully, and including all other information required for public hearings in Section 2.01.
2. The City Council or the Director may determine that it would be advisable to obtain the recommendation of Planning Commission concerning a vacation application prior to the public hearing before the City Council. In that event, the Planning Commission shall hold its own public hearing on the application according to the same procedures as City Council. At the conclusion of any such hearing, the Planning Commission shall submit its recommendation on the application to the City Council.
3. Approval of a vacation shall be by ordinance adopted by the City Council.

D. **Effect of Decision.** The vacation shall be effective on the date specified in the ordinance and after recording with the applicable county Recorder of Deeds. In approving a vacation, the City Council may place any conditions it deems necessary to protect the public health, safety and welfare, including the requirement for easements. The Director shall certify to the City Clerk when any conditions have been met and, upon such certification, the vacation may be recorded.

ARTICLE 3. SUBDIVISION STANDARDS

3.01 Streets
3.02 Blocks & Lots
3.03 Required Improvements
3.04 Community Facilities & Fees

3.01 Streets

A. **Intent.** The intent of this Section is to:

1. Plan street networks to coordinate growth and ensure the proper arrangement of blocks and lots to accommodate long-range development and redevelopment.
2. Emphasize street design as a key determinant of the identity and image of Joplin.
3. Use street networks, streetscape design, and integrated patterns of open and civic spaces to define the distinct character of different places within Joplin.
4. Provide for efficient and safe movement for all potential users of the streets, including pedestrians, bicycles, automobiles, and transit.
5. Build well-connected networks to improve options for access throughout the community and allow greater variety of street designs on different street segments.
6. Use streetscape design to call attention to differing contexts within the Joplin and better support development patterns and uses abutting the streets.
7. Balance street designs so the interests of a single mode of transportation do not compromise other modes.
8. Plan the layout and design of streets to integrate with improved stormwater management.

B. **Street Network.** Arterial, collector and local streets shall generally be laid out according to the policies of the Comprehensive Plan, and other specific plans and policies for street networks and civic space systems. In the absence of more specific guidance in these plans, the following standards shall apply to street networks.

1. *Blocks and Connectivity.* Streets shall be laid out to provide a network of blocks and streets based on the planning context and development pattern as identified in Table 3-1:

Table 3-1: Block Sizes & Connectivity

Planning Context	Block Length	Block Area	Cul-de-sac Limits
Walkable / Compact *Downtown, core areas of commercial centers, near downtown areas and new walkable neighborhoods, and abutting blocks adjacent to walkable places.*	200' min. 600' max.	3 to 6 acres	Prohibited
General *Suburban neighborhoods, and other areas supporting commercial corridors.*	300' min. 800' max	4 to 8 acres	600' max. Limited to exceptions only.
Remote Areas or Campuses	500' min. 1,200' max.	6 to 10 acres	600' max.; 800' if all lots over 0.5 acres

Areas outside of the urban areas, areas of special access management concern, or large scale projects arranged around internal or specialized street and/or pedestrian networks.	

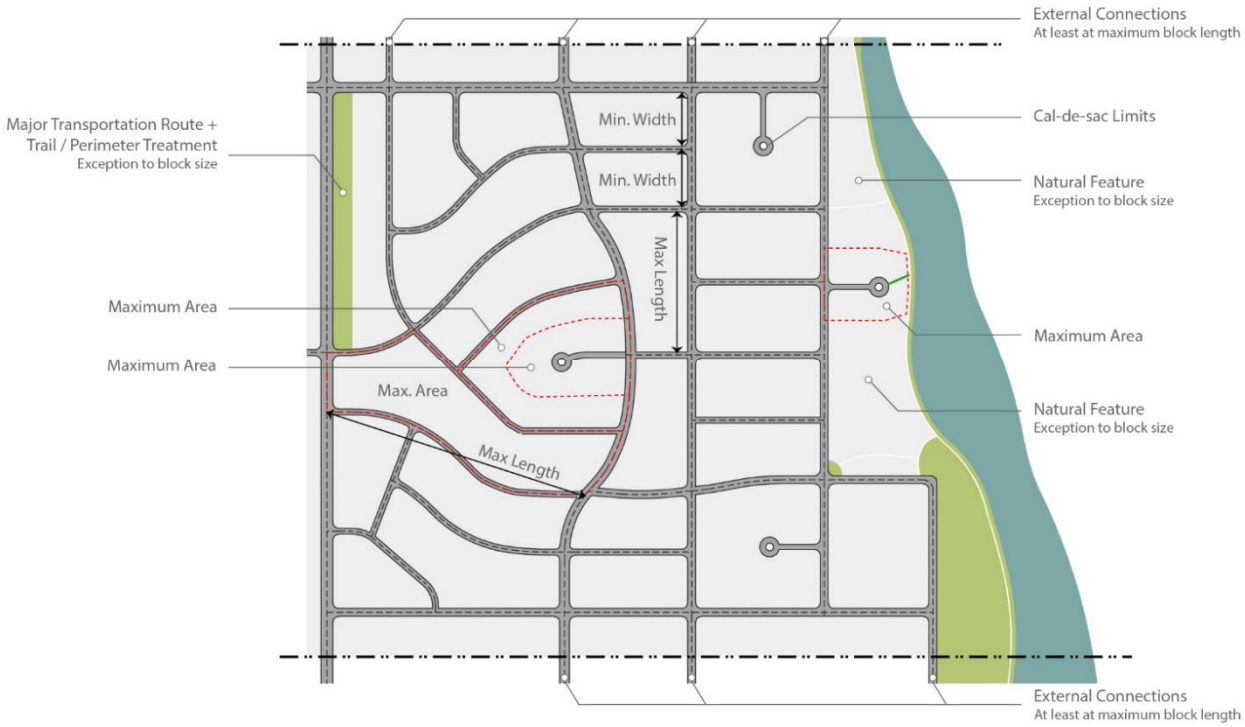


Figure 3-1 Connectivity & Block Sizes. Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks, unless exceptions justify not connecting. (3.01.B.1 and 2.)

2. *External Connections.* Streets shall connect to existing adjacent streets, and provide continuation to adjacent undeveloped and future growth areas at intervals meeting the standards in Table 3-1, unless a specific street network plan for the overall area has been approved by the City.

3. *Off-sets.* Slight jogs in continuous streets of up to 25 feet in centerlines at points of intersection with other streets may be permitted to calm traffic and prioritize pedestrian movements or due to topography. Where larger offsets cannot be avoided, a minimum distance of 125 feet shall be established between centerlines of the intersecting streets.

4 *Private Streets*. Private streets are generally unacceptable in subdivisions in which any of the streets are dedicated to the public. Exceptions will be considered in commercial and industrial subdivisions and in planned developments if they are constructed to standards of this Section. A homeowner's association or business district association shall be formed to maintain any private street. A sinking fund shall be established by the applicant and maintained by the association to finance maintenance of private streets, a monthly accounting of which shall be submitted annually to the Finance Director.

5. *Exceptions.* The following are exceptions to the block and connectivity standards:
   a. *Natural Features and Civic Spaces.* Blocks or parcels abutting or containing important natural features, topographical constraints or otherwise creating parts of the parks, trail or open space system, may be larger provided the proposed street layout preserves these features and integrates these open spaces as focal points of the development pattern.
   b. *Regional Transportation Routes.* Blocks or parcels abutting intervening regional transportation routes such as highways or rail rights-of-way may be larger provided street layouts and development patterns achieve local connectivity in all other ways possible.
   c. *Rural Parcels.* Tracts divided into larger or rural lots of at least five acres may exceed block limits provided development is arranged to allow future streets in compliance with these regulations, and a logical pattern of re-subdivision can occur with minimal disruption of buildings, utilities, and other structures.
   d. *Oversized Parcels.* Where oversized parcels are platted for special land uses or development projects that involve large-scale buildings and lot patterns, such as campuses or large-scale employment areas, platted blocks may be larger if internal access streets mimic the block structure and urban design amenity of these standards, and create logical extensions and connectivity to the public streetscapes in adjacent areas. (See Section 7.02.A.4, Internal Access Streets.)
   e. In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. Otherwise, cul-de-sacs shall terminate with a minimum outside property line turnaround radius of 50 feet and a minimum curb line radius of 39 feet. The use of a "T" design for the cul-de-sac's terminus may be considered for cul-de-sacs of short length (less than 300 feet) when specifically approved by the Director of Public Works.

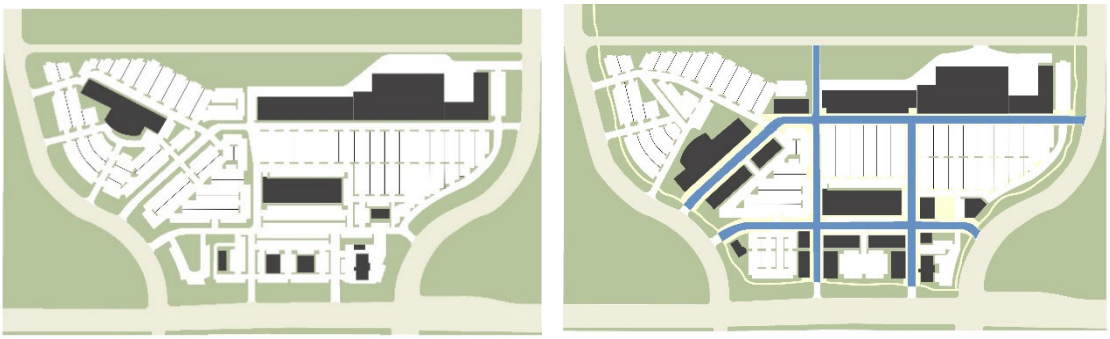


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Figure 3-2 Internal Access Streets. Internal access streets used to mimic public street networks and streetscapes for over-sized parcels and large scape development. (3.01.B.5.d)

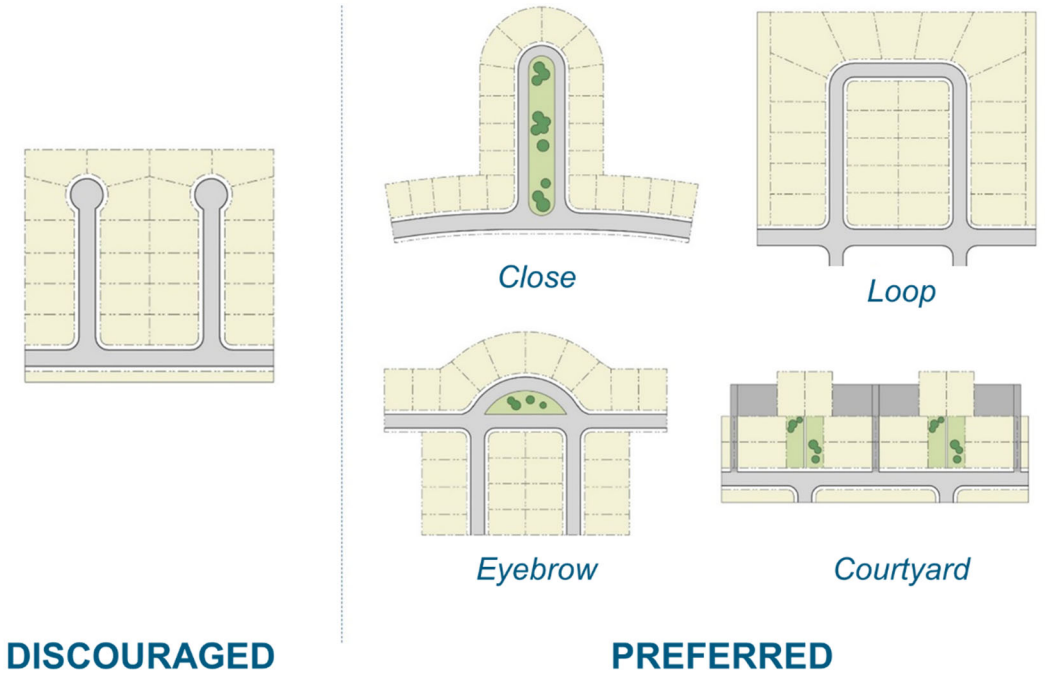


Figure 3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (3.01.B.5.e.)

6. *Walkways and Passages.* In any case where exceptions for larger blocks apply, or any other area where substantial pedestrian traffic may occur, such as adjacent to schools or parks, the Planning Commission or City Council may require pedestrian walkways through blocks or at any cul-de-sac. Such walkways shall be located in easements at least 10 feet wide or be designed as part of a local or city-wide trail system.

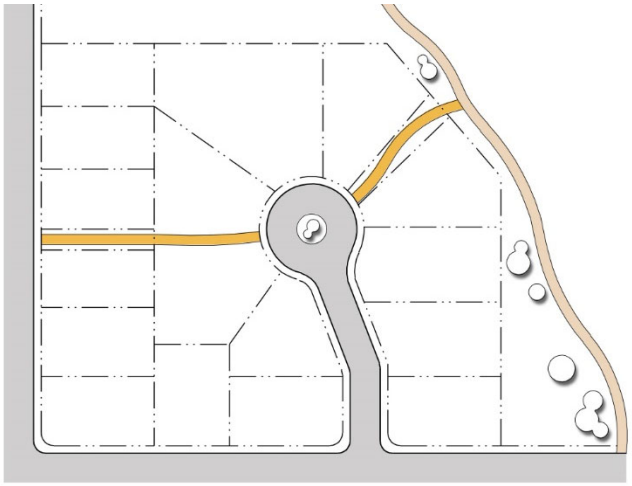


Figure 3-4 Walkways and Bicycle Routes. Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (3.01.B.6)

C. **Street Design.** Streets shall be designed to reinforce the character of the area and to support the anticipated development patterns, land uses and design concepts for projects fronting on any particular segment of the street. In general, each street segment shall be defined by a "design type," identifying the character and urban design features of the street segment that best support the context and abutting land uses; and a "functional class," indicating the role the street plays in the overall transportation system. Street design type and functional classification shall first be determined by the Director of Public Works when the Preliminary Plat of a subdivision is submitted. The final classification shall be determined by the Planning Commission through approval of the final plat, or the City Council through acceptance of public improvements.

1. *Street Design Types.* Each street segment may apply the following Street Design Types so that urban design features and streetscape design better support the development context and character of the area. Table 3-2 identifies which design types are most appropriate for different contexts and different functional classes of streets.

Table 3-2: Street Design Types & Functional Classification

Street Type	Arterial (A)	Collector (C)	Local (L)
Standard *A basic street type appropriate generally where no particular development characteristics or urban design context warrant application of other street types.*	■	◘	◘
Activity *A pedestrian-oriented street type appropriate for all areas where walkability is a goal. It is characterized by narrow lanes, slow speeds, on-street parking, and large, well-designed pedestrian amenity zones that support businesses and economic activity along these streets.*	◘	■	■
Neighborhood *A community-oriented street type appropriate where a higher level of neighborhood design amenity and neighborhood walkability is desired. It is characterized by large street trees, comfortable sidewalks, slow speeds, and occasional on-street parking.*	■	■	■
Green *A natural-oriented street type appropriate where streets cross or align with natural features, particularly to emphasize the parks and environmental themes in the plan. It is characterized by, slow to moderate speeds, and informal and natural landscape edges, and the incorporation of the City trails system.*	◘	■	■

■ Preferred type; or default type absent any other conditions that make other types more appropriate.

◘ Limited type, based on development pattern, street network plan and surrounding context and natural characteristics

2. *Typical Cross Sections.* Table 3-3 establishes typical cross sections for each functional classification and street design type They are a starting point for all street designs, and Director, Director of Public Works, Planning Commission, or City Council may require modifications to these typical cross sections based on the Complete Street Policy Guide in Appendix B to account for the specific context and better meet the intent of this section.

Table 3-3: Street Design Standards

Street Type	Right-Of-Way	Street			Streetscape Design		
		Street Width [1]	Travel Lane	Parking Area / Shoulder	Sidewalk	Planting Area / Amenity	Bicycle Facility [2]
Arterial							
Standard	90' -120'	50' – 76'	4 - 6 @ 12'	1' – 2' shoulder	6' (min)	12' tree lawn (min)	multi-use path or 6' bike lane
Neighborhood	70' – 94'	30' – 58'	2 – 4 @ 11'	8' one side; OR 7' two-sides	8' (min.)	12' tree lawn (min)	multi-use path, 6' bike lane or "sharrow"
Activity	90' min.	60'	4 @ 11'	8' parallel	12' (min.)	4' – 6' tree wells	"sharrow" or n/a
Green	70' – 100'	24' – 52'	2 - 4 @ 11'	2' - 4' shoulder (paved)	10' – 12' trail	20' natural buffer (min.)	multi-use path
Collector							
Standard	60' (2-lane min.) 72' (4-lane min.)	26' (2-lane) 46' (4-lane)	2 – 4 @ 11'	1' – 2' shoulder	5' (min)	8' tree lawn (min.)	6' bike lane or "sharrow"
Neighborhood	60' – 62'	28' – 34'	2 @ 10'	8' one side; OR 7' two-sides	6' (min.)	8' tree lawn (min.)	6' bike lane or "sharrow"
Activity	70' – 110'	38' – 82'	2 – 4 @ 11'	8' parallel; OR 19' angled	10' – 12'	4' – 6' tree wells [3]	"sharrow" (optional, dependent on context)
Green	60' – 70'	24' – 36'	2-3 @ 10' – 11'	2' - 4' shoulder (paved)	10' – 12' trail	15' natural buffer (min.)	multi-use path, 6' bike lane or "sharrow"
Local							
Standard	60' min.	28' – 34'	2 @ 10'	8' one side; OR 7' two-sides	5' (min.)	6' tree lawn (min.)	n/a
Neighborhood	50' min.	24' – 28'	1 @ 14' – 18' (yield lane)	8' one side; OR 7' two-sides	5' (min.)	7' tree lawn (min.)	n/a
Activity	60' – 80'	36' - 60'	2 @ 10' – 11'	8' parallel; OR 19' angled	10' – 12'	4' – 6' tree wells	n/a
Green	40' – 60'	18' – 22'	2 @ 9' – 10'	2' shoulder (soft or paved)	10' trail optional	10' natural buffer (min.)	n/a

[1] Steet width is back-of-curb measurement, with curb and gutter included in the street width where it is an on-street parking or travel lane. Where bike lanes are on the edge, the curb and gutter may need to be added to the width to provide a clear surface for bicycles.

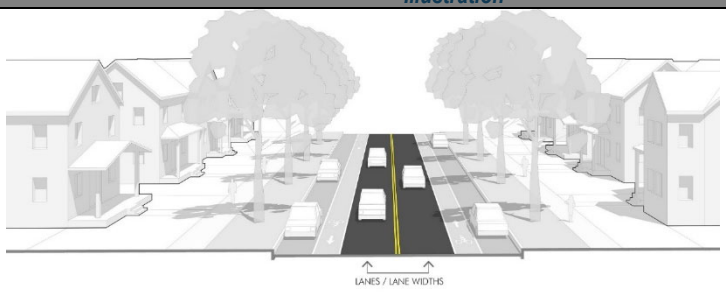
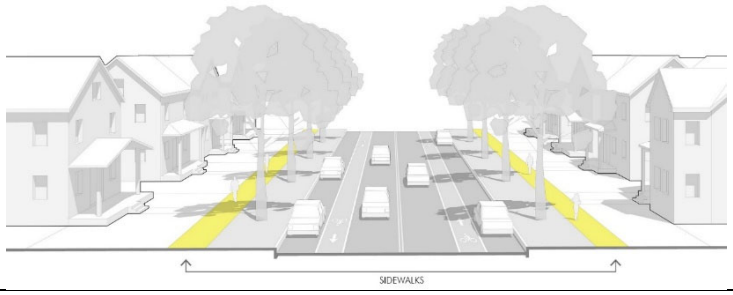
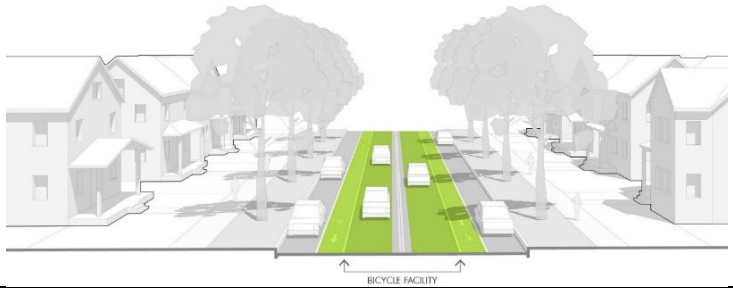
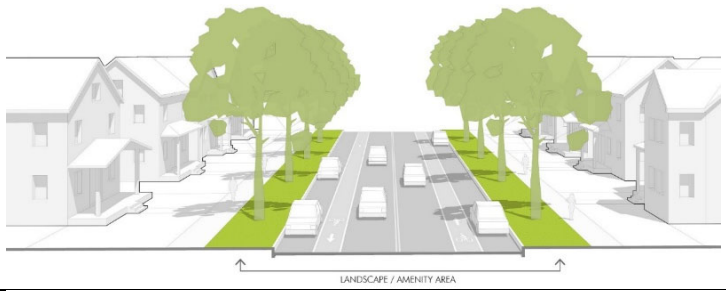
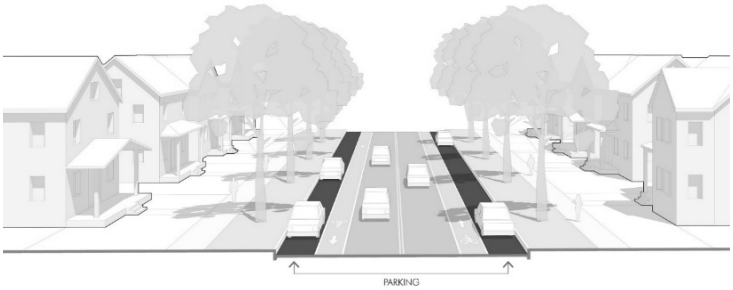
[2] Bicycle facilities should based on context of the roadway, bicycle transportation routes, and likely bicycle destinations. See Complete Street Policy Guide in Appendix B for incorporating bicycle lanes into standard street cross-sections.

[3] Tree-wells are generally amenity areas added to the sidewalk, but may be integrated into sidewalks provided no more than ½ the sidewalk is taken up, and in all cases at least 6' of clear sidewalk is maintained. Otherwise all sidewalks should be separated from the curb by the planting area except in very constrained right-of-way or where frequent on-street parking is expected and provides separation from pedestrians and the street.

[4] Streetscape planting shall be according to Article 6, Landscape & Site Design, Section 6.02 Planting Requirements & Specifications.

[5] Landscape medians or requirements for center turn lanes may add width to required right-of-way.

3. *Complete Streets Policy Guide.* The Complete Street Policy Guide in Appendix B provides a framework for assembling cross sections for each specific street type. The typical cross sections and guidelines in Appendix B balance the priorities for the following street elements that encompass a complete street design.

Street Design Elements	Illustration
Lanes / Lane Widths	
Sidewalks	
Bicycle Facility	
Landscape / Amenity Area	
Parking	

D. **Intersection Design.**

1. *General.* All intersections of streets shall intersect as close to 90-degrees as possible, and not less than 80-degrees or more than 100-degress. Intersections at angles not less than 60-degrees may be approved for local or collector streets where exceptional topography or other neighborhood design enhancements allow the proposed street layout to better meets the intent of this section.

2. *Corner Radii.* Curb radii shall be the minimum amount necessary to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, based on the appropriate context. Table 3-4 establishes the base requirements. Effective turning radius from vehicle lanes should be used in conjunction with intersection geometry to determine appropriate curb radii. In areas where large vehicles will make frequent turning movements, the Public Works Director may require greater turning radius than specified in this table. In areas where slower speeds are desired or walkability is desired the Public Works Director may require lower corner radii than specified in this table.

Table 3-4 Corner Curb Radius

Intersection Type	Curb Radius
Local / Local	10' to 15'
Local / Collector	15' to 20'
Local / Arterial	15' to 25'
Collector / Collector	15' to 25'
Collector / Arterial	20' to 30'
Arterial / Arterial	25' to 35'

3. *Sight Distances.* Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersecting street, specified in Table 3-5.

Table 3-5: Clear Sight Distance

Design Speed of Intersecting Street	Intersection Sight Distance (measured along centerline of intersecting street.)
15 mph	105'
20 mph	125'
25 mph	150'
30 mph	200'
35 mph	225' - 250'
40 mph	275' - 325'
45 mph	325' – 400'

Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets.*

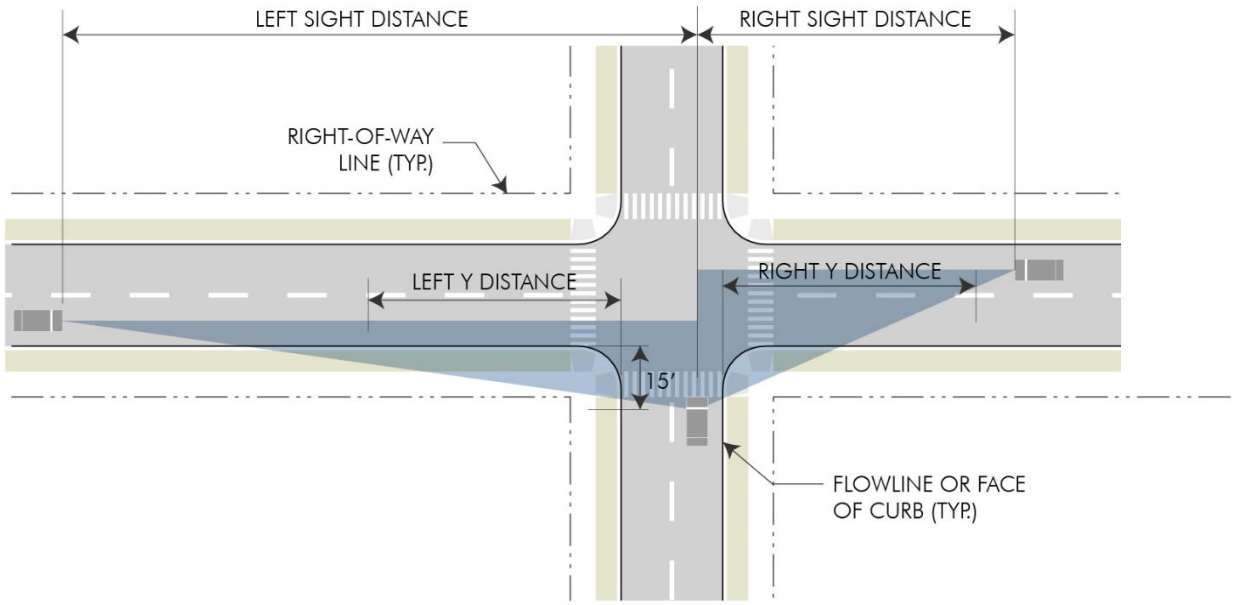


Figure 3-5 Clear Sight Distance. Sight distance is measured from the stopping point of the approaching vehicle to the center of the lane in oncoming traffic, based on the speeds of oncoming traffic. Clearances may be affected by the types of objects in the sight triangle and the control factors of the intersection. (3.01.D.3 and Table 3-5.)

a. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 3-5 to the centerline of the intersecting street.

b. Street trees, light poles or other limited obstructions are allowed within the sight triangle provided that they do not have any foliage, limbs, or other obstructions between 2 and 8 feet, and are no closer than 20 feet to the intersecting right-of-way line.

c. Fully controlled intersections, where signalization establishes and prioritizes safe turning movements or all stop intersections, may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Public Works Director.

4. *Crosswalks.* Intersections of sidewalks with public streets shall have crossings meeting the following standards.
   a. Curb ramps meeting ADA accessibility standards shall provide a direct, non-diverted approach from the sidewalk along the block, into the crosswalk area.
   b. Crosswalks on collector streets or higher classification shall be considered for enhanced crossings, including bulb outs, refuge islands or other traffic calming measures that are appropriate to the context of the intersection.
   c. Where blocks exceed more than 800 feet between intersections, or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to approval of the Planning Director and Public Works Director.

d. Any crosswalk over 100' may require a pedestrian refuge in the median at the discretion of the Public Works Director or based on traffic study. No signalized crosswalk shall exceed 80' without providing a pedestrian refuge in the median.

5. *Turn Lanes*. Turn lanes for left or right turn movements may be required for specific intersections at the recommendation of the Public Works Director or based on a traffic study. Requirements for turn lanes should be based on careful consideration by the Planning Commission and City Council of the context, balancing the impact of crossing distances for pedestrians, vehicle turning speeds, and prioritization of other planning, urban design and traffic engineering issues.

6. *Decorative Islands.* When approved by the Planning Commission and accepted by the City Council, islands to be used for landscaping, statuary or other decorative purposes may be constructed by a developer in a dedicated reserve in the center of a cul-de-sac or other roadway pavement section. Decorative islands shall not be approved if it is possible that their installation would in any way impede traffic or create unsafe conditions, as directed by the Public Works Director. As a condition of approval, the applicant may be required to assign maintenance to a homeowner's or property owner's association as specified in Article 3, Subdivision Regulations

E. **Engineering and Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets shall be based on the Standard Specifications for the City of Joplin, maintained by the Public Works Director.

3.02 Blocks & Lots

A. **Intent.** The intent of this section is to:

1. Ensure the proper arrangement of blocks and lots to compliment the larger system of street networks and open and civic spaces.
2. Promote storm water management planning on a total watershed basis, maximize opportunities for infiltration of stormwater, and integrate various design strategies into the patterns of open spaces, streets, blocks and lots.
3. Arrange development in a manner that is least disruptive to existing topography and capitalize on inherent natural characteristics of the land as defining features.
4. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
5. Promote appropriate site and building designs in relation to the public realm.
6. Ensure that all lots are buildable lots according to this Code, the building code and other public safety codes, and that all other tracts or parcels serve an urban design or planning function in relation to the overall development pattern.

B. **Block Arrangement.**

1. *General Layout.* Blocks shall be laid out to support the following design principles:
   a. All blocks shall have two tiers of lots, unless dictated by existing development patterns outside of the control of the project. In these cases, streetscape standards and open or civic space systems should be used to create buffers and transitions at the backs any single-tier blocks.
   b. Arrange blocks and coordinate access strategies to minimize access on arterial or major collector streets, while still fronting all lots to streets and public spaces.

For example, larger lots, shared access, or alley access can minimize individual lot access points on major streets but still allow lots and buildings to front these streets.

c. Design blocks so that topography, natural features and drainage flow aligns with the long axis or other patterns within the block structure, and facilitates natural drainage flows.

d. Organize blocks in patterns that make open and civic space systems the focal point of development and build value for adjacent blocks or fronting properties, and to avoid creating remnant parcels of little use or urban design value.

e. Reinforce networks of public streets and open spaces across multiple blocks and adjacent areas, particularly providing the most direct routes for pedestrians and bicyclists, or where topography or other conditions warrant present an alternative circulation system for pedestrians or bicyclist within easements or common areas.

2. *Size.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 3.01.B.

3. *Utility Easements.* All blocks shall include easements for all required improvements necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way, and graded to within six inches of final grade before utilities are installed. Unless otherwise specified through the development review process minimum easements shall be as specified in Table 3-6.

Table 3-6 Easements

Common rear lot lines	20', 10' on each lot
Perimeter rear lot lines w/o common boundary	20', unless combined with other easements
Side easements, where necessary	10', 5' on each lot
Drainage easements	Conform to the lines of the water course, sufficient to carry predictable volumes from the 100-year storm event

4. *Uninhabitable Areas*. Lands subject to flooding, as shown on the F.I.R.M., shall be indicated on the plat. Flood plains and other lands otherwise deemed uninhabitable in their natural state by the Planning Commission and City Council shall not be platted for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. These lands may be set aside for use as part of the open and civic space system, or shall be retained for flood plain management to the extent it cannot be designed and maintained to meet these requirements. Otherwise, these lands may only be platted and developed if the features making the lands uninhabitable can reasonably be removed without destruction of adjacent or nearby property or desirable natural features of the land.

5. *Open & Civic Spaces.* Any undevelopable tracts, open spaces or lands that are not developed shall be laid out within the lot and block structure in a manner that provides an accessible amenity to the neighborhood. These spaces should be designed according to the open space types in the Walkable Neighborhood Design Guidelines in Appendix C. These spaces require specific designation on the final plat as separate tract, indicating one of the following options for ownership and management of the area, including

documentation that demonstrates ongoing maintenance, administrative and financial responsibility:

1. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
2. Creation of a homeowner's, leaseholder's and/or property owner's association that owns it in common capable of carrying out the ownership and management.
3. Dedication to a public entity as part of the rights-or-way, trails and parks or other community facilities element of the plan.

C. **Lot Arrangement.**

1. *Generally.* All lots shall result in buildable lots considering the following:
   a. Building type requirements and lot standard eligible in the existing or proposed zoning district, including size, width, depth, setbacks and orientation.
   b. Access standards and limitations based on the specific street or lot frontage standards.
   c. Easements required to provide all services to the lot.
   d. Topography or other natural features or constraints of the specific property.
   e. Corner lots and proper orientation of buildings in relation to the rest of the block, including standard corners, reverse corners or intersection orientation of lots and buildings.
   f. Double-frontage and reverse-frontage lots shall not be permitted except where essential for access management or to overcome specific disadvantages of topography and orientation.

2. *Lot Lines.* Side lot lines shall be generally perpendicular to the right of way lines or radial to curved streets.

3. *Lot Access.* Each lot shall front on and have access to a public street, except where fronting on public or common open space is specifically permitted by this code. Driveway access may be limited by the specific street type, and the access guidance provided for each street. Where access is limited by these standards and guidelines, alternative access through shared drives, internal access lanes, or alleys shall be considered.

3.03 Required Improvements

A. **Intent.** The intent of this Section is to:

1. Ensure that all improvements necessary to serve lots within a subdivision are constructed, inspected, or otherwise assured of completion prior to the issuance of building permits.
2. Prevent the location or design of a subdivision from placing an undue burden on public utility systems and community facilities serving other areas.
3. Appropriately apportion costs and offset higher or premature net costs to the public due to serving the subdivision with public facilities.
4. Protect against subdivisions where soil conditions, topography or other drainage patterns would risk downstream flooding or present potential dangers to property, public health or safety.
5. Coordinate subdivisions and construction of required improvements with required improvements in other subdivisions, other capital projects or with future growth.

B. **General Requirements.**

1. The applicant shall provide all improvements according to this section, except where an area is already served by improvements meeting these requirements, and the Public Works Director determines that they are in good condition, the City may grant an exception to the improvement requirement.
2. Other improvements that meet the Intent of this Section, and which are identified in an approved capital improvements plan, the Comprehensive Plan, or other similar official plan or policy of the City for a specific area may be required by the Planning Commission or City Council.
3. As an alternative to actual construction of required improvements, the Public Works Director at the option of the applicant may accept one or a combination of the following:
   a. A bond or letter of credit in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Director of Public Works. The surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval of the City.
   b. Upon approval by the City Council, a petition for improvement district financing properly executed by the property owners as provided by law. The petition to be used for the construction of the improvements by the City, the apportionment of the costs of which to be assessed against the subdivided property.
4. Dedication of land within a subdivision shall be required where easements for storm drainage, sanitary sewerage or other public utilities are necessary to permit agencies and utility companies to maintain utilities and render services to the subdivision.
5. Utility systems shall be located and constructed to avoid cross-connections, minimize trenching, avoid duplication of construction areas in the vicinity, and adequately separate incompatible systems.
6. Conduit shall be provided for all anticipated and potential future communication systems, and avoid need for potential cuts and trenches by multiple service providers. Conduit shall be installed according to city specifications, but may be waived when equal or better techniques to service the area is provided.
7. Required improvements shall be constructed in accordance with the detailed design standards, specifications and construction requirements of the Public Works Director, and all work shall be coordinated with the platting, plan review, construction permitting and inspection procedures in Article 2.
8. Unless the required improvements have been installed or guaranteed by a bond, letter of cretic, or improvement district petition for a lot or tract, no building permits shall be issued for that lot or tract.
9. No occupancy permit shall be issued until all improvements have been installed.

C. **Streets.**

1. *Paving and Drainage.* All streets shall be improved and provide facilities for adequate surface drainage according to the City of Joplin Standard Specifications.:
   a. Streets in subdivisions comprised of lots smaller than three acres shall be paved and improved with curb and gutters, except as provided by application of the Natural street design type in Section 3.01C.
   b. Streets in subdivisions comprised of lots larger than three acres, but less than five acres in size shall be paved, but curbs and gutters shall not be required.

2. *Sidewalks.* Sidewalks shall be portland cement concrete and shall comply with the City of Joplin Standard Specifications. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission. Installation of sidewalks may be delayed for one side of a block between two intersecting streets until 75% of the lots on

that side of the block have been developed, or within one year of the approval of the final plat, whichever comes first. Sidewalks required by the design standards in Section 3.01.C. may be waived by the Planning Commission through the preliminary plat for the following situations

a. Interior streets within industrial subdivisions, where connections to adjacent streets are not important to surrounding pedestrian routes;
b. At the radius of turnarounds at the ends of cul-de-sacs, unless a through connection at the end of the cul-de-sac is required;
c. Residential projects with all lots greater than 0.5 acres may provide sidewalks on one side of the street or no sidewalks where an alternative trails system is provided; and
d. Areas where alternative access through trails or other open space provides an equal or better alternative route to sidewalks in the streetscape. In general these routes should be within at least 50' of where sidewalks in the streetscape would occur, or otherwise not require substantial deviation from likely pedestrian routes.

3. *Street Names and Signs.* Night glowing street signs, approved by the Director of Public Works, will be provided and installed by the City at all street intersections at the developer's expense. Street names shall not duplicate names of any existing street in Joplin and adjacent communities except where a new street is a continuation of an existing street. Street names that are spelled differently but sound the same shall be avoided. The street name pattern previously adopted by Joplin shall be continued except as approved by the Director of Public Works.

4. *Streetlights.* The City shall provide for the installation of streetlights at street intersections and other locations as it determines necessary. The developer shall be responsible for all costs for providing street lighting equipment other than that determined as necessary by the City. Pedestrian lighting for any sidewalk or trail proposed as part of an alternative circulation system may also be required.

5. *Abutting Streets.* The applicant shall provide right-of-way for streets planned at the edge of a subdivision. The right-of-way shall be sufficient to accommodate any plans to realign, widen or construct these streets.
   a. Where the subdivision is proposed to access one or more individual lots for a primary thoroughfare, the applicant shall be responsible for any additional improvements necessary to maintain the present level of service and provide for the safe and efficient movement of traffic.
   b. Where the proposed subdivision is a replat or concerns an area presently abutting or continuing any other existing public street of less than the minimum required right-of-way width or roadway width, the applicant shall dedicate right-of-way and construct the street to the standards.
   c. In all other cases the applicant shall also be required to construct the equivalent of one-half of abutting streets, or the City Council may require the applicant to deposit in escrow an equivalent amount of cash.

D. **Utilities.**

1. *Sewer.* A public sanitary sewer shall provide service to each lot, designed and constructed according to the City of Joplin Standard Specifications.
   a. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into the City sewer system.
   b. All subdivisions that connect to the City sewer systems shall be require annexation into the City or enter into an agreement for services as directed by the Director of Public Works.

c. Upon determination of the City that the City sewer system is not practicably available to the development, the applicant may submit plans for consideration for disposal of sewage into a central, public treatment facility, or a private system. The sewer system shall be of equal or better quality and size than the minimum standards of the City as determined by the Director of Public Works. The sewer system shall meet all State DNR standards.

d. Where individual private wastewater systems are proposed, easements shall be provided to allow the installation of a public system should the property ever be annexed or required to develop a public system.

2. *Water.* The applicant shall be responsible for coordinating with the water supplier for the City of Joplin to provide all water connections within the subdivision and supply all water supply lines, cross or connecting lines between fire hydrants, and fire hydrants as follows:

a. All supply lines will be a minimum of size of 8 inches.

b. All fire hydrants will be served with a minimum line size of 8 inches.

c. All cross or connecting lines between fire hydrants will be a minimum line size of 8 inches.

d. All fire hydrants shall be supplied and placed no farther than 600 feet in vehicular length of travel from any structure erected or to be erected within the subdivision or on adjacent property.

e. Water lines shall be installed in proper easements or within the limits of the street and alley right-of-way.

Where a private water supply is proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply. Private water systems shall be of equal or better quality and size than the minimum standards of the public utility, and shall meet all State Department of Natural Resources (DNR) and the Missouri Department of Health standards.

3. *Storm Drainage.* Storm drainage systems shall be designed according to the City of Joplin Standard Specifications and the latest edition of the City of Joplin Stormwater Management Criteria based on a plan that maximizes infiltration, and reduces the velocity and quantity of overland flow.

a. The applicant shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, storm water detention facilities and other improvements necessary to adequately handle stormwater according to the plan.

b. Where a proposed stormwater management plan indicates the proposed development will aggravate downstream drainage or flooding prior to full implementation of a post-development plan, provision shall be included in the design for temporary controlled detention and regulated discharge to the downstream drainage system.

c. Where developments are determined by the Director of Public Works to be in close proximity to unimproved stream channels, an engineering study shall be required to determine the stability of the stream banks. The study shall evaluate the likelihood that normal stream bank slippage failure and erosion will endanger structures proposed as a part of the development or the yards of residential lots. Such studies shall analyze the impact of full upstream development as shown on the City's Comprehensive Plan map and include a complete identification and analysis of the soil profile and underlying bedrock upon which the development is to take place. Based on this analysis, engineering plans shall be submitted showing the structural measures to be used to stabilize those banks, which are determined to be unstable. The study shall be submitted concurrent with the application for final plat approval and shall be reviewed and approved by the

Director of Public Works prior to recording the plat. Storm drainage easements may be required where necessary to allow on-going maintenance of the stream channel and any stabilization measures.

4. *Erosion Control.* All storm water management and construction plans shall meet the erosion control and sediment discharge provisions of the City of Joplin Standard Specification's, to prevent or control erosion and sedimentation during various states of constriction. The measures shall apply to all street and utility installations as well as to the protection of individual lots. Erosion control for drainage systems will be required in swales, ditches, or creeks and at the discharge points of all pipes where the velocity exceeds five feet per second. The Director of Public Works may impose supplemental requirements or may delete requirements regarding sediment and erosion control measures if and standards or planned measures prove to be inadequate to properly control erosion for a particular condition.

5. *Other Utilities.* All lots shall be served by power, gas and communication utilities designed and located according to the standards and specifications of the controlling utility company or public agency. Facilities shall be placed within easements or specified locations public rights-of-way as required by other City policies or agreements. Every effort shall be made to place conduit, pedestals for transformers, switching boxes, ducts or meter cabinets in private easements at accessible locations close to corner lot lines, but to minimize their appearance through streetscape design, landscape materials, or other site planning and urban design strategies that minimize their impact on the public realm.

E. **Permanent Monuments**. Permanent monuments shall be placed at all lot and block corners, angle points, point of curve in streets, and at intermediate points as required prior to the final acceptance of the plat by the City. Permanent monuments shall be one-half-inch minimum iron bars or pipe, 18 inches long, shall be set with top of monument flush with existing ground line, and shall include an identification cap on the bar.

F. **Upsizing.** Whenever any portions of the required public improvements are part of a planned future facility for the City, serving an area larger than the subdivision and its impact, the City and applicant will enter into an upsizing agreement. The City and the applicant shall negotiate the following aspects of the agreement prior to approval of the plat:

1. The applicant shall construct the facilities as planned by the City for future capacity as part of the subdivision and development process.
2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.
3. The City shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision and its reasonable impacts. The City's participation may be based by the applicant bidding the project with bid alternates, one alternate to build the minimum required facility to serve the subdivision or development and the second bid alternate being for the upsized facility planned by the City.
4. The agreement shall be subject to approval by the City Attorney.
5. Failure of the applicant and City to negotiate an agreement shall not relieve that applicant of the requirement to provide all improvements necessary to serve the subdivision, including any extensions of services that may in the future also serve future development not yet identified in the City's capital improvement plans.

3.04 Community Facilities & Fees

A. **Intent.** The intent of this Section is to:

1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
3. Consider the location of public and community facilities with the initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are located conveniently in neighborhoods and districts and serve as focal points for the community.
4. Provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
5. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
6. Promote fiscal responsibility for all public entities by coordinating the planning, design and financing of public facilities prior to or concurrent with the impact generated from proposed development.

B. **Dedication of Land.** The Planning Commission or City Council may request the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, open space, public safety facilities, school sites or other public or community facilities.

1. The request for dedication shall be based on an official master plan of the entity having jurisdiction over the facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.
2. The dedication may be included on the preliminary plat or a condition of approval of the preliminary plat, at the discretion of the applicant.
3. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat. Upon dedication, the applicant may be eligible for credits towards open space requirements or reimbursement of other development fees.

C. **Reservation of Land.** The Planning Commission or City Council may require the reservation of land for public or community facilities, parks, open space, public safety facilities, school sites, or other public or community facilities. The reservation period shall no more than one year from the final plat approval, unless otherwise agreed to by the applicant, to permit the negotiation and acquisition of the land by the appropriate public entity.

1. The reservation by the Planning Commission or City Council shall:
    a. Be based on community facility needs that may serve an impact beyond that caused by the proposed development, and which are not otherwise met by standards of this Code;
    b. Be based on an official master plan or policy approved by the entity with jurisdiction over the public facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review; and
    c. Be accompanied by a conceptual plan and program provided by the entity with jurisdiction over the improvement, demonstrating how the entity's facility needs relate to the site. The conceptual plan shall include information reasonably necessary for the applicant to plan for development around the reserved site and to prepare contingency plans in the event the site is not acquired by the public

entity. Development on the surrounding unreserved property shall not adversely affect the potential use of the reserved property for the designated public or community facility.

2. Upon expiration of the reservation period or upon termination of negotiations for the property in writing by both parties, the applicant may plat the property subject to the reservation.
3. During the reservation period or in association with the platting process, the applicant may submit a contingency preliminary plat for the portion of the property subject to the reservation. A contingency plat shall include all of the information of a preliminary plat for the reserved property, and can serve as the preliminary plat if the negotiation is terminated or unsuccessful. Any final plat for a reserved portion may be conditionally approved, and shall not be recorded until the reservation period has expired or negotiations have been terminated in writing by both parties.

ARTICLE 4. ZONING DISTRICTS AND USE STANDARDS

4.01 Zoning Districts
4.02. Allowed Uses (Use Table)
4.03 Accessory Use Standards
4.04 Specific Use Standards
4.05 District Performance Standards

4.01 Zoning Districts

A. **Intent.** For the purpose of regulating and restricting the use and development of land and buildings, the following districts are established, with the intent given for the patterns and intensity of uses and development.

Table 4-01: Zoning Districts & Intent
AG - Agriculture. The AG district preserves and protects land from premature development until there are adequate public services and other supporting development patterns. The district provides for residential and agricultural related uses that maintain the open or natural character of land, where infrastructure and facilities supporting development will not be provided in the immediate or interim period.
R-S - Single-Family Residential. The R-S district provides residential living in low-density suburban neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities that reinforce residential neighborhoods.
R-1 - Single-Family Residential. The R-1 district provides residential living in moderate-density suburban neighborhood settings, and supporting uses such as schools, churches, parks and other public facilities that reinforce residential neighborhoods. This district can also be used in limited application to provide larger lots in compact, walkable neighborhood settings This district should be closely integrated with zoning districts that provide services and activities to support neighborhoods
R-2 - Two-Family Residential. The R-2 district provides residential living that mixes multi-unit building formats into low- or moderate-density suburban neighborhood settings, allowing a mix of housing options at strategic locations in which transition to complimentary and supporting uses.
R-3 –Apartment House. The R-3 district provides residential living in a moderate-density pattern with small or moderate scale apartment complexes in suburban neighborhood settings, allowing transitions between neighborhoods and more intense uses, where a high level of accessibility, public amenity and support services are immediately available.
R-4 - Mixed-Density Neighborhood. The R-4 district provides residential living with a wide range of housing types in a compact, walkable neighborhood setting, adjacent to downtown or other activity centers and walkable destinations. A well-designed public realm provides a focal point to integrate a variety of building types with consistent neighborhood character. This district can also be used in a limited manner to integrate small-scale, multi-unit residential projects into a mixed-use environment.
C-O – Non-retail The C-O district accommodates a broad range of office and institutional businesses in a variety of contexts including suburban, campus or urban formats. This district may accommodate compatible residential building types, and may include service and retail uses that support the predominant employment focus of the district.
C-1 – Neighborhood Commercial. The C-1 district provides small-scale retail, service, civic and employment uses in adjacent to supporting suburban or walkable neighborhoods. This district should be used to create destinations in close proximity to

Table 4-01: Zoning Districts & Intent
residential neighborhoods, and should be well integrated with the supporting neighborhoods character and pattern, whether suburban or walkable.
C-2 – Central Business. The C-2 district provides a broad range of retail, entertainment and civic uses, and supporting accessory office, service, and residential uses, in a compact, walkable, and high-intensity urban format. This district preserves the downtown area as the civic, social and business center of Joplin with a high level of civic design, walkable urban patterns, and a concentration of diverse, small-scale uses that contribute to a vibrant street life.
C-3 – Commercial. The C-3 district provides wide range retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, typically along corridors or other locations not easily integrated with other land uses or development patterns. Planned versions of this district can yield campus or mixed-use district patterns that are oriented to internal open space systems or other focal points of development.
M-1 – Restricted Industrial. The M-1 district provides primarily manufacturing and distribution uses at a scale, intensity and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service, employment and retail uses.
M-2 – Heavy Industrial. The M-2 district provides industrial uses that are generally not compatible with residential and/or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of transportation access and support infrastructure required of the business.
MUC – Mixed-Use Commercial. The MUC district provides a mix of retail, service, employment, entertainment and civic uses in a walkable setting. The district is intended for small-scale, neighborhood serving activity centers tightly integrated with and serving the daily needs of adjacent neighborhoods. This district is typically under 20 acres, with a wide variety of small-scale commercial, office, service and light (artisan) industrial uses), and closely integrated with surrounding neighborhoods
MP – Manufactured & Small-scale Homes. The M-P district provides residential living with smaller format ("tiny homes") manufactured or mobile homes arranged around common amenities in a neighborhood or community setting that is compatible with or establishes effective transitions to the surrounding community.

B. **Relationship to Comprehensive Plan.** The Future Land Use element of the comprehensive plan provides a general framework for applying the themes, policies and goals of the plan, and should not predetermine specific land uses or zoning for individual parcels. The following table is a general guide showing the relationship of zoning districts to each other and to the land use categories of the comprehensive plan. It may be used in association with the procedures and criteria in Article 2 to evaluate the merits of specific applications.

Table 4-02: Comprehensive Plan and Zoning Districts	
Future Land Use Category	***Typically Applicable Zoning Districts***
Residential Low-Density	AG; R-S; R-1; R-2; or application of "P" districts to these and other residential districts to promote open space and rural preservation; OR to develop more walkable neighborhoods with a mix of housing types and connection to walkable neighborhood centers.
Residential Moderate-Density	R-1, R-2, R-3, and R-4; or application of "P" districts to these and other districts to develop more walkable neighborhoods with a mix of housing types and connection to walkable community centers and Planned Corridors.
Office / Institutional	C-O, and C-1 and C-3 where office institutional uses need to be supported by other retail or service uses; or application of the "P" district to create campus settings.
Retail-Commercial	MUC, C-1 or C-3; or application of "P" districts to these and other districts to develop more walkable neighborhoods with a mix of housing types and connection to walkable community or regional centers.

Table 4-02: Comprehensive Plan and Zoning Districts	
Future Land Use Category	***Typically Applicable Zoning Districts***
Planned Corridors	R-3, R-4, MUC, C-O, C-1 and C-3; with the application of "frontage types" specified in this code or the application of the "P" districts to better integrate projects to the specific context of a corridor and policies of the Comprehensive plan, whether more car-oriented emphasizing landscapes, buffers and similar transitions to the streetscape or other projects, or whether pedestrian-oriented emphasizing compact, walkable patterns with a direct and human-scale relationship to streetscapes.
Central Business District	C-2; or application of "P" districts to make an integrated plan for a compact walkable downtown; and limited applications of the MUC, C-1 and R-4 districts to create effective transitions between downtown and neighborhoods.
Industrial	M-1, or M-2; C-O when office or institutional uses are supporting the predominantly employment/industrial purposes of these areas; or application of "P" district to these districts to allow campus-type environments, or better integration of industrial uses into surrounding patterns.
Public - Semi-public, Parks and Open Space, Greenways	Any district that promotes the special purpose land uses that provide for broader community benefits and designation as part of the Open and Civic Space System allowed in all districts.
Floodplain Overlay	Any district that accommodates low-impact development and low-intensity uses that can be designed in conjunction with the Floodway and Floodplain (FW) overlay designation.

Nothing in this table or the plan would preclude the finding that a different application of the zoning districts is also consistent with the Comprehensive Plan if the context of a specific application, and the goals, policies and strategies of the plan support that finding. Similarly, this table does not ensure that zoning according to this table is consistent with the plan based on the particular context of a proposal.

C. **Official Zoning Map.** The boundaries of the districts are shown on the Official Zoning Districts Map that is filed in the office of the Planning and Community Development Manager. This map shall be marked, "Official Copy of the City of Joplin, Missouri Zoning Map". Electronic copies and files of this map shall reference the "Official Copy" on file in the office of the Planning and Community Development Manager.

4.02. Allowed Uses (Use Table)

A. **Use Table.** The use table of this section provides the land use types allowed within each base zoning district. The does not necessarily reflect all of the regulations that may apply to particular uses or districts. All uses are enabled subject to the general zoning district standards, any particular building or lot design standards, and some uses have use-specific or context-specific standards (Section 4.04) that may limit their application more than this table.

Uses listed in this table are described in Section 9.01, Description of Uses. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most equivalent described use considering:

1. The similarity of the use in terms of scale, impact and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district.

Any uses that may not be interpreted as equivalent to a use in Table 4-03 is not anticipated by these regulations and may only be allowed by a Text Amendment.

Table 4-03: Zoning District & Use Table

P Permitted subject to general district, building and site design standards.
S Special use, subject to discretionary review process in Section 2.05.
blank Use not allowed

	Residential Districts							Mixed-Use and Commercial Districts					Industrial Districts	
	AG	RS	R1	R2	R3	R4	MP	MUC	CO	C1	C2	C3	M1	M2
Residential Uses / Dwelling Types*														
Detached house	P	P	P	P	P	P	P	P	P					
Duplex / Multi-unit House				P	P	P		P	P	S	S			
Row house					P	P		P	P	P	P	S		
Apartment					P	P		P	P	P	P	S		
Live/Work						P		P	P	S	P	S		
Mixed use								P	P	S	P			
Manufactured / Small Format Home Community							P							
Group Home – Limited (1-8)	P	P	P	P	P	P		P	P	P	P	P		
Group Home – General (9+)					S	S		S		S	P	P		
Group Home – Boarding House					S	S		S	S	S	P	P		
Senior Living – Limited				P	P	P		P	P	P	P	P		
Senior Living – General					S	S		S	S	S	P	P		
Public / Civic Uses														
Assembly – Neighborhood (under 500)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Assembly – Community (501 - 1000)					S	S		P	S		P	P	P	
Assembly – Regional (1001+)											S	P	P	
Cemetery, Crematory, Mausoleum	S	S	S	S	S	S			S	S	S	S	S	S
Funeral Home								S	S	P	P	P		
Park and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Library / Museum	S	S	S	S	S	S	S	P	P	P	P	P	P	
School – Small (under 2 acres)	S							P	S	P	S	P	P	
School – Neighborhood (2-15 acres)	P	P	P	P	P	P	P	P	P	P		P	P	
School –Community / Regional Campus (15+ acres)	S				S	S	S	S				P	P	
Transitional Living – Limited	S	S	S	S	S	S		P	P	S	P	P		
Transitional Living - General					S	S		S	S	S	S	P		
Transitional Living – Correctional Facility										S	S	S	S	S
Transportation - Transit Facility				P	P	P		P	P	P	P	P	P	P
Transportation – Airport, heliport / helipad					S	S		S	S	S	P	P	S	S
Transportation – Public Parking					S	S		S	S	S	P	P	P	P
Transportation – Freight Terminal													P	P
Utility, Major													P	P
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Uses														
Retail – Micro / Mobile (under 1 K)						S		S	S	S	P	P	P	P
Retail – Small (1K – 4K)								P	P	P	P	P	P	P
Retail – General (4K – 10K)								P	S	P	P	P	P	S
Retail – Medium (10K – 50K)								S		S	P	P	S	
Retail – Large (50K – 100K)											S	P		
Retail – Warehouse (100K+)												P		
Adult Entertainment Establishment													P	P
Animal Care - Limited	S							P		P	P	P	P	
Animal Care - General	S							S		S		P	P	
Animal Care – Large	S											S	P	P

Table 4-03: Zoning District & Use Table

P Permitted subject to general district, building and site design standards.
S Special use, subject to discretionary review process in Section 2.05.
blank Use not allowed

	Residential Districts							Mixed-Use and Commercial Districts					Industrial Districts	
	AG	RS	R1	R2	R3	R4	MP	MUC	CO	C1	C2	C3	M1	M2
Day Care, Family Home (5-10)	S	S	S	S	S	S	S	P	S	P	P	P		
Day Care, Group Home (11+)	S	S	S	S	S	S	S	P	S	P	P	P		
Day Care – Center	S	S	S	S	S	S	S	P	P	P	P	P		
Grocery – Market (under 10K)								P		P	P	P		
Grocery – Small (10K – 40K)								P		S	P	P		
Grocery – Large (40K +)											S	P		
Lodging – Bed & Breakfast (1-5 rooms)	S	S	S	S	S	S		P	S	P	P			
Lodging – Short-term Rentals	P	P	P	P	P	P			P	P	P	P	P	
Lodging – Small Inn (6 -30 rooms)								S		S	P	P		
Lodging – Hotel / Motel (31+ rooms)											P	P	P	
Medical Care – Small (under 5K)								P	P	P	P	P	P	
Medical Care – General (5K – 40K)								S		S	P	P		
Medical Care – Large (40K-100K)											S	P		
Medical Care – Campus / Complex (100K+)											S	P		
Medical Care – Residential Care Facility								S	S	S	S	P		
Office – Small (under 10 K)						S	S	P	P	P	P	P	P	P
Office – General (10 – 50K)								S	P	S	P	P	P	P
Office – Large (50-100K)									S		P	P	P	
Office – Complex/Campus (100K+)											S	P	P	
Outdoor Sales - Limited								S		S		P	P	
Outdoor Sales – General												P	P	
Outdoor Sales - Large												S	P	P
Recreation and Entertainment – Indoor, Limited								P	P	P	P	P	P	
Recreation and Entertainment – Indoor, General											P	P	P	
Recreation and Entertainment – Indoor, Large											S	P	P	
Recreation and Entertainment – Outdoor, Limited								S		S	S	P	P	
Recreation and Entertainment – Outdoor General,												P	P	
Recreation and Entertainment – Outdoor, Large												S	S	
Recreation and Entertainment – Campground	S											S	S	
Restaurant – Small (under 5K)								P		P	P	P	P	
Restaurant – Quick Serve (under 5K)								S		S	S	P	P	
Restaurant – General (5K+)								S			P	P	P	
Restaurant – Bar								S		S	P	P	P	
Service – Small (under 5K)						S	S	P	P	P	P	P	P	P
Service – General (5K – 20K)								P		S	P	P	P	
Service – Large (20K +)											S	P		
Vehicle – Gas Station, Small (up to 8 pumps)								S		S	P	P	P	P
Vehicle - Gas Station, General (up to 16 pumps)											S	P	P	P
Vehicle – Gas Station, Large (up to 24 pumps)												P	P	P
Vehicle – Gas Station, Truck Stop (24+ pumps)												P	P	P
Vehicle – Service & Repair, Limited								S		S	P	P	P	P
Vehicle – Service & Repair, General											S	P	P	P
Vehicle – Service & Repair, Major													P	P
Wireless Communication Facility (See Appendix D)	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Industrial Uses														
Manufacturing – Artisan / Limited	P					S	S	P	P	P	P	P	P	P
Manufacturing - Light											S	S	P	P
Manufacturing - General													P	P
Manufacturing - Heavy														S

Table 4-03: Zoning District & Use Table

P Permitted subject to general district, building and site design standards. S Special use, subject to discretionary review process in Section 2.05. blank Use not allowed	Residential Districts							Mixed-Use and Commercial Districts					Industrial Districts	
	AG	RS	R1	R2	R3	R4	MP	MUC	CO	C1	C2	C3	M1	M2
Gas and Fuel Sales and Storage											P	P	P	P
Mineral Extraction													S	S
Oil and Gas Drilling / Refining														S
Storage and Warehousing – Personal, Indoor											S	P	P	P
Storage and Warehousing – Personal, Outdoor												S	P	P
Storage and Warehousing – Commercial, Indoor												P	P	P
Storage and Warehousing – Outdoor													S	P
Waste Processing – Limited	S												S	P
Waste Processing - General													S	S
Waste Processing / Storage - Heavy														S
Agriculture Uses														
Agriculture Processing	P													
Agriculture - General	P													
Agriculture - Limited	P													
Roadside Stand	P							S	S	S	S	S	S	

4.03 Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses include other accessory uses that are clearly incidental and subordinate to an allowed use and customarily associated with the allowed use. This section provides basic performance standards for all accessory uses, and some specific standards for particular accessory uses.

A. **Accessory Uses, Generally.** All principal uses shall include accessory uses subject to the following general standards:

1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
2. The use is on the same lot as the principle use, or otherwise clearly associated with an active principle use.
3. The use is compatible with the general character of the area and comparable in scale and intensity to uses of other property in the vicinity.
4. No use or structure may be constructed, maintained or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging or disturbing to the adjacent property.
5. Any structures or site design elements to support the use can be screened or located to have no impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
6. There is no unusual traffic patterns or increase in operational activity that impacts the use and design of streets and public spaces differently that other allowed uses.
7. All uses and structures are conducted in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.

B. **Specific Accessory Use and Structure Limits.** Common accessory uses and structures shall be limited as follows:

1. Any accessory structure over 10 feet high shall be set back from the property line a distance of at least 1/3 the height.
2. Satellite receiving dishes larger than 1 meter diameter in residential districts, and 2 meters or more in commercial and industrial districts, shall be located in the rear yard or otherwise not visible from public streetscapes and adjacent property.
3. Radio receiving antenna or similar communication devices shall not exceed 60 feet in residential districts, shall be behind the front building line, and shall be setback at least 20 feet from any property line.

C. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:

1. One accessory dwelling may be permitted per lot, only when associated with a detached house.
2. Accessory dwelling units may be located in a detached accessory building subject to the accessory building standards in Article 5, or located within the principle building (such as an attic or basement apartment).
3. One additional parking space shall be provided on site and shown on a plot plan, except the Director may waive this requirement if the context and circumstances of each dwelling unit prove the space unnecessary. The parking space shall improved, dust-free and weed-free surface – generally paving or pavers, but alternative surfaces that are equal or better may be considered by exception.
4. In the R-S or R-1 districts, the property owner shall occupy either the principal or accessory dwelling as their permanent residence.
5. The accessory dwelling shall be designed to maintain the architectural design, style, appearance and character of the principal building, and whether within the principle building or in a detached structure, shall ensure that the accessory dwelling is clearly subordinate to the principle dwelling through the location of parking, access, building entrances and other design features that accommodate the dwelling.

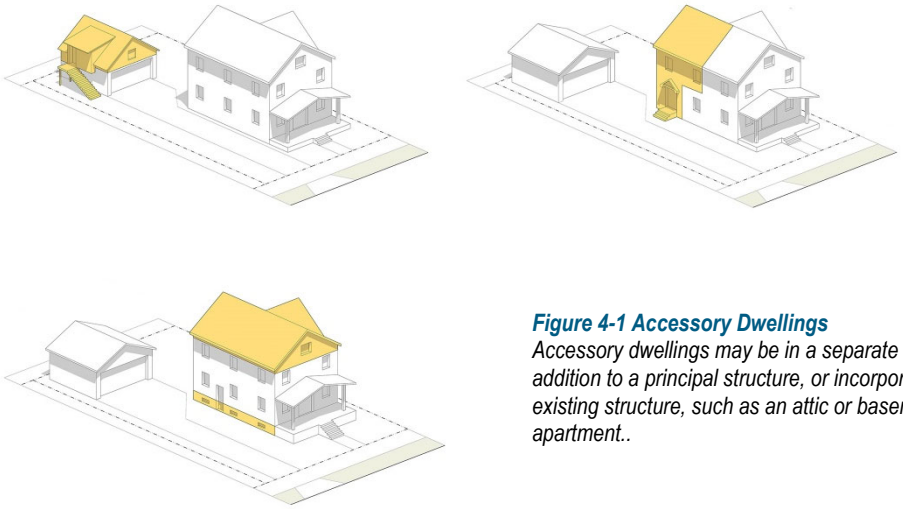


Figure 4-1 Accessory Dwellings
Accessory dwellings may be in a separate structured, an addition to a principal structure, or incorporated int an existing structure, such as an attic or basement apartment..

D. **Home Occupation.** Home occupations shall meet all of the following standards:

1. The occupation shall be limited to residents of the dwelling, and no more than 1 non-resident employee.
2. No more than 25% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.
3. Any materials or equipment used in the home occupation shall be store within an enclosed structure.
4. No alteration of the exterior of the principal residential structure shall be made which changes the residential character of the dwelling.

5. Signs shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10' of the primary entrance.
6. No traffic shall be generated by the home occupation that is abnormal to a residential neighborhood
7. All activity shall be conducted with an enclosed living area or the garage.
8. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, radiation, electrical interference or vibration.
9. No more than one vehicle related to the business use may be stored on site, and shall be on an improved, dust-free and weed-free surface – generally paving or pavers, but alternative surfaces that are equal or better may be considered by exception.
10. Any use that requires frequent and daily visits from clients, customers, or off-site employees typically more than 4 at a time or more than 8 per day, or home occupations which otherwise do not clearly meet the allowances of this code, shall only be allowed through a Special Use Permit according to the procedures and criteria in Section 2.05.

E. **Outdoor Storage, Residential.** Accessory outdoor storage may be permitted in the residential zoning districts subject to the following standards:

1. *Recreational Vehicles.* Outdoor storage or parking of recreational vehicles, water craft or trailers, or trucks with 12,000 pound gross vehicle weight or less may be allowed subject to the following limitations:
   a. No more than one per lot.
   b. Shall be located in the rear yard or in the side yard behind the front building line; except that on corner lots they shall be located behind the side building line facing the street.
   c. Shall be parked on a single pad of pavement constructed of asphalt, Portland cement, or other stabilized surface that prevents weed or other infestation underneath the object.
   d. No occupancy of the item shall occur for more than 14 days per calendar year.
   e. Except for temporary the right-of-way of front driveway shall not be used to store items and
   f. Temporary parking beyond these limits may be permitted for up to 72 hours.

2. *Portable Storage Containers.* Portable storage containers and temporary dumpsters may be permitted in conjunction with an active building or construction permit, subject to any terms and conditions of that permit. Where no building or construction permit is required, portable storage containers and temporary dumpsters may be permitted subject to the following limitations.
   a. No more than 1 per lot, limited to a maximum of 200 square feet or 1,000 cubic feet.
   b. Containers shall be placed on a paved surface and not over any easement or right-of-way, or otherwise create any sight obstruction.
   c. Placement is limited to a period reasonably necessary to complete the associated project or task, not to exceed 14 days.

3. *Other Storage.* All other accessory outdoor storage, other than ordinary and incidental residential accessories, shall either be completely screened from adjacent property and public streets, or limited to no more than 72 hours in any 30-day period.

F. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:
1. In the CO, C-1, C-2, C-3, and M-1 districts, the storage area shall be located behind the front building line of the principal building.

2. The storage area shall be fully screened from residential property or public spaces according to the standards and design requirement of Section 6.03, Buffers & Screening, and no materials shall be stacked higher than the screening.
3. The storage area shall not be located closer than 15 feet to any street or right-of- way.
4. Storage areas shall be limited to:
   a. No more than 200 square feet in the CO, C-1 or C-2 districts;
   b. No more than 30% of the building footprint in the C-3 district.
   c. No more than 100% of the building footprint in the M-1 district.
   d. There is no limit in the M-2 district as Storage and Warehousing – Outdoors is allowed as the principle use of property.
5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free surface may be used in the M-2 district or in other districts limited to low traffic and non-visible areas and subject to the approval of the Director.

G. **Outdoor Display and Service Areas.** Accessory outdoor display and service areas accessory to an allowed retail or service use are subject to the following conditions:
1. Outdoor display and areas shall be located on the same lot as the principal use.
2. The area shall be limited to no more than 20% of the ground floor area of the principal use.
3. Display and service areas shall not be arranged where they will interfere with pedestrian or building access or clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall be maintained for any display or service areas located on a sidewalk.
4. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
5. The area shall be screened from view along any property line abutting a residential use or district according to Section 6.03, Buffers & Screening.
6. A site plan shall be provided for any outside display or service area more than 200 square feet, lasting more than seven consecutive days, or more than 3 separate occurrences per year. A site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening or temporary or permanent structures.
7. In reviewing the site plan, additional conditions or performance standards to mitigate excess noise, visual or operational impacts may be added to address specific sites or contexts.

H. **Accessory Drive-Through.** Drive-through or drive-up service, accessory to an allowed retail or service use, is permitted subject to the following standards, provided it is not otherwise prohibited by a specific plan or standard for a particular area.

1. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for the site. In general the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets this criteria.
2. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. No access shall be provided on any street designed to Activity Street standards in Section 3.02. Use of alleys, internal access and the back sides of buildings for drive-through services is required to preserve the urban design context of these areas.
3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property or other sensitive land use and urban design characteristics of the context. Signs or other noise or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property. Additional screening or buffers may be required beyond the standards of Section 6.03, Buffers & Screening in order to ensure compatibility.

4. No service area or pick up window shall be located within 100 feet of any residentially zoned property unless enhanced site design or operational limits demonstrate visual and noise impacts are eliminated.
5. Adequate stacking spaces for automobiles shall be provided to eliminate any impact on public streets. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building both from public streets and from internal streets or parking areas..

I. **Recycle Drop Boxes.** Recycle drop boxes or other similar collection vessels are permitted as an accessory use in the CO, C-1, C-2 and C-3 districts subject to the following standards.
1. No more than 1 per property, except sites over 1 acre may have up to 3.
2. The drop box shall be located in a remote portion of the site where it presents the least impact on adjacent property, pedestrian and vehicle circulation, and views from the public streetscape. In no case shall any drop box be located within 30 feet of residentially zoned property.
3. The drop box shall be constructed and maintained with a durable waterproof and rust proof material, and include covers that shield the contents from the elements.
4. All collected items shall be fully contained within the drop box.
5. A sign advertising the drop box shall not exceed 4 square feet and shall be located on the drop box.

J. **Solar Panels.** Solar panels are permitted as an accessory use in all zoning districts subject to the following standards:
1. No solar panel may cause a reflection onto other property.
2. Panels mounted to the roof or wall may be installed at any angle, provided they are not visible from the public right-of-way or other public places immediately adjacent to the lot. If they are visible from such locations, they must be installed with an equivalent pitch angle as the roof itself.
3. Free standing panels may only be authorized by conditional use permit if roof or wall mounted panels are shown to be infeasible.
4. Solar panels may be mounted on light poles as a source of power for the light fixtures if they are designed as part of the fixtures.

K. **Wind Energy Conversion Systems.** Wind energy conversion systems are permitted as an accessory use in all zoning districts, subject to the following standards:
1. In residential and commercial districts, facilities must be mounted on an existing structure; freestanding systems are not permitted.
2. In industrial districts, facilities may be mounted on existing structures or may be free standing, provided such freestanding systems must be of monopole construction.
3. The system may not be taller than 100 feet, or the maximum height permitted for other structures in the zoning district, whichever is less.
5. The systems shall be sited in a manner that prevents shadowing or flicker impacts beyond the property line.
6. Noise at the property line shall not exceed 45 decibels.
7. No lighting is permitted unless to comply with other regulations.
8. The systems shall be painted a neutral non-reflective color.
9. Any systems not used or inoperable for 12 months will be considered abandoned, and shall be removed within 90 days.

4.04 Specific Use Standards

In addition to the general use and development standards applicable to all districts, the following standards are specific to particular uses. These standards shall be met whether the use is a generally

permitted use, accessory use or a special use according to Table 4-03. The uses in this section may include more specific types or formats of the uses generally enabled in Table 4-03

A. **Adult Entertainment Establishments** (Facilities and Book Stores) shall comply with the following conditions:

1. *Separation From Other Uses.* The applicant's premises shall be located no closer than 500 feet of any school, church, or hospital, as defined in Chapter 10 Alcoholic Beverages, Section 10-2 Definitions, or any youth facility or nursing home as defined in this Chapter, or any licensed child care center, public park, establishment licensed to sell liquor by the drink or non intoxicating beer on the premises, or property zoned or used for residential purposes, which are located within the city limits. Measurement shall be made from the main public entrance of such establishments by the most direct walking route to the nearest lot line of the lot in question.
2. *Code Compliance*. The applicant's proposed business premises shall comply with or meet the requirements of the applicable health, zoning, building code, fire and nuisances ordinances of the city; provided that, upon a showing that the premises meet such requirements and that the applicant is otherwise qualified, the applicant shall be eligible for reconsideration.
3. *Separation From Other Adult Entertainment Establishments*. No adult entertainment establishment shall be allowed to locate or expand within 1,000 feet of any other adult entertainment use.
4. *Access*. All access to and from the adult entertainment establishment shall be provided from a thoroughfare street.
5. Frontage. The lot on which such use is located shall have at least 100 feet of street frontage on its narrowest side.
6. *Screening.* The lot on which the use is located shall be screened by solid masonry wall, at least six feet in height along all interior lot lines.
7. *Building and Parking Area Setbacks*. The building in which the establishment is located and the off-street parking serving the establishment shall be set back at least 20 feet from the front lot line and at least 10 feet from all side and rear lot lines.
8. *Windows and Doors*. The building in which the adult entertainment establishment is located shall be designed in such a fashion that all openings, entries and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No adult entertainment activity shall take place outside the building containing the adult entertainment establishment.
9. *Signs*. Signs shall be permitted in accordance with Chapter 6 of the Joplin City Code except that no portable signs shall be allowed, and further that the signs shall inform only of the establishment's name and address and shall not depict specific sexual activities or anatomical areas as defined in this Chapter, and provided further that flashing lights and traveling lights are not permitted outside the building. There shall be permitted one on-premise sign and one building sign, the combined face area of which shall be no larger than one square foot of signage for each lineal foot of building façade that faces the street.
10, *Parking Area Lighting*. Lighting of parking areas that serve an adult entertainment establishment shall provide a minimum light level of 0.25 foot candles over the entire parking area, but in no point shall the light level exceed 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at the lot line.
11. *Site Plans*. Adult entertainment establishments shall be subject to site plan review.

12. *Hours of operation*. No adult entertainment business may be open or in use between the hours of 10:00 p.m. and 9:00a.m.on Monday through Saturday, and must be closed on Sundays."
13. An adult entertainment activity that is not in compliance with the defined term of "Adult Entertainment Establishment" and the conditions of these regulations shall be prohibited under any conditions.

B. **Cemeteries, Crematories and Mausoleums** The following standards shall apply to cemeteries, crematories and mausoleums.

1. *Entrances*. All cemeteries, crematories and mausoleums shall provide entrances on an arterial or collector street with ingress and egress so designed as to minimize traffic congestion.
2. *Landscape Buffer.* A landscape buffer shall be provided along all property lines abutting any R-1, R-2, R-3, R-4 or M-P zoned property, pursuant to Article 6.

C. **Composting Facility**. The following standards shall apply to all Compost Facilities.
1. *Landscape Buffer*. Compost Facilities shall have a landscape buffer around its perimeter, pursuant to the regulations. The decision-making body may require a greater buffer to protect adjacent property from adverse visual and other impacts associated with a specific compost facility.
2. *Traffic Circulation.* The operation shall provide entrances on arterial or collector streets only with ingress and egress designed to minimize traffic congestion. No more than one vehicle entrance shall be allowed for each 660 feet of lot frontage on a public street. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. The Planning and Community Development Manager may require a traffic report to be submitted with the Special Use Permit application.
3. *Storage Bins.* Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be completely screened from view from off-site.
4. *Setbacks*. Structures shall be set back at least 100 feet from all lot lines and at least 300 feet from the lot line of any property zoned R-1, R-2, R-3, R-4 or M-P.
5. *Hours of Operation*. Uses shall not operate before sunrise or after sunset. When located within 1,000 feet of an R-1, R-2, R-3, R-4 or M-P zoning district the use shall not operate after 7:00 p.m. or before 8:00 a.m.
6. *Paving.* All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and improved with all weather material.
7. *Storm Water Management.* A storm water management plan may be required at the discretion of the City Engineer.
8. *Litter Control.* The operation shall be attended on days of operation to maintain the property in a clean, litter-free condition.
9. *Hazardous Material*. Operations shall not involve the on-site holding, storage or disposal of hazardous substances, except for such substances used for the operation of the facility such as fuel and pesticides.
10. *Material*. No food scraps (except for vegetable scraps) or other vermin-attracting materials shall be processed, stored or disposed of on the site of the compost facility. Only yard/garden wastes are allowed as compost material.
11. *Other Regulations*. All operations shall be licensed if required, have proper permits from the Missouri Department of Natural Resources and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.

D. **Senior Living and Residential Care Facilities**. At least 70 square feet of usable open space shall be provided for each patient bed. This required open space may be designed to provide outdoor space for recreational activities or landscaped outdoor sitting areas.

E. **Day Care (Centers and Homes).** Child care facilities, including Family Day Care Homes, Group Day Care Homes, and Day Care Centers for unrelated children shall obtain a special use permit for the care of more than four (4) unrelated children or infants in zoning districts permitting residents, provided that the following conditions are met.

1. *Day Care Homes.* Day Care Home uses shall be conducted in a single-family or two-family dwelling unit that is occupied as a permanent residence by the day care provider. The use will be considered a Home Occupation and shall be subject to the Home Occupation provisions of this Article, and provided that:
   a. One off-street parking space is provided for each non-resident or non-family member employee, in addition to the two spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.
   b. If located on an arterial or collector street, an off-street drop-off/pick-up area must be provided.
   c. All applications shall be accompanied by a letter from an appointed testing facility showing the lead levels in all play areas to be 500 parts per million or less.
2. *Group Day Care Homes and Day Care Centers*.
   a. *State Licensing*. Commercial Day Care uses shall be licensed by the State of Missouri and shall meet all City, County and State Health Department requirements pertaining to facilities, equipment, and other features.
   b. *Residential Districts.* In the "AG", "R-1", "R-2, "R-3" and "R-4" residential districts, Day Care facilities shall be found to be compatible with neighboring residential uses.
   c. *Vehicle Drop-Off Area*. An off-street loading zone capable of holding one car per ten individuals cared for shall be provided, in addition to the required parking area, in order to provide for easy pickup and discharge of passengers.

F. **Funeral Homes.** Funeral, mortuary or crematory services shall be located on a collector or arterial street as shown on the Comprehensive Plan.

G. **Golf Courses.**

1. *Location of Restaurants*. Facilities such as restaurants and bars shall be allowed when an integral part of a principal club house building, provided there is no exterior display or advertising for the restaurant or bar.
2. *Location of Recreation Facilities*. Buildings, swimming pools, tennis courts, and similar recreational facilities shall be set back at least 25 feet the property line of any AG, R-1, R-2, R-3 or R-4 zoning district.

H. **Hospitals** Hospitals and charitable institutions shall provide entrances on arterial or collector streets only with ingress and egress designed to minimize traffic congestion.

I. **Kennel.** A kennel shall harbor no more than 20 animals and located no closer than 50 feet to another lot line on which a residential dwelling is located, including outside runs, and shall contain at least one fully enclosed shelter for each animal or animals and provide an exercise area. The minimum lot size shall not be less than two acres. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade, or chain link fence with aluminum strip intertwined or other equivalent fencing, providing a sight barrier to the dogs.

J. **Landfills and Mining and Quarrying** Landfills and Mining and Quarrying uses shall be subject to the following standards.

1. *Minimum Site Area.* A minimum site area of 35 acres shall be required
2. *Entrances.* There shall be no more than one entranceway from a public street for each 660 feet of street frontage. A traffic study shall be required.
3. *Hours of Operation*. Uses shall not operate before sunrise or after sunset if located within 1,000 feet of an R-1, R-2, R-3, or M-P zoned property.
4. *Separation from Residential.* No digging or excavating shall occur within 100 feet of any lot line or within 300 feet of the lot line of an R-1, R-2, R-3, or M-P zoned property.
5. *Paving*. All roads, driveways, parking lots and loading and unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
6. *Slopes*. The slope of material in any excavation shall not exceed the normal angle of repose of 55 degrees, whichever is less.
7. *Buffers and Fences*. When any open excavation will have a depth of ten feet or more and create a slope of more than 30 degrees, there shall be erected a fence of not less than six feet in height with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fences shall be located 50 feet or more from the edge of the excavation. Fences shall be adequate to prevent trespass and shall contain warning signs spaced no more than 100 feet apart to be visible along the entire length of said fences. A buffer shall be provided around the site, pursuant to Article 8.
8. *Storm Water Management.* A storm water management plan shall be required.
9. *Site Restoration.* The following restoration requirements shall apply to all excavation uses, provided that landfills shall, instead, be subject to state and federal requirements.
    a. *Restoration Plan*. Before approval of a special use permit for an excavation use, the operation shall submit to the Planning and Community Development Manager a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours with an interval of no more than five feet. The plan shall include type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
    b. The restoration plans shall be filed with and approved by the Planning and Zoning Commission before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.
    c. *Bonds*. Before the issuance of any special use permit, the owner shall execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall also be approved by the City Council as to form, sufficiency and manner of execution, and shall run for the same term as the term of the special use permit and any renewals.
    d. *Water Quality*. In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.
    e. *Appearance.* The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.
    f. *Top Soil and Fills*. Where topsoil is removed, sufficient arable soil shall be set aside for reclamation of the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting

vegetation. The area shall be seeded or sodded in a manner approved by the Planning and Zoning Commission. Fill shall be of a suitable material approved by the Planning and Zoning Commission.

10. *City, County, State and Federal Standards*. All operations shall be licensed if required, have proper permits from the Missouri Department of Natural Resources and shall meet all City, County and Federal Health Department requirements pertaining to facilities, equipment and other features.

K. **Lodging - Bed and Breakfast.** The following requirements shall apply to all bed and breakfast facilities:

1. The structure in which the bed and breakfast facility is located shall contain no less than 2,000 square feet of habitable floor area, and otherwise remain compatible with all residential structures in the immediate area.
2. The establishment is located in a dwelling unit permanently occupied by the owner or manager, and rooms are rented to the public for not more than 14 consecutive nights.
3. Two off-street parking spaces with one additional off-street parking space per lodging room shall be provided, and spaces shall be adequately screened from neighboring property.
4. A time period may be established by the City for each bed and breakfast establishment.
5. No more than five bedroom units may be provided to guests. The City may, however, further limit the number of lodging rooms allowed in order to maintain the character of the neighborhood in which the bed and breakfast facility is located.
6. The structure shall comply with all building, fire, and health codes of the State of Missouri and the City of Joplin before occupancy by guests.

L. **Lodging – Short Term Rentals**. The following requirements shall apply to short term rental facilities:

1. *Occupancy.* Occupancy shall be limited as follows:

Table 4-04: Short Term Rental Limits

Structure Size	*Occupancy*
> 4 Bedrooms	No more than 2 persons per bedroom
4+ Bedrooms	No more than 1.5 persons per bedroom.

2. *Location Limits.*
   a. Short-term rental uses shall be located no closer than 200 feet to any other short-term rental in the A-G, R-1, R-S, R-2, R-4 and R-4 districts;
   b. No more than 2 short-term rentals on a single property in the C-O, C-1, C-2, C-3, and M-1 Districts.
3. *Events.* No short-term rental shall be rented or used for the sole purpose of receptions, parties, weddings, or other similar event
4. *Parking.* Adequate off-street parking shall be provided at a rate of 1 space per bedroom.
5. *Licenses and Posting.* All short-term rentals shall be required to attain an annual business license and shall post the following information at a visible location on the property:
   a. Name and contact information of person responsible for the day-to-day operations of the rental.
   b Copy of the Certificate of Occupancy.
   c. Copy of the business license
   d. Refuse and recycling collection schedule.
   e. Joplin noise ordinance.
   f. A statement that no short-term rental shall be rented or used for the sole purpose of receptions, parties, weddings, or other similar events.

6. *Administration.* Applications for short-term rental uses shall be filed on forms established by the city and at a minimum include the following:
   a. Legal description of the property.
   b. General description of the building or structure, including approximate size, square footage, number of bedrooms and parking spaces;
   c. Location of building and parking on the lot;
   d. Fee established by the City;
   e. Any other information necessary by the Director.
7. *Notice.* The Director shall provide written notice of an application to all owners within 185 feet of the property, according to the notice provisions Article 2. If a protest is received by the Director signed by the owners of more than 30% of the area within 185 feet of the property, the Director shall deny the permit. The protest shall be received by the office of the City Clerk within 12 days after the postmark of the notice.
8. *Interim Provisions.* Applicants with a valid and current Special Use Permit for short-term rentals shall be exempt from any application fee for any application for a short-term rental within the first year following passage of this ordinance. Applicants filing an application within the first 30 days of passage of this ordinance are not subject to the occupancy limitations in this sub-section.
9. *Revocation.* The Director may revoke a permit for any violation of this Section, or any other violation as provided in Section 1.04 of these regulations.

M. **Recreation and Entertainment, Outdoor.**
1. Outdoor recreation and entertainment uses shall be located on arterials or collectors. Public activity areas shall be located at least 200 feet from any adjacent R-1, R-2, R-3, R-4 or M-P zoning district.

N. **Recreational Vehicle Campground / Parks**. Recreational Vehicle Campground / Parks shall be permitted in association with the Outdoor Recreation and Entertainment – Campground use, subject to the following conditions:
1. The site selected for shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road that it has frontage on. Short-term occupancy shall not exceed 30 days, except as approved by the Planning and Community Development Manager.
2. Minimum tract size shall be two acres and shall be in one ownership.
3. The maximum number of recreational vehicle spaces allowed within the permitted park shall not be more than 20 per acre. Consideration shall be given to whether the recreational vehicle park and the density level are designed accordingly. The densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type recreational vehicle park located at or near a scenic historical or outdoor recreational area provides for longer and extended stays of several days or weeks.
4. Minimum width of a recreational vehicle space shall be 25 feet. The space shall be so designed to provide space for parking both a travel trailer and towing vehicle off the roadway. No travel trailer unit shall be closer than 10 feet to any other adjacent unit, structure or roadway, and all spaces shall have direct access to the roadway. No unit shall be placed closer than 30 feet to any of the development property lines, and the 10 feet nearest the property line shall be permanently maintained as a sodded and/or landscaped area.
5. A central office or convenience establishment with an attendant shall be provided within the park to register guests and provide service and supervision to the camp for camps in excess of 5 acres.

6. The applicant for a shall submit a development plan to the Planning and Zoning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to fully evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24" x 36" dimensions as a proposed development plan showing:
   a. General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.
   b. Parking area location, sizes and capacity.
   c. Ingress and egress points for the project.
   d. Use of structures.
   e. General layout of typical recreational vehicle space showing size of space and proposed improvements.
   f. Layout of roadway within the camp.
   g. Net density of proposed project, expressed in terms of units per acre.
   h. General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system.
   i. Plan and method of sewage disposal and water supply.
   j. Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas.
   k. The development shall provide a general refuse storage area or areas that shall be provided with a paved concrete surface and shall be enclosed to screen it from view.
7. The park shall be planned and constructed in accordance with the minimum standards as established in this section and as outlined below:
   a. All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material.
   b. All camps shall be provided with general outdoor lighting with a minimum of 0.3-foot candles of general illumination.
   c. All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained.

O. **Regional Assembly (1001+ - "Auditorium" or "Stadium")**.
1. Any parking area used for the overnight parking of buses and vehicles shall be located at least 100 feet from the lot line of a lot zoned R-1, R-2, R-3, R-4 or M-P. Any such parking area shall be screened from view of adjacent R-1 or R-2 districts by a landscape buffer as approved by the Planning and Zoning Commission.

P. **Manufacturing – Heavy**. The following standards shall apply to salvage yards, scrap and waste material storage yards, auto wrecking and junk yards and other similar heavy industrial / manufacturing uses.
1. *Separation from Residential.* No salvage yard shall be located within 300 feet of an R-1, R-2, R-3, R-4 or M-P zoning district.
2. *Screening.* The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least six feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. Scrap, junk or other salvaged materials shall be piled or stored so that they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall.
3. Loading/Unloading. No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

Q. **Solid Waste Collection/Processing Facilities**. The following standards shall apply to Solid Waste Collection/Processing Facilities.

1. *Screening*. The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least eight feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be maintained by the proprietor to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.
2. *Traffic Circulation*. The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. A traffic analysis shall be required.
    a. *Storage Bins*. Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be screened as part of the operation.
    b. *Loading/Unloading*. No solid waste or junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside an enclosed building, fence or screened area or within the public right-of-way, except the use of storage bins placed on the outside an enclosed building for recycling. The operation shall be attended on days of operation to maintain the property in a clean, litter free condition.
    c. *Separation for Residential*. No structures shall be located within 300 feet an R-1, R-2, R-3, R-4 or M-P zoned property.
    d. *Hours of Operation.* Uses shall not operate before sunrise or after sunset if located within 1,000 feet of an R-1, R-2, R-3, R-4 or M-P zoned property.
    e. *Paving*. All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface.
    f. *Storm Water Management.* A storm water management plan may be required at the discretion of the City Engineer.
    g. *Other Regulations.* All operations shall be licensed if required, have proper permits from the Missouri Department of Natural Resources and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.
    h. *Time Limit and Renewal of Special Use Permit.* The Special Use Permit shall be effective for one year, at which time it may be renewed in accordance with procedures applicable to the original approval. If December 5, 2004 - 179 - renewed, a new time limit on the Special Use Permit shall be established at the public hearing. The Special Use Permit shall be revoked by the Planning and Community Development Manager if it is determined that the use is failing to comply with the conditions imposed on the operation.

R. **Transitional Living Facility.** Transitional living centers shall be subject to the following standards.

1. *Size.* No more than ten persons, including staff, shall reside in the Limited facility and no more than 30 persons shall reside in the in the General facility at one time.
2. *Separation*. No transitional living center shall be located within 1,500 feet of any other group home, transitional living facility or substance abuse treatment facility, nor shall a transitional living center be located within 300 feet of any religious assembly, school R-1, R-2, R-3, R-4, M-P zoned property.

3. *Design.* In all residential districts, the facility shall be designed to retain a neighborhood residential character according the established character of the neighborhood and the applicability of the Neighborhood Design Guidelines in Appendix C. No alterations due to services or security, that create an institutional nature of the building or site shall be permitted.

S. **Stables.**

1. A minimum of two acres is required for each horse stalled at a facility. The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.

T. **Storage – Personal.** Mini-storage warehouses and similar storage uses shall conform to the following requirements:

1. One parking space shall be provided for each ten cubicles within the development which may be provided within the driving lanes; one space for every thirty 30 cubicles shall be provided at the manager's office and all lanes and parking areas shall be designed according to Article 7.
2. A Type III Buffer, as required in Article 7, shall be provided along all borders where subject property abuts any residential zoning.
3. All two-way drives shall be at least 34 feet wide including a ten-foot parking lane and all one-way drives shall be at least 22 feet wide including one ten-foot parking lane and all lanes not serving cubicles may eliminate the parking lane.
4. A plan showing all developments including outside storage yards and dimensions shall be submitted with the request.
5. The commercial or noncommercial storage of flammables, explosives, fertilizers or gases (toxic or nontoxic) will not be permitted.
6. No person shall inhabit or cause to be inhabited any storage unit neither temporary nor permanently.
87. No activity shall be allowed in any storage unit that shall cause noise or the production of any substance that is perceptible outside a building.

U. **Group Home (Limited or General).** Group Homes shall be subject to the following standards only when located in an AG, R-1, R-2, R-3 and R-4 district.

1. *Spacing.* A Group Home to be located within a residential zoning district shall not be located within 1,320 feet of another Group Home, measured as the shortest distance between any portion of the structure in which persons reside.
2. *Exterior Appearance.* There shall be no alteration of the exterior of the dwelling or site that shall change the appearance, function or character as a single-family residence for Group Home – Limited, or Multi-family Structure for Group Home – General.
3. *Neighborhood Character.* A Group Home constructed in an AG, R-1, or R-2 district shall be constructed to be compatible with the architectural character of the neighborhood in which it is located, and in particular the applicable Neighborhood Design Guidelines in Appendix C.

V. **Wireless Telecommunication Facilities.** All wireless telecommunications facilities shall meet the standards and procedures in Appendix D, Wireless Communication Facilities Siting.

4.05 Temporary Uses

The following uses shall be allowed on a lot for which the vendor has a property interest as proved by a lease or title, or as otherwise approved by the City.

A. **Christmas Tree Sales**. Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.

B. **Contractor's Office**. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.

C. **Real Estate Office**. Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.

D. **Sales of Farm Produce**. Seasonal sale of farm produce grown on the premises, in an "AG" Agriculture and in a C-1", C-2", “C-3”, “M-1", or “M-2" District. Structures incidental to such sale shall comply with the applicable front yard requirements of the zoning district in which they are located.

E. **Fireworks Stands and Tents**. The erection of temporary stands for the sale of fireworks is permitted in a C-1", C-3", M-1", or M-2" district by virtue of a permit issued by the Planning and Community Development Manager upon application and a finding of compliance with the requirements in Chapter 58 of the Joplin City Code.

F. **Carnivals and Circuses**. A carnival or circus, but only in a "C-2", C-3", "M-1", or "M-2" District, and then only for a period that does not exceed two weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.

G. **Housing.** During construction of the principal residential structure, a basement, garage, camper or manufactured home may be utilized for temporary housing of full-time, regular workers for a period not to exceed six months provided all health and sanitation codes of the City are complied with. The Planning and Community Development Manager may extend the period six additional months upon showing of good cause by the owner. Upon conclusion of the permitted time period or completion of the principal structure, whichever occurs first, the owner shall remove the temporary housing or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located.

H. **Garage or Porch Sales**. The sale of used or second-hand merchandise shall be permitted in any residential district providing that such use shall not exceed three consecutive days in duration, nor occur more than twice during a 12 month period at one residence excluding city-wide sales.

I. **Temporary Sales, General**. No temporary sales establishment shall be allowed to operate for more than two consecutive days or more than four separate occasions during a calendar year.

4.06 Zoning District Performance Standards

All principle and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 4-05 Any use authorized by a special use permit may have performance standards that differ from below, provided the permit specifically states so and accounts for different mitigation strategies based on the specific use, site design or context of the application.

Table 4-05: Non-residential Performance Standards

	MUC	CO	C-1	C-2	C-3	M-1	M-2
Noise levels during business hours (7AM-10PM)	70db	65db	65db	70db	70db	75db	80db
Noise levels during quiet hours (10PM – 7AM)	45db	45db	55db	55db	55db	75db	80db
Noise levels within 50' of any residentially zoned property (8PM – 8AM)	45db	45db	45db	45db	45db	45db	45db
No smoke, dust, particulate matter, radiation, vibration or concussion, heat or glare shall be produced that is:	☑	☑	☑	☑	☑		
• Perceptible outside a building.	☑	☑	☑	☑	☑	☑	
• Perceptible at the property line without instruments	☑	☑	☑	☑	☑	☑	☑
• Produced that is number 1 or darker on the Ringelmann chart or is obviously injurious or damaging to humans or property beyond the property line.							
Lighting *[See Section 6.05 for Site Design and Performance Standards]*							

ARTICLE 5. BUILDING & DEVELOPMENT STANDARDS

5.01 Residential Development Standards
5.02 Non-Residential Development Standards
5.03 [Reserved]

5.01 Residential Development Standards

A. **Residential Building Types & Intent.** Residential building type standards are intended to enable a compatible range of buildings within a neighborhood, based on the context, scale, and form of buildings. The following residential building types are established to allow a compatible range and create effective transitions within and between zoning districts.

Table 5-01: Building Types & Intent

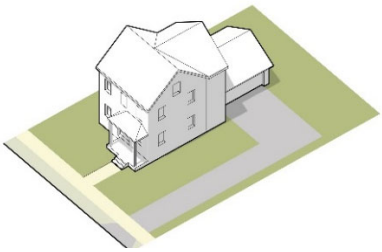
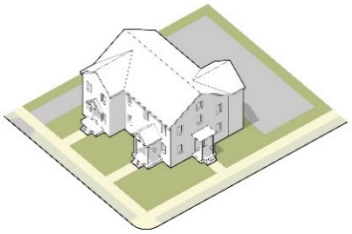
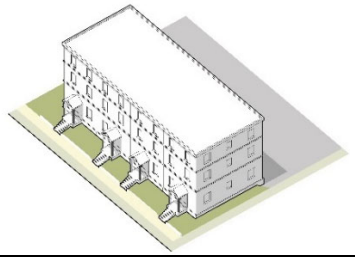
Detached House A residential building designed for one primary dwelling unit in an urban neighborhood or suburban setting. Variants of this type are based primarily on lot size and context. • Detached House – Rural • Detached House - Suburban • Detached House – Neighborhood • Detached House – Compact/Urban	
Duplex/ Multi-unit House A residential building designed to accommodate two primary dwelling units in an urban neighborhood or suburban setting. Variants of this type are primarily based context, and how the frontage is designed to be compatible with the neighborhood character. Duplex – Suburban, typically has the scale and massing of two attached houses, while the Duplex / Multi-unit House has the scale and massing of a detached house that happens to be divided into multiple units – typically 2 to 4. • Duplex – Suburban • Duplex / Multi-unit house	
Row House A residential building type designed to accommodate 3 to 12 dwelling units in an urban neighborhood or mixed-use setting. Each unit is separated by a common side wall with a side-by-side configuration, and each has its own private entrance.	

Table 5-01: Building Types & Intent

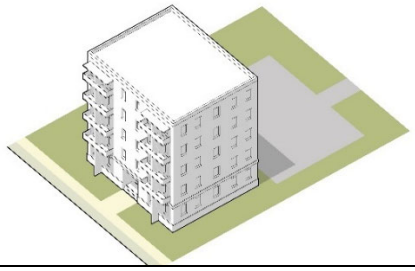
Small Apartment

A small scale, multi-unit residential building designed on a small or moderate-sized lot in an urban neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage, and arranged to integrate into the block structure of a neighborhood.



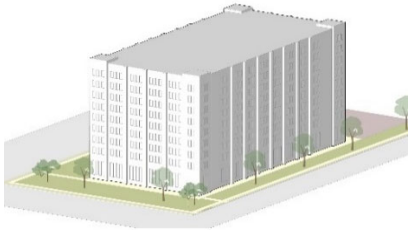
Medium Apartment

A moderate scale, multi-unit residential building on a moderate-sized lot in high-density areas, corridors or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage, and arranged to integrate into the block structure of a neighborhood.



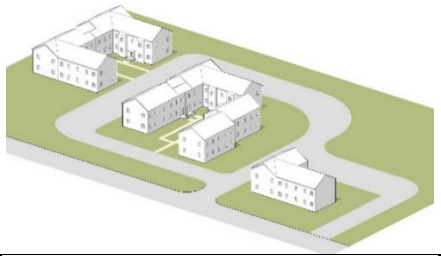
Large Apartment

A large-scale, multi-unit residential building on a moderate- to large-sized lot in high-density areas, corridors or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage, and appropriate in particular contexts where greater density or intensity supports broader planning goals.



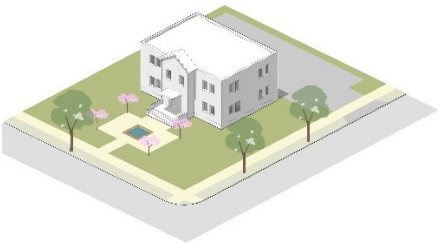
Garden Apartment

A grouping of small-scale apartment buildings in a common development, typically in a suburban context and arranged around an internal system of streets, internal access, walkways and common open space.



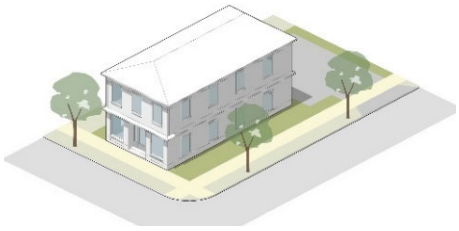
Civic

A building designed for a civic, institutional or public use, with the building and site design that emphasizes the public realm through enhanced design and relationships to streetscape and open space. Variations include small civic buildings for integration into neighborhoods and mixed-use areas, and prominent civic buildings often in a campus setting.



Live / Work

A building designed for a primary dwelling unit but has a secondary component – typically at the building frontage – designed for a commercial and occupational function by the resident. This building type is for transitions between neighborhoods and commercial centers or busier corridors, or for mixed-use areas.



B. **Residential Building Type Development Standards.** The development standards and eligible district for each residential building type are specified in Table 5-02. The standards in Table 5-02 also apply to any residential use permitted in non-residential districts.

Table 5-02: Residential District Building Type & Development Standards

Zoning Districts						Building Types	Development Standards							
							Lot Standards			Minimum Setbacks				Building Height
AG	R-S	R-1	R-2	R-3	R-4		Size	Width	Building Coverage	Front [1]	Interior Side	Corner Side	Rear	
■						Detached House - Rural	5 ac. +	100' +	10%	50'	15%; 15' – 25'	15%; 15' – 25'	50'	35' / 2.5 stories
	■	■	■	■		Detached House - Suburban	12K s.f.+	85' +	30%	25'	7'	10' local 15' collector 20' arterial	25'	35' / 2.5 stories
		■	■	□	■	Detached House - Standard	7.8K s.f. +	65' +	40%	20'	6'	6' local 10' collector 15' arterial	25'	35' / 2.5 stories
			■	□	■	Detached House - Neighborhood	6K sf +	50' +	50%	20'	6'	10'	25'	35' / 2.5 stories
				□	■	Detached House - Compact	3.5K + s.f.	35' +	60%	20'	6'	8'	20'	35' / 2.5 stories
			■	■		Duplex - Suburban	7.8K – 12K s.f.+; 2 units max	65' +	40%	25'	6'	6' local 10' collector 15' arterial	25'	35' / 2.5 stories
				□	■	Duplex / Multi-unit House	6K – 12K s.f. 3K s.f. per unit 2 – 4 units	50' +	45%	25'	6'	10'	25'	35' / 2.5 stories
				□	■	Row House	1.5K – 4Ks.f. per unit 3-8 units	18'–36' per unit	75%	10' – 25'	6'	10'	20'	40' / 3. stories
				□	■	Small Apartment	6K – 14K s.f. 3 – 12 units	50' – 100'	85%	10' – 25'	6' / 10'*	10'	20'	40' / 3 stories
				□	■	Medium Apartment	10K – 20K s.f. 13 – 40 units	80' – 200'	75%	10' – 25'	6' / 10*	10'	20'	70' / 6 stories
				□	□	Large Apartment	20K s.f. + / 800 s.f. per unit	200' +	65%	30'	15' ; 3' + for every story over 4			110' / 10 stories
				■		Garden Apartment	20K s.f. + 2.5K s.f. per unit	150' +	40%	30'	15'	15'	30'	45' / 3.5stories
				□	□	Live / Work	3.5K – 6K s.f.	35'+	60%	25'	6'	8'	20'	35' / 2.5 stories
■	■	■	■	■	■	Small Civic	30K s.f. – 5 ac.	100'+	40%	25'	15'	25'	30'	45' / 3.5stories

■ Building types are generally permitted in the district.

□ Building types are of limited applicability in the district, and may be approved through a planned zoning applications that create a context appropriate for the building type, or through site plan review according to Section 2.06 in infill situations with an existing context appropriate for the specific building type.

[1] Front setback requirements may be modified for a particular street or block, based on the Frontage Type Design Standards in the Walkable Neighborhood Design Guidelines in Appendix C.

C. **Accessory Buildings - Residential.** Accessory buildings residential districts shall be permitted in association with and on the same lot as a principal building or use and are subject to the following additional limitations.

1. *Accessory Building Standards.* Accessory buildings shall be permitted based on the lot size and type of structure, subject to the standards in Table 5-2: Residential Accessory Structures:

Table 5-2: Residential Accessory Structures

Type	Quantity	Size	Height	Setbacks
Minor Structure (small shed, and similar structures)	▪ 1 / lot; ▪ + 1 / each 10k s.f; ▪ Maximum of 3	▪ 200 s.f. max	▪ 12' max	▪ 3' side or rear; and ▪ Behind the rear building line of the principal structure
Secondary Building (detached accessory building)	▪ 1 / lot ▪ 2 / lot, over 40K s.f. ▪ 1 / principal building (Apartments)	▪ 1,200 s.f. max., but never more than 50% of principal building footprint.	▪ 20' max, but never higher than principal structure.	▪ 5' from side and rear; ▪ 20' from street side; and ▪ At least 12' behind the front building line of the principal structure
	Any building over 12' high or more than 200 square feet shall meet the design standards.in Section 5.01.C.3.			
Out-building (large storage building, barns, etc.)	▪ 1 / lot over 40K s.f.. ▪ + 1 / each 3 ac. ▪ Maximum of 5	▪ 2,000 s.f. max ▪ No size or height limit in AG district, provided structure is accessory to agriculture use.	▪ 25' max	▪ 10' from side and rear; ▪ 35' from any street side; and ▪ Behind the rear building line of the principal structure
	Applies to detached houses and civic / institutional uses only			

2. *General Standards.*
   a. All accessory buildings shall be clearly incidental and subordinate to the principal building and use, in terms of scale, location, and orientation
   b All accessory buildings shall be at least 10 feet from the principal building, however a closer distance may be permitted subject to applicable building codes based on fire ratings of adjacent walls.
   c. Minor accessory structures 120 square feet or less, less than 8 feet high, and not on a foundation or slab do not have a required side or rear setback but should be movable and are otherwise placed "at risk" by the owner with regard to any easements, fence, or screening requirements.

3. *Secondary Building Standards.* In any residential district, secondary buildings over 200 square feet shall or over 12 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
   a. The wall height shall be no more than 9 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
   b. The roof peak or other top of structure shall not exceed 20 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
   c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
   d. Secondary buildings may be attached to the principle building by a breezeway or roofed structure provided it remains entirely open except for support columns.
   e. Secondary buildings with vehicle access directly from an alley or shared easement shall be situated to avoided parking that encroaches in the alley or easement. They may be built with the access between 0 and 3 feet from the

alley or shared easement, or with the access at least 20 feet from the alley or shared easement.

D. **Design Guidelines.** Design guidelines for residential development are included in Appendix C, Walkable Neighborhood Design Guidelines. These guidelines should be consulted for all residential projects, but are particularly important where a mix of housing types are provided or where walkable development patterns are desired, including:

1. All applications of the R-4 zoning district.
2. Residential portions of the MUC zoning district
3. Residential zoning districts in the urban areas, particularly within the original street grid neighborhoods.
4. Any other context where the benefits of compact, mixed-density, walkable neighborhoods is desired.

E. **Courtyard Pattern.**

1. *Design Objective.* A courtyard pattern can integrate multi-building projects into the neighborhood pattern by integrating formal open space into part of the street frontage. It is an effective infill strategy or appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on the following design standards.

2. *Applicability.* The courtyard pattern is appropriate where:
   a. Courtyards are designed and visible as an extension of the public streetscape and open space system for the neighborhood.
   b. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
   c. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.

3. *Eligible Building Types.* The following building types are eligible for this pattern, subject to the limitations stated:
   a. Small Apartments, up to 5 buildings or 36 units, whichever is less.
   b. Row Houses, up to 4 buildings or 24 units, whichever is less.
   c. Duplex/Multi-unit Houses and Detached Houses, up to 12 buildings or 18 units, whichever is less.

4. *Design Standards and Exceptions.*
   a. The buildings and site shall be designed according to the Walkable Neighborhood Design Standards in Appendix C.
   b. The minimum lot size per building may be reduced up to 30%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
   c. The courtyard shall be designed according to the open space standards in Appendix C, and have frontage on or direct access to a public street.
   d. Lots may front on the courtyard, rather than along a street.
   e. The front setback may be reduced to 5 feet from the courtyard.
   f. Any buildings fronting on the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in Appendix C.



Figure 5-1 Courtyard Pattern

The courtyard pattern allows for a different configuration of buildings in specific contexts. The pattern arranges buildings on smaller lots with a common frontage on the courtyard. The courtyard and the front buildings provide to the streetscape, while other buildings may relate direction to the courtyard. Vehicle access is shared and limited to more remote or discrete portions of the project.

5.02 Nonresidential Development Standards

A. **Intent**. The Nonresidential Development Standards have the following intent.

1. Improve the appearance and vibrancy of mixed-use and commercial areas, employment centers, and other public places with good civic design.
2. Reinforce the distinct character of different corridors, centers, and districts with site and building design compatible with the scale, pattern, and aesthetics of each place.
3 Strengthen the accessibility of non-residential development throughout the City by arranging development within multi-modal street networks, and coordinating site access and internal circulation systems with these networks.
4. Design and locate landscape features and open spaces based on the context of the site, considering relationships to the streetscape and mitigating impacts on adjacent property.
5. Use buildings to shape streetscapes and public spaces, and design building facades and lot frontages to improve the relationship to these spaces.
6. Promote lasting and sustained investment in corridors, centers, and districts with quality design.

B. **Applicability**

1. The standards in this Section shall apply to all development in the C-O, C-1, C-2, C-3, MUC, M-1, and M-2 districts, except where stated that subsections only apply to specific districts or specific situations.
2. The standards in this Section specifically apply to the following:
   a. All new structures shall comply with these standards.
   b. Modification or additions to existing structures to the extent of the modification or addition, except that the Director may waive any design standards applied to modifications or additions that:
      (1) Conflict with the consistent design of an existing building;
      (2) Conflict with a desired and prevailing character on the block or immediate vicinity of the project; or
      (3) To otherwise facilitate infill development or adaptive reuse of an existing building.

C. **District Lot and Building Standards.** The lot and building standards for non-residential districts are specified in Table 5-3:

Table 5-3: Nonresidential District Lot & Building Standards

Zoning District [1]	Lot Standards			Minimum Setbacks				Building Height
	Size	Frontage Width	Open Space	Front [2]	Interior Side [3]	Corner Side [4]	Rear [3]	
C-O *Commercial / Office*	50K max.	25' – 250'	15%	25'	10'	15'	25'	30' / 2 stories
C-1 *Neighborhood Commercial*	50K max.	25' – 250'	15%	15'	0'	15'	0'	30' / 2 stories
C-2 *Central Business District*	n/a	n/a	n/a	0'	0'	0'	0'	100' / 8 stories
C-3 *General Commercial*	10K min.	50' min.	20%	15'	0'	25'	15'	45' / 3 stories
MUC *Mixed Use Commercial*	50K max.	25' – 250'	15%	15'	15'	15'	15'	55' / 4 stories
M-1 *Restricted Industrial*	n/a	50' +	10%	25'	10'	25'	15''	40' [5]
M-2 *Heavy Industrial*	n/a	100'+	10%	25'	10'	25'	15''	60' [5]

[1] Any district that allows residential uses may allow them according to the applicable building type development and design standards in Section 5.01.
[2] Front setbacks may be modified according to the frontage type design standards Section 5.02.E
[3] Side and rear setbacks abutting a lessor R-S through C-O zoning district shall meet the greater of the following:
- The required setback for the abutting lessor zoning district and building type;
- 15' for any building over 3 stories or 35' high; or
- 20' for any property zoned within the C-3, M-1 or M-2.

[4] Any corner building meeting the frontage design standards in section #### may relate to the side street as specified in the frontage standards.
[5] Non-building accessory structures in industrial districts may be up to 100' provided they are setback from the front lot line or a boundary with a lessor zoning district a distance that is at least equal to their height.

D. **Accessory Buildings – Nonresidential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 5-4. Nonresidential Accessory Structures, and to the following additional limitations.

Table 5-4: Nonresidential Accessory Structures

Type	Quantity	Size	Height	Setbacks
Minor Structure (small shed, and similar structures)	▪ 1 / lot; ▪ + 1 / each 10k s.f;, up to 3 max	▪ 400 s.f. max	▪ 12' max	▪ 3' side or rear; ▪ 20' on any street side; and ▪ Behind the rear building line of the principal structure
Secondary Building (detached accessory building)	▪ 1 / principal building	▪ 50% of principal building footprint, up to 1,000 s.f. max.	▪ 24' max, but no higher than principal structure.	▪ 5' side and rear; ▪ 10' on any street side; and ▪ At least 12' behind the front building line of the principal structure

1. All accessory buildings shall be at least 10 feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
2. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location, and orientation.
3. Any portion of the building or structure over 400 square feet or over 12 feet high, and potentially visible from the street or other public areas shall use materials, colors, scale and forms (roofs and massing), and details that are compatible with the principal structure, or otherwise be screened according to Section 6.03.
4.. Any building or structure exceeding the limits in Table 5-4 shall be treated as a principal building and meet all lot and building design standards applicable to principal buildings.

E. **Frontage Design.** Building placement, parking and access locations, and streetscape and landscape design encompass the design of frontages, and affects the character of different streets, blocks, and districts.

1. *Design Objectives.* Frontage types in Table 5-5: Nonresidential Frontage Design shall be applied to meet the following design objectives:
   a. Enhance the image of the City by coordinating streetscape investment with private lot and building investment.
   b. Strengthen the identity and economic value of distinct places by reinforcing consistent patterns of streetscape, frontage design, and building placement and form.
   c. Orient all buildings and sites to the public street, or to common open spaces that serve as an extension of the streetscape and public realm.
   d. Design frontages based on the context of the area, block, and street, particularly emphasizing landscape areas to buffer sites from higher-volume / higher speed streets and emphasizing social spaces and human-scale features on streets intended for compact and walkable development.
   e. Coordinate development across multiple lots with compatible frontages along block faces.
   f. Design sites so that surface parking is hidden or minimized along active public spaces, or in contexts where the parking near the street is necessary, it contains an appropriate buffer or screen.

2. *Frontage Design Standards.* Table 5-5 Nonresidential Frontage Design establishes frontage types and design standards which may be used to modify the front setback standards in Table 5-5# as specified in the Applicability portion of the table. Sub-sections following the table provide specific design strategies and techniques to be used to meet these standards and the design objectives.

Table 5-5: Nonresidential Frontage Design

		Frontage A	*Frontage B*	*Frontage C*	*Frontage D*
Front Building Line (build-to range)		0' – 10'	10' – 25'	25' – 80'	80' +
Required Front Building Line		80% +	50% +	30% +	n/a
Access Width (max.)		15%, up to 20'	25%, up to 24'	30%, up to 32'	35%, up to 40'
Access Spacing		250' +	200' +	150' +	100' +
Parking Setback (min.)		Behind rear of building.	Behind front building line	6' min.	20' min.
Extent of Parking Frontage (max.)		0%	40%	n/a	n/a
Landscape		See Sections 3.01 and 6.02		See Section 6.03 and 6.02	
Applicability	*C-2, MUC*	■	□	◇	--
	C-O. C-1	□	■	□	◇
	C-3	□	□	■	■
	M-1, M-2	◇	□	■	■

■ Preferred; general requirement
□ Permitted as an administrative exception approved on site plans by staff according to the criteria in 5.02.E.6
◇ Limited to exceptions approved on site plans by Planning Commission according to the criteria in 5.02.E.6

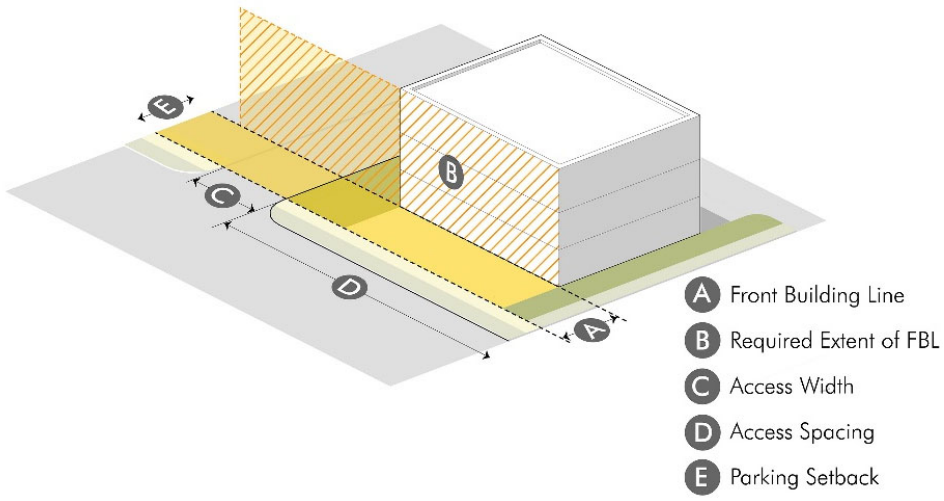


Figure 5-2 Frontage Design
Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths and spacing, and the extent and setback of parking along frontage. Coordinating frontage design of multiple buildings and sites along a block impacts the character of the streetscape and the block. (5.02.E.)

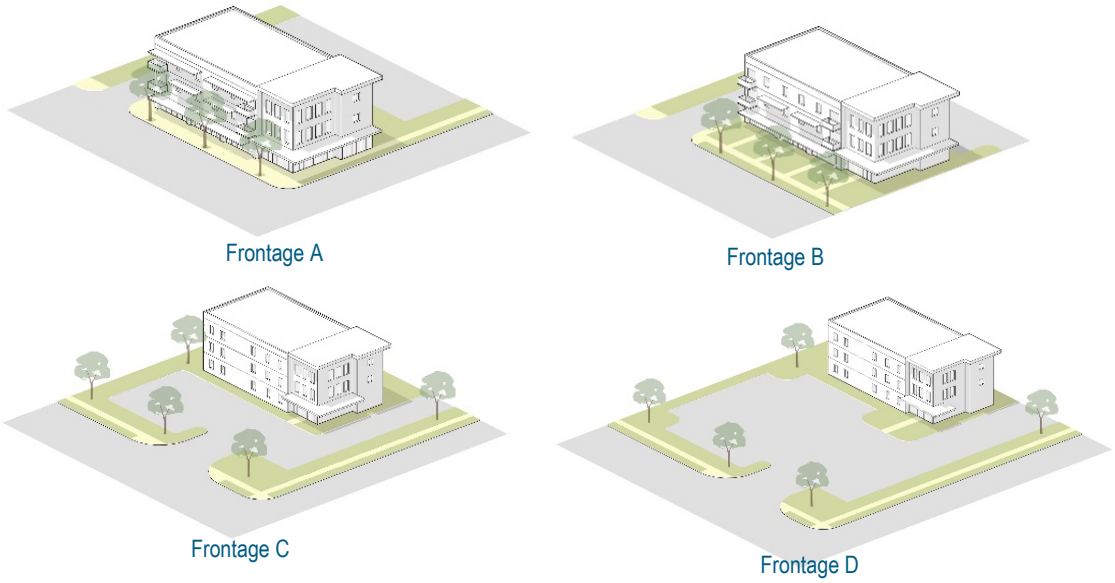


Figure 5-3 Frontage Types
Different frontage types are appropriate based on the character of the district, the context of the block, the design of the streetscape and the established patterns on adjacent lots. (5.02.E.2)

3. *Front Building Line*. The frontage types may modify the required front setback in Table 5-3 based on the appropriate frontage for the specific street and block. All buildings shall establish a front building line within the range and to the extent specified in Table 5-5, Nonresidential Frontage Design by the following:
   a. Front building facades meeting the design standards in Table 5-6, Nonresidential Building Design; or

b. Active open spaces meeting the requirements of Section 5.02.G.2.b. provided:
   (1) It is limited to no more than 50 linear feet or 50% of the lot frontage, whichever is greater;
   (2) There are defining vertical features at the extension of the required front building line, such as decorative walls, fences, or landscape features; and
   (3) All building facades fronting the open space meet the building design standards otherwise applicable to the building frontage.

c. Projects designed around internal access streets according to Section 3.01 may use the internal access streets for the purpose of applying building location standards.

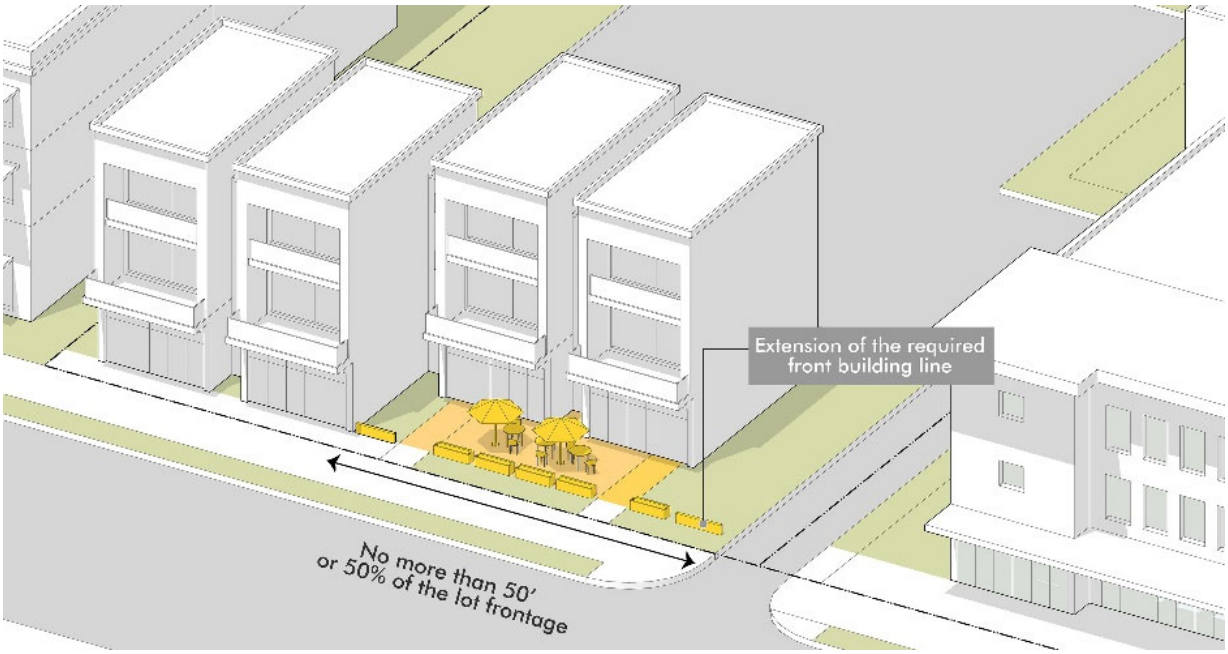


Figure 5-4 Required Front Building Line
The required front building line determines the extent of the lot width required to be occupied by building frontage at the front building line. Alternatives spaces that activate the streetscape with active social spaces may serve this function provided they establish similar defining elements of this space along the frontage. (5.02.E.3..a. and b.)

4. *Access and Parking Limits.* The following standards apply to the driveway and parking limits in Table 5-5, Nonresidential Frontage Design:
   a. Access width limits apply to the first 25' of the lot depth, or up to the Front Building Line, whichever is less.
   b. Access spacing specifies the minimum distance between edges of driveways or internal access streets. However, any official access management standard or policy approved by the City may require different access spacing on a particular street.
   c. In cases where these standards limit access to a lot, options that coordinate access to lots on the same block shall be used, including mid-block alleys, internal access streets, common access lanes, or shared drives and cross access easements.
   d. All parking shall be setback and limited along the frontage as specified in Table 5-5, and shall be screened according to the standards in Article 7.

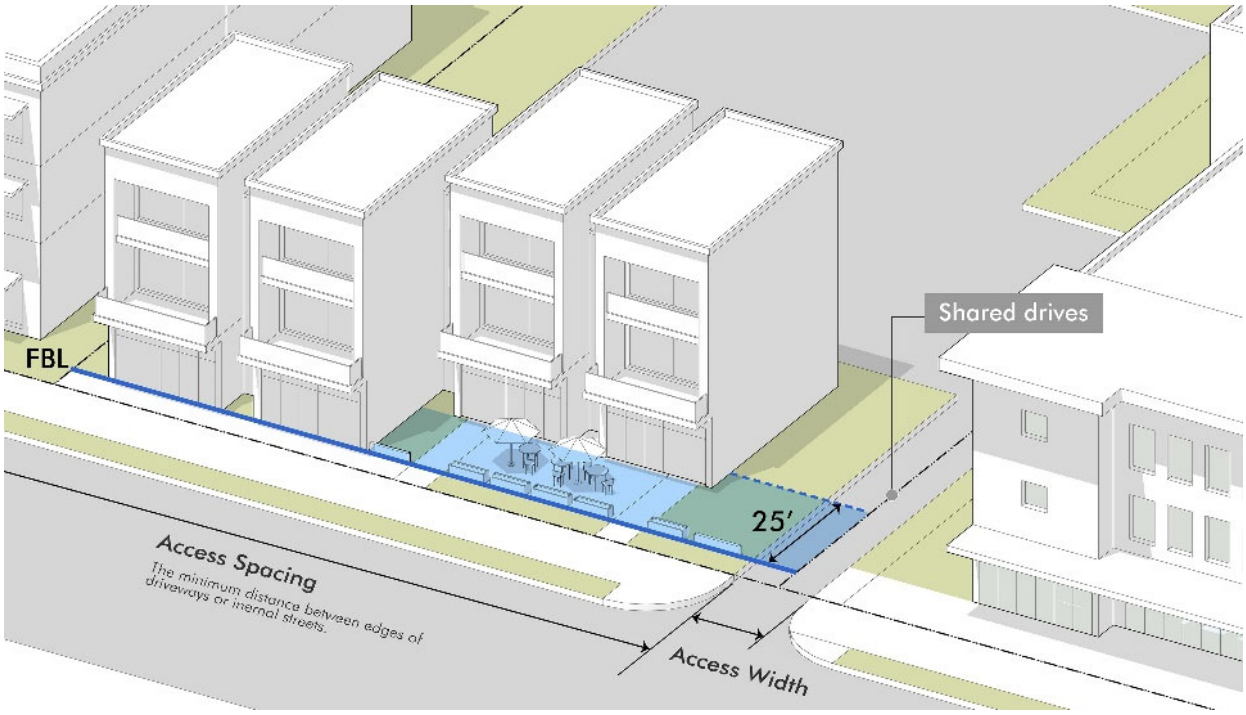


Figure 5-5 Access and Parking Limits
Access & parking limits determine the extent of frontages that are designed for cars, including driveways and surface parking. Parking and vehicle access is more limited in the frontage area for pedestrian-oriented contexts, and more permissive in car-oriented areas. (5.03.E.4.)

5. *Landscape.* The remainder of the frontage between the streetscape and front building line shall include landscape and open space designs.
   a. For Frontages A and B this area shall be designed to coordinate as an extension of the streetscape for Activity Street designs according to Section 3.01.
   b. For Frontages C and D this area shall be designed according to the parking setback and landscape design standards in Articles 6 and 7.
   c. On all frontage types, lot open space meeting the standards of Section 5.02.G may be included in this area.

6. *Exceptions.* The appropriate application of frontage types is based upon a combination of the character of the zoning district, the streetscape design of the block, and the development patterns on adjacent lots. Exceptions to the frontage design standards established in Table 5-5 and this Section may be authorized through the site plan review process in Section 2.06, and any of the following additional applicable criteria:
   a. The context presents clear pattern of existing buildings and lots on the same block and opposite block face that are different from the requirements and are desirable to maintain.
      (1) Frontages should be similar for all lots on the same block face or gradually transition to different frontage types in contexts that allow multiple frontage types.
      (2) Front building lines on adjacent lots should generally not differ by more than 10 feet, unless substantial space exists between the buildings.
      (3) Streets with pedestrian amenities, on-street parking, or designed according to the Activity Street standards in Section 3.01 are generally appropriate for the Frontage Type A and B standards.

(4) Streets with higher traffic speeds or volumes, that lack pedestrian amenities, or lack on-street parking are generally appropriate for Frontage Type C and D standards.

b. Civic uses or landmark buildings may deviate from frontage designs provided they are in a location that serves as a focal point for the surrounding area, and the exception is used for improved social space or aesthetic features on the frontage.

c. An alternative design allows the building, access, and parking to be sited in a way that preserves topography or other natural features on the site and does so in a way that equally or better meets the design objectives of this Section.

d. Parking and access that serves a greater area beyond the site and block may deviate from these standards, provided it does not negatively impact development on adjacent lots and it is designed to minimize impacts on streetscapes.

e. In all cases the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

F. **Building Design.** Building design refines the scale and form of buildings beyond the basic setback, height, and lot coverage standards by breaking down the volume into smaller-scale masses, and relating to spaces around the building by adding depth, texture, and variation to surfaces.

1. *Design Objectives.* Building design standards in Table 5-6, Nonresidential Building Design shall be applied to meet the following objectives:

a. Refine the scale, massing, and details of buildings to a greater degree the closer they are to the streetscapes and other publicly used spaces.

b. Arrange buildings and vary the massing in a way that defines streetscapes, public spaces, and other valuable active and social spaces on the site.

c. Locate doors and windows in a way that activates spaces, creates connections to important exterior spaces, and promotes economic activity at the interface of buildings and public spaces.

d. Relate buildings to adjacent development by reflecting similar scale, massing, and proportions though step-backs and secondary masses that break up larger masses and reduce the volume and perceived size of large buildings.

e. Use materials and human-scale architectural features to create depth, texture, variation, and visual interest to walls, particularly on larger facades, along streetscapes, or near active open spaces or adjacent lots.

f. Strengthen the identity and economic value of distinct places by reinforcing any prevailing architectural themes or styles; where no prevailing theme or style exists, encourage unique architectural expression and design characteristics inherent in the chosen architectural style for the building to establish identity and distinct places.

g. Emphasize the quality and longevity of investments with materials and colors that are attractive, durable, and have low maintenance requirements.

2. *Building Design Standards.* Table 5-6, Nonresidential Building Design provides standards for massing and facade design based on the frontage type and the placement of the building from Section 5.02.E. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards and the design objectives.

Table 5-6: Nonresidential Building Design					
		Frontage A	*Frontage B*	*Frontage C*	*Frontage D*
Massing & Modulation		50' / 500 s.f.	100' / 1,000 s.f.	150' / 2,000 s.f.	200' / 4,000 s.f.
Entry Feature Spacing		50' max.	75' max	150' max	1 per building
First Story Transparency		60% - 90%	40% - 90%	40% - 90% w/in 50' of entry	40% - 90% w/in 25' of entry
Upper Story Transparency		15% - 40%	15% - 40%	15% - 40% n/a for industrial buildings	15% - 40% n/a for industrial buildings
Materials		A-list	A-list	A- or B-list	A-, B-, or C-list
		See Section 5.02.F.6.			
Applicability	*C-2, MUC*	■	□	◇	--
	C-O. C-1	□	■	□	◇
	C-3	□	□	■	■
	M-1, M-2	◇	□	■	■

■ Preferred; general requirement
□ Permitted as an administrative exception approved on site plans by staff according to the criteria in 5.02.F.7
◇ Limited to exceptions approved on site plans by Planning Commission according to the criteria in 5.02.F.7

3. *Massing & Modulation.* Larger building elevations shall break larger facades into smaller components, limit blank walls, and feature variation and architectural details by one or a combination of the following techniques to meet the massing and modulation intervals in Table 5-6, Nonresidential Building Design:
   a. Emphasize structural bays and vertical breaks in interior components of the building at regular intervals, with visible features such as columns, pillars, pilasters, or other details and accents that are between 6 and 48 inches wide, and project between 4 and 24 inches off the façade.
   b. Define horizontal elements with projections between 2 feet and 4 feet from the wall associated with entrance features or differentiating stories, such as balconies, awnings, cantilevers, or similar horizontal elements;
   c. Break the volume of the building into distinct components with step-backs of upper stories of at least 8 feet or recesses of the building footprint greater than 4 feet. Deviations shall encompass at least 20% of the entire elevation.
   d. Horizontal differentiation of a base, body and top of buildings with materials and architectural details.
      (1) For buildings less than 3 stories, this can be a distinct foundation, a main façade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
      (2) For buildings 3 stories or more, the first floor should be clearly differentiated from upper stories to establish the base and an embellished roof structure.
      (3) Any belt course or trim band establishing the break in base, body and top shall use a material or pattern distinct from the primary material, be 6 to 36 inches wide, and off-set from the wall plane 4 to 24 inches; or be a lessor trim associated with a material change.
   e. Use patterns of windows and doors, meeting the transparency requirements in Section 5.02.F.4. and 5. to break up blank walls, add depth and texture to the facade, and create a rhythm and balance along the elevation.

f. Use ornamental architectural details complimentary to the materials and architectural style and use color and material changes associated with trim or massing elements along any other areas where there are no windows or doors.

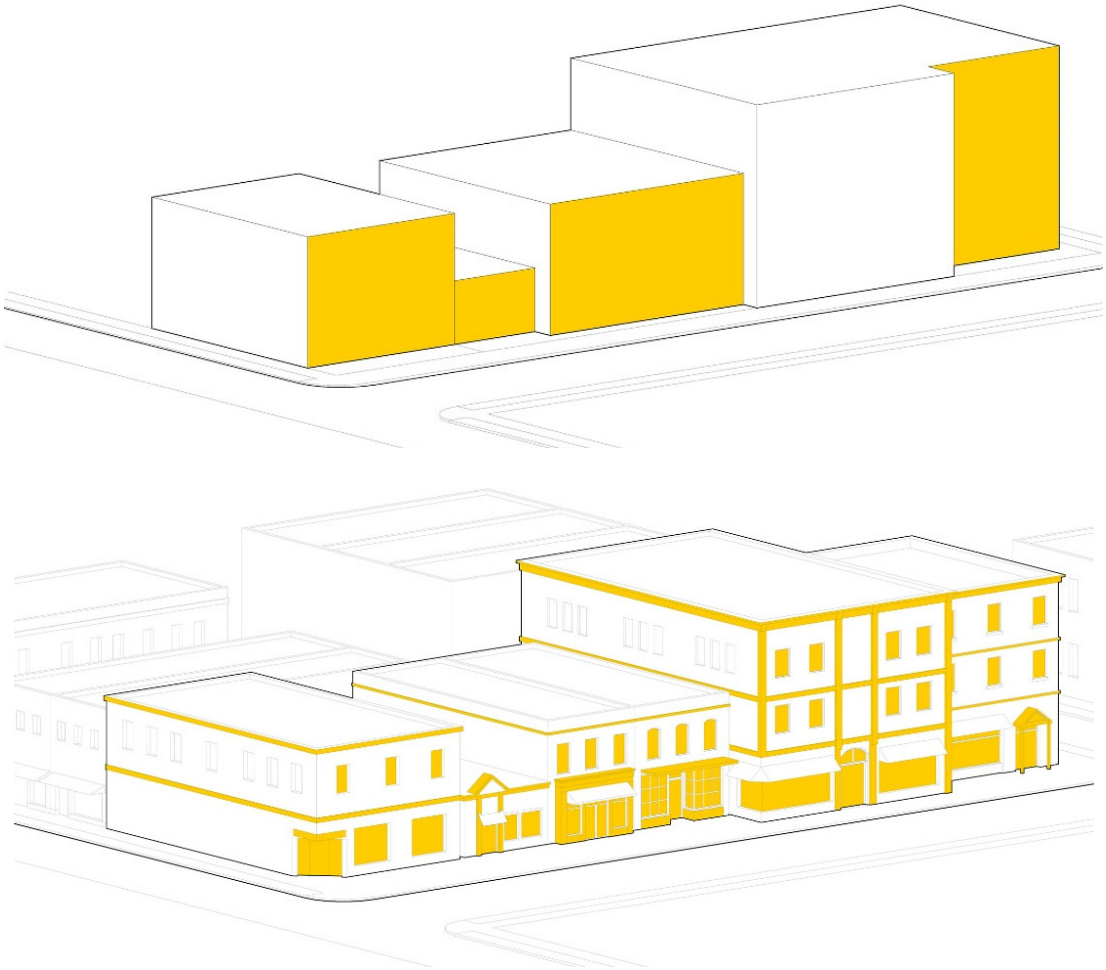


Figure 5-6 Massing
Wall planes that exceed either the linear dimension limits or the square foot limits in Table 5-6 wall plane limits shall be broken up by massing elements and/or architectural details. (5.02.F.3)

4. *Primary Entrance Features.* Primary public entrances shall be clearly defined on all front facades with at least two of the following elements and be located at intervals specified in Table 5-6, Nonresidential Building Design:
   a. A single-story architectural emphasis such as raised parapets, gables, canopies, porticos, overhangs, pediments, or arches.
   b. Transom or sidelight windows that frame and emphasize the entry.
   c. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
   d. Recessed entryways of at least 3 feet from the main wall.
   e. Integral planters, seating, or retaining walls associated with an entry court or plaza that integrates landscape and hardscape designs.

f. For corner buildings, any entrance feature located on the corner may count to both sides and may be considered located at 25' from each corner for the purpose of the required primary entry feature intervals.

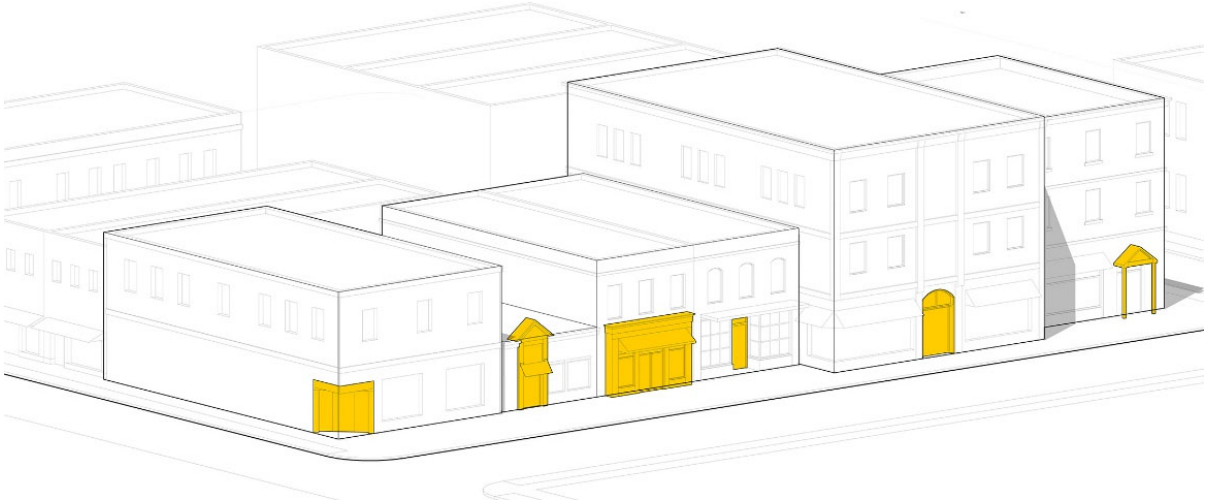


Figure 5-7 Primary Entry Features.
Entrances help activate the streetscape and orient buildings to public spaces. More pedestrian-oriented blocks benefit from the activity created by smaller-scale uses and the rhythm created by more frequent entrances. More car-oriented streets may allow less frequent entrances or alternative orientations of buildings to internal access streets or common spaces. (5.02.F.4.)

5. *Transparency.* Windows and doors shall provide transparency, detail, and visual rhythm on the facade, and should use following techniques to meet the transparency requirements of Table 6-4, Non-residential Building Design
   a. Where expressed as a first story requirement the percentage shall be measured between 2 feet and 8 feet above the sidewalk grade, or within 10 feet above the first floor elevation if the building is set back more than 10 feet from the street.
   b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
   c. All first story windows required shall provide direct views to the building's interior or to a lit display area extending a minimum of 3 feet behind the window.
   d. For industrial and civic buildings setback more than 25 feet from the street, clerestory windows may meet the first or upper story window requirements.
   e. Locate windows doors to create a coordinated facade composition considering the entier facade as a whole, and to break up large expances into different components with the location, proportion, pattern, and grouping of windows and doors.
   f. Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize more important openings; or to gang groups of openings. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide) may count these features for up to 25% of the window and door requirement.

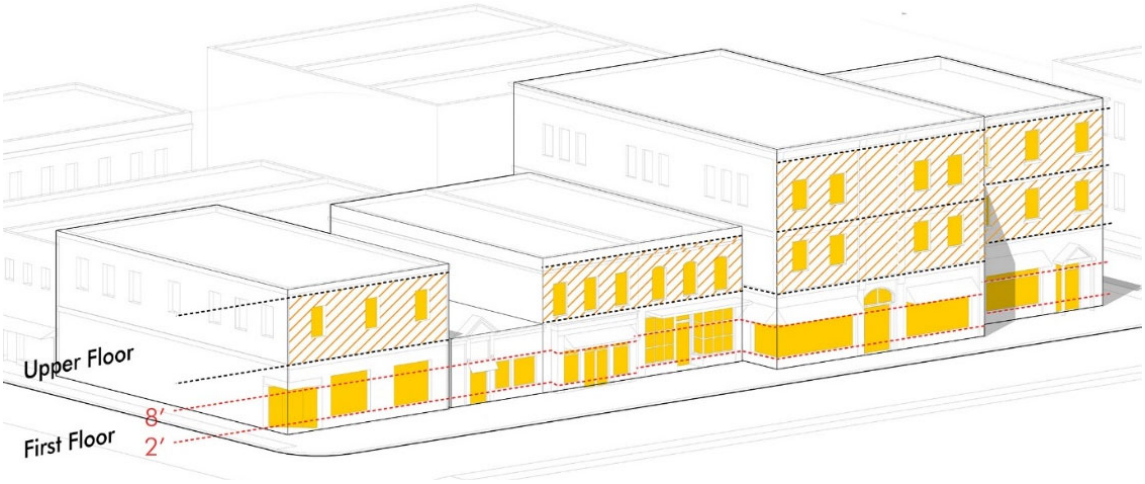


Figure 5-8 Transparency.
Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Meeting the requirements for each story helps reduce the scale of larger buildings. (5.02.F.5.)

6. *Materials.* Use building materials with a texture and pattern that creates visual interest and signifies quality construction and detailing.
   a. The predominant surfaces on building walls shall be one of the primary materials listed in Table 5-7, Nonresidential Building Materials.
   b. No more than 4 materials should be use, including the use of secondary and accent materials.
   c. Material changes and the use of primary and secondary materials from the approved material list shall emphasize different elements of the building, in association with the massing and modulation standards in Section 5.02.F.3.
      (1) Where material changes are vertical (i.e. different materials stacked one above another), the transition between materials should include a belt course, trim band, sill, cap, frame, roof (if at ceiling height), or similar element to separate the two materials. Heavier and larger materials should be below lighter or smaller materials.
      (2) Where material changes are horizontal (i.e. different materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column or pilaster where the change is emphasizing different structural or massing components for a building.
   d. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors is limited to accent areas.

Table 5-7: Nonresidential Building Materials

Primary Materials (50% to 90%)	*Secondary Materials (20% to 40%)*	*Accent Materials (10% to 30)*
Brick Stone Stucco Water managed EFIS Horizontal wood lap siding Corrugated metal (M-1 and M-2 only) Tilt-up concrete or CMU (smooth-faced) (M-1 and M-2 only)	Any primary material Wood siding Concrete or Concrete Masonry Units (CMU) – colored and textured only) Tilt-up concrete panels with brick or stone facing Architectural metals (prefinished non-corrugated) Glass	Any of the primary or secondary materials Precast stone Wood trim

* Prohibited materials include: Vinyl siding, barrier-type EFIS, and wood shakes or rough sawn wood.

7. *Four-sided Design.* All buildings shall incorporate 4-sided design, so that that no matter what view you have of the building, the design is not interrupted and all parts are perceived as a coordinated part of a unified whole. Specifically:
   a. Any front façade or building fronting the street or other public space shall generally meet the standards.
   b. All sides shall exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
   c. Any secondary façade, building wall on the side street of a corner building, or building wall within 100 feet of a street or public spaces shall meet the standards, but may reduce the rate, application or requirements of design elements by 50%.
   d. All other sides that are visible from streets, public spaces or active portions of adjacent sites shall have a similar level trim, accent material, details, and ornamentation, although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.

8. *Exceptions.* Exceptions to the building design standards established in Table 5-6, Table 5-7, and this Section may be authorized through the site plan review process in Section 2.06, and any of the following additional applicable criteria:
   a. The requirement is not consistent with the specific architectural style selected for the building based on reputable industry resources documenting the style.
   b. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and that are desirable to reinforce.
   c. The proposed design is more consistent with any official design guidance for the particular location.
   d. The requirement is inconsistent with the principal function of the building when applied to industrial buildings in the M-1 and M-2 districts.
   e. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance. Manufacturer specifications and/or precedents for application may be required demonstrate that it will perform equally or better than the allowed material.
   f. In any case, the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

g. Any building elevation with significant deviations or otherwise potentially creating negative impacts on public streets or adjacent property should be buffered according to Section 6.03.

G. **Lot Open Space Design.** The design of open space can reinforce the character of unique districts and distinct places and coordinates unbuilt areas with the public realm design of commercial, mixed-use, and industrial areas,

1. *Design Objective***s.** The required lot open space in Table 5-3 shall be designed and located to meet the following design objectives:
   a. Coordinate site design with the larger open space system and public realm design of the area.
   b. Use open space as an organizing element for development, creating gateways and focal points for buildings or groups of buildings, and create transitions between distinct building sites.
   c. Select open space types based on the context and natural amenities of the site; in general, more compact and formal gathering spaces are most appropriate in walkable commercial and mixed use areas, and more spacious and natural areas are most appropriate in large commercial or industrial areas.
   d. Use landscape, furnishings, fixtures, art, planters, and other elements of open spaces to complement buildings, coordinate buildings and sites, and distinguish the unique character of different places.
   e. Preserve natural features that can serve as amenities for development, maintain views to and from important outside spaces, perform ecological functions, or provide important connecting corridors.

2. *Lot Open Space Design.* The lot open space requirement in Table 5-3, and any other undeveloped spaces should be arranged to create a common or private amenity for the site and building, or be designed landscape areas to mitigate undesirable impacts, through one of the following types.
   a. Private frontage landscape areas designed according to the frontage design standards in Section 5.02.E., excluding any driveways, parking areas, or other automobile space;
   b. Civic amenities or social spaces such as courtyards, patios, or plazas, provided they are at least 20 feet in all directions;
   c. Landscape areas and buffers designed according to the standards of Chapter 6.03.
   d. For any mixed-use building, the following may count to up to 25% of the lot open space requirement:
      (1) Common rooftop decks provided they are at least 200 square feet, and at least 12 feet in all directions;
      (2) Private balconies or patios, provided they are at least 100 square feet, and at least 8 feet in all directions– this space is limited to no more than 20% of the requirement for the lot and building; or

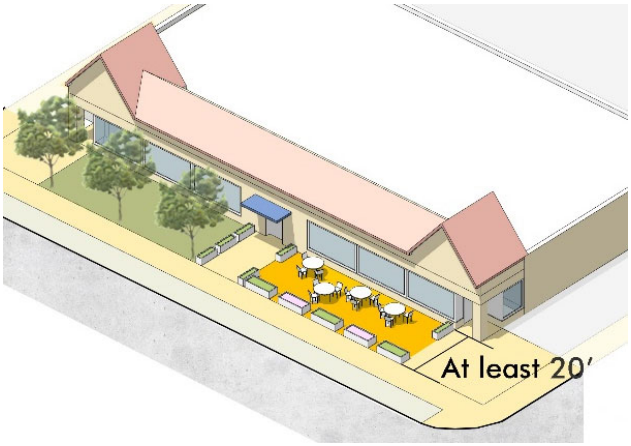


Figure 5-9 Courtyards, Patios and Plazas
More compact and walkable places benefit from smaller and more formal social spaces, such as courtyards, patios and plazas. (5.02.G.2.b.)



Figure 5-10 Private or Common Open Spaces
Private or common areas incorporated into the building can provide a portion of the useable on-lot open spaces. These elements can also meet design requirements for breaking up the massing or blank wall of buildings (5.02.G.2.d.)

3. *Exceptions*. Exceptions to the lot open space design standards established in Table 5-3 and this Section may be authorized according to the site plan review process in Section 2.06, and any of the following additional applicable criteria:
   a. The lot and building has access to at least two different active public or common open space on the same block or abutting block; or
   b. Other designs that promote infill development or rehabilitation of existing buildings and sites in a compact, and walkable context.

5.03 [Reserved]

ARTICLE 6. LANDSCAPE & SITE DESIGN STANDARDS

6.01 Intent & Applicability
6.02 Plant Requirements & Specifications
6.03 Buffers & Screening
6.04 Fences
6.05 Outdoor Lighting

6.01 Intent & Applicability

A. **Intent.** The intent of the landscape and site design standards is to:

1. Enhance the image of the City by coordinating streetscape investment with private lot and building investment.
2. Improve the character and design of development with natural landscape materials, and design frontages to the particular context of the area, block and street, particularly using landscape and buffers to screen and separate sites from higher-volume / higher speed streets and creating social spaces along slower, walkable streets.
3. Coordinate landscape and design amenities across multiple sites, with special attention to the consistent relationship between lots and streetscapes.
4. Encourage efficient site design where the layout of sites and buildings can allow spaces to serve multiple aesthetic or screening, environmental, and recreational or functions
5. Enhance the environmental and ecological function of un-built portions of sites, including reduced air or water pollution, increased stormwater infiltration, and reduced heat gain from large expanses of blank walls or paved surfaces.
6. Screen and mitigate the visual, noise or other impacts of high-intensity areas of sites, buildings and land uses.

B **Applicability.** The standards of this Section shall apply to all new development except:

1. Detached houses and duplexes being built on an individual basis and on a previously platted lot, and which are not part of a larger residential neighborhood or subdivision plan; and
2. Improvements or repairs to existing development that do not result in an increase in building footprint by more than 10%, an increase in impervious surface by more than 25%, or changes in use that do not result in an increase in intensity.

In cases where improvements or repairs increase the building footprint by more than 10%, increase the impervious surface, or intensity of use, the intent is to bring the site into full compliance with these standards, except that the Director or Planning Commission may pro-rate the requirements to the extent of new development on the site where full compliance is not possible or practical.

6.02 Plant Requirements & Specifications

A. ***Site Elements and Planting***. The required landscape shall be based on different elements of the site, according to Table 6-01.

Table 6-01: Plant Requirements

Site Element	*Trees*	*Evergreen*	*Shrubs*
Streetscape and Frontage: The area between the front building line and the street, including any plantings required in the ROW, used to create a relationship between the site and the public realm.	1 large tree per 40' of lot frontage; 2 large trees per 40' if buildings setback more than 50'.	n/a	n/a
	Corner lots shall meet this requirement on side lot lines at a rate of 50% of the streetscape and frontage rate.		
Foundation. Areas along the building frontage (within the first 10' – 30') used to provide accents and soften larger expanses of buildings.	1 ornamental tree per 40' of building frontage for buildings setback more than 20'. 2 ornamental trees per 40' if buildings setback more than 50'	Evergreens may be substituted for ornamental trees at a rate of 1 for 1 for up to 50% of the requirement.	1 shrubs for 5' of building frontages.
	Side elevations on corner lots shall provide this standard on at least 50% of the building.		
Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate stormwater.	1 large tree per 40' of parking perimeter; and 1 large tree per 20 parking spaces in internal islands. Ornamental trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of the internal islands	Evergreens may be substituted for large trees at a rate of 2 for 1, for up to 50% of the perimeter requirement that does not face a front lot line.	5 shrubs for 25' of perimeter.
Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.	See Section 6.03.		
Other.	All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces.		

B. ***Credits for Existing Vegetation.*** Preservation of existing landscape material that is healthy and of a desirable species may count towards these requirements provided measures are taken to ensure the survival of the vegetation through construction and all other location and design standards are met. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 4-inch caliper to count. Landscape material that is of exceptional quality due to size, maturity and health may be credited on a 2 for 1 basis. Trees or other existing landscape that contributes to the standard shall be protected by a construction fence installed for the entirety of construction and at least 15 feet from the trunk of any tree.

C. ***Design.*** The required landscape material shall be arranged and designed on a particular site in a way that best achieves the intent in 6.01 and design objectives of each section, with regard to the specific context, street frontage, property adjacencies and other elements proposed on the site.

D. ***Location.*** Required plantings shall be planted in the following specific locations and open spaces on the lot.

1. *Streetscape & Frontage Trees.* Streetscape and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted the following locations, where applicable and in order of priority.
   a. On center between the sidewalk and curb where at least 6 feet of landscape area exists; alternatively, where there are attached sidewalks (such as Activity Streets with on-street parking), large trees shall be placed in tree wells that are at least 24 square feet and at least 4 feet in each direction.
   b. 5 to 10 feet from the back of curb where no sidewalk exists; or

c. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.

d. Where the depth of the frontage between the building and streetscape require additional trees per Table 6-01, they shall be located between the front building line and the street.

e. Ornamental trees may be substituted for street trees only in situations where no other alternative is available due to constraints of the site and right-of-way conditions.

f. Large trees shall not be placed within 15 feet of a streetlight, stormwater inlet or manhole, and ornamental trees shall not be placed within 10 feet of a streetlight, stormwater inlet or manhole.

2. *Foundation Trees & Shrubs. F*oundation plantings shall be located in open spaces between 8 feet to 25 feet from the building, or within planting beds at least 8 feet deep and along at least 50% of the building.

3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planned in perimeter buffers and landscape islands planned and designed according to Section 7.04, Parking Design.

4. *Visibility at Intersections.* Screens, buffers and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, streets with alleys or driveways, and internal access streets as provided in Section 3.01.D.3, Sight Distances

E. **Tree Diversity.** For projects planting more than 50 trees of any size, a variety shall be planted so that no species provides more than 20% of the large trees, no species provides more than 20% of the ornamental trees, and no species provides more than 20% of the evergreen trees.

F. **Plant Specifications.** All landscape materials shall meet the American Standards for Nursery Stock (ASNS), published by the American Nurserymen's Association, and be selected for its native characteristics or survival in the climate for the Kansas City region, and be planted and maintained ASNS specifications. Plants shall meet the following specifications at planting:

Table 6-02: Plant Specifications

*Type**	*Specification*
Large (Shade) Tree	2" caliper DBH, balled and burlapped
Ornamental Tree	2" caliper DBH, balled and burlapped or 7' for multi-stemmed tree.
Evergreen	6' balled and burlapped or 5 gallon minimum container size
Shrub	24" balled and burlapped or 5-gallon minimum container.
Ground Cover	50% coverage at planting; Full coverage within 2 growing seasons
Turf	All proposed or required turf areas shall be sodded.

* All trees shall be selected from the approved tree list in Appendix D.

G. **Maintenance.** All landscape plans shall include a method of maintenance including a watering system or statement of maintenance methods. All plantings shall be properly maintained. materials shall meet the American Standards for Nursery Stock (ASNS), published by. All elements of an approved landscape plan, including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered to be removed and replaced by the Director.

6.03 Buffers & Screening

A. **Design Objectives.** Intense land uses, or site elements shall be buffered or screened from streetscapes and adjacent property according to the following design objectives, which shall be used in applying the landscape requirements in Tables 6-01 and 6-03.

1. Areas of parking or circulation near streets or property lines may require physical barriers or landscape transitions to soften impacts of surface parking areas and provide low-level headlight screening.
2. Commercial uses or parking and service areas uses abutting residential property may require a screen and buffer combination, using a combination of dense vegetation, or fences and walls compatible with the buildings on the site.
3. Areas along streetscapes or that transition to different uses or building scale, or areas where building or site elements may not relate well to the street frontage may require landscape areas to soften transitions.
4. Areas designed as gathering places, or as civic amenities to support the site or area may require enhanced landscape to create appropriate comfort and transition to more intense activities on the site.
5. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas, whether ground, wall or roof mounted shall be screened with architectural features, fences or landscape to limit visibility or noise from adjacent property or streetscapes.
6. Delivery and vehicle service bays, trash enclosures, permanent or temporary outdoor storage areas or other site utility areas shall be located on remote areas of sites, and shall be screened or buffered from any adjacent property with less intense zoning.
7. No structures, parking areas, detention facility or other similar elements shall be in a required buffer unless they are specifically designed as part of the screening and landscape function. Driveways and sidewalks through these areas may be approved with the site plan approval.
8. Clustering of required trees and plants to emphasize certain site elements or create better screens or transitions is acceptable.

B. **Buffer Planting.** The following planting requirements shall be used to buffer and screen more intense uses or elements of a site, and to design effective transitions according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer or other open space requirement with efficient site design.

Table 6-03: Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement
Type I – *A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements or parking areas along pedestrian oriented streetscapes.*	Width: 6' min. Planting: 1 large tree per 40' or 1 ornamental per 20' 1 shrub per 2.5 feet *Variation:* Fewer shrubs may be used with a 2.5' to 4' masonry wall or ornamental fence compatible with the materials of the building, that provides low screening and physical separation.
Type II *– A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.*	Width: 15' min. Planting: 1 large tree per 40' or 1 ornamental per 25'; and 1 shrub per 5'; and 1 evergreen per 25'; and *Variation:* A 6' to 8' fence or masonry wall compatible with the materials of the building may be used with a lessor combination of plants (up to 25% less).
Type III *– A densely planted area intended to mitigate noise and create a visual barrier between intense site conditions or potentially incompatible land use adjacencies, or for large scale uses along major streets.*	Width: 30' min. Planting: 1 large tree per 40'; and 1 ornamental per 25'; and 1 evergreen per 20' *Variation*: Any other combination of shrubs, evergreens, understory plantings, berms or fences or walls that provide a visual 6' – 7' barrier. Berms shall have a maximum slope of 2:1 and shall not be constructed within the drip line of any tree.

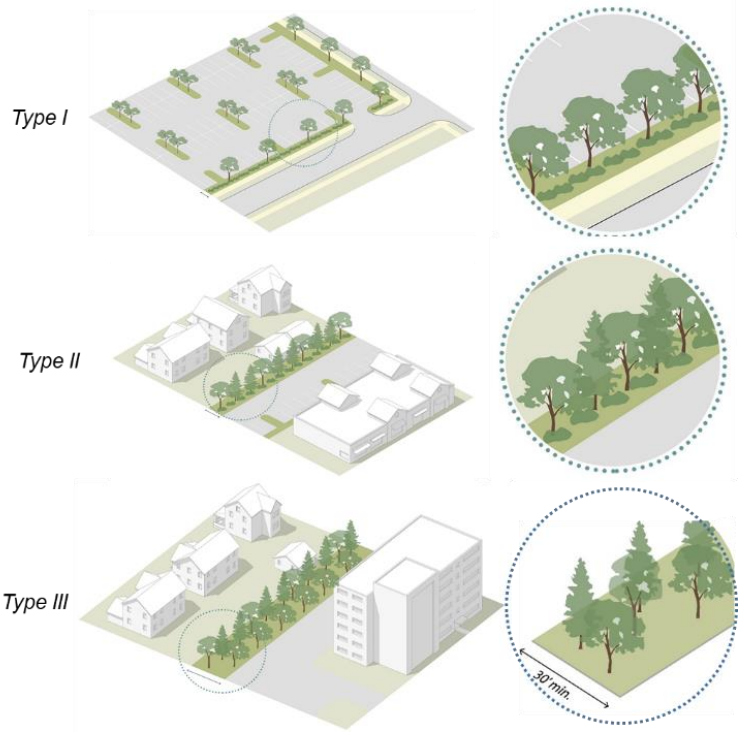


Figure 6-1 Buffer Types & Context
Application of the specific buffer type should be based on context and the adjacent site or projects.

C. **Buffer Locations.** Buffers shall be required as indicated in Table 6-04.

Table 6-04: Buffer Types & Locations

Zoning Adjacent to Development	Zoning of Proposed Development				
	M-1 & M-2	C-2 & C-3	C-1 & CO	R-3 & MP	AG, RS, R1, R2 & R4
AG, RS, R1, R2 & R4	Type III	Type III	Type II	Type II	Type II*
R-3 & MP	Type III	Type III	Type II		
C-1 & CO	Type III	Type II			
C-2 & C-3	Type II				
M-1 & M-2					
Other	Any area where parking or site utility areas are within 30' of right-of-way, pedestrian areas, or other similar locations on adjacent sites, a Type I buffer shall be required. Type I buffers may also be required at other locations on sites to screen parking and circulation in a manner that prevents potential glare on non-vehicular areas of adjacent property. Any lots that back to a collector or arterial street shall require a Type III buffer. (See Sections 3.01 and 3.02 for more effective and efficient ways to design lots in association with transitions in the street networks, streetscapes, and open and civic space system that avoids backing lots to public streets).				

* Only required when the average lot size of the proposed subdivision is 30% smaller than adjacent approved or existing subdivision, and transitions are not more effectively designed at the block and neighborhood scale through the patterns established by the street network, streetscapes and open and civic space systems identified in Article 3.

D. **General Screening.** All of the following shall be screened from streets or adjacent property with dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these. Where design of the building, frontages, open space, buffers and other site requirements do not adequately screen these elements, additional planting may be required.

1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas, whether ground, wall or roof mounted.
2. Permanent or temporary outdoor storage areas.
3. Trash enclosures.
4. Utility stations.
5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
6. Non-residential parking lots within 30 feet of residential lots.

6.04 Fences

All fences for screening, security, or privacy shall meet the following standards.

A. **Front Fences.** All fences in front of the front building line shall:

1. Be limited to no higher than 4 feet in residential and commercial districts and 8 feet in industrial districts.

2. Be open so as to have a void of at least 33% of the area up to 4 feet. (For example, a solid wall or fence of 2.7 feet high, or a 4-foot high picket fence with picket to void ratio of 2:1, or any other more open fence design).

B. **Rear and Interior Side Fences.** All rear and interior side fences located behind the front building line shall:
1. Be limited to no higher than 8 feet.
2. May have a solid screen subject to the general fence design standards.
3. All privacy fences with a solid screen and height over 5 feet high shall be limited along interior side lot lines to no more than 12 feet in front of the rear building line. The Director may approve exceptions to allow as much as along 50% of the side elevation where the building and yard is configured to have substantially active or social outside spaces such as building entrances, walkways, patios, or courtyards. .

C. **Street Side Fences**. Fences and walls along the street side of corner lots:
1. May be built up to 8 feet high and have a solid screen subject to the general fence design standards, provided:
   a. It is no closer than 15 feet to the front lot line along an arterial or collector street; and
   b. It is not in front of the front building line of the structure on local streets.
2. All other fences along the street side shall meet the front fence standards.

D. **General Design Standards.**
1. Fences and walls shall be located to maintain the proper lines of sight at all intersections of streets, streets with alleys or driveways, and internal access streets. Proper sight distances are provided in Section 3.01.D.3, Sight Distances. Any fence or wall that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances for the vehicle.
2. All fences located along adjacent lot lines shall be constructed so that either:
   a. The face of the fence is on the common property line; or
   b. The face of the fence is at least three feet from the common property line; or
   c. The face of the fence is at least two feet from any public right-of-way, except alleys.

   Any areas set back three feet or more from the property line, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment.
3. All fences and shall be constructed so that the finished side faces adjacent property or any public right-of-way.
4. Fences and walls shall be consistent in character, materials and appearance with the architecture style of the building(s). Fences and walls may be constructed out of any of the following materials:
   a. Wood or vinyl simulating wood with a maximum board width is 12 inches for solid, staggered, or “basket weave” fences. Solid panels of plywood or wafer board are prohibited.
   b. Wrought iron or aluminum simulating wrought iron.
   c. Stone, brick, stucco concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick.
   d. Chain link or vinyl clad chain link. In residential districts, chain link shall only be permitted in the side or rear yards and limited to 4 feet high, except as permitted for security fences for tennis courts or pools. In commercial or industrial districts chain link is permitted except for within 15 feet of a public right-of way.

e. Any other equal or better alternative material that the Director determines meets the intent and design objectives of this section.

5. Security fences or fences that enclose tennis courts or pools may be up to 12 feet high provided they are:
   a. Setback at least 10 feet from the property line, if abutting residential uses; and
   b. The top 6 feet shall be open so as to have a void of at least 50%.

6.05 Outdoor Lighting

A. **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following table:

Table 6-05: Maximum Lighting Mounting Height

Driveways and Parking Areas	37.5' in C-3, M-1, or M-2 districts 25' in all other districts
Pedestrian Walkways, Plazas or Courtyards	16'
Facade Lights	Below the eave or cornice line, provided the light is directed downward
Other Site Lighting	12'

B. **Shielding.** All exterior lighting shall be shielded as specified in the following table:

Table 6-06: Required Shielding

Wattage or Mounting Height	*Shield Type*		
	Full Cutoff [a]	*Cutoff [b]*	*Semi-cutoff [c]*
All lights mounted above 25'; or All lights above 450 Watts	R	P	P
All lights Between 100 Watts and 450 Watts	P	R	P
All Lights Between 55 Watts and 99 Watts; or Any Light Mounted Between 12' and 25'	P	P	P
All Lights Mounted below 12' AND Less than 55 Watts	No shielding is required; all shielding types permitted.		

R (Required) P (Prohibited)

a Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.
b Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.
c Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

C. **General Standards.** In addition to the mounting height and shielding standards, exterior site lighting shall meet the following general standards:

1. Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the general character of the adjacent buildings.
2. All lighting shall be designed and located to not provide direct light or glare onto any adjacent property. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

3. All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.
4. Ballfields and recreation areas are exempt from this section, but require special city permit, subject to conditions and performance criteria that limit or mitigate glare on rights-of-way and adjacent property.

ARTICLE 7. ACCESS & PARKING STANDARDS

7.01 Intent & Applicability
7.02. Access & Circulation
7.03 Required Parking
7.04 Parking Lot Design
7.05 Loading Areas
7.06 Alternative Access & Parking Plan

7.01 Intent & Applicability

A. **Intent.** The intent of the access and parking standards is to:

1. Emphasize the importance of site access for multiple of modes of transportation.
2. Preserve streetscape design and street functions by coordinating access along and internal to blocks.
3. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
4. Create access and parking standards appropriate to the context of the site, considering street designs and surrounding development patterns.
5. Ensure appropriate site design features that mitigate the physical and aesthetic impact of parking on streetscapes and surrounding sites.
6. Maximize opportunities for on-street parking, shared parking or reduced parking rates where appropriate, and reduce the inefficiency from underutilized and redundant surface parking on adjacent sites.
7. Promote parking designs that reduce heat islands, minimize runoff, and infiltrate storm water into the ground.

B **Applicability.** Access and parking shall be provided for all site plans and development applications, according to the application requirements in Article 2. Specifically the standards in this Article apply to:

1. All new development, buildings or uses on a site.
2. A change of use for an existing site or building, but only where the new use would require 20% more parking than exists.
3. An expansion of an existing building or utilization of a site by more than 20%.
4. Where additional parking is required for an existing site or building, the landscape and design standards shall only apply to the newly constructed parking, except when more than 50% of an existing parking area is added to, resurfaced or otherwise impacted, then all parking areas shall comply with this Article.
5. The access standards shall not limit the location of any existing access, unless in conjunction with a public streetscape project or the entire site is redeveloped. The design standards may apply to existing access when more than 50% of a parking area is added to, resurfaced or otherwise impacted by development.

7.02 Access & Circulation

A. **Driveways**. Driveway location, spacing and width shall be designed according to the following location and design standards.

1. *Location and Spacing.* Driveway location and spacing shall be limited based on the functional class of streets in Table 7-01. Spacing distance between accesses shall be measured from the perpendicular curb face or surface edge of the access points, and from the perpendicular curb face of intersecting streets to the closest access point for intersections.

Table 7-01: Access Location and Spacing

	Arterial [1]	*Collector*	*Local*
Residential	100' min. separation 150' + corner 250' + signalized intersection	75' min. separation 100' + corner 200' + signalized intersection	No min. separation except as controlled by Frontage Types in Article 5 50' + corner 150' + signalized intersection
Non-Residential	200' min. separation 200' + corner 250' + signalized intersection	150' min. separation 125' + corner 200+ signalized intersection	100' min. separations 75' from lot corner 150' + signalized intersection

[1] Direct access to an arterial street shall be permitted only when the subject property has no other reasonable access to the street system, and only if the City Engineer determines that the proposed access point is safe based on surrounding traffic patterns and expected access volumes, and is subject to the limits of this table.

* The City Engineer may allow averaging of the separation of access points along any block face provided there are no adverse impacts on the transportation network, and the Intent of this section is equally or better served.

2. *Width.* Driveway width may be limited based on specific frontage types in the Frontage Design sections of this code or in the Walkable Neighborhood Design Guidelines in Appendix C, or where no Frontage Design standards apply no more than 28 feet for residential access, and no more than 35 feet for non-residential access. The City Engineer may permit wider access where heavy traffic volumes or frequent large vehicle movements warrant.

3 *Setbacks.* Except for where shared or common access is permitted and executed through easements, driveways shall be set back from all lot lines as follows:
   a. Residential access to 6 or fewer dwelling units: 3 feet.
   b. Residential access to more than 6 dwelling units: 6 feet.
   c. Non-residential access: 10 feet.

4. *Internal Access Streets.* Any single block, lot or site greater than five acres, or lots where access is constrained by the location and design standard, shall provide a system of internal access streets that establish access and circulation within the site. Internal Access Streets:
   a. Shall be laid out to organize the site into smaller internal blocks between one and four acres.
   b. Shall be designed to mimic public street cross sections in Section 3.01.C., Street Design, including sidewalks, landscape amenities, on-street parking and travel lanes.

c. May be treated as public streets for determining the proper location, orientation and design of sites and buildings within the project.



NOT THIS ***THIS***

Figure 7-1 Internal Access Streets
Internal access streets shall be located to arrange larger projects into development blocks, break large expanses of parking into parking blocks, and be designed to replicate public streetscapes according to Section 3.01.. (7.02.A.4)

5. *General Design Standards*. All access shall meet the following design standards.
   a. Sufficient on-site storage to accommodate queued vehicles waiting to park or exit without interfering with street traffic.
   b. Provisions for circulation between adjacent parcels shall be provided through internal access streets, cross access easements, and other shared access provisions to protect the function, design and streetscape character of public streets.
   c. Driveways accessing commercial or industrial property shall not be permitted across any lots zoned or used exclusively for residential purposes.
   d. Driveway spacing and design shall be located so that safe ingress and egress is provided, considering the nature and design speed of the street from which the access is provided and the potential conflicts of all modes of transportation, including pedestrians, bicycles and vehicles. In situations where access is taken from high-speed or high-volume streets, or where the proposed use will generate more than 1,000 vehicles per day, turn lanes or driveway tapers may be required in association with the access.
   e. Access and adjacent landscape, site design and building elements shall be designed to meet the sight distance requirements of Section 3.01.D.

B. **Sidewalks.**

1. *Generally.* Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided for vehicles. Sidewalks shall connect public entrances for buildings and sites, in the most direct manner possible, to the following:

a. Sidewalks in the public streetscape or along internal access streets.
b. Parking areas, and any walkways or crosswalks associated with the parking areas.
c. Any civic or open space designed for active use.
d. Adjacent sites, where pedestrian connections through public streetscapes or internal access streets is not practical or is too remote.
e. All sidewalks shall be designed and maintained according to applicable ADA Design Guidance.

2. *Sidewalk Width.* Internal sidewalks shall meet the requirements of Table 7-02.

Table 7-02: Internal Sidewalk Widths

Location	*Minimum Width*
▪ Generally ▪ Along any building facade abutting a parking area	5’
▪ Along any parking with vehicle overhangs; OR ▪ A primary route between the street or parking area and the building entrance.	8’
▪ Along any commercial building façade with a primary entrance, or similar building with significant public and pedestrian access	10’
▪ Along any internal access street	6’

3. *Pedestrian Amenities.* Sidewalks and internal pedestrian circulation shall be separated from moving vehicles to the extent feasible with curbs, landscape buffers, curbside parking, except for crosswalks in limited locations.

C. **Traffic Impacts.** Wherever the City Engineer determines that the requirements in this Section will adversely impact the function of the transportation network in the vicinity of the site, alternative access standards may be required to better meet the intent of this section. In addition, any specific access management study or plan for a portion of the City may alter the application of these standards and guidelines.

7.03 Required Parking

A. **Vehicle Parking Rates**. Table 7-03 provides minimum parking requirements and applies to all similar uses not specifically listed. Where the classification of the use is not similar to any general use in the table, the Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, function and operation. The following criteria shall be used in interpreting the table:

1. Employee rates shall consider maximum number of employees likely to be on-site at one time.
2. Square footage rates shall consider leasable floor area or active area dedicated to the particular use. Where this number is not easily or readily determined, 85% of gross floor area may be used.
3. A seating or capacity rate shall consider total number of seats based on industry standards for typical layouts of buildings or building codes.
4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under most applicable rate.

Table 7-03: Required Parking	
Residential Dwellings	
Detached House; Duplex or similar Dwellings generally	2 per dwelling unit
Row House, Apartments, etc.	1.5 per dwelling unit, generally; PLUS 0.5 per each additional bedroom if 3 bedrooms or more; PLUS 1 space per each 10 dwelling units for guest or overflow parking
Accessory Dwelling Unit	1 per dwelling unit
Senior multi-family housing	1 per dwelling unit; AND 1 per employee
Group Living	0.33 per bed / room; AND 1 per employee
Civic / Institutional	
Generally	2.5 per 1,000 s.f.
Schools	Whichever is greater: 2 per class room; OR 1 per 3 seats of any assembly area; OR 8 per class room + 0.5 per employee (high school, vocational school or technical college or university)
Assembly / Auditorium	1 per 4 seats
Commercial	
General Retail	1 – 1,500 s.f. = 2 per 1,000 s.f. 1,501 – 3,000 s.f. = 3 per 1,000 s.f. 3,001 – 50,000 s.f. = 5 per 1,000 s.f. 50,001 or more s.f. = 3 per 1,000 s.f.
Convenience Store / Gas Station	5 per 1,000 s.f.
Outdoor Sales	1 per 1,000 s.f.
Service/Office	3.33 per 1,000 s.f.
Barber / Beauty	1.5 per seat/service stall
Live Work	1 for units 1,500 s.f. or less of non-residential space; Based on closest comparable non-residential parking for units over 1,500 s.f.
Lodging	1 per room; Plus 1 per 2 employees
Entertainment Venue / Theater	1 per 4 seats
Fitness / Exercise Studio	1 per 2 persons capacity
Medical / Dental Office / Clinic	5 per 1,000 s.f.
Hospital / Nursing Home	1 space per 5 beds; Plus 1 per employee
Athletic Club / Sports Complex	2.5 per 1,000 s.f.; AND 1 per 5 seats for any venue
Recreation / Entertainment	1 per 2 participant stations (i.e. 4 participants per bowling lane); AND 2 per 1,000 s.f. for ancillary entertainment or service areas
Restaurant, General	1 per 3 seats (excludes outdoor seating areas)
Bar / tavern	5 per 1,000 s.f.

Table 7-03: Required Parking	
Industrial	
Manufacturing	1 per 1,000 s.f. or 0.5 per employee, whichever is greater
Warehousing / Storage	0.5 per 1,000 s.f
Office / Service	The office/service components of any industrial building shall meet that requirement for that portion of a building. If the floor plan or tenant breakdown is not possible, the building may assume a rate of 10% office / service, 60% manufacturing, and 30% warehousing.

B. **Maximum Parking.** No non-residential use shall provide more than 150% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 120% of the minimum shall require mitigating potential impacts of more parking through one or more of the following strategies:

1. Provide shared parking for other uses on the block or adjacent blocks according to this Article.
2. Use alternative surfaces designed to infiltrate stormwater.
3. Provide additional buffers and site open spaces to screen parking with at least a 10% increase in the open space or buffers required for the parking, and at least a 20% increase in the landscape material amount required for the parking.
4. Design all parking areas over the 120% maximum as dual purpose space, such as plazas or courtyards, playgrounds, event areas for regular use of the space during non-peak times.
5. Increase the lot open space by an amount equal to the area of parking over the 100% minimum, and locate this open space to limit the impact and visibility of parking.

C **Accessible Parking.** Accessible spaces shall be provided in accordance with the Americans with Disabilities Act (ADA) guidelines for quantity, design and location, including the following:

Table 7-04: Accessible Parking	
Total Required Spaces	***Minimum Accessible Spaces***
1 - 100	1 per every 25 spaces
101 - 200	1 additional per each 50 over 100
201 - 500	1 additional for each 100 over 200
501 - 1000	2 % of the required vehicle spaces.
1001 +	20 + 1 for each 100 over 1,000

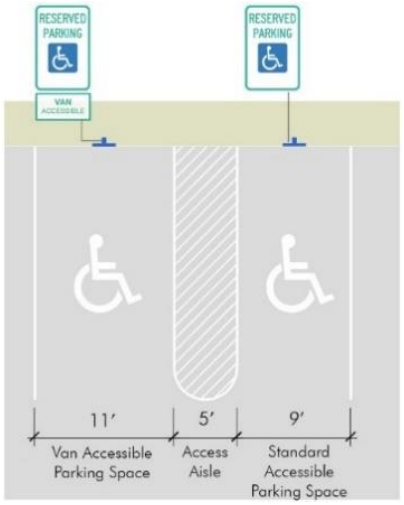


Figure 7-2 Accessible Parking Dimensions

1. Accessible parking shall be located on the shortest accessible route to the primary entrance or main accessible entrance.
2. Van accessible space shall be required at a rate of one per every six required accessible spaces, with a minimum of one.

3. Accessible spaces shall be at least nine feet wide with a minimum five feet accessible aisle. Van accessible shales shall be at least 11 feet wide with a minimum five feet accessible aisle. Two adjacent spaces may share the same accessible aisle.
4. Signs shall be posted designating the space with the symbol of accessibility.

D. **Parking Reductions.** The parking required by Table 7-03 may be reduced depending on context, and according to the following strategies:

1. *C-2 Exempt.* No parking is required in the C-2 zoning district, except any parking that is provided shall meet all location and design restrictions..

2. *On-street Parking Credit.* All on-street parking within 600 feet of any lot frontage shall count towards the parking requirement at a rate of 0.33 space for every one on-street spaces. In situations where on-street parking does not extend far beyond the subject property, on street parking abutting the lot may count towards the parking requirement at a rate of 0.67 spaces for every 1 space.

3. *Bicycle Parking Credit.* All bicycle parking designed and located according to subsection E. may reduce the required vehicle parking one space for every four bicycle parking spaces up to 15% of the required vehicle parking. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on the location, site design, and nature of the use and anticipated patrons.

4. *Public Parking Credit.* Any site within 600 feet of a public parking area may reduce the required vehicle parking at a rate of one space for every two parking spaces, except that if the public parking is part of a managed district the district may establish a different allocation of spaces.

5. *Shared Parking.* Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses. Shared parking arrangements shall require an agreement among all owners participating in the agreement to ensure access, joint use, maintenance, and other operational issues. The agreement shall be recorded with each participating property. A shared parking agreement shall be based on a traffic study, shared parking industry standards, or other study or information to ensure that adequate parking is available in the particular context and for all potential and anticipated uses.

E. **Bicycle Parking.** All non-residential or multifamily shall provide bicycle parking spaces according to Table 7-05.

Table 7-05: Bicycle Parking

Activity	*Required Spaces*
Primary or secondary school	35% of the student capacity
Retail or office uses	10% of the required vehicle spaces.
Recreation and community facilities	15% of the required vehicle spaces
Other institutional, employment, industrial or entertainment uses	5% of the required vehicle spaces.
Multi-unit Residential Buildings	1 per dwelling unit; 1.5 per dwelling unit with 2 or more bedrooms

Bicycle parking shall be designed according to the following standards:

1. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames, and have 2 feet x 6 feet clearance for each bicycle.
2. Structures that serve another primary function, but are designed to meet these standards may count to this requirement.
3. Bicycle parking shall be located in a well-lit area, with convenient and safe pedestrian circulation, and be on pavement or all-weather, dust-free stabilized surface.
4. 50% of required bicycle parking for employment and residential uses shall be located within the building or other all-weather enclosure.
5. Bicycle parking for non-residential uses shall be located within 100 feet of the primary entrance.
6. Short-term bicycle parking structures may be located in the right-of-way subject to streetscape designs and the Public Works Director approval. Structures shall designed for some other primary purpose meeting the streetscape standards, or be designed with artistic or ornamentation enhancements compatible with the streetscape character at the specific location.
7. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may justify alternative compliance from these standards.

7.04 Parking Design

A. **Location, Size and Landscape Area.** On-site parking shall be designed and located in a manner that mitigates negative impacts on streetscapes and adjacent property. The design standards in Table 7-07, Parking Design are based on the number of parking spaces per area and the location on the lot relative to the principal building (front, side, or rear).

Table 7-06: Parking Design

Spaces per Parking Block	*Front* [1]	*Side*	*Rear*
151 or more	Must be broken into smaller parking blocks. [2]	10% internal landscape islands; AND 10' perimeter buffer	6% internal landscape island; AND 10' perimeter landscape
51-150	10% internal landscape islands; 10' perimeter buffer; AND 20' front setback buffer	6% internal landscape islands; AND 6' perimeter buffer	6% internal landscape island; AND 6' perimeter buffer
20-50	6% internal landscape islands; AND 6' Perimeter buffer; AND 10' front setback buffer	6' perimeter buffer	6' perimeter buffer, unless abutting an alley
Under 20	6' perimeter buffer; AND 6' front setback buffer	6' perimeter buffer	6' perimeter buffer, unless abutting an alley

[1] Any surface parking lot in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less.

[2] Where individual sites require or provide parking areas larger than the spaces per parking block in this table, parking lots shall be broken into multiple "parking blocks" meeting the size, location, and landscape requirements of this table. These "parking blocks" shall be arranged around perimeter buffers, continuous landscape medians, and through access drives that mimic public streetscapes.

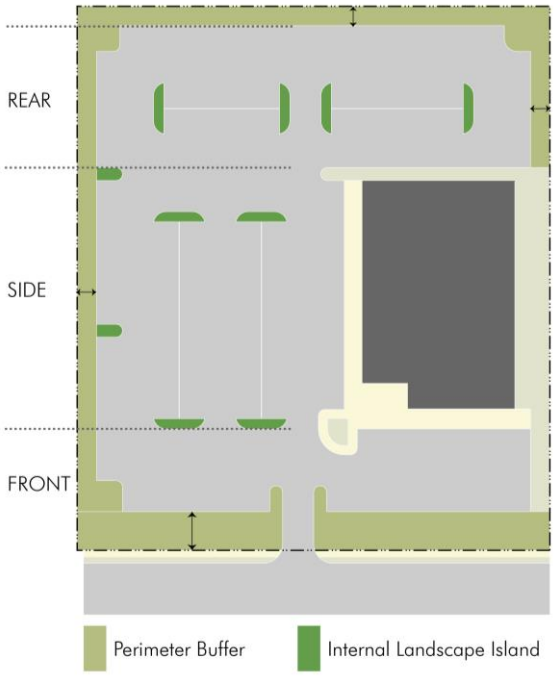


Figure 7-3 Parking Design
Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-07 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings. (7.04.A)

B. **Landscape Design.** Landscape areas required by Table 7-05 shall be arranged to achieve the following results:

1. All buffers and islands shall have the proper allocation of landscape materials required by Section 6.03, Buffers & Screening, and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement and screen parking from adjacent streets and property.
2. In general, no parking or circulation area expanse shall be more than 100 feet in any direction without perimeter buffer, internal island, or parking block edge.
3. Parking pods shall be no more than 40 contiguous spaces without landscape islands either through end caps or center strips.
4. No landscape island shall be less than 8 feet in any dimension and no smaller than 150 square feet.
5. Any perimeter buffer or center landscape strip that contains a sidewalk shall have at least 6 feet of landscape on each side of the sidewalk in order to contribute to the parking landscape requirement, or 10 feet on one side of the sidewalk in order to contribute to the parking landscape requirement..

C. **Dimension.** Parking areas shall be designed to meet the dimension specifications in Table 7-06.

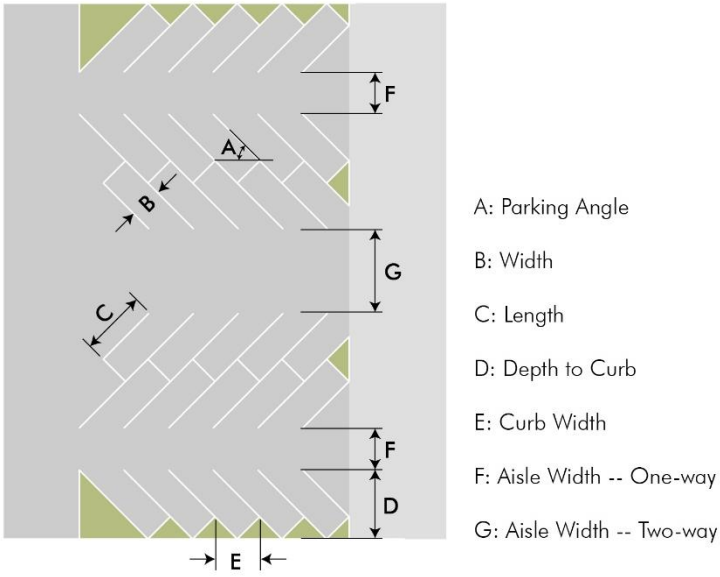


Figure 7-4 Parking Dimensions
Dimensions standards of Table 7-7, applied to typical parking layouts. (7.04.C.)

Table 7-06: Parking Dimensions

A. Parking Angle Width	B. Width	C. Length	D. Depth to Curb	E. Curb Width	F. Aisle Width – One-way	G. Aisle Width – Two-way	Bumper Overhang*
0°	8.0'	22'	8.0'	22'	12'	20'	n/a
30°	8.5'	20'	18'	17'	15'	20'	1.5'
45°	8.5'	20'	20'	12'	15'	20'	1.5'
60°	9.0'	19'	21'	10.5'	18'	24'	2.0'
90°	9.0'	19'	19'	9.0'	20'	24'	2.0'

* Amount of Depth to Curb dimension that may overhang landscape area or expanded sidewalk area or other wheel stop block.

D. **General Design Standards.**

1. All required parking shall be on-site except as specifically provided in this Article for credits or shared parking sections. Additionally, the Planning Commission may allow for a portion of required parking off site through a site plan review subject to the following specific considerations:
   a. It is within 1,000 feet of the subject site;
   b. It is in the same or comparable zoning district;
   c. The presence of the off-site lot does not negatively impact potential development on that lot or in the vicinity;
   d. There are no pedestrian barriers or other access constraints; and
   e. An agreement demonstrating rights and control of the off-site property is provided.
2. No parking space shall be located where it backs into a street or parking drive aisle unless designed as part of on-street parking on public streets or internal access streets according to the standards in 3.01.
3. All parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants or employees of the use, unless specifically authorized otherwise by provisions in this code.

4. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters and inlets, or any other drainage strategy approved by the Public Works Director to support best management practices to minimize runoff and encourage infiltration of storm water.
5. All off -street parking areas and driveways shall be graded and paved with an all-weather material such asphalt, concrete or double sealcoat. Exceptions for alternative surfaces may be approved by the Director, in consultation with the Public Works Director and based on context, to address issues such as low-traffic areas, deferred or overflow parking, multi-use areas, or improved storm water design.

7.05 Loading Areas

A. **Loading Requirements.** In commercial or industrial districts, off-street loading shall be required as indicated in Table 7-07. .

1. The number and size of spaces may be revised based on the operating characteristics of the particular use, and determined through site plan review. .
2. Loading area shall be located on a remote portion of the building and site, or internal to the block and buffered by other commercial buildings wherever possible.
3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access streets or public streets.
4. Loading shall be screened from public streets or adjacent residential areas according to the buffer types and design standards in Section 6.03, Buffers & Screening.

Table 7-07: Loading Areas

Gross Floor Area	*Required Loading Area and Size*
Under 3,000 s.f	N/A, or may be shared per 7.06.B
3,000 – 10,000 s.f	1 space; 10' x 25'
10,001 – 25,000 s.f	2 spaces; 10' x 25'
25.001 – 40,000 s.f.	2 spaces; 10' x 70'
40,001 or more s.f.	3 spaces, Plus 1 for every 50,000 s.f. over 100,000; 10' x 70'

B. **Mixed Use Buildings or Districts.** In any area, project or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted, which may include sharing of loading spaces among multiple smaller tenants, using side streets or alleys – particularly during off hours for loading or deliveries, or other similar strategies that avoid designing sites simply for large vehicle access.

7.06 Alternate Parking & Access Plan

A. **Site Plan.** The Director may approve an alternative access and parking plan that varies from the parking or design standards required by this Article by 15% or less, or with minor deviations from access strategies. The application shall be in association with an Site Plan process in Section 2.06, and the Director shall consider the following:

a. Consideration of the proposed use as well as potential future uses;
b. Evidence of precedents of similar uses in similar contexts or other industry standard indicates a lesser number will be sufficient due to the need due to the nature of the use, the likelihood that patrons or tenants have reduced car ownership or drive less, and the availability and practicality of walking, bicycling or transit access.; and
c. The character of the surrounding area and adjacent land uses, and the availability and overall demand on alternative parking within 600 feet, including on-street parking.
d. The reduction will better meet the intent of this Article.

The Planning Commission may approve an alternative access and parking plan with a reduction up to 35% through the site plan process and based on a specific parking study or industry standard.

B. **Deferral of Required Spaces.** In either of the above cases, a portion of the required parking may be deferred through the site plan review if the initial occupancy of the premises will be adequately served by the lesser number of spaces and an approved final plan clearly indicates the location, pattern and circulation of deferred parking. The deferred parking area shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes. The approval of the site plan shall specify a time, criteria or occurrences where the Director may require construction of necessary parking.

ARTICLE 8. SPECIAL DISTRICTS & SUPPLEMENTAL STANDARDS

8.01 Planned Districts
8.02. Overlay Districts
8.03 Manufactured Home Park (MP) District
8.04 Wireless Telecommunication Facilities
8.05 Airport Height Standards

8.01 Planned Districts

A. **Intent and Applicability.** The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:

1. Preservation of distinct natural features on the land and integration of them into amenities for the project.
2. Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.
3. Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.
4. Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.
5. Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.

Departures from the base standards of all zoning districts may be considered through planned zoning process in Section 2.04 provided they are based upon a comprehensive and well-integrated development plan for the area. These departures shall not be justified for simply wanting flexibility or deviations from standards based upon a site plan.

B. **Permitted Uses.** The uses allowed in the planned districts shall include all uses that are applicable in the underlying zoning districts, along with permitted special uses. However, the development plan may propose greater specificity as to allowed uses, whether that is consideration of additional uses in a limited or specific context, conditions on otherwise allowed uses, or limitations or prohibition on other uses which are not appropriate according to the plan.

C. **Development Standards.** The development standards for planned zoning shall be those of the most comparable base zoning district, except as specifically modified and noted on a development plan accompanying a planned zoning proposal. Departures from standards may specifically propose standards that differ from this code for:

1. Street Types
2. Open and Civic Space Types
3. Applicable Uses and Performance Standards
4. Building & Development Standards, and associated Design Standards
5. Site Design and Landscape
6. Access & Parking (quantity, location and design)
7. Signs

8.02 Overlay Districts

The following special purpose overlay districts address topic-specific issues and policies which are not unique to any one district, and may span multiple districts. The standards and procedures of these districts are indicated in the appropriate appendices of this code.

A. *HP – Historic Preservation Overlay District.* The historic preservation standards and applicability of any historic preservation districts or landmarks are included in Appendix E.

B. *FP* – Flood Plan Overlay District. The floodplain regulations apply to areas potentially subject to flooding, and are included in Appendix F.

8.03 Manufactured Home Park & Small Format Home (MP) District

A. **Intent and Applicability.** The MP district is intended for planned development's that provide smaller-format manufactured or modular homes that include common amenities in a neighborhood or community setting, designed in a manner that is compatible with the surrounding community. The MP district is a specific form of a planned district through the procedures and criteria in Section 2.04.

B. **Permitted Uses.** The uses allowed in the MP are specified in Table 4-03, Zoning District & Use Table, and this district is specifically enabled for:
   1. Single family homes consisting of modular homes, manufactured homes or other similar small, detached dwellings.
   2. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings or other community services.

C. **Development Standards.**

   1. *Project Intensity*:
      a. The minimum project area shall be at least 3 acres and the minimum frontage along a public street shall be 225 feet;
      b. The maximum project intensity shall be no more than 8 dwelling units per acer, including any common areas, landscape buffers and internal circulation systems supporting the community.
      c. *Exception.* A plan smaller area or greater density may be approved if the plan demonstrates exceptional community design and layout for the common areas within the community, and for integration and relation of the project to surrounding areas.

   2. *Height.* The maximum structure height is 35 feet.

   3. *Home Site Standards:*
      a. *Area:* The minimum area for an individual home site shall be 1,500 square feet, and all home sites shall front on a public street or private internal access street, or front on common space with street access at the rear of the home site.
      b. *Setbacks:* Dwellings shall meet the following setbacks from lot or home site boundaries.

Table 8-01: Dwelling Setbacks	
Front	15 feet, except home sites fronting on courtyards or other civic space of the common areas of the plan may have dwellings located 5' from the front lot line.
Side	10 feet; 15 feet for sites on corner of internal or public streets
Rear	20 feet, except home sites backing to buffers, common open space or alleys may have a 10 foot rear setback
	All dwellings shall be at least 30 feet from any public street or other boundary of the community with adjacent property.
	All dwellings shall have at least 20 feet between other dwellings, or at least 30 feet between the dwelling and accessory buildings, except accessory structures serving the home site.

c. *Home Site Open Space.* Each home site shall have a private patio, courtyard, porch, stoop or similar outdoor amenity of at least 200 square feet and which orients the home site to the internal street or common space it fronts on.

d. *Parking Standards:* 1 off-street space for each dwelling unit; common lots within 300 feet of dwelling units. Parking spaces on a home site shall be located to the side or rear of the dwelling.

e. *Anchor:* All dwellings shall be attached to a permanent foundation according to the building code, or:

(1) Be anchored by tie downs and piers in accordance with all applicable provisions of the Manufactured Home and Recreational Vehicle Code.

(2) Be blocked at a maximum of 10-foot centers around the perimeter.

(3) Be fully skirted within 30 days of placement with durable commercial grade skirting designed to create a barrier protecting utilities from extreme temperatures, protect home from pests or animals, hide structural elements and give the dwelling a finished appearance; and

(4) Be located on a flexible surface pad with a solid surface with minimum 5-inch gravel or stone base capable of carrying the weight and control weeds, or on a solid surface of a minimum of two 18-inch wide ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking and access..

D. **Common Areas.** All common areas not dedicated as home sites according to the development standards in C., shall be designed as part of the Public Realm Plan for the community (See Section 2.04 Planned Development Procedures). This space shall be allocated to:

1. *Streets and Circulation.* An internal street and pedestrian network shall be laid out subject to the following:

a. Intimal access streets or private drives shall be at least 25 feet wide.

b. Sidewalks at least 4 feet wide shall be included on all streets, or at equal or greater intervals through a trail or path system that connects all home sites to community facilities.

c. All streets and pedestrian routes shall be be surfaced with all-weather, dust-free, stabilized surfaces, and adequately lighted at night.

c. At least one parking space shall be on each home site. Additional required parking or visitor parking may be concentrated at remote locations, or on-street within internal street designs. Parking shall be an all-weather, dust-free stabilized surface.

2 *Perimeter Buffer.* All areas around the project shall include a minimum 20 feet buffer, with landscape materials according to Section 6.03.

3. *Common Areas and Open Space.* At least 15% of the total area shall be usable open space. All common areas not dedicated as home sites, streets or perimeter buffer shall be designed and allocated as courtyards, greens, or parks. Other internal circulation or open space such as walkways, landscape buffers or other site design amenities shall be designed and located in a manner that improves the quality of the community and its relationship to surrounding areas.

4, *Storm Shelter.* Each new manufactured home park plan or any expansion of an existing park by 10 units or more shall provide a storm shelter. The shelter shall be located in a central and convenient locations, and may be included with recreation facilities, laundries facilities or other similar common community amenities.

E. **Utilities and Services.**

1. All communities shall be connected to a public water supply, and each home site shall have individual water service connections in accordance with the City building codes.
2. All communities shall be connected to the public sewer system and each home site shall have individual sewer service connections in accordance with the City building codes.
3. Each home site shall be provided with an individual electric outlet supply in accordance with the City building codes.
4. Natural gas hookups, when provided, shall be installed in accordance with the City building codes and regulations of the gas supplier.
5. Storage, collection and disposal of refuse shall be designed, located and provided in a manner that creates no health hazards, no odor or unsanitary conditions, minimal visibility to both the home sites and any surrounding property, and is properly managed and maintained in this condition.
6. The park shall provide appropriate drainage per the subdivision standards and all other grading and permitting standards of the City. Each individual home site shall be located on a well-drained site and graded to insure rapid drainage and the removal of any stagnant water.

F. **Landscape and Parking Design**. The standards of Articles 6 and 7 are generally applicable to the R-5 district, except as modified through a development plan based on the criteria in Section 2.04.

G. **Subdivisions.** The plan for a MP district may propose individually platted or otherwise independently sold lots if, in addition to all other planned district criteria, the plan demonstrates:

1. All home sites shall have public utility access and provided in Article 3, including public easements for access to each home site, and otherwise ensure appropriate metering and billing for services;
2. All dwellings are on a permanent foundation; and
3. There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association that has an organizational structure and financing mechanism to ensure continued operation according to the plan.

8.04 Wireless Telecommunication Facilities

Wireless telecommunication facilities require a special use permit in any district according to Table 4-03 Zoning Districts and uses. All wireless telecommunication facilities are subject to the standards and procedures in Appedix G.

8.05 Airport Height Standards

Special height regulations adjacent to airports, including landing strips. The following additional regulations shall apply to lands within the City of Joplin situated adjacent to any airport or landing area which contains a paved runway or landing strip. The airport hazard area shall be defined and regulated as follows:

A. **Detailed Description of Hazard Area:**

1. The Hazard Area consists of Approach Zones, Turning Zones and Transition Zones. The Outer Boundary of the Hazard Area is composed of a circle whose center is the midpoint of the center line of the instrument runway or landing strip and having a radius of 4,000 feet, and which also constitutes the outer boundaries of the Approach and Turning Zones.

2. The Inner Boundary of the Hazard Area is a boundary line consisting of a series of intersecting tangents, 500 feet from and parallel to the center line of the instrument runway or landing strip and 250 feet from and parallel to the respective center lines of all other runways or landing strips and connecting the inner boundaries of adjacent Approach Zones at the ends of the runways, landing strips or proposed runways or landing strips.

B. **Permit Required.** It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind of character or to plant or replant any tree or other object of natural growth, within the boundary of the Hazard Area of said airport without first obtaining a building or land use permit from the Planning and Community Development Manager.

C. **Nonconforming Structures**. Within the Hazard Area as hereinbefore defined, no nonconforming building or structure, or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted.

D. **Marking of Nonconforming Structures**. Whenever the Planning and Community Development Manager shall determine, or shall be notified by the Federal Aviation Agency that a specific structure exists within the zoned area hereinbefore described at such a height or in such a position as to constitute hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the leassor or leassors of the premises on which such structure or object is located shall be notified in writing by the Planning and Community Development Manager and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Federal Aviation Agency. The cost of such marking shall not be assessed against the owner or leassor of said premise.

ARTICLE 9. DEFINITIONS & TERMS

9.01 Description of Uses
9.02 Definitions
9.03 Glossary of Design & Architecture Terms

9.01 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-03 Zoning Districts & Use Table. It is organized by Categories and Types of uses, with some Types being refined by more specific uses. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most equivalent described use considering:

1. The similarity of the use in terms of scale, impact and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district.

Any uses that may not be interpreted as equivalent to a use listed in this section is not anticipated by these regulations and may only be allowed by a Text Amendment.

A. Residential Uses / Dwelling Types

The Residential Use / Dwelling Type category is the principal use of land and buildings for dwelling units. A dwelling unit is one or more joined rooms used by a family of single housekeeping unit for residential occupancy, including sleeping, bathroom(s) and eating facilities. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following dwelling types:

Detached House. A residential building designed for one primary dwelling unit in an urban neighborhood, suburban or rural setting. Variants of this type are based primarily on lot size and context, and the standards of the particular zoning district.

Duplex / Multi-unit House. A residential building designed to accommodate 2 to 4 primary dwelling units in an urban neighborhood or suburban setting. Duplex units that share a single common wall may be on a single lot, or it may be platted as separate lots along the common wall line subject to platting restrictions. All other Duplex or Multi-unit Houses shall be on a single lot. Duplex / Multi-unit Houses shall have a scale, orientation and design features that maintains the appearance and form similar to a Detached House.

Row House. A multi-unit residential building designed for 3 to 12 dwelling units within an urban and sometimes suburban context. Row Houses abut one another sharing an adjoined party wall. These units are conjoined however, each unit has its own private entry. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.

Apartment (small, medium or large). A multi-unit residential building designed on a small or moderate-sized lot in a compact walkable neighborhood or mixed-use stetting. The building is accessed by a

common lobby entrance at building frontage, is designed with a compatible scale and frontage to other residential building types, and arranged to integrate into the block structure of a neighborhood. Variants of this type are based primarily on building scale, lot size and context, and the standard of the particular zoning district. Variants include Small, Medium and Large Apartments.

Apartment, Garden Apartment. A grouping of small or medium apartment buildings in a common development in a suburban setting, including accessory uses and buildings to support the residential use of the property, and arranged around an internal system of streets, internal access, walkways and common open space.

Live / Work. A residential building type designed with a single dwelling unit where an additional component of the structure is designed for a small-scale business function run by the occupant and under single ownership. Live / Work units can either be detached structures or attached with common party walls with other Live / Work units similar to the Row House configuration.

Mixed-use (apartment over commercial / service). A residential use in a building designed primarily for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Small Format or Manufactured Home Communities. A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

Group Home – Limited. The use of a neighborhood-scaled building and site operated to provide residence, supervision, and other services for up to 8 unrelated individuals who are mentally or physically disabled, and two additional caregivers, and otherwise meeting the requirements of a detached house as provided by RSMO Section 89.020. Group homes may be required to be licensed as provided by state law, and meet other conditions similarly applicable to all residential buildings in the zoning district..

Group Home – General. The use of a multi-family- or institutional-scaled building and site operated to provide residence, supervision, and other services for more than 8 unrelated individuals who are mentally or physically disabled, or more than two additional caregivers.

Group Home – Boarding House. The use of a multi-family or institutional-scaled building and site operated as a residence and other services for 5 or more unrelated individuals choosing to live in a group living environment. This use includes commonly used terms *fraternity*, *sorority, dormitory,* or *co-housing*.

Senior Living – Limited. A living facility or planned community that emphasizes social and recreational activities for mature adults or retired individuals in a residential setting. The facility may provide some level of supervision or support for daily living. The facility will typically provide security and may include other services such as meals, housekeeping, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *assisted living*, *retirement housing* and *retirement community*.

Senior Living - General. State-licensed housing with residential units or bed services for long-term residency in a residential setting, and which provides twenty-four hour supervision and is designed and operated for elderly or infirm people who require some level of support for daily living or medical supervision. Such support may include meals, security and housekeeping and may include daily personal care, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *congregate care facility*, *continuing care retirement community, and nursing* or *convalescent home.*

B. **Public / Civic**

The Public / Civic use category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation needs for residents and neighborhoods or providing essential community services. It can include public uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. It includes the following types:

Assembly. A civic or institutional use designed to serve the community for regular or periodic events, including worship, civic, recreation or entertainment, and accessory uses associated with organized activities, including child care, concession services, education, and recreation events.

> *Assembly – Neighborhood (under 500 occupants)*. Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s) and typically designed for less than 500 people. Examples include a neighborhood association recreation center, meeting hall, or small religious facility.
>
> *Assembly – Community (501-1,000 occupants)*. Places of public assembly designed and located to serve community or civic needs of a broad vicinity and typically designed for 301 – 1,000 people. Examples include a community/recreation center, small event hall or large religious facility.
>
> *Assembly – Regional (1,001+ occupants)*. Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for more than 1,000 people. Examples include an auditorium/stadium, large event hall or major worship hall, or convention and conference center.
>
> For the purposes of any performance standards or any separation criteria for particular uses, assembly uses that are “churches” or “places of worship” shall include a building primarily used for public religious worship and associated religious functions (education, fellowship, etc.) including churches, synagogues, mosques and temples.

Cemetery, Crematory, Mausoleum. Land or building used for the burial of the deceased, whether human or animal, and dedicated for interment purposes.

Funeral Home. An establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Park and Open Space. Any parcel or area of land or water essentially unimproved with any residential, commercial or industrial uses and dedicated or reserved for public use and enjoyment, or reserved as common areas for a neighborhood or district, including agricultural, recreational, aesthetic or environmental purposes, and characterized by natural areas, landscape features, and civic spaces but including accessory facilities and structures.

Library / Museum. A civic or institutional use provided resources and exhibits to support education, culture, and information exchange open to the public at large.

School. A civic or institutional use designed to provide structured, seasonal or year-round education opportunities for the community.

> *School – Small (less than 2 acres)*. A small public or private institution for primary, secondary, vocational/trade, or continuing education, or other similar training of small groups of individuals, located on a property of less than 2 acres, that may occupy a building or lot not specifically

designed for a civic or institutional uses and may be part of larger commercial or mixed-use development patterns.

School – Small (2-15 acres). A small public or private institution typically for primary or secondary education and serving up to 800 students primarily targeted to serve neighborhoods within 1 mile. Special purpose schools that have a larger target area but are designed and scaled to operate similar to a neighborhood school may be included in this type. These types of schools are built or arranged on a property of 2-15 acres that integrate well into neighborhood patterns at the smaller range or should provide community and civic spaces to coordinate with the block structure at the larger scale.

School – Community/Regional Campus. A large public or private institution, typically for secondary or post-secondary education and serving more than 800 students and targeted to the broad vicinity including neighborhoods beyond 1 mile. These types of schools arranged on a property of more than15 acres that disrupt the surrounding development patterns and do not integrate well with surrounding development due to the size, scale and intensity of the use; therefore they provide systems of internal circulation, open and civic spaces, but should coordinate as best as possible with the surrounding area to avoid creating negative impacts or inefficiencies on the surrounding development and infrastructure patterns.

Transitional Living –Limited. A neighborhood-scaled building and site, operated as a state-licensed facility providing interim or long-term residency for up to 8 persons in need of protective or rehabilitative services, or on release from more restrictive custodial confinement and needing supervised care. The use includes 2 resident caregivers. Examples include half-way houses or shelters designed to integrate into a neighborhood setting.

Transitional Living – General. A multi-family- or institutional-scaled building and site, operated as a state-licensed facility providing interim or long-term residency for more than 8 persons in need of protective or rehabilitative services, or on release from more restrictive custodial confinement and needing supervised care. The use includes resident caregivers, and may provide rehabilitation treatment and outpatient service for alcohol and other drug abuse. Examples include rehabilitation centers and protective shelters

Transitional Living – Correction Facility. A residential or institutional facility providing housing and care in for individuals confined for violations of law.

Transportation – Transit Facility. A facility used or intended to be used as an area for loading, unloading and interchange of transit passengers. Typical uses include bus terminals, rail stations and passenger related mass transit facilities.

Transportation – Airport, Heliport, or Helipad. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft. This includes any area used by helicopters for landing and take-off, passenger and cargo loading.

Transportation – Public Parking. A parcel of land where the principle use is to park vehicles whether on a fee basis operated by a public or private entity or whether to support an adjacent use or business located on a different lot. Parking may be in a surface lot or in a structure.

Transportation – Freight Terminal. A building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air.

Utility, Major. Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and

similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term "utility" shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities or other uses otherwise described in this section.

Utility, Minor. Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development, that involve only minor structures necessary to provide services, such as poles and lines, and designed in a way that is accessory to the right-of-way or private property use or otherwise screened from conspicuous view.

C. Commercial Uses

The Commercial use category is the use of land and buildings for entities engaged in sale of products or services, the limited production and distribution of products, or other administrative or support services to help businesses. It includes the following types of uses:

Retail. A commercial use primarily engaged in the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity, and building format based on the following:

Retail – Limited. A small scale retail use under 1,000 square feet, including food trucks, sales kiosks or machines, and other temporary or permanent sales receptacles, each of which may be subject to specific licensing and siting conditions depending on the permanence of the use, structures or other circumstances of the location..

Retail – Small. A small scale retail use at least 1,000 but less than 4,000 square feet.

Retail – General. A retail use at least 4,000 but less than 10,000 square feet.

Retail – Medium. A large-scale retail use at least 10,000 but less than 50,000 square feet.

Retail – Large. A large-scale retail use at least 50,000 but less than 100,000 square feet.

Retail – Warehouse. A large-scale retail use at least 100,000 square feet.

Adult Entertainment Establishment (or Adult Entertainment Business). Any business, premises or establishment to which the public, patrons or members are invited or admitted, which has any of the following:

1. No more than 30% of its annual gross receipts derived from: (a) the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas", or (b) the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas", and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities"; or

2. No more than 30% of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas", or paraphernalia designed for use in connection with "specified sexual activities"; or

3. No more than 30% of its floor area at any time allocated to (a) entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas", or (b) the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas", and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities", and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities."

   This includes the following specific uses:

   Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, Digital Video Discs (DVD's), slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or "specified sexual activities."

   Adult Bookstore or Video Store. An establishment which has as a regular and substantial portion of its stock-in-trade business, or advertising to the sale, rental or viewing, for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, video cassettes, Digital Video Discs (DVD's), slides or other visual representations, that are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or "specified sexual activities." A business will be presumed to be an adult bookstore or video store if more than 25% of its retail value of merchandise or 10% of its display space consists of the above mentioned materials.

   Adult Motion Picture Theatre. An establishment where, for any form of consideration, films, motion pictures, videocassettes, Digital Video Discs (DVD's), slides, or other similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities."

   Specified Anatomical Areas. Any of the following:
   a. Less than completely or opaquely covered human genitals, pubic region, buttocks, anus, or female breast area below a point immediately above the top of the areola; or
   b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

   Specified Sexual Activities. Any of the following:
   a. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
   b. Acts actual or simulated of sexual intercourse, masturbation, sodomy, or oral copulation; or
   c. Excretory functions as part of or in connection with any of the activities above.

Animal Care. A commercial use that provides care and medical or non-medical services for domesticated animals that is further refined by the scale and intensity of the operations, as follows:

   Animal Care - Limited. A small office or shop providing animal care. The use typically involves less than 5,000 square feet of commercial area, all activities occur indoors (except routine daily pet care), and any overnight boarding is limited to that necessary for medical care or observation. Examples include a veterinary office, pet grooming or training, and small animal day cares.

Animal Care – General. A moderate sized facility or office providing care for domesticated animals. The use typically involves between 5,000 to 20,000 square feet of commercial space or involves routine outside activities where up to 50 animals may be outside for an hour or more. Examples include a veterinary clinic, larger pet daycare facilities, animal shelters, and indoor commercial kennels.

Animal Care – Large. A large facility providing animal care for domesticated animals. The use typically involves more than 20,000 square feet of commercial space or significant outdoor activity including boarding kennels or play areas where more than 50 animals may ordinarily be kept. Examples include domestic animal hospitals, and large commercial/outdoor kennels.

Day Care. A commercial use for the care of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise, that is not accessory to schools, religious services or employment activities. Day care is further refined by the scale and intensity of the operations, as follows:

Family Day Care Home. A day care operated as a home occupation for no more than 10 children not related to the provider. The provider may be licensed to operate no more than one day care home or group day care home.

Group Day Care Home. A day care for 11 to 20, children not related to the child care provider. A group day care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one group day care home or family day care home.

Day Care Center. A day care for group of persons licensed as a group day care center for more than 20 children.

Grocery. A specific retail use selling food, produce, and household products for general household consumption. These uses often serve as a key anchor for neighborhood and community centers which justifies slightly larger scale than other general retail uses, provided they can still fit into the development pattern and public-realm framework of the center. To accommodate this, Grocery is further refined by scale and format as follows:

Grocery – Market (under 10K). A small grocery offering limited selection of products or specialty foods or produce in a small scale format under 10,000 square feet. Examples include a corner store, butcher shop, produce market or similar store

Grocery – Small (10K – 40K). A small to mid-sized grocery offering moderate range of food and household products, and limited accessory services in a mid-sized building format, at least 10,000 square feet but less than 40,000 square feet. Examples include a neighborhood market or small-format grocery store.

Grocery – Large (40K +). A large grocery store grocery store offering a full range of food and household products and associated accessory services in a large-scale format, in buildings over 40,000 square feet. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

Lodging. A commercial use providing accommodations for temporary, short-term overnight occupancy, and accessory uses associated with typical guest services such as food service, recreation or similar accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format and intensity of use.

Lodging, Bed and Breakfast. A small residential building used for short-term lodging with one or more meals for compensation and shared living space between the primary occupants and patrons and includes at least 2 but no more than 5 rooms.

Lodging, Short Term Rentals. A residential unit in a residential building type used for short term lodging for compensation, where the owner is not residing on the premises during the occupancy.

Lodging, Inn. A large residential building or small commercial building providing accommodations for short-term overnight occupancy for at least 6 but less than 30 rooms.

Lodging, Hotel/Motel Small. A commercial building providing accommodations for short-term overnight occupancy for at least 31 but less than 100 rooms.

Lodging, Hotel/Motel Large. A commercial building providing accommodations for short-term overnight occupancy for 101 or more rooms.

Medical Care. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats.

Medical Care – Limited (Under 5K). A medical care use offering primarily therapeutic or preventative care, with limited diagnostic and routine outpatient clinical and care services, that occupies less than 5,000 square feet of treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical Care – General (5K – 40K). A medical care use offering primarily therapeutic or preventative care, with limited diagnostic and routine outpatient clinical and care services, that occupies between 5,000 and 40,000 square feet of treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical Care – Large (40K – 100K). A medical care use offering a full range of clinical, diagnostic and care services, that occupies between 40,001 and 100,000 square feet for treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include small hospital, remote surgical centers, or large clinic or analytical labs.

Medical Care – Major (100K+, campus). A medical care use a full range of clinical, diagnostic and care services, that occupies more than 100,000 square feet or multiple buildings, and serves a greater region with a wide range of health care needs including emergency services, including a wide range of accessory office, lab, and retail uses related to patron and patient needs. Examples include a large hospital or regional medical center campus.

Medical Care – Residential Care Facility. A State-licensed facility that provides bed services for short-term or long-term residency in an institutional setting, and which provides in-patient or out-patient services, twenty-four hour supervision and is designed and operated for elderly or infirm people who require support for daily living. Medical support shall be provided by skilled nursing and medical staff. This includes commonly used terms *extended care facility, long-term care facility, nursing home* and *hospice*.

Office. A commercial use focused on employment and engaged in the administrative, technical, or management aspect of business or professional services, that typically do not have frequent or

unscheduled on premise interaction with the public or clients. Examples include accountant, architect, attorney, insurance, property management, real estate, travel agent, or corporate and administrative support of other industries. Office uses are further refined by the scale and format of buildings based on the following:

Office – Small (under 10K). An office use less than 10,000 square feet, within a small building or occupying a portion of a mixed-use building

Office – General (10K – 50K). An office use between 10,001 and 50,000 square feet, typically within one moderate-sized building

Office – Large. (50K – 100K). An office use between 50,001 and 100,000 square feet, typically within one large building.

Office –Complex / Campus. (100K+). An office use more than 100,000 square feet or involves multiple buildings in a campus pattern or complex.

Outdoor Sales – Limited. A specific retail use where a portion of business is associated with merchandise that can only be displayed permanently and year-round out-of-doors. Examples include a the garden center, equipment yard associated with a retail store or rental operation. The dedicated outdoor sales area is generally limited to no more than 25% of the overall business operation area. This does not include accessory outdoor sales and display areas which may be permitted as an accessory use to an otherwise permitted use or seasonal events that may be permitted through a temporary use permit.

Outdoor Sales – General. A specific retail use where the primary business is associated with merchandise that can only be displayed permanently and year-round out-of-doors. The dedicated outdoor sales area is generally between 25% and 50% of the overall business area. Examples include a small-scale nursery, a lumber yard, or a small machine or equipment sales.

Outdoor Sales – Large. A specific retail use where the primary business is associated with large-scale equipment and merchandise that can only be displayed permanently and year-round out of doors. The dedicated outdoor sales area is generally more than 50% of the overall business area. Examples include a motor vehicle sales lot, equipment sales lot, boat or recreational vehicle sales lot, large nursery, large machine or farm implement sales yard.

Recreation/Entertainment. A commercial service use engaged in the business of providing daily or regularly scheduled activities for entertainment, leisure activities, training and instruction, or exercise, offered to the public through individual, membership, or group arrangements. It does not include parks and recreation uses incorporated into the civic and open spaces of the community. This use type is further refined by the scale, format and intensity as follows:

Recreation/Entertainment – Indoor, Limited. Indoor recreation/entertainment that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, music studio, or dance or yoga studio.

Recreation/Entertainment – Indoor, General. Indoor recreation/entertainment use that involves a building between 10,001 square feet and 40,000. Examples include a large bowling alley, a small sports and recreation center, a small theater, large health club or fitness center,

Recreation/Entertainment – Indoor Large. Indoor recreation/entertainment use that involves a building more than 40,000 square feet. Examples include a large sports and recreation center, skating rink, shooting range,or theater complex.

Recreation/Entertainment – Outdoor, Limited. An outdoor recreation use that involves less than 2 acres of active outdoor recreation grounds. Examples include a small racket club or miniature golf.

Recreation/Entertainment – Outdoor, General. An outdoor recreation use that involves less between 2 and 5 acres of active outdoor recreation grounds. Examples include driving range, small / par 3 golf course, swimming pool, tennis center, batting cages, small band shell or amphitheater.

Recreation/Entertainment – Outdoor, Large. An outdoor recreation/entertainment use that involves more than 5 acres of active outdoor recreation grounds. Examples include waterpark, drive-in theater, shooting range, riding stables, racetrack, regulation golf course, sports and athletic complex.

Recreation/Entertainment – Campground. An outdoor recreation use providing overnight accommodations within a large open area for recreational purposes and may involve associated accessory buildings or facilities for parking RVs on a temporary basis.

Restaurant. A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. Whether the use includes drive-through facilities is regulated by the accessory use provisions and site design standards for the particular district and street. Restaurants are further refined by scale, format and intensity based on the following:

Restaurant – Small (under 5K). A small scale restaurant under 5,000 square feet commercial, typically integrated into buildings or blocks with other commercial uses, such as a cafe, lunch counter, deli, bakery, coffee shop, or similar small retail sales food outlet.

Restaurant – Quick Serve (under 5K). A small restaurant focusing on quick, convenient services and where accessory drive-through services are a primary aspect of the business, and the building or site may include accessory seating areas that are typically under 5,000 square feet, including the preparation and service areas.

Restaurant – General (5K+). A moderate or large scale restaurant with over 5,000 square feet of commercial area, and typically includes separate kitchen dinning facility, accessory bar and entertainment areas.

Restaurant – Bar. A restaurant where the primary function is the sale of alcoholic beverages for consumption on premises, and a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink, and food services is secondary or accessory. In districts where a Restaurant-Bar is allowed, it may be further limited by the comparable scale of other Restaurants allowed in the district.

Service. A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include barbershop or beauty saloon, mail or delivery center, small equipment repair, tailor, bank or personal financial services. Service uses are further refined by scale, intensity and format based on the following:

Service – Small(under 5K). A service use under 5,000 square feet, typically in line with other small scale uses in a multi-tenant commercial building or mixed-use building.

Service – General (5K – 20K). A service use between 5,000 square feet and 20,000 square feet, in a small free-standing building or part of a large mixed-use building

Service – Large (20K +). A service use more than 20,000 square feet, typically in a moderate-freestanding building or part of a large mixed-use building.

Vehicle – Gas Station. A specific retail use engaged in the sale of fuel for motor vehicles to the general public, and may involve limited accessory sales of vehicle accessories and convenience goods. This use may be combined with vehicle service and repair uses but is subject to the service bay limitations below. Vehicle – Gas Station uses are further refined by the scale, format and intensity as follows.

Vehicle - Gas Station, Small (1-8 pumps). The use is limited to no more than 8 fueling stations, no more than 2 service islands, no more than 2 vehicle service bays and no more than 2,000 square feet of accessory retail or service areas. Examples include small, neighborhood service stations.

Vehicle - Gas Station, General (9-16 pumps). The use is limited to between 9 and 16 fueling stations, no more than 4 service islands, no more than 3 vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include general stores and gas stations.

Vehicle - Gas Station, Large (16 – 24 pumps) –The use is limited to 16-24 fueling stations, 4 to 8 islands, no more than 4 vehicle service bays and no more than 8,000 square feet of accessory retail or service areas. Examples include a large convenience center and gas station.

Vehicle – Gas Station, Truck Stop(24 or more pumps) –The use contains more than 24 fueling stations, or any other gas station that exceeds the vehicle service bay or accessory retail and service areas of other categories. Examples include a truck stops and travel centers.

Vehicle Service and Repair. A specific service use engaged in motor vehicle and mechanical equipment maintenance and repair services and accessory retail sale of supplies and accessories. Vehicle Service and Repair is further refined by scale, format and intensity as follows:

Vehicle Service and Repair – Limited. A vehicle and equipment service and repair use limited to no more than 3 vehicle service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation or audio or alarm installation.

Vehicle Service and Repair – General. A vehicle and equipment service and repair use that involves 4 or more vehicle service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may outdoor storage on the lot. Examples include large mechanic shop, lubricant center, tire store, non-accessory car wash, or an auto body shop.

Vehicle Service and Repair – Major. A vehicle service and repair use engaged in the maintenance and repair of motor vehicles, recreational vehicles or boats, commercial vehicles or heavy equipment, and other services that may involve outside storage or work. Examples include auto repair shops, auto body and frame repair, automobile painting, transmission repair and engine overhaul. Does not include the storage or dismantling of wrecked motor vehicles or storage of junk.

D. **Industrial**

The Industrial use category involves the use of land and buildings for businesses engaged in the production, processing, storage or distribution of goods, which may have potential impacts beyond the

site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations. Depending on the scale, intensity, and operations of these uses they may not be compatible with other uses or buildings, and may need special districts, more careful location criteria, and/or increased site design or operational limitations in order to be generally applicable in a district or the City.

Manufacturing – The processing and assembly of finished products or parts, predominantly from previously prepared materials, including the fabrication, treatment, packaging, incidental storage, and sales and distribution of the products. Manufacturing is further refined by scale, format and intensity as follows:

> *Manufacturing – Limited / Artisan.* A small-scale manufacturing use where activities produce little or no byproducts such as smoke, odor, dust or noised discernable from outside of the building. Deliveries and distribution are made by general consumer delivery services requiring no special large truck access, and products are typically made available to the general public on the site. Uses typically occupy buildings or spaces under 10,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, craft manufacturing, small bakery or micro-brewery, or other similar small-scale assembly of finished products.
>
> *Manufacturing – Light.* A low-intensity manufacturing use where the activities produce little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building. Outside storage is limited to only accessory storage typical of other commercial and light industrial uses, and distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, non-retail laundry services, or similar businesses that provide products for support of other businesses.
>
> *Manufacturing – General*. A manufacturing use where the activities may produce byproducts such as noise, dust, smoke or odor discernable from outside the building or off the site, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale fabrication plants, large equipment assembly, food production and processing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.
>
> *Manufacturing – Heavy.* An intense manufacturing use where the scale or type of operations involve heavy use of raw materials, production and storage of unfinished products, some which may be hazardous or noxious. The activities capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal processing, pressing and dying plants, asphalt or cement production, animal processing, meat processing or slaughter, or similar heavy or hazardous manufacturing operations.

Gas and Fuel Sales / Storage. The use of a site for bulk storage and distribution and sales of flammable liquid, gas or solid fuel, excluding below-ground storage that is clearly ancillary to an allowed principal use on the site.

Mining or Quarrying. The extraction of metallic or nonmetallic mineral deposits from the earth and crushing, separating or otherwise processing the extracted mineral deposits into a useable form. Typical uses include sand and gravel pit operations, quarries and mines.

Oil or Gas Drilling/Refining. The subsurface extraction or refining of oil or natural gas.

Storage and Warehousing. An industrial use engaged in the business of keeping and warehousing goods and products for interim or long-term periods or for distribution, including any logistic services related to this business such as labeling, bulk packaging, inventory control or light assembly. Storage and warehousing uses are refined further based on the scale, format and intensity as follows:

Storage – Personal / Indoor. A storage use for the public where individuals store personal property in units leased or rented on a periodic basis and where all units are accessed from within the principal building. Examples include indoor self-storage mini-warehouses.

Storage – Personal / Outdoor. A storage use for the public where individuals store personal property in units leased or rented on a periodic basis and where all storage is inside but individual units may be accessed directly from the outside. Examples include outdoor self-storage mini warehouses.

Storage – Commercial/Indoor. A storage use for businesses or larger personal products, where all items are stored indoors. Examples include warehouses, distribution centers, cold storage, long-term garages

Storage – Outdoor. A storage use for the public or other businesses where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Examples include boat or RV storage, towing service storage yard, building supply lots or similar industrial supply storage yards.

Waste Processing – Limited. A facility designed for the collection of waste and unused or discarded products, where some limited sorting or processing occurs, and where scale and types of operations produce little noxious byproducts such as noise, odor or debris impacts off-site areas. The facility accommodates the general public, and commercial or industrial truck traffic is limited to periodic services for the facility. Examples include compost or yard waste facility, recycling drop of center, building supply recovery center.

Waste Processing - General. A facility designed for the collection, storage, processing, treatment and disposal of solid waste, or unused and discarded products, and where the types of operations do not involve any hazardous materials, hazardous byproducts, or long-term storage of large equipment or machinery. The facility typically accommodates commercial and industrial vehicles, with limited public accommodations. Examples include landfills, solid waste transfer stations, recycling processing centers.

Waste Processing – Heavy. A facility designed for the collection, storage, processing, treatment and disposal of industrial products, hazardous materials or byproducts, or large equipment and vehicles. Examples include industrial waste facility, junk/salvage yard, or hazardous waste facility.

E. Agriculture

The Agriculture use category is for uses that maintain existing agriculture functions and food production, or which promote rural economic development in the areas surrounding Joplin.

Agricultural Processing. The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

Agriculture, General. The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Jasper or Newton County. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten acres or more in area, and

if such raising of livestock and poultry is incidental or supplemental to the raising of crops. The storage of crops, grains, feeds or other products shall be limited to those raised on or to be consumed on the premises.

Agriculture, Limited. The use of land for the production of row crops, field crops, tree crops or timber where no livestock or poultry are raised or fed.

Roadside Stand. A small retail operation, including primitive or temporary structures, erected for the display and sale of agricultural products and may or may not be located on a zoning lot where the principal use is agricultural. Typical uses include produce stand, small farmers market, or truck sales.

F. **Wireless Communication Facilities**

Wireless Communication Facilities. See standards in Appendix D, Wireless Communication Facilities Siting.

9.02 Definitions

All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited, or qualified within the standards of this code.

Abutting. Directly touching elements that share a common edge or boundary.

Accessory Building: A subordinate building having a use customarily incident to and located on the lot occupied by the main building, or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Accessory Use: A use of building or land which is customarily incident to and located on the same lot or premises as the main use of the premises.

Adjacent. Close, contiguous, and related to by proximity, sharing a common boundary or otherwise nearby to have a relationship without intervening dissimilar elements. When referring to land, separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail, or irrigation ditch, or similarly related land can be considered adjacent.

Adult: A person 18 years of age or older.

Alley: A minor way which is used primarily for vehicular or service access to the back or side of properties otherwise abutting on a street.

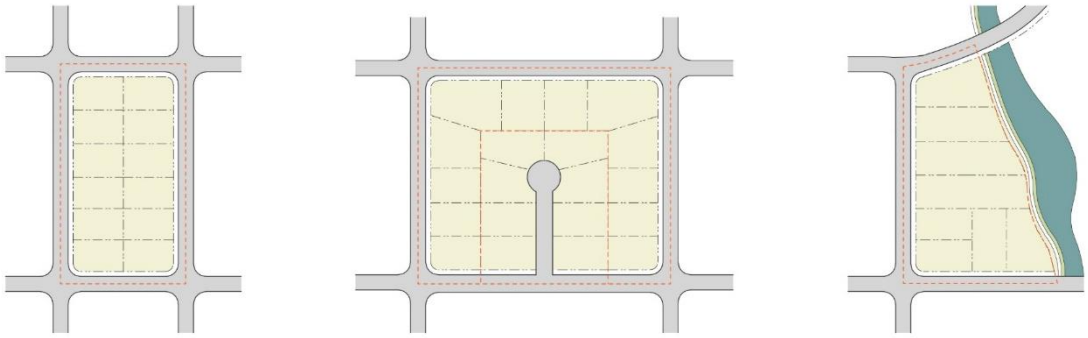
Alteration: Any addition,

Applicant: The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, amendment, variance, construction permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.

Basement: A story below the first story as and where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

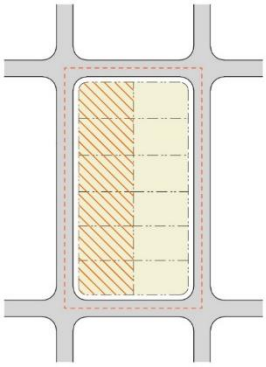
Block. A group of platted lots and outlots surrounded by streets or by other features that interrupt the street network such as parks, railroad rights-of-way, or municipal boundary lines; or the perimeter of all lots fronting on the street in the case of a cul-de-sac. In cases where the platting is incomplete or

disconnected, the Planning and Community Development Manager shall determine the outline of the block



Standard Block *Cul-de-sac Block* *Exception*

Block face. All lots on one side of a block.



Block Face

Board of Adjustment: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions and variances to the zoning regulation.

Buffer. A landscape land area designed specifically to promote separation and enhance compatibility between land uses of different intensities.

Building: Any structure which is built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land; including structures designed and constructed in sections expressly for assembly and placement on a permanent perimeter foundation, with any transport equipment being readily detachable and designed for delivery purposes only, if said structure is placed on such foundation with all transport equipment permanently removed. A trailer as herein defined shall not be classified as a building.

Building Code. Any law, ordinance or code which is in force in the city and which pertains to the design and construction of buildings and other structures, or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building Envelope. The area in which a building or structure is constructed or placed in a development and in which the land area beyond the envelope is under the single ownership or common ownership of all property owners within the development.

Building Footprint. The outline of the total area which is covered by a building's perimeter at the ground level.

Building Frontage. The area of the lot along the front building line, and when referring to design standards it may include relationship of this area and the primary facade of the building.

Building Frontage, Principal. The horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy for the purposes of allocating signs and other design requirements.

Building Frontage, Secondary. That dimension of a building abutting a public right-of-way other than the principal building frontage for the purposes of allocating signs and other design requirements.

Building, Principal. The primary building on a lot or a building that houses the principal use.

Building Line. The actual line at which a building is constructed, and the location of other elements on the lot or adjacent lots may refer to this line extended outward from the building.

Building Line, Required Front. The portion of the lot frontage required to be occupied by the front facade of a principle structure, or other permitted accessory structures or landscape associated with the frontage design.

Caliper. The diameter or circumference of a tree.

Changeable Copy Sign (also known as a marquee sign). A sign designed to allow the changing of copy as with individual letters through manual means, without altering the sign backing or structure in any such way.

Channel Letters, Individual Letters, Raceway and Channel Sign. Individual letters, flat cutout letters or symbols constructed to be applied singly in the formation of a wall sign or freestanding sign.

City Council: The elected Governing Body of the City of Joplin.

Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

Comprehensive Plan. The comprehensive plan of the city, as provided for in the city Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources, and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development. Comprehensive plan may also include any specific plans, polices, or programs adopted under the guidance of that plan for the purposes of interpreting and applying this code.

Condominium. A form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Coverage. Land area which is covered with impervious surfaces, such as buildings, patios, or decks with roofs, carports, swimming pools, tennis courts, or land area covered by any other type of structure, including parking lots.

Curb Level: The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Deciduous. A plant with foliage that is shed annually.

Department of Natural Resources: The Missouri Department of Natural Resources (MoDNR).

Drive-in or *Drive-through*. Accessory site and building features that encourage or permit customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

Drive-up. Accessory site or building features that encourage or permit customers to receive services or obtain or drop off products while remaining in a motor vehicle and which excludes a menu board and/or audio or video speakers.

Driveway. An improved concrete or asphalt path leading directly to one or more city-approved parking spaces constructed with a concrete, asphalt, or similar all-weather surface.

Dwelling: A building or portion thereof, designed exclusively for residential occupancy, detached houses, multi-unit houses, attached / row houses, apartments, mixed-use buildings, boarding and lodging houses, apartment houses and townhouses, but not hotels or motels.

Easement: A grant by a property owner to the public, a corporation, or a person(s) of the use of a recorded strip of land for certain specified purposes.

Electronic Message Display. A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

Entertainer: Means any person who provides any live exhibition, performance, display, or dance which constitutes adult entertainment within any adult entertainment premises, whether or not a fee is charged or accepted for entertainment.

Evergreen. A plant with foliage that persists and remains green year-round.

Exterior or *Perimeter Wall*. A wall, elements of a wall, parapet wall or any elements or groups of elements which define the exterior boundaries or courts of a building.

Facade. The exterior face of a building.

Family: One or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

Fence: An enclosure or barrier as defined in the fencing ordinance used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

Fence Height: The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used, providing that when installed, the material is directly adjacent to the ground level.

Flag. Material attached to or designed to be flown from a flagpole or similar device and which may display the name, insignia, emblem or logo of any nation, state, municipality, or commercial or noncommercial organization (see *Pennants*).

Flashing or Animated. Signs or lighting with flashing, blinking, moving or other animation effects or that give the visual impression of such movement by use of lighting, or intermittent exhibits or sequential flashing of natural or appearance of artificial light or colors, including those signs that rotate, revolve, spin, swing, flap, wave, shimmer, or make any other motion, or illusion of motion, or which imitate official governmental protective or warning devices (see *Imitating sign*).

Floor Area (For computing off-street parking requirements): Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:(1) the basement floor area; (2) the area of each floor of the structure; (2) Attic space having headroom of 7' 10” or more.

Foundation Plantings. Live plantings located immediately around the base of the foundation of a building façade that reflects the formal geometry of the structure.

Frame. A complete, static display screen on an electronic message display.

Frame Effect. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

Freestanding Sign. A sign which is not attached to any building. A freestanding sign shall include, but is not limited to, a pole, monument, a canopy, and freestanding wall sign. A sign that extends more than four feet from a wall but is attached and/or is part of a canopy or an awning shall be considered a freestanding sign.

Garage: An accessory building or portion of a main building used for storage only of automobiles.

Governing Body: That Body having jurisdiction in the zoning area.

Grade:

A. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
B. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in (A) above) of all walls facing each street.
C. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

Gross Leasable Floor Area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of joint partitions and from the exterior surface of outside walls.

Ground Cover. Materials that typically do not exceed one foot in height used to provide cover of the soil in landscaped areas, which may include a combination of, but not limited to river rock, cobble, boulders, concrete pavers, grasses, flowers, low-growing shrubs and vines, and those materials derived from once-living things, such as wood mulch. In no event shall weeds be considered ground cover.

Hard Surfaced Road: An all-weather surface improved with asphalt, concrete, asphaltic concrete or similar material designed to City of Joplin street standards.

Hazardous Operation: Activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.

Home Occupation: A business, profession or trade conducted for gain or support entirely within a residential building. (Note: standards are removed from the definition and placed in the regulations.)

Impervious. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, paved parking and driveway areas, compacted areas, sidewalks, and paved recreation areas.

Incidental Sign. Nondescript signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

Indirect Lighting. Reflected light or lighting directed toward or across a surface.

Individual Letters (see *Channel letters*).

Infill. A lot, or grouping of lots or tracts of land, with at least 60 percent of their perimeter boundary adjacent to existing development. If a right-of-way at least 120 feet in width or streets designated on the comprehensive transportation plan, as major collectors or arterial streets are adjacent to the subject lot,

lots across such a street shall be excluded for the purposes of determining infill and at least 60 percent of the remaining boundaries of the site shall be adjacent to existing development for the lot to be determined to be infill.

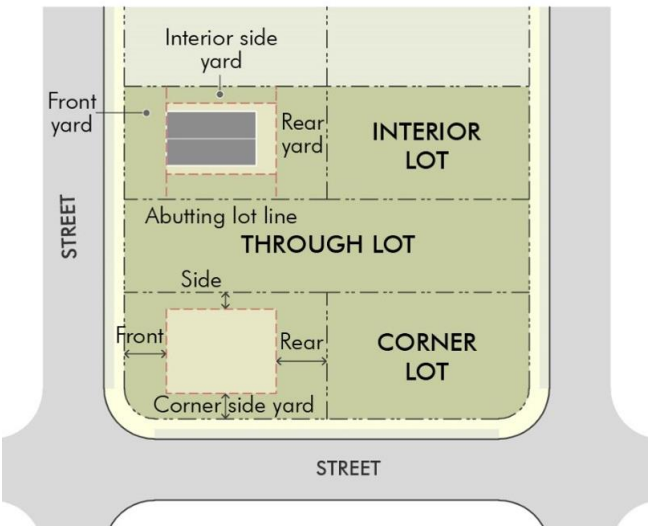
Inflatable Sign or *Inflatable Object*. Any object filled with air or other gas, including balloons, which
Intensity. An expression of the level or nature of development in nonresidential developments, or zones or specific land uses based on combinations of building coverage and height, impervious surfaces, expected traffic, hours of operation, noise, or similar impacts on surrounding areas.

Internal Illumination. A light source that is contained within the sign itself, or where light is visible through a translucent surface.

Lighting: The following terms shall be used in administering the requirements of the lighting performance standards:

A. *Candlepower:* The amount of light that will illuminate a surface one (1) foot distance from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.
B. *Cutoff:* The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.
C. *Cutoff Angle:* The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
D. *Cutoff-type Luminaire:* A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety degrees.
E. *Foot Candle:* A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
F. *Glare:* The brightness of a light source which causes eye discomfort.
G. *Luminaire:* A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
H. *Maximum Permitted Illumination:* The maximum illumination measured in foot candles at the interior setback yard line at ground level in accordance with the standards of the Subsection.

Lot. A parcel of land, established by a subdivision plat, having the required minimum dimensions, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one or more principal buildings, structures, or uses.



Types of Lots

Lot, double Frontage or Through. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. The lot line abutting the street which provides primary access shall be considered the front lot line.

Lot, Interior. A lot other than a corner lot, with frontage on only one street.

Lot Line. A line dividing one lot from another lot or parcel, or from a street or alley.

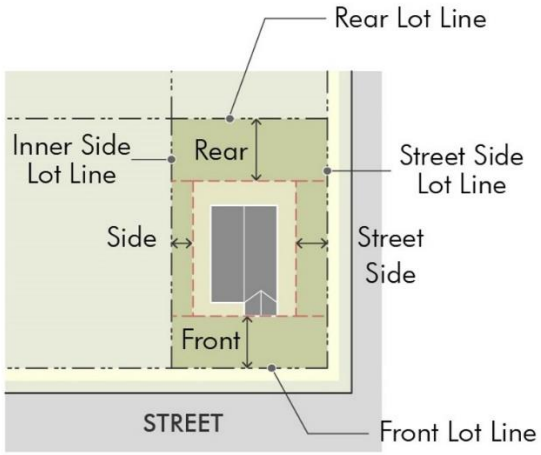
Lot Line, Front. The property line dividing a lot from a street or public or common space on which the building and lot orients, or as otherwise indicated by interpretation provisions in Section 1.02.

Lot Line, Interior Side. A side lot line which is adjacent to a side lot line of another lot.

*Lot Line, Rear. T*he line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front lot line.

Lot Line, Side. Any lot lines other than the front or rear lot line.

Lot Line, Street Side, A side lot line which separates the lot from a street.



Lot and Building Lines

Manufactured Home: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C.§ 5403, and constructed on or after June 15, 1976.

Manufactured Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term "manufactured home park" does not include sales lots of which unoccupied manufactured homes are parked for the purpose of inspection and sale. See Supplemental Standards in Article 8.

Mechanical Equipment. Any and all equipment ancillary to the use or function of a building and/or structure, including, but not limited to, heating or cooling equipment, pool pumps and filters, electrical equipment, transformers, exhaust stacks, and roof vents.

Menu Board. A permanently mounted sign which lists the products or services available at a drive-in or drive-thru facility and not legible from the right-of-way.

Mobile Home: A transportable structure larger than 320 square feet in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home

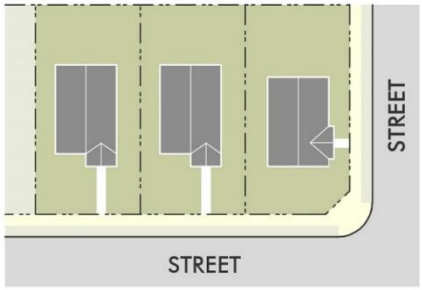
Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15, 1976.

Monument Sign. A freestanding sign supported primarily by an internal structural framework or other solid structure features where the base of the sign is in contact with the ground.

Nonconforming Use, Building or Yard: A use, building or yard which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated and existed as such on the date of the adoption of this Ordinance.

Off-premises Sign. A sign or device that advertises a business establishment, good, facility, service, or product which is not sold or conducted on the premises on which the sign or device is located and which may be designed to change copy on a periodic basis.

Oriented. To locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.



Buildings Oriented to the Street

Ornamental Tree. A deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree approximately 15 to 25 feet in height.

Outdoor Display. The display of products for sale outside a building or structure in areas to which customers have access.

Outdoor Storage. The keeping, outside a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles. Storage of commercial recreational vehicles/equipment, boat, and personal vehicles are excluded from this definition.

Outlot. A tract of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, stormwater detention or retention areas, parks, open space, or land areas reserved for other public facilities.

Parcel. A unit or contiguous units of land in the possession of, or recorded as the property of one person, partnership, joint venture, association or corporation, or other legal entity.

Parking. The parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

Parking Areas or Lots. Areas designed, used, required, or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas but excluding public streets and rights-of-way.

Parking Bay. A group of parking stalls or vehicle parking spaces to accommodate 15 or more vehicles.

*Parking Block***.** A group of parking bays surrounded by landscape edges, internal access streets, public streets or buildings and sidewalks, typically used to break larger parking areas into smaller distinct components. Parking blocks are used to minimize the visual impact of parking, improve organization of

the development and circulation within the site, and/or preserve opportunities for the site to accept infill or redevelopment in a more logical pattern without disruption of streets and utilities.

Parking, Shared. The development and use of parking areas on two or more separate properties for joint use by those properties.

Parks and Recreation: A park, playground, or community facility, owned by or under the control of a public agency or homeowners' association that provides opportunities for active or passive recreational activities.

Pennants. Any long, narrow, usually triangular flag typically made of lightweight plastic, fabric, or other material, and not containing a message, image or representative symbol, usually found in a series on a line and designed to move in the wind.

Perennials. Non-woody plants, which may die back to the ground each year but continue to grow on an annual basis. Perennials shall also include cold weather bulbs and tubers and ornamental grasses that grow each year and shall count toward ground cover requirements.

Planning and Community Development Manager: The appointed official, or his designee, in charge of planning and zoning for the City of Joplin.

Planning Commission: The Commission appointed by the Governing Body to administer the planning and zoning regulations as stipulated by the Governing Body and the Statues of the State.

Pole Sign. A sign that is affixed, attached, or mounted on a freestanding pole or structure that is not itself an integral part of or attached to a building or structure.

Portable Sign. A sign that is not permanently affixed to a building, structure or the ground and that is easily moved, such as a sandwich board sign.

Primary Entrance. The entrance to a building or structure which is intended to be the main pedestrian or public entrance and which shall typically be located on the front of the building or structure, and therefore includes enhancements and human-scale details to show the priority and importance of the space to the public.

Projecting Wall Sign. Any sign attached to a building and that extends more than 20 inches from the surface to which it is attached, but no more than four feet from the wall of the building. Signs projecting more than four feet from the building shall be considered freestanding signs.

Recreational Vehicle: Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pick up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor home (as a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (as a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use).

Recycle Drop Box: A receptacle used to collect reusable items including used paper goods, used glass items, and used aluminum items suitable for recycling, at which no fee is collected from the person depositing recyclables. Offal, unsanitary waste and hazardous waste are specifically excluded from this definition.

Roof Sign. A sign that is mounted on the roof of a building or structure such as a portico which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof on that portion of the roof on which the sign is placed.

Screening: Screening and enclosure required for permitted outdoor storage shall be by means of a fence, wall, or berm, in combination with landscaping, designed to create a minimum of seventy-five (75) percent opacity. Crates, boxes, trailers, or other temporary storage facilities shall not be considered appropriate screening materials.

Service Floor Area: The total floor area of a building exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by visitors, clients, customers, patients, or patrons in their normal everyday use of the building.

Setback: The distance that is required by this zoning ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: The term "setback" refers to a required minimum area, while the term "yard: refers to the actual open area.)

Shade Tree. A large woody plant, usually deciduous, that normally grows with one main trunk and has a mature height at least 30 feet, a canopy height above 12 feet, and screens and filters the sun.

Sight Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision as further specified by specific standards applicable to a particular street and site.

Shrub. A woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Sign. Any device, surface, object, structure, building architecture or part thereof using graphics, symbols or written copy for the purpose of advertising, identifying or announcing or drawing attention to any establishment, product, goods, facilities, services or idea, whether of a commercial or noncommercial nature.

Sign Allowance. The amount of signage that is allowable under the provisions of this article.

Sign Alteration. Any change of copy (excluding changeable copy signs), sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Sign Area. The entire face of a sign and any backing, frame, trim or molding and which may include the supportive structure.

Sign Backing. The surface, pattern or color of which any sign is displayed upon, against or through and that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign Face. The area of a sign on which the copy is placed, or, for individual cutout letters, painted letters, channel letters or symbols, the perimeter of the individual elements shall be considered the area of the sign.

Sign Frame. A sign cabinet or that portion of the sign that holds the sign face in place.

Sign Height. The vertical distance measured from the grade, as defined herein, to the highest point of the sign or sign structure.

Sign, Interior to a Building. Signs inside buildings that are not legible from the public right-of-way or other publicly accessible exterior areas of the building.

Sign, Interior to Development. Any sign that is located so that it is not legible from any adjoining property or the public right-of-way and not oriented in such a way as to attract the attention of those traveling along the right-of-way.

Sign Permit. A permit issued by a building official and which is required for any sign specified by this code.

Sign Setback. The minimum distance required from the apparent centerline of the right-of-way, to any portion of a sign or sign structure.

Sign Structure. The supports, uprights, bracing or framework of any structure for the purposes of displaying a sign.

Sign, Wall. A sign attached parallel to and extending less than 20 inches from the wall of a building. The definition of the term "wall sign" includes painted, individual letter, cabinet signs and those signs located on the roof of a building which are not roof signs as defined herein.

Sign, Window. Any type of sign that is painted or attached to or within 12 inches of any exterior window.

Site Plan. A set of drawings that the property owner, builder, or contractor uses to make improvements to a property through graphic representation, whether computer-generated or hand-drawn, of the arrangement of buildings, parking, drives, landscaping, and any other structure that is part of a development project.

Special Use Permit: A Special Use permit is a written permit issued by the Governing Body upon recommendation from the Planning Commission which provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

Stacking Space. An area for motor vehicles to line up in while waiting to go through a drive-thru facility, a designated passenger drop-off/pick-up area or a parking lot or area.

Street. A way for vehicular, pedestrian or bicycle traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, Design Type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the functional classification system.

Street, Functional Classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street.

Street Line: The dividing line between the street and the abutting property, also commonly known as the front property line.

Street Tree. A tree planted in close proximity to a street in order to provide shade over the street and to soften the street environment.

Streetscape. The scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

Structure: Anything constructed or erected, which requires location on or in the ground, or attached to something having a location on the ground; including, but not limited to signs, and excepting customary utility poles, retaining walls and boundary fences.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Symbol. A graphic device which stands for a concept or object.

Telecommunications Tower (radio, television, microwave towers): A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

Temporary Sign. Any sign, not intended for permanent installation such as, but not limited to, a banner, balloon, pennant, searchlight or beacon. Generally, these signs are intended to be used for a limited period of time or for a purpose announcing a special event or presenting other miscellaneous or incidental information or instructions.

Temporary Uses: A use which is only allowed for a specified period of time. Typical temporary uses include, but are not limited to Christmas tree sales, garage sales, road stands, etc.

Total Floor Area: The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including garages, porches, utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

Tract. A parcel or parcels of land designated on a plat and intended to be further subdivided before development at some point in the future, but which may be initially created under single ownership through a subdivision process.

Wireless Telecommunications Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of wireless communications as authorized by the FCC which a person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include items listed in Appendix G of these regulations as expressly not included in the term.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as specifically provided by standards for accessory buildings, structures, or other encroachments.

9.03 Glossary of Architecture & Design Terms

This glossary of architecture and design terms explains concepts, strategies, and techniques that are used to affect building and site design.

A. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent or historical style that is documented with common or typical patterns in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc.) Any reference to specific styles and details my be supplemented by local historic resourced guides that are professionally accepted from a reputable source..

B. **Building Design Elements.** Buildings are made up of vertical elements, horizontal elements, materials, and details and ornamentation.

Vertical elements. Vertical building elements include walls (wall plane), arches, columns, foundations, windows, and doors. (See *composition* and *articulation* for the effect of window and door assemblies on vertical building elements.)

Horizontal elements. Horizontal building elements include floors, lintels, plinths, roofs (roof lines), reveals, cornices, facia, friezes, canopies, and awnings.

Material. The materials chosen for different elements of the building affect the following:

- *Appearance* – the interest and quality, typically determined by the solidity and texture of material, or the authenticity of material (i.e. natural or refined) and how materials are coordinated as a complete composition with primary, secondary and accent materials.
- *Texture (of materials)* – the depth at a very close scale perceived by a person and made visible by how light and shadows interact to make the depth visible to the eye. (*See also texture of composition*.)
- *Durability* – how long a material will last and how easy it is to maintain and keep its appearance.
- *Sustainability* – the impact of the material on the environment in terms of how it was produced, how long it will last as applied, whether it is abundant in the region, or combinations of all three.

Details / Ornamentation. Details and ornamentation are the degree of aesthetic enhancements that increase the complexity of a building composition, typically referred to when viewing the building or building element at a close range (“human scale”), and slow pace (i.e. walking). Details and ornamentation may include the following depending on the chosen architectural style or facade composition:

- *Arches* – a curved member used to span an opening and support loads above, typically used with more refined design qualities and details on the arch to add emphasis and ornamentation to the opening.

- *Awning* – a sloped projection made of non-rigid material stretched over a frame and extended over a window or door to provide protection from the elements.
- *Bay (window)* – a bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade and usually associated with a window.
- *Belt Course* – a continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or window sills to make a visually prominent horizontal line to break up a wall plane.
- *Bracket* – a projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure.
- *Canopy* - a flat projection over a window, door or projecting from the building over a walkway that gives protection from the elements.
- *Clerestory window* - a window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.
- *Column* - a supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade or any roof structure or area it supports.
- *Cornice* – an ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof.
- *Eaves* – an overhang of the roof structure, where larger eaves can increase the prominence of the roof as a “cap” to the building and protect portions of the facade (particularly windows) from the elements.
- *Entry Feature* – a structural component of the building or building footprint used to emphasize and add interest to the primary entry into the building, provide active social space protected from elements, and create transitions from public to private space.
- *Facia* – the exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.
- *Foundation* - the base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a buildings connection to the ground, a sense of permanence, and transition to the main wall plane for vertical articulation.
- *Frieze* - plain or decorative band or board located just below the storefront cornice or roofline.
- *Gable* - the triangular and vertical portion of a wall plane between intersecting roof pitches.
- *Lintel* - a horizontal beam, typically over a door, window or storefront to support the structure above it and add accent to the door, window, or storefront.
- *Parapet* - a vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures, and usually including ornamentation to provide a visually prominent “cap” to the building.
- *Pediment* – a gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.
- *Plinth* – a base or platform to support a column or structure and distribute the weight, typically designed to add ornamentation and balance for the overall composition (similar to a foundation).
- *Pilaster* - a projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.
- *Quoin* - a decorative and structural element on an exterior corner typically presenting a different color, texture or size from masonry walls to finish, cap, or otherwise add prominence and emphasis to the corner.

- *Transom* - a window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.

C. **Building Form.** Building form refers to the outward three dimensional envelope of a building or space affected by the mass, shape, composition and articulation of building elements.

Mass. Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings. Massing may be simple (a box) or complex, (box, secondary mass, wings, projections) and a mass may be large or small, all affecting the perceived overall mass.

Shape. Shape affects the massing and refers to the composition and complexity of surface planes (wall planes or roof planes).

Composition. Composition is how the different building elements or materials are coordinated to make up a shape or mass. Elements of composition may include the following depending on the chosen architectural style or facade composition:

- *Rhythm* – repetitive patterns within a building element, shape or mass.
- *Symmetry* – balance within a compositional element, shape or mass (or the revers know as asymmetry). Masses can be asymmetrical while the elements or shapes within a mass are symmetrical, which creates order within the complexity of a building.
- *Focal points* – areas of emphasis of a building element – either due to size, location, or degree of ornamentation, or all of these.
- *Texture (of composition)* – how different building elements interact to break down the form at a very close scale (see materials). Refined texture presents many layers with lots of relief and interest or flat texture presents a single layer with little relief or interest.

Articulation. Articulation is clearly calling out a different portion of the composition, shape or mass with distinct treatment usually offset with trim and or material change and signifying a different pattern of composition within the building element. Articulation is often seen on first story or upper stories with main masses and secondary or wing masses or at different units, storefronts or structural bays of attached buildings.

- *Vertical articulation* – breaking the mass down through different levels of height on the building, particularly for taller buildings. Vertical articulation typically includes to following facade compositions:
  - *Base,* which typically includes the foundation, the entire first story on larger buildings, or the first two stories on very tall buildings. Examples of bases include:
    - At least 24 inches of foundation (on buildings up to 2.5 stories), with reveal line or trim board between the main wall plane or body; OR
    - Heavy materials used on ground floor (on buildings 3 stories or more, or the first two stories for buildings 7 stories or more); OR
    - Distinct storefronts (mixed-use buildings) – arcades, gallery or lintel / frieze (i.e. vertical element above storefront) or other enhanced architectural detailing of the first story (non-retail or residential buildings), separating from the main wall plane or body.
  - *Body*, which is the main wall – the largest portion but least prominent in appearance and level of details.
  - *Visually prominent cap*, which can include the roof (or the wall plane of upper story(ies) on larger buildings), distinguished with vertical elements such as cornice and eaves (often projecting at least 2 feet) with brackets or molding

accents; or on flat roofs a parapet with distinct ornamental and architectural detailing or a cornice.
- Vertical articulation can also be affected by a step back in the massing typically a minimum of 5 feet from the story below and occurring on at least 50% of the horizontal length.

- *Horizontal articulation* – breaking the mass down through different bays or structural components along the length of the building, particularly for longer, larger footprint buildings. Horizontal articulation typically includes to following facade compositions:
  - Accenting structural bays with visible columns or pilasters (at least 10" to 2' projection from the wall plane).
  - Material change (other than the first story).
  - Offset of the facade by at least 3 feet on at least 50% of the height facade such as a bay window (projecting) or an internal court (recess).
  - Change of fenestration patterns (size, style, placement of windows and doors) – i.e. ganging windows in a vertical component with an organized change of materials or trim, or both.
  - Change of roof height of 3 feet or more
  - Voids in the mass typically at least 3 feet deep and 8 feet wide, occurring on at least 50% of the vertical height, and often to create usable space such as a balcony, patio or courtyard.

Altering Form. Techniques to alter the form of a building and affect the scale include:
- Main mass & wing or secondary masses;
- Step backs - usually larger differences (i.e. 5 feet +) at upper story(ies);
- Cantilever - usually a small distance (i.e. 1 to 4 feet) on a lower story,
- Off-set - a wall plane break in relation to interior floor plan or intentionally defining outside space, though typically not offset to the level of creating a a wing or secondary mass;
- Dormers - window and sub-roof within roof structure;
- Projections - bump out of an element of the facade composition such as a bay window, entry feature, or eaves.

D. **Scale.**

Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, "human scale" refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by mass, shape or composition of the form to make an otherwise larger form seem smaller or more relatable due to how the components are perceived.

E. **What is "compatibility?"** Compatibility refers to the similarity of buildings and sites to adjacent properties or to predominant patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:
- Similar proportions of building masses, particularly nearest the property lines and other areas adjacent to the building;
- Similar orientation of the building including relationship to streetscapes, shaping of open spaces, and other locations and arrangements of the building footprint;
- Similar window and door patterns, including location, size, and proportions;
- Similar roof lines (planes, pitches, profiles and details);
- Similar building materials, particularly primary building materials, or where materials differ they share common textures or color palates among a range of buildings within a broader areas;

- A common architecture style, including the facade composition and materials; however, many architectural styles do allow differences in design within the style.
- *Note:* Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, and too much repetition is undesirable, the greater the number that are similar, the greater the compatibility will be; significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs. *See also "good design" for when a situation may justify dissimilarity.*

F. **What is "good design?"** Good design is a discretionary and qualitative term that collectively reflects balancing the following:

- *Quality* – the longevity of the investment that results from durability of materials, proper application and function of the building elements (i.e. "vernacular" or built for a specific purpose that serves the buildings durability in its context and climate), and the relative attractiveness likely to ensure maintenance and reinvestment by those left to care for the building.
- *Creativity* – the uniqueness of the design based on artistic interpretation or as a response to the context or constraints of the site; but balanced by the general rules of design and architectural style.
- *Aesthetic Appearance* – the relative attractiveness to a broad range of people based on the sensibilities and character of the community; based on the consistency of the design with the principles of the chosen architectural style; or based on the ability of the project to stand out and reflect broad community values due to either (a) the buildings important function or prominent location; or (b) introducing something exemplary and not ordinarily found in the community.

APPENDIX A: RESOURCES, GUIDES, & INDUSTRY STANDARDS

In accordance with Section 1.02.G of the Joplin Development Code, the Director has determined that the policies, guidance and standards in the following documents are consistent with the Comprehensive Plan and the purpose, intent and design objectives of the Development Code. They may be used to help interpret and apply the standards of the code or be used to guide any discretion in approval included in the code. Nothing in these documents may be interpreted to modify or conflict with any specific standard. All documents listed below are on file with the Planning, Development, and Neighborhood Services Department..

Table A-1: Resources, Guides & Industry Standards

Publication Name	Author	Publication Date	Date of Dept. Endorsement

This guide may be used in designing specific street sections for different segments of the street network in particular contexts. All designs should be based on the City's complete street policy and follow guidance established in the National Association of City Transportation Officials (NACTO) Street Design Guide.

Table B-1: Complete Streets Design Guide [1]

Context	Walkable Neighborhood	Walkable Commercial	Rural
Lanes / Lane Widths	The number of lanes and lane width should be based upon the anticipated capacity, the desired vehicle speed, AND balanced with the need to accommodate other important users of the streets. In general, "lane widths between 10' and 12' wide are sufficient for rural and urban arterials," where 12' wide lanes should only be used on principal arterials where "higher-speed, free flowing" traffic is the priority.[2] (55 mph+) 11' lanes are generally appropriate. (40 mph – 55 mph) Lanes that are 10' wide are generally appropriate for low-volume or low-speed streets, where pedestrians are a priority or where frequent truck traffic is not anticipated. (25 mph – 40 mph) Lanes less than 10' wide may be acceptable on very low-volume/low-speed situations, where right-of-way is constrained, or other unique conditions.[3] (< 25 mph)		
Sidewalks	▪ 5' – minimum for two people to walk side by side. (4' only for constrained right-of-way or extremely low density) ▪ 6' - 8' – minimum for priority routes in neighborhoods (i.e. park connections, routes to schools or civic places, etc.) ▪ 8' - 10' – minimum for high density areas near walkable commercial	Pedestrian priority streets need generous sidewalks to provide value to the commercial areas and abutting property. ▪ 10' minimum; 8' acceptable for constrained right-of-way ▪ 12' to 16; typical ▪ 16' – 20' ideal to generate economic activity from walkers ▪ 20' + to support social spaces along streets (i.e. sidewalk seating, plazas or courtyards)	▪ Multi-use paths preferred on arterials or collectors; ▪ Otherwise, 4' to 5' sidewalks, ▪ Off-street paths or trail networks acceptable alternative. ▪ Sidewalks may be acceptable on one side for local streets or omitted where natural conditions or very low densities warrant
Bicycle Facility	▪ Multi-use path (10'+) preferred on identified portions of the Master Trail Plan (i.e. connections to parks), or higher volume streets; 8' bicycle lane acceptable. ▪ 6' bike lane preferred on Collectors; "Sharrow" (14' outside lane with marking) acceptable on Minor Collectors. ▪ Local streets do not need bicycle facilities since speeds and volumes are low; bicycles and vehicles should share the street.	▪ "Sharrow" (14' outside lane with marking) acceptable; ▪ Bicycle facilities may be omitted on streets with expected speeds below 20 mph or where alternate parallel routes are located within 300' to 600'	▪ Multi-use path (10'+) preferred on identified portions of by Master Trail Plan, or on Arterials with high speeds or high traffic volumes; 8' bicycle lane acceptable. ▪ 6' bike lane preferred on Collectors; "Sharrow" (14' outside lane with marking) acceptable on Minor Collectors.
Landscape / Amenity Area	▪ 6' to 8' landscape strip generally applicable. (large shade trees) ▪ 8' to 10'+ preferred on Arterials or important neighborhood streets with more frequent large shade trees. ▪ 4' to 6' landscape strip in limited exceptions where rights-of-way are constrained. (small shade trees) ▪ May be omitted in place of a 2' to 6'+ expanded sidewalk, with landscape amenity or tree wells, in higher density areas where frequent on-street parking will exist to buffer the sidewalk from the street.	▪ 4' to 8' added to sidewalk widths above to include tree wells seating, areas, and other pedestrian amenities.	▪ 16 - 20' +/- natural area and drainage swale with more irregular landscape design or natural vegetation buffer. (Multi-use paths and sidewalks may be designed within this space provided natural drainage functions are preserved.)
Turn Lane	Generally not needed provided the block structure provides sufficient connectivity at the network level. However, in specific circumstances a 10' turn lane may be required. This should be done with careful consideration of pedestrian crossing distances, vehicle turning speeds, and bulb-outs may be required on corners in place of one or two of the on-street parking spaces.		11' to 12' based on a traffic study and engineering review where needed.
Parking	▪ 6' - 7' parallel permitted (includes curb & gutter) ▪ May be included on both sides intermittently (with infrequent parking or traffic queuing areas) or limited to one-side (with frequent parking) within the standard 24' - 28' local residential street.	▪ 7' – 8' parallel required. (includes curb & gutter) ▪ 17' – 20' angled permitted with special engineering, planning and urban design review.	None

1 See generally, National Association of City Transportation Officials, Urban Street Design Guide.

2 AASHTO, Geometric Design of Highways and Streets, pg. 473, AASHTO, Washington D.C., 2004. The AASHTO "green book" is a guide intended to be used flexibly for different types of streets in different contexts. The Forward to the "green book" makes it clear that the dimensions are guides and not standard, and the ranges should not be used to imply that the larger end of the range is preferred. (AASHTO Geometric Design of Highways and Streets, pg. xliii). Also see National Association of City Transportation Officials Street Design Guide (NACTO Guide) for a preferred practice for "complete streets" and city public realm design.

3 AASHTO, Geometric Design of Highways and Streets, pg. 473, AASHTO, Washington D.C., 2004. Also see NACTO Guide for preferred practice for "complete streets" and city public realm design.

APPENDIX C: WALKABLE NEIGHBORHOOD DESIGN GUIDELINES

A. Intent
B. Applicability
C. Frontage Designs
D. Building Scale & Design
E. Open & Civic Space

A. **Intent.** The intent of the Walkable Neighborhood Design Guidelines is to promote quality neighborhood design, maintain the appearance and livability of neighborhoods, and improve the relationship of the buildings and sites to the neighborhood streetscape. The guidelines are particularly important in districts where a mix of housing types are allowed or where more compact, walkable patterns are desired. The guidelines are specifically intended to:

1. Design neighborhood streetscapes that build value over time, and protect this investment with development patterns that reinforce streetscape designs.
2. Orient all buildings to the street to activate the streetscape, while still designing effective transitions from public spaces to private spaces on the lot.
3. Promote human-scale buildings and create active, social spaces along the streetscape with front entry features, building massing and architectural details that break up larger masses into smaller components.
4. Use similar forms and massing, common building elements, and consistent relationships to the streetscape to build compatibility and effective transitions among different building types.
5. Minimize the impact of car access on streetscapes and overall neighborhood character by limiting driveways and the extent of front loaded garages along block frontages, and use alternative access and parking patterns integrated towards the interior of the block, particularly on narrower lots.
6. Promote lasting and sustained investment in neighborhoods and reinforce character with quality materials and architectural details that provide interest, depth, texture, and variety to those experiencing a neighborhood on foot.

B. **Applicability.** The Walkable Neighborhood Design Guidelines apply as guidance to ensure compatible design and development throughout neighborhoods, and should specifically to the following situations:

1. All applications of the R-4 zoning district.
2. Residential portions of the MUC zoning district
3. Residential zoning districts in the urban areas, particularly neighborhoods in the original street grid and along planned development corridors.
4. Any other context where the benefits of compact, mixed-density, walkable neighborhoods is desired.

The provisions of this Appendix are guidelines based on precedents and patterns throughout Joplin that create the most cohesive development patterns for walkable contexts. They can be adjusted in any manner that better meets the intent and design objectives of these guidelines, and particularly where it facilitates better infill development or is based on a master planned development according to the procedures and criteria of Section 2.04.

C. **Frontage Designs.** All buildings and lots shall have frontage designs according to this sub-section.

1 *Design Objectives.* The design of lot frontages establishes the relationship of buildings and lots to the streetscape. The following design objectives shall be used in applying the frontage types and design standards in Tables C-1

a. Enhance the image of the neighborhoods by coordinating streetscape investment with private lot and building investment.
b. Design frontages to the context of the area, block and street using landscape and streetscape design to coordinate development with the character and function of a particular street segment.
c. Coordinate development across several lots along a block, considering building placement, orientation, access, parking, landscape and civic / open space design.
d. Create transitions and use patterns that allow a range of different buildings to engage the streetscape in compatible ways along a block.
e. Emphasize social spaces and pedestrian access over vehicle access and parking in areas.
f. Where contexts allow multiple frontage types, the frontages should be similar for all lots on the same block face or gradually transition to different types along blocks or across blocks.

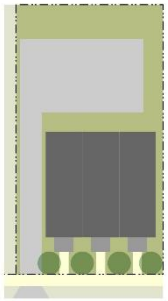
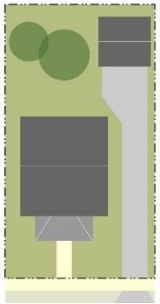
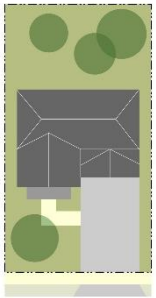
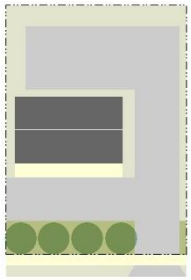
2. *Design Standards.* The design standards for different neighborhood frontage types are include in Table C-1.

Table C-1 Neighborhood Frontage Types & Design Standards

Frontage Element	*Terrace Frontage*	*Neighborhood Yard*	*Suburban Yard*	*Buffer*
Description / Design Objective	A shallow open area across multiple frontages along a block face that creates a continuous landscape element to soften prominent building facades along the streetscape, such as courtyards, gardens or small lawns.	A small to moderate open area with a building setback from the property line to create consistent landscaped area that emphasize the buildings and entry features relationship to the yard and streetscape.	A large open area with a building setback from the property line to create a larger, uninterrupted lawns.	A concentrated landscaped area used to soften, screen and separate the site and any potential impacts form the streetscape.
Front Building Line	10' – 25'	25' –50'	35'+	30'+
Driveway Width [1]	10% of lot width, up to 20' maximum	20% of lot width, up to 24' maximum	40% of lot width, up to 30' maximum	30% of lot width, up to 30' maximum
Landscape *(Between front lot line and front building line)*	▪ Allocation of space should be: 10% to 70% lawn; 20% to 70% landscape; and 10% to 20% hardscape.	▪ Allocation of space shall be: 30% to 80% lawn; 10% to 50% landscape; and 10% to 20% hardscape.	▪ 60% minimum lawn	▪ Type I: 6' minimum buffer on constrained sites or minor streets. ▪ Type II: 15' minimum buffer generally. ▪ Type III: 30' minimum buffer on sites over 2 acres or major streets.
	See Article 3 and Article 7 of the Development Code for specific landscape requirements in the streetscape and frontage area.			
Front Entry Feature	▪ Required, See Section D.1	▪ Required, Section D.1	▪ Optional, Section D.1	▪ Optional, Section D.1
Garage Limits	See Section D.2 for limitations on extent and placement of garages in association with the building massing guidelines and coordinated with the Frontage Types			

[1] Driveway width limits apply to all points in front of the front building line, or at least with the first 35' of the lot frontage, whichever is less. In cases where driveway width limits or prevent private drives to parking areas or garages, the following configurations should be used to access lots: single lanes to expanded setback parking pads; shared drives along lot lines; common lanes and access easements internal to block shared by 3 or more lots; or mid-block alleys accessing all lots on the block.

Table C-1 Neighborhood Frontage Types & Design Standards

Frontage Element	*Terrace Frontage*	*Neighborhood Yard*	*Suburban Yard*	*Buffer*
Description / Design Objective	A shallow open area across multiple frontages along a block face that creates a continuous landscape element to soften prominent building facades along the streetscape, such as courtyards, gardens or small lawns.	A small to moderate open area with a building setback from the property line to create consistent landscaped area that emphasize the buildings and entry features relationship to the yard and streetscape.	A large open area with a building setback from the property line to create a larger, uninterrupted lawns.	A concentrated landscaped area used to soften, screen and separate the site and any potential impacts form the streetscape.
Plan				
Illustration				

3. *Application of Frontage Types.* The appropriate application of frontage types is based upon a combination of the zoning district and the streetscape design on which the development fronts. In general, the zoning districts will determine the development pattern and use intensity (car-oriented, compact / walkable, or mixed) and the street design type will determine the context. For example, the R-2 district allows the Suburban Yard and Neighborhood Yard frontage types as generally applicable in the district, but the Suburban Yard should only be used on Standard Street Design Types, while the Neighborhood Yard can be used on all street design types. Where contexts allow multiple frontage types, the frontages should be consistent for all lots on the same block face or gradually transition to different types along the block or across blocks.

Table C-2: Permitted Residential Frontage Types

	Residential Zoning Districts						Street Design Type*			
Frontage Type	AG	RS	R-1	R-2	R-3	R-4	Standard	Activity	Neighborhood	Green
Terrace				□	□	■		■	■	
Neighborhood Yard	■	■	■	■	■	■	■	■	■	■
Suburban Yard	■	■	□	□	□		■			
Buffer	■	■			■		■			■

* *See Section 3.01 for Street Design Types*

■ Generally applicable in the district or street type.

□ Limited applicability to specific contexts.



D. **Building Scale and Design.** The following are the components of building scale and design are used to refine the scale and form of buildings beyond the basic setback, height and lot coverage standards, and ensure a wide degree of diversity within that compatible character: Front Entry

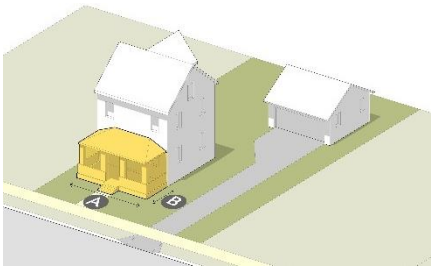
Features, Massing and Modulation, Windows and Doors, and Materials. Each is presented below with a stated design objective followed by standards and guidelines to be used to achieve that objective.

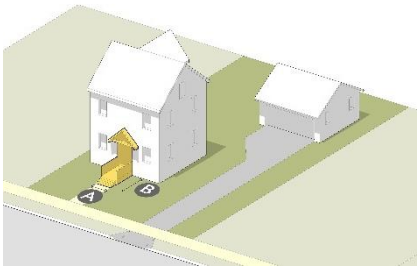
1. *Front Entry Features.* Front entry features create a human-scale relationship of buildings to the street. They provide opportunities for subtle variations in design on the streetscape and can help create compatible relationships between buildings of different size. The following techniques should be used to meet this design objective:

   a. Entry features should meet the dimension and design elements in Table C-3
   b. Entry features are either required or optional, based on the frontage types in Table C-1.
   c. Variations in the front entry features should create diversity among adjacent buildings along a block face, so that the same or similar entry feature does not occur within two buildings on either side. Variations may include any combination of:
      (1) Different types: such as porch, stoop, or entry court;
      (2) Different roof styles: such as gable, hip, shed, flat, arched, or no roof;
      (3) Different locations and extent: such as centered, shifted, wrapped and half or full.; and/or
      (4) Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.
   d. Entry features meeting these design requirement may encroach up to 10 feet in front of the required front building line, but never closer than 5 feet to a public or common property line, provided they are unenclosed on all sides projecting into the setback (no windows, screens or full walls).

Table C-3: Front Entry Features

Design Element	*A. Width*	*B. Depth*	*Details & Ornamentation*
Porch	At least 50% of front facade	8' +	Decorative railing or wall 2.5' to 4' high along at least 50% of the perimeter. If not roofed, transom windows, enhanced trim and molding or other similar accents accompany the door
Stoop	8' – 20'	6' – 10'	Ornamental features accent the door, including decorative side railings, canopy, transom windows, enhanced trim and molding or other similar accents accompany the door
Entry Court	12' +, but never more than 50% of facade	8' - 24'	Decorative wall or railing, no higher than between 2.5' and 6' high along at least 50% of the opening.
General Design	▪ All entry features shall have a sidewalk of at least 4 feet wide directly connecting the entry feature to the public sidewalk or street ▪ All entry features shall be integrated into the overall building design including compatible materials, roof forms, and architectural style and details.		







2. *Garage Placement.* Understated garages and driveways help enhance the neighborhood streetscape by balancing the proportions of frontages and building facades designed for car access against the proportions designed for social spaces and pedestrian access. The following techniques should be used to meet this design objective:

   a. Garage placement and extent should be designed in association with frontage type and driveways, based on the context of the neighborhood and streetscape.
   b. Garage placement and extent should meet the dimension and design elements in Table C-4
   c. Where car access is limited by these standards, other options such as recessed attached garages, side- or rear-entry attached garages or detached garages should be used.

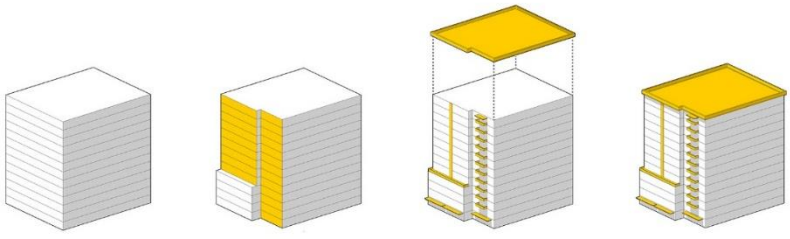
Table C-4: Garage Extent and Location

Frontage Types (See Section C)	*Guidelines*
Terrace & Neighborhood Yard	▪ 0' to 12' behind front building line, no more than 25% of front elevation. ▪ 12'+ behind the front building line, no more than 40% of front elevation ▪ More than 40% of the front elevation prohibited; and in front of front building line prohibited; ▪ Otherwise, side-loaded, rear-loaded, or detached garages shall be used.
Buffer & Suburban Yard	▪ 4' to 12' in front of the front building line– limited to: ○ 2 garage bays ○ 24' wide or 45% of the elevation, whichever is less. ○ Front entry feature shall project to within 4' of the front of the garage ▪ Less than 4' in front of the front building line – limited to: ○ 3 garage bays ○ 30' wide or 65% of the elevation, whichever is less ▪ Where more than two front-loaded garage bays are allowed, the third bay should be off-set at least 2' from the two primary bays ▪ Otherwise, side-loaded, rear-loaded, or detached garages shall be used.



3. *Massing & Modulation.* Step the height of the building mass, off-set secondary masses from main masses, and divide larger facades into smaller components with projections, recesses, and material changes and ornamentation. The following techniques should be used to meet this design objective:

   a. Massing and modulation should meet the dimension and design elements in Table C-5.
   b. Articulate rooflines by stepping the roof, using gables and dormers, dropping eaves, and using prominent overhangs.
   c. Use trim, molding and other ornamentation that projects between 4 inches and 2 feet from the facade to add depth and texture and to break up larger expanses of wall.
   d. Modulation of larger wall planes should occur with features that create at least 2 feet of projection or relief, such as bay windows, chimneys, balconies and other similar projections and recesses.
   e. When elevations become extremely large, off-sets of at least 4' should occur to create main masses and secondary masses.
   f. Provide porches, balconies and covered entries that accompany off-sets or projections in the facade.
   g. Differentiating stories, roofs, or other masses with prominent trim materials and incorporation of material changes on different modules of the buildings.



4. *Windows & Doors.* Provide transparency, detail and visual rhythm on the facade with the location, pattern and proportions of windows and doors, and create relationships to surrounding public or social spaces. The following techniques should be used to meet this design objective:

a. Windows and doors should meet the dimension and design elements in Table C-5.
b. Use windows that deeply recess (at least 3 inches) and/or have projecting trim (at least 1 inch) to add depth and texture to the facade.
c. Emphasize a hierarchy of doors with different levels of ornamentation and details, particularly where multi-unit buildings are designed to be compatible with adjacent detached houses.
d. Locate windows strategically in relation to privacy concerns in adjacent spaces and buildings, but recall that window treatments is a better adaptable and user-controlled strategy than simply no windows at all.
e. Use multi-pane windows or windows with frames, casings and trim designed to create shadows, depth and texture.
f. Incorporate visually significant window types (size, orientation, and ornamentation) at key locations in association the massing and modulation standards.

Table C-5: Massing, Modulation and Windows

Building Type / *Scale & Design Detail*	*Detached House (all), Duplex, and Multi-Unit House*	*Row House, Small Apartment, Medium Apartment*
Minimum window and door openings per elevation (includes decorative trim, molding and casing)	Front – 20% Side – 8% Street-side: 15% Rear: 10%	Front – 20% Side – 8% Street-side: 15% Rear: 10%
Maximum wall plane, with no minimum modulation	600 s.f., or 36 linear feet	800 square feet, or 48 linear feet
Maximum wall plan, with at least 20% modulation	601 – 900 s.f., or 31 – 48 linear feet	901 – 1,200 square feet, or 49 – 60 linear feet.
Maximum building elevation without minimum 4' off-set on at least 25% of facade	901 s.f. or 49 linear feet	1,201 s.f. or 61 linear feet



5. *Materials.* Use building materials with a texture and pattern that create visual interest and signify quality construction and detailing. The following techniques should be used to meet this design objective:

a. Use natural materials such as painted or natural finish horizontal wood lap siding, brick, stone, stucco, ceramic or terra cotta tile. Synthetic alternates to the above may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principle materials in terms of maintenance, design and aesthetic goals.
b. Coordinate changes in color and materials in association with the massing and modulation standards.
c. Use changes in materials and color to differentiate the ground floor from upper floors, and the main body of the building from the top or roof-structure.
d. In multi-building projects vary building materials and colors within on different buildings.

F. **Open and Civic Space.** Any undevelopable tracts, open spaces or lands that are not developed shall be laid out within the lot and block structure in a manner that provides an accessible amenity to the neighborhood. These spaces require specific designation on the final plat as separate tract, as provided in Article 3, Subdivision Standards.

1. *Design Objective.* A hierarchy of different types, sizes and ownership (public, common, and private) open space is an extension of the public realm that shapes the character of distinct places, provides a focal point for development, creates active gathering space, and values the multiple ecological, recreation, aesthetic and urban design functions of these spaces.

2. *Location Criteria.* The following location criteria shall be used in determining the most appropriate locations for types of open and civic spaces, in order to design a well-coordinated system and promote a valuable public realm to serve development.
   a. Formal open spaces (Courtyards, Squares, or Plazas) should be located at prominent focal points, and designed as an effective extension of the public rights-of-way, or other highly traveled and visible locations.
   b. Natural open space (Natural Areas, Trails / Greenways, or Greens) should be located in association with significant topographic elements, important view or other areas where buffer, screening and separation is the appropriate site design strategy.

Table D-1: Approved Tree List										
Tree (common name)	Scientific Name	City ROW	Parking Lots	Power Line Friendly (min. 10' from line)	Open Space	Height	Width	Pro's	Con's	Planting
American Basswood	*Tilia americana*	X			X	50	35	Showy flowers	May need prunning	full or partial sun
River Birch	*Betula nigra*	X				50	35	Disease and pest resistant	May need prunning	partial shade to full sun
Ohio Buckeye	*Aesculus glabra*	X	X		X	50	40	Showy spring flowers	Litter from fruit	full or partial sun
Red Buckeye	*Aesculus pavia*	X	X	X		15	15	Showy spring flowers	Litter from fruit	partial shade to partial sun
Eastern Red Cedar	*Thuja plicata*	X	X			40	10	Showy Fruit; tolerant of many conditions		partial shade to full sun
Yoshino Cherry	*Prunus yedoensis*	X		X		45	40	Showy Spring Flowers; Showy fall colors	Some disease and pest issues	Full Sun
Chinese Pistache	*Pistacia chinensis*	X	X			25	25	Showy Spring and fall color; Showy Spring Flowers; very tolerant tree		Partial shade to full sun
Crabapple, Spring Snow and Sugar Tyme	*Mailus sp.*	X	X	X		25	15	Showy Spring Flowers	Relatively pest free	Full sun
Bald Cypress	*Taxodium distichum*	X				80	35	Showy Fall Colors	Bag worms may be a problem	Full sun
Flowering Dogwood	*Cornus florida*	X		X		20	25	Showy Spring Flowers	disease and pest issues	Partial shade to full sun
Kousa Dogwood	*Cornus kousa*	X	X	X		20	25	Showy Spring Flowers	disease and pest issues	Partial shade to full sun
American Elm (Dutch Elm Disease Resistant)	*Ulmus americana*	X	X		X	70	50	Fast Growing and tolerant of many conditions		Partial shade to full sun
Chinese Lacebark Elm	*Ulmus parvifolia*	X	X			40	35	Fast Growing and tolerant of many conditions		Partial shade to full sun
White Fir	*Abies concolor*		X		X	40	15	tolerant of heat and drought; good Blue Spruce substitute	Some disease and pest issues	Partial shade to full sun
Ginkgo	*Gingko biloba*	X	X		X	50	50	Pest and disease resistant Tolerant of many conditions		Partial shade to full sun

Table D-1: Approved Tree List										
Tree (common name)	Scientific Name	City ROW	Parking Lots	Power Line Friendly (min. 10' from line)	Open Space	Height	Width	Pro's	Con's	Planting
Golden Larch	*Pseudolarix kaempferi*	X	X			40	20	Showy fall color; Interesting branching structure		Full Sun
Goldenraintree	*Koelreuteria pniculata*	X	X			30	30	Showy flowers and fruit; very tolerant	may require some pruning	Full Sun
American Holly	*Ilex opaca*	X				50	25	Attractive fruit	some pest and disease issues	Partial shade to partial sun
American Hornbeam	*Carpinus caroliniana*	X	X	X		20	20	Showy Fall Color; Disease and pest resistant		Partial shade to full sun
European Hornbeam	*Carpinus betulus*	X	X			60	40	Showy Fall Color	May require Pruning	Partial Shade to Partial sun
Horsechesnut	*Aesculus hippocastanum*	X	X		X	80	50	Showy Spring Flowers	some pest and disease issues	Full sun
Chinese Juniper	*Juniperus chinensis*	X	X			15	10	Tolerant tree with Unique Crown Shape	Susceptable to root rot	Partial shade to full sun
Katsuratre	*Cercidiphyllum japonicum*	X	X			40	35	Showy Fall Color; persistant fruit; disease and pest resistant		Partial shade to full sun
Japanese Tree Lilac	*Syringa reticulata*	X	X	X		20	15	Showy Summer Flowers		Full sun
Littleleaf Linden	*Tilia cordata*	X			X	60	35	Showy Summer Flowers;Dense symetrical crown	Susceptable to Japanese beetles	Partial shade to full sun
Magnolia (decidous variety)	*Magnolia sp.*	X	X	X		varies	varies	Showy Flowers		partial shade to full sun
Maples (excluding Silver Maple)	*Acer sp.*	X	X		X	varies	varies	Showy Fall Color;	May require some pruning	Partial shade to full sun
Oak (excluding Pin Oak)	*Quercus Sp.*	X			X	varies	varies		litter from fruit	Partial shade to full sun
Japanese Pagoda Tree	*Sophora japonica*	X			X	40	40	Showy Summer flower; tolerant of many conditions	Litter from Flowers	Full Sun
Pecan	*Carya illinoensis*	X			X	70	50	Showy Fall Color	Litter from fruit; Issues with pest and diseases	Partial shade to full sun

Table D-1: Approved Tree List

Tree (common name)	Scientific Name	City ROW	Parking Lots	Power Line Friendly (min. 10' from line)	Open Space	Height	Width	Pro's	Con's	Planting
Persian Parrotia	*Parrotia persica*	X		X		20	20	Showy Spring and Fall Color; Showy Spring Flowers; tolerant of many conditions		Partial shade to full sun
London Planetree	*Platanus x acerifolia*	X				70	50	Drought tolerant	Litter from fruit; Issues with pest and diseases	Full sun
Purple Leaf Plum	*Prunus cerasifera*	X	X	X		15	15	Showy Fall color; Showy Spring Flowering	litter from fruit;Short lived	Full sun
Redbud	*Cercis canadensis*		X	X		25	15	Showy Spring Flowers		Partial shade to full sun
Dawn Redwood	*Metasequoia glyptostroboides*	X	X		X	90	25	Showy Fall Color; Relatively pest and disease free		Full Sun
Hardy Rubbertree	*Eucommia ulmoides*	X				40	25	Tolerant of many conditions; pest and disease free		Full Sun
Cumulus Serviceberry	*Amelanchier canafensis*		X	X		25	15	Showy Fall Color; showy Spring flowers	some pest and disease issues	Full Sun
Robin Hill Serviceberry	*Amelanchier canafensis*		X	X		25	15	Showy Fall Color; showy Spring flowers	some pest and disease issues	Full Sun
Downy Serviceberry	*Amelanchier canafensis*		X	X		25	15	Showy Fall Color; showy Spring flowers	some pest and disease issues	Full Sun
White Spruce	*Picea glauca*					60	20	Tolerant of many conditions	some pest and disease issues	Partial shade to full sun
Tulip Tree	*Liriodendron tulipifera*	X			X	100	50	Showy Spring Flowers; Showy fall colors	some pest and disease issues	Full Sun
Tupelo	*Nyssa sylvatica*	X	X		X	75	35	Showy fall colors; relatively pest free	May need pruning	Partial shade to full sun
American Yellowwood	*Cladrastis kentukea*	X	X		X			Showy Summer Flowers	may require prunning	Partial shade to full sun
Green Vase Zelkova	*Zelkova serrata*	X				60	50	Showy Fall colors	may need prning	Full Sun
Japanese Zelkova	*Zelkova serrata*	X				60	50	Showy Fall colors	may need prning	Full Sun
Village Green Zelkova	*Zelkova serrata*	X				60	50	Showy Fall colors	may need prning	Full Sun

APPENDIX E: HISTORIC PRESERVATION

1. Intent
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1. *Purpose:* The purpose of this ordinance [Appendix] is to promote the educational, cultural, economic, and general welfare of the community by:
   (A) Providing a mechanism to identify and preserve the historic and architectural characteristics of Joplin which represent elements of the city's cultural, social, economic, political, and architectural history;
   (B) Fostering civic pride in the beauty and noble accomplishments of the past as represented in Joplin's landmarks and historic districts;
   (C) Conserving and improving the value of property designated as landmarks or within historic districts;
   (D) Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce, industry, and providing economic benefit to the city;
   (E) Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods and thereby preventing future urban blight.

2. *Definitions:* Unless specifically defined below, words or phrases in the ordinance [Appendix] shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance [Appendix] its most reasonable application.
   (A) *Alteration:* Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.
   (B) *Area:* A specific geographic division of the City of Joplin.
   (C) *Certificate of appropriateness* A certificate issued by the Preservation Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within a historic district.
   (D) *Certificate of economic hardship:* A certificate issued by the Preservation Commission authorizing an alteration, construction, removal, or demolition, even though a certificate of appropriateness has previously been denied.
   (E) *Commissioners:* Members of the Joplin Historic Preservation Commission.
   (F) *Constructions:* The act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property.

(G) *Council:* The City Council of the City of Joplin.
(H) *Demolition:* Any act or process that destroys in part or in whole a landmark or a structure within a historic district.
(I) *Design guidelines:* A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.
(J) *Exterior architectural appearance:* The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.
(K) *Historic district:* An area designated as a "historic district" by ordinance of the City Council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.
(L) *Landmark:* A property or structure designated as a "landmark" by ordinance of the City Council, pursuant to procedures, prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Joplin.
(M) *Owner of record:* The person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.
(N) *Preservation commission:* The Joplin Historic Preservation Commission.
(O) *Removal:* Any relocation of a structure on its site or to another site.
(P) *Repair:* Any change that is not construction, removal, or alteration.
(Q) *Structure:* Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools. (Ord. No. 86-31, ' 1, 3-17-86)

3. *Composition of Historic Preservation Commission:* The Joplin Historic Preservation Commission shall consist of seven (7) members, residents of Joplin, all of whom shall be ap-pointed and approved by the City Council of the City of Joplin. The city council shall make every reasonable effort to appoint persons with a demonstrated interest in the history of architecture of the City of Joplin. (Ord. No. 86-31, ' 1, 3-17-86; Ord. No. 90-106, ' 1, 6-18-90)

4. *Terms:* The term of office of the members of the preservation commission shall be for five (5) years, excepting that the membership of the first preservation commission appointed shall serve respectively for terms of two (2) for one year; two (2) for two (2) years; two (2) for three (3) years; two (2) for four (4) years; and one for five (5) years. A member may serve only two (2) consecutive terms. Two (2) alternate members shall be appointed to serve in the absence of or the disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members may be removed for cause by the mayor and city council upon written charges and after public hearing. (Ord. No. 86-31, ' 1, 3-17-86; Ord. No. 91-63, ' 1, 6-17-91)

5. *Officers:* Officers shall consist of a chairman, a vice-chairman, and a secretary elected by the Preservation Commission who shall each serve a term of one year and shall be eligible for reelection; but no member shall serve as chairman for more than two (2) consecutive years. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The secretary to the Preservation Commission shall have the following duties:
(A) Take minutes of each Preservation Commission meeting;
(B) Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Preservation Commission to the members of the Preservation Commission;

(C) Give notices as provided herein or by law for all public hearings conducted by the Preservation Commission;
(D) Advise the mayor of vacancies on the Preservation Commission and expiring terms of members; and
(E) Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on any matter requiring council consideration. (Ord. No. 86-31, ' 1, 3-17-86)

6. *Meetings:* A quorum shall consist of a majority of the members. All decisions or actions of the Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Preservation Commission at the beginning of each calendar year or at any time upon the call of the chairman. No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No action shall be taken by the commission that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the Preservation Commission, as provided herein. The chairman, and in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Preservation Commission shall be open to the public. The Preservation Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Preservation Commission and shall be a public record. (Ord. No. 86-31, ' 1, 3-17-86)

7. *Powers and duties:* The Preservation Commission shall have the following powers and duties:
(A) To adopt its own procedural regulations;
(B) To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or city;
(C) To investigate and recommend to the Planning and Zoning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, community, or architectural value as "landmarks."
(D) To investigate and recommend to the Planning and Zoning Commission and to the City Council the adoption of ordinances designating areas as having special historic, community, or architectural value as "historic districts";
(E) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
(F) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
(G) To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
(H) To nominate landmarks and historic districts to the National Register of Historic Places, and to review and comment on any National Register nominations submitted to the Preservation Commission upon request of the Mayor or City Council;(I) To inform and educate the citizens of Joplin, concerning the historic and architectural heritage of the city by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
(J) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;

(K) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;

(L) To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts.

(M) To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks and historic districts. The City Planner shall send applications for special use or zoning variations to the Preservation Commission for comment prior to the date of the hearing by the Planning and Zoning Commission or Board of Adjustment;

(N) To administer on behalf of the City of Joplin any property or full or partial interest in real property, including easements, that the City of Joplin may have or accept as a gift or otherwise, upon authorization and approval by the City Council;

(O) To accept and administer on behalf of the City of Joplin such gifts, grants, and money as may be appropriate for the purposes of this ordinance [Appendix]. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this ordinance [Appendix];

(P) To call upon available city staff members as well as other experts for technical advice;

(Q) To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;

(R) To testify before all boards and commissions, including the Planning and Zoning Commission and the Board of Adjustments, on any matter affecting historically and architecturally significant property, structures, and areas;

(S) To confer recognition upon the owners of landmarks or property or structures within historic districts by means by certificates, plaques, or markers;

(T) To develop a preservation component in the general plan of the City of Joplin and to recommend it to the Planning and Zoning Commission and to the City Council;

(U) To periodically review the Joplin Zoning Ordinance and to recommend to the Planning and Zoning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts; and

(V) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this ordinance [Appendix]. (Ord. No. 86-31, ' 1, 3-17-86)

8. *Surveys and research:* The Preservation Commission shall undertake an ongoing survey and research effort in the City of Joplin to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. Before the Preservation Commission shall, on its own initiative, nominate any landmark for designation, it shall first develop a plan and schedule for completion of a survey of the City of Joplin to identify potential landmarks. The Preservation Commission shall then systematically identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

(A) The potential landmarks in one identifiable neighborhood or distinct geographical area of the City of Joplin;

(B) The potential landmarks associated with a particular person, event, or historical period;

(C) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;

(D) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the City of Joplin. (Ord. No. 86-31, ' 1, 3-17-86)

9. *Nomination of Landmarks and Historic Districts:* Nominations shall be made to the Preservation Commission on a form prepared by it and may be submitted by a member of the Preservation

Commission, owner of record of the nominated property or structure, the City Council, or any other person or organization. (Ord. No. 86-31, ' 1, 3-17-86)

10. *Criteria for consideration of nomination:* The Preservation Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structures, or area meets one or more of the following criteria:
    (A) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country;
    (B) Its location as a site of a significant local, county, state, or national event;
    (C) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
    (D) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
    (E) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
    (F) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
    (G) Its embodiment of design elements that make it structurally or architecturally innovative;
    (H) Its unique location or singular physical characteristics that make it an established or familiar visual feature;
    (I) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and/or
    (J) Its suitability for preservation or restoration.

    Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration. (Ord. No. 86-31, ' 1, 3-17-86)

11. *Report and recommendation of Preservation Commission:* The Preservation Commission shall, within forty-five (45) days from receipt of a completed nomination in proper form, adopt by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in section 10 of this Appendix. The resolution shall be accompanied by a report to the Planning and Zoning Commission containing the following information:
    (A) Explanation of the significant or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
    (B) Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
    (C) In the case of a nominated landmark found to meet the criteria for designation:
        (1) The significant exterior architectural features of the nominated landmark that should be protected;

        (2) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of sections 16 through 27 of this Appendix.
    (D) In the case of a nominated historic district found to meet the criteria for designation:
        (1) The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;
        (2) The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of sections 16 through 27 of this Appendix.
    (E) Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district.
    (F) The relationship of the nominated landmark or historic district to the ongoing effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation.

(G) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district.

(H) A map showing the location of the nominated landmark and the boundaries of the nominated historic district.

The recommendations and report of the Preservation Commission shall be sent to the Planning and Zoning Commission within seven (7) days following the vote on the resolution and shall be available to the public in the offices of the Preservation Commission. (Ord. No. 86-31, ' 1, 3-17-86)

12. *Design Guidelines*: Design guidelines for applying the criteria for review of certificate of appropriateness shall, at a minimum, consider the following architectural criteria:

(A) *Height:* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

(B) *Proportions of windows and* doors: The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.

(C) *Relationship of building masses and spaces:* The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

(D) *Roof shape*: The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures in a historic district.

(E) *Landscaping*: Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.

(F) *Scale*: The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

(G) *Directional expression*: Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

(H) *Architectural details:* Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district. (Ord. No. 86-31, ' 1, 3-17-86)

13. *Notification of Nomination:* The Planning and Zoning Commission shall schedule a public hearing on the nomination within thirty (30) days following receipt of a report and recommendation from the Preservation Commission that a nominated landmark or historic district does or does not meet the criteria for designation. Notice of the date, time, place, and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated landmark or historic district at least fifteen (15) days prior to the date of the hearing. Notice shall also be published in a newspaper having general circulation in the City of Joplin. The notice shall state the street address and legal description of a nominated landmark and the boundaries of a nominated historic district. (Ord. No. 86-31, ' 1, 3-17-86)

14. *Public Hearing*: Oral or written testimony concerning the significance of the nominated landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The Preservation Commission may present expert testimony or present its own evidence regarding the compliance of the nominated landmark or historic district with the criteria for consideration of a nomination set forth in section 10 of this appendix. The owner of any nominated landmark or of any property within a nominated preservation district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and

reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony. (Ord. No. 86-31, ' 1, 3-17-86)

15. *Determination by Planning and Zoning Commission:* Within thirty (30) days following close of the public hearing, the Planning and Zoning Commission shall make a determination upon the evidence whether the nominated landmark or historic district does or does not meet the criteria for designation. Such a determination shall be passed by resolution of the Planning and Zoning Commission and shall be accompanied by a report stating the findings of the Planning and Zoning Commission concerning the relationship between the criteria for designation in section 10 of this appendix and the nominated landmark or historic district and all other information required by section 11 of this appendix. (Ord. No. 86-31, ' 1, 3-17-86)

16. *Notification of Determination:* Notice of the determination of the Planning and Zoning Commission, including a copy of the report, shall be sent by regular mail to the owner of record of a nominated landmark and of all property within a nominated historic district and the nominator within seven (7) days following adoption of the resolution. Within seven (7) days following a determination by the Planning and Zoning Commission that the nominated landmark or historic district does meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the City Council. (Ord. No. 86-31, ' 1, 3-17-86)

17. *Appeal:* A determination by the Planning and Zoning Commission that the nominated landmark or historic district does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated historic district may within thirty (30) days after the postmarked date of the notice of the determination file with the City Clerk a written appeal to the City Council. (Ord. No. 86-31, ' 1, 3-17-86)

18. *Action by City Council:* the City Council shall, within sixty (60) days after receiving the recommendation that the nominated landmark or historic district be designated or receiving a written appeal, either reject the recommendation or written appeal by formal resolution or designate the landmark or historic district by an ordinance. The City Council may hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in sections 13 and 14 of this appendix. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action of the City Council. The City Clerk shall provide written notification of the action of the City Council by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the City Council and shall be sent within seven (7) days of the City Council action. A copy of each designation ordinance shall be sent to the Preservation Commission and Zoning Commission, and the Building Department. (Ord. No. 86-31, ' 1, 3-17-86)

19. *The Designation Ordinance:* Upon designation, the landmark or historic district shall be classified as a "District H-Historic District," and the designating ordinance shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulations; minimum dwelling size; floor area; sign regulation; and parking regulations. The official zoning map of the City of Joplin shall be amended to show the location of the "District H-Historic District." (Ord. No. 86-31, ' 1, 3-17-86)

20. *Interim Control:* No building permit shall be issued by the Building Department for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated historic district from the date of the meeting of the Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the City Council

unless such alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days. (Ord. No. 86-31, ' 1, 3-17-86)

21. *Amendment and Rescission of Designation:* Designation may be amended or rescinded upon petition to the Preservation Commission and compliance with the same procedure and according to the same criteria set forth herein for designation. (Ord. No. 86-31, ' 1, 3-17-86)

22. *Certificate of Appropriateness:* A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or property within a historic district may be undertaken:
    (A) Any construction, alteration, or removal requiring a building permit from the City of Joplin;
    (B) Any demolition in whole or in part requiring a permit from the City of Joplin.
    (C) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district. (Ord. No. 86-31, ' 1, 3-17-86)

23. *Applications for Certificates of Appropriateness:* Every application for a demolition permit or a building permit, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated landmark or of a property within a designated historic district shall be forwarded by the Building Department to the Preservation Commission within seven (7) days following receipt of the application by the Building Department. The Building Department shall not issue the building or demolition permit until a certificate of appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Building Department to the Preservation Commission or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of the Preservation Commission. The Preservation Commission shall consider the completed application at its next regular meeting. The Preservation Commission may establish a subcommittee of five (5) of its members to review routine applications for a certificate of appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant. A certificate of appropriateness may be issued prior to the next regular meeting upon the signatures of four (4) of the members of the subcommittee. (Ord. No. 86-31, ' 1, 3-17-86)

24. *Determination by Preservation Commission.* The Preservation Commission shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the certificate of appropriateness within forty-five (45) days of receipt- of the application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant and the Building Department within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval. (Ord. No. 86-31, ' 1, 3-17-86)

25. *Denial of a Certificate of Appropriateness:* A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Preservation Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission. (Ord. No. 86-31, ' 1, 3-17-86)

26. *Procedure for Appeal*: A determination by the Preservation Commission that a certificate of appropriateness be denied after the reconsideration of the application as stated in section 25

above, may be appealed to the City Council of the City of Joplin. The applicant may within thirty (30) days after the postmarked date of the denial file with the City Clerk a written appeal to the City Council. The council shall then set a hearing date not less than thirty (30) days after receipt of a request for a hearing. A determination by the City Council that an application for a certificate of appropriateness be denied shall be the final administrative decision reviewable under the Missouri Administrative Procedure and Review Act, and any appeal from a denial shall be to the circuit court as provided therein. (Ord. No. 86-31, ' 1, 3-17-86)

27. *Standards for Review:* In considering an application for a building or demolition permit or for a certificate of appropriateness, the Preservation Commission shall be guided by the following general standards in addition to any design guidelines in the ordinance designating the landmark or historic district.

(A) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(B) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

(C) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

(D) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(E) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.

(F) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(G) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(H) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(I) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment. (Ord. No. 86-31, ' 1, 3-17-86)

28. *Certificate of Economic Hardship:* Application for a certificate of economic hardship shall be made on a form prepared by the Preservation Commission. The Preservation Commission shall schedule a public hearing concerning the application and provide notice in the same manner as in section 13 of this appendix, and any person may testify at the hearing concerning economic hardship in the same manner as provided by section 14 of this appendix. The Preservation Commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:

(A) Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;

(B) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

(C) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use.

(D) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(E) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

(F) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(G) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

(H) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

(I) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

(J) Assessed value of the property according to the two (2) most recent assessments; (K) Real estate taxes for the previous two (2) years;

(L) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

(M) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners. (Ord. No. 86-31, ' 1, 3-17-86)

29. *Determination of Economic Hardship:* The Preservation Commission shall review all the evidence and information required of an applicant for a certificate of economic hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by section 24 of this appendix. (Ord. No. 86-31, ' 1, 3-17-86)

30. *Appeals:* A determination by the Preservation Commission that an application for a certificate of economic hardship be denied shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act, and any appeal from a denial shall be to the circuit court as provided therein. (Ord. No. 86-31, ' 1, 3-17-86)

31. *Fees and Penalties:* The Preservation Commission may establish an appropriate system of processing fees for the review of nominations, certificates of appropriateness, and certificates of economic hardship. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated historic district without a certificate of appropriateness or a certificate of economic hardship shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00). Every day

each such violation shall continue to exist shall constitute a separate violation. The Preservation Commission may institute any appropriate action or proceeding in the name of the City of Joplin to enjoin, correct, or abate any violation of this ordinance

APPENDIX F: FLOODPLAIN REGULATIONS

1.0 Statutory Authorization, Findings of Fact, and Purposes
2,0 General Provisions
3.0 Development Permit
4.0 Establishment of Zoning Districts
5.0 Standards for the Floodway Overlay District and the Floodway Fringe Overlay District
6.0 Floodway Fringe Overlay District
7.0 Floodway Overlay District
8.0 Variance Procedures
9.0 Non-conforming Use
10.0 Penalties for Violation
11.0 Amendments
12.0 Definitions

1.0 STATUTORY AUTHORIZATJON, FINDINGS OF FACT AND PURPOSES

1.1 *Statutory Authorization*. The legislature of the State of Missouri, as provided in RSMO 89.020, has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and welfare. Therefore, the City Council of the City of Joplin, Jasper County. Missouri ordains as follows.

1.2 *Findings of Fact.*

1.21 *Flood Losses Resulting from Periodic Inundation.* The flood hazard areas of the City of Joplin. Missouri are subject to inundation which results in loss of life and property, health and hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

1.22 *General Causes of these Flood Losses.* These flood losses are caused by(1) The cumulative effect of obstructions in floodways causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

1.23 *Methods Used to Analyze Flood Hazards.* This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

A. Selection of regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods' which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (I%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated August 2, 1982 as amended, and any future revisions there to.

:

B. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

C. Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.

D. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

1.3 *State of Purpose.* It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by applying the provisions of this ordinance to:

1.31 Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

1.32 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

1.33 Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

1.34 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

2.0 GENERAL PROVISIONS

2.1 *Lands to Which Ordinance Applies.* This ordinance shall apply to all lands within the jurisdiction of the City of Joplin identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning District FW and FF established in Section 4.0 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restriction as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.0, 6.0, and 7.0.

2.2 *The Enforcement Officer.* The Municipal Planner of the community is hereby designated as the community's duly designated Enforcement Officer under this Ordinance.

2.3 *Rules for Interpretation of District Boundaries.* The boundaries of the floodway and floodway overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Office shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present this case to the Board and to submit his own technical evidence, if he so desires.

2.4 *Compliance.* No development located within known flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

2.5 *Abrogation and Greater Restrictions.* It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.6 *Interpretation*. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.7 *Warning and Disclaimer of Liability.* The degree of flood protection required by this ordinance is considered reasonable for regulatory purposed and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will he free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Joplin or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

2.8 *Severability.* If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.9 *Appeal.* Where a request for a permit to develop or a variance is denied by the Municipal Planner the applicant may apply for such permit or variance directly to the Board of Zoning Adjustment.

3.0 DEVELOPMENT PERMIT

3.1 *Permit Required.* No person, firm or corporation shall initiate any development or substantial improvement or shall cause the same to be done without first obtaining a separate permit for development as defined in Section 12.0.

3.2 *Administration.*

A. The Municipal Planner is hereby appointed to administer and implement the provisions of this ordinance.

B. Duties of the Municipal Planner shall include, but not be limited to:

(1) Review of all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

(2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(3) Notify adjacent communities and the DNR prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of said water course so that the flood·carrying capacity is not diminished.

(5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed.

(7) When flood proofing is utilized for a particular structure the Municipal Planner shall be presented certification from a registered professional engineer or architect.

3.3 *Application for Permit.* To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

3.31 Identify and describe the work to be covered by the permit.

3.32 Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
3.33 Indicate the use or occupancy for which the proposed work is intended.
3.34 Be accompanied by plans and specifications for proposed construction.
3.35 Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
3.36 Give such other information as reasonably may be required by the Municipal Planner.

4.0 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: a floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study (and accompanying maps). Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones (including AE, AO and AH zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Management Agency.

5.0 STANDARDS FOR TIIE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT.

5.1 No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO and AH zones) unless the conditions of this Section are satisfied.

5.2 All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available the community shall utilize any base flood elevation or floodway date currently available from Federal, State or other sources.

5.3 New Construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
5.31 Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
5.32 New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
5.33 Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5.34 All utility and sanitary facilities be elevated or flood proofed up to the regulatory flood protection elevation.
5.35 That until a floodway has been designated, no development, including landfill, may be permitted within Zones Al-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross section of the reach in which the

development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference: Section 1.23A of this ordinance.

5.36. Storage and Material and Equipment.

A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

5.37 Subdivision proposals and other proposed new development, including manufactured home parks or subdivision, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

6.0 FLOODWAY FRINGE OVERLAY DISTRICT.(Including AO and AH Zones)

6.1 *Permitted Uses.* Any use permitted in Section 7.0 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 are met.

6.2 *Standards for the Floodway Fringe Overlay District.*

6.21 Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above two (2) feet above the base flood elevation.

6.22 Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, to be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 3.2, B(7).

6.23 Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

6.24 Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwater around and away from proposed structures.

6.25 Manufactured Homes.

A. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the e\'ent that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
   (1) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side;
   (2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four additional ties per side;
   (3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
   (4) any additions to the manufactured home be similarly anchored.

B. Require that all manufactured homes to be placed within Zones Al-30, AH, and AB on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above two (2) feet above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.25A.

6.26 Located within the areas of special flood hazard established in Section 2. are areas designed as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply with AO Zones.

A . All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

B. All new construction and substantial improvements of nonresidential structures shall:
   (1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
   (2) together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 3.2B(7).

C. Adequate drainage paths around structures on slopes shall be required in order to guide floodwater around and away from proposed structures.

7.0 FLOODWAY OVERLAY DISTRICT

7.1 *Permitted Uses.* Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the

flood levels of the regulatory flood elevation. These uses are subject to the standards of Section 5.0 and 6.0. The following are recommended uses for the Floodway District.

7.11 Agricultural uses such as general fanning, pasture, nurseries, forestry.
7.12 Residential uses such as lawns, gardens, parking and play areas.
7.13 Non-residential areas such as loading areas, parking, airport landing strips.
7.14 Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
7.15 In Zone A unnumbered, obtain review and reasonably utilize any floodway data available through Federal, State or other sources of Section 5.37(d) of this ordinance, in meeting the standards of this section.

8.0 VARIANCE PROCEDURES

8.1 The Zoning Board of Adjustment as established by the City of Joplin shall hear and decide appeals and requests for variances from the requirements of this ordinance.

8.2 The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in requirement, decision, or determination made by the Municipal Planner in the enforcement or administration of this ordinance.

8.3 Any person aggrieved by the decision of the Zoning Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court as provided in 89.020.

8.4 In passing upon such application, the Zoning Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other section of this ordinance, and:

8.41 the danger that materials may be swept onto other lands to the injury of others;

8.42 the danger of life and property due to flooding or erosion damage;
8.43 the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
8.44 the importance of the services provided by the proposed facility to the community;
8.45 the necessity to the facility of a waterfront location, where applicable;
8.46 the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
8.47 the compatibility of the proposed use with existing and anticipated development;
8.48 the relationship of the proposed use to the comprehensive plant and flood plain management program for that area;
8.48 the safety of access to the property in times of flood for ordinance and emergency vehicles;
8.491 the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
8.492 the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

8.5 *Conditions for Variances*.

8.51 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (8.52-8.56 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.

8.52 Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

8.53 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8.54 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

8.55 Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

8.56 Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

9.0 NON-CONFORMING USE

9.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

9.11 If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Municipal Planner in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

9.12 Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

9.2 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is equal to or more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with the existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historic Places.

10.0 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants or variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof shall be punished in accordance with the City Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Joplin or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

11.0 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Act of 1973, provided, however, that no such action may be taken until after a public hearing in

relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Joplin. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations.

12.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Actuarial or Risk Premium Rates" mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

"Appeal" means a request for a review of the Municipal Planner's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding:" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the flood plain within a community subject to one percent or greater change of flooding in any given year.

"Base flood" means the flood having one percent chance of being equaled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Existing construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective
before that date. "Existing construction" may also be referred to as "existing structures."

"Flood or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation of runoff or surface waters from the source.

"Flood Insurance Rate Map" /FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Map and the water surface elevation of the base flood.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Fringe" is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured¢ home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value", also called "fair market value", is an estimate of what is a fair, economic, just and equitable value under normal local market conditions. In order to establish "market value" the Municipal Planner shall use one of the following methods which he deems to be the most fair, economic, just and equitable method available:

A. Consideration of prior sales of the property, or comparable properties (market comparison approach);
B. Replacement cost less depreciation (cost approach to value); or
C. Capitalization of income (income approach).

For the purpose of determining a structure's market value for application of the substantial improvement rule, the "cost approach to value" method shall be employed.

"New Construction" means structures for which the "start of construction or substantial improvement is commenced on or after the effective date of the FIRM.

"Overlay District" is a district in which additional requirements act in conjunction with the underlying zone district(s). The original zoning district designation does not change.

"Start of Construction" For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before the damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variances" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

APPENDIX G: WIRELESS TELECOMMUNICATIONS FACILITIES SITING

1. Intent and Scope of Ordinance
2. Applicability
3. Definitions
4. General Requirements
5. Non-residential Districts
6. Residential Districts
7. Criteria for a Special Use Permit
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1. INTENT AND SCOPE OF ORDINANCE

A. Intent

1. Competition in the telecommunications industry, especially in the market for wireless telecommunications services, is increasing the demand for antenna sites on Towers and other Antenna Support Structures necessary for providing wireless service. The Telecommunications Act of 1996 preserves the authority of the City to regulate the placement, construction, and modification of Towers, Support Structures and Wireless Telecommunications Facilities and to protect the health, safety and welfare of the public.
2. Consistent with the Telecommunications Act of 1996, a prohibition on the placement of Towers and Wireless Telecommunications Facilities in certain areas of the City, as provided in this Ordinance, will not have the effect of prohibiting any Person from providing wireless telecommunications services in violation of the Act. The City desires to maintain a high character of community development, to protect and preserve property, to promote the stability of property values, and to protect real estate from impairment or destruction of value for the general community welfare.

B. Purpose. The purpose of this Ordinance is to regulate the placement, construction and modification of Towers and Wireless Telecommunications Facilities in order 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. Specifically, the purposes of this Ordinance are:

1. To direct the location of Towers and Wireless Telecommunications Facilities in the City.
2. To protect residential areas and land uses from potential adverse impacts of Towers and Wireless Telecommunications Facilities.
3. To minimize adverse visual impacts of Towers and Wireless Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
4. To promote and encourage shared use/co-location of Towers and Antenna Support Structures as a primary option rather than construction of additional single use Towers.
5. To avoid potential damage to adjacent properties caused by Towers and Wireless Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.
6. To the greatest extent feasible, ensure that Towers and Wireless Telecommunications Facilities are compatible with surrounding land uses.

7. To the greatest extent feasible, ensure that proposed Towers and Wireless Telecommunications Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

2. APPLICABILITY

A. Except as provided in Section 2.C., all Towers, Antenna Support Structures and Wireless Telecommunications Facilities, any portion of which are located within in the City, are subject to this Ordinance.

B. Except as provided in this Ordinance, any use being made of an existing Tower or Antenna Support Structure on the effective date of this Ordinance (herein "Nonconforming Structures") shall be allowed to continue, even if in conflict with the terms of this Ordinance. However, no such non-conforming structure may be modified, expanded or re-built after being more than 50% destroyed without complying with this Ordinance. Any Tower site that has received City approval in the form of either a special use permit or building permit, but has not yet been constructed or located, shall be considered a Non conforming Structure so long as such approval is current and not expired.

C. Wireless Telecommunications Facilities installed by an electric utility on poles used solely for the transmission or distribution of electricity owned by the electric utility for its own internal use, and qualifying for classification as "electric plant" under V.A.M.S. 386.020(14), shall not be subject to this Ordinance. However, Wireless Telecommunications Facilities installed on an electric utility's poles that are used by the electric utility or by third persons to provide communications to a third person shall be subject to this Ordinance.

3. DEFINITIONS

For purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this Section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

Antenna Support Structure means any building or other structure other than a Tower which can be used for location of Wireless Telecommunications Facilities.

Applicant means any Person that applies for a Special Use Permit pursuant to Section 7 of this Ordinance.

Application means the process by which an Applicant submits a request and indicates a desire to be granted a Special Use Permit under the provisions of this Ordinance. An Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an Applicant to the City concerning such a request.

Building means any improvement to realty, the construction of which requires the prior issuance of a Building Permit.

City means the City of Joplin, a municipal corporation, in the State of Missouri, acting by and through its City Council.

Code means the Code of Ordinances of the City.

Co-location means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Council means the City Council.

Electric Utility is defined as any corporation, company, or association which generates or distributes electricity for light, heat or power, and the generation, transmission and distribution system so utilized.

Emergency means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

Engineer means any engineer licensed by the State of Missouri.

Equipment Shelter means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.

FCC means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Monopole means a single, self-supporting structure constructed of wood or a hollow metal tube securely anchored to a foundation.

Person is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Publicly-Owned Building or *Publicly-Owned Property* means a building or property owned by the Federal, County, State or Municipal Government, and any political subdivision thereof, including public or private schools.

Tower means a self supporting lattice, guyed or monopole structure constructed from grade which supports Wireless Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Viewshed means the area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible from street level.

Wireless Telecommunications Facilities means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of wireless communications as authorized by the FCC which a Person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial;
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
3. Antennas used by amateur radio operators and not exceeding sixty feet (60) in height; or
4. Antennas mounted on poles used by an Electric Utility solely in connection with, or to facilitate the generation, transmission, distribution, sale or furnishing of electricity.

4. GENERAL REQUIREMENTS

A. Wireless Telecommunications Facilities are either permitted uses or special uses in a variety of zoning districts contingent upon a number of requirements being met. These criteria are in place

in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new Towers.

B. The following requirements apply to all Wireless Telecommunications Facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts as set forth in Sections 5. and 6. herein.

1. When the proposed Wireless Telecommunications Facility or Antenna Support Structure is to include a new Tower, a plot plan at a scale of not less than one inch equals 100 feet shall be submitted. This plot plan shall indicate all building uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
2. A diagram or map showing the viewshed of the proposed Wireless Telecommunications Facilities or Antenna Support Structure shall be provided.
3. Photo simulations of the proposed facility from effected residential properties and public rights-of-way at varying distances shall be provided.
4. The location of the Tower and Equipment Shelter and Antenna Support Structure shall comply with all natural resource protection standards established in the Zoning Code, including those for stormwater retention, floodplain, wetlands and steep slopes.
5. Security fencing eight feet in height shall surround the Tower, Equipment Shelter and any guy wires, either completely or individually as determined by the Planning Commission. Barbed wire shall be allowed around the top of the security fencing when mounted on angled fixtures and pointed inward away from the outer face of the fence. The City and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
6. Buffer plantings or a privacy fence shall be located around the perimeter of the security fence as deemed appropriate by the Planning Commission. Options are an evergreen screen to be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum, or other screens determined to be appropriate by the Planning Commission.
7. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
8. Compliance with co-location requirements.
9. Any application to locate a Wireless Telecommunications Facility on a building that is listed on an historic register, or is in an historic district, shall be subject to review by the City's Historic Preservation Commission.
10. The Tower shall be a non-contrasting gray or other color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). Except for Tower or Monopole structures, all appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.
11. No advertising is permitted anywhere on the Wireless Telecommunications Facility, with the exception of identification signage.
12. No Tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA.
13. No Trespassing signs shall be posted around the Wireless Telecommunications Facility with a telephone number of who to contact in the event of an emergency.
14. Underground Equipment Shelters are encouraged, in residential districts, and may be requested by the Planning Commission.
15. Towers must be designed and certified by an Engineer to be structurally sound and, at a minimum, in conformance with the applicable BOCA Building Code.

C. Any Wireless Telecommunications Facilities which are not attached to a Tower shall be a permitted ancillary use to any commercial, industrial, professional or institutional building, regardless of the zoning restrictions applicable to the zoning district where the building is located

and without having to obtain any prior authorization from the City; provided that the Person making such ancillary use files a written certification with the City establishing the following:

1. That the total height of the Antenna Support Structure and Wireless Telecommunications Facilities do not exceed the height of the building by more than twenty (20) feet;
2. That the Antenna Support Structure and Wireless Telecommunications Facilities comply with the applicable BOCA Building Code;
3. That any Wireless Telecommunications Facilities and their appurtenances, located on the roof of a building, are set back one (1) foot from the edge of the roof, not including the penthouse, for each one (1) foot in height of the Wireless Telecommunications Facilities. However, this setback requirement shall not apply to antennas less than two (2) inches in thickness, which are mounted to the sides of Antenna Support Structures, but which do not protrude more than six (6) inches from the side of such an Antenna Support Structure. This requirement is subject to change by the Planning Commission upon review of the photo simulation provided in compliance with Section 4.B.3.
4. That the Wireless Telecommunications Facilities will utilize camouflaging techniques or will be side mounted to an Antenna Support Structure in order that the Wireless Telecommunications Facilities harmonize with the character and environment of the area in which they are located.

5. NON-RESIDENTIAL DISTRICTS

A. Wireless Telecommunications Facilities which are attached to a tower proposed for the following zoning districts--industrial, commercial and institutional are subject to the following conditions:

1. Sole use on a lot. A Wireless Telecommunications Facility is permitted as a sole use on a lot subject to the following:
   a. Minimum lot size - 10,000 square feet
   b. Minimum yard requirements -
      Tower: the minimum distance to any single-family or two family residential use or district lot line shall be 200 feet.
      Equipment Shelter: twenty-five feet (25') front yard, twenty-five feet (25') rear yard, and six feet (6') side yard except adjacent to any street which shall be fifteen feet (15').
   c. Maximum height -
      Tower: 200 feet (includes antenna)
      Equipment Shelter: thirty-five feet (35').
   d. Maximum size of Equipment Shelter - 400 square feet for a single shelter, or, if there is more than one, 800 total square feet.
2. Combined with another use. A Wireless Telecommunications Facility is permitted on a property with an existing use subject to the following conditions:
   a. The existing or future use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The Wireless Telecommunications Facility will not be considered an addition to the structure or value of a nonconforming use.
   b. The Wireless Telecommunications Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
   c. Minimum lot area - The minimum lot area shall be the area needed to accommodate the Tower (and guy wires, if used), the Equipment Shelter, security fencing and buffer planting.
   d. Minimum yard requirements -
      Tower: the minimum distance to any single- family or two-family residential use or district lot line shall be 200 feet.
      Equipment Shelter: shall comply with the minimum setback requirements for the primary lot.

e. Access - The service access to the Equipment Shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
f. Maximum height -
Tower: 200 feet (200' includes antenna)
Equipment Shelter: thirty-five feet (35')
g. Maximum size of Equipment Shelter - 400 square feet for a single shelter, or, if there is more than one, 800 square feet.

3. Combined with an existing building. Where possible, an antenna for a Wireless Telecommunications Facility shall be attached to an existing building subject to the following conditions:
a. Maximum height - 20 feet above the existing building.
b. If the applicant proposes to locate the telecommunications equipment in a separate Equipment Shelter (not located on, or attached to, the building), the Equipment Shelter shall comply with the following:
1. The minimum setback requirements for the subject zoning district.
2. A buffer yard shall be planted in accordance with Section 4.B.6.
3. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
4. The maximum size of the Equipment Shelter shall not exceed 400 square feet, or, if there is more than one, 800 total square feet.

6. RESIDENTIAL DISTRICTS

A. Wireless Telecommunications Facilities that include Towers are not permitted in residential districts with the exception of placement on any publicly-owned building or property located in these districts. However, antennas attached to existing buildings are permitted. In applying for a permit in any residential district, the applicant must present sufficient evidence as to why it is not reasonably feasible to locate in a more appropriate nonresidential district. Once those efforts have been reasonably exhausted, a Wireless Telecommunications Facility may be located in a residential district subject to the following conditions:
1. General: The Wireless Telecommunications Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance. This shall apply to 2., 3., 4., and 5. below.
2. Combined with a nonresidential use: An antenna may be attached to a nonresidential building that is a permitted use in the district; including, but not limited to, a church, or a publicly-owned building. The following conditions shall be met:
a. Maximum height - 20 feet above the existing building.
b. If the applicant proposes to locate the telecommunications equipment in a separate Equipment Shelter, the Equipment Shelter shall comply with the following:
i. The Equipment Shelter shall comply with the minimum setback requirements for the subject zoning district.
ii. The maximum size of the Equipment Shelter shall not exceed 400 square feet, or, if there is more than one, 800 total square feet.
iii. A buffer yard shall be planted in accordance with Section 4.B.6.
iv. Vehicular access to the Equipment Shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
3. Located on a non-residential-use property: A Tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including but not limited to a church, hospital, or publicly-owned building or property subject to the following conditions:
a. The Tower shall be set back from any property line abutting a single-family or two-family residential lot by 200 feet.
b. Maximum height:

Tower: 200 feet (includes antenna)
Equipment Shelter: 35 feet

c. The maximum size of the Equipment Shelter shall not exceed 400 square feet, or, if there is more than one, 800 total square feet.
d. Vehicular access to the Tower and Equipment Shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
e. In order to locate a telecommunications facility on a property that is vacant or with an agricultural use the tract shall be at least 2.5 acres, or as otherwise determined by the Planning Commission.

7. CRITERIA FOR A SPECIAL USE PERMIT

A. Use T-1: Wireless Telecommunications Facility. A Wireless Telecommunications Facility which includes a Tower may be permitted as a special use in a commercial district. In order to be considered for review, the Applicant must prove that a newly-constructed Tower is necessary because co-location on an existing Tower is not feasible in accordance with Section 8. The following steps must also be taken for the application to be considered for review in this category:
1. The Applicant shall demonstrate that the telecommunications Tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a Tower and this proposed site is technically necessary.
2. Where the Wireless Telecommunications Facility is located on a property with another principal use, the Applicant shall present documentation that the owner of the property supports the application and that the vehicular access is provided to the facility.
3. The Applicant shall present a site/landscaping plan showing the specific placement of the Wireless Telecommunications Facilities on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen the facilities and the proposed color of the facilities.
4. Applicant shall present a signed statement indicating:
a. The Applicant agrees to allow for the potential co-location of additional Wireless Telecommunications Facilities by other providers on the Applicant's structure or within the same site location; and
b. That the Applicant agrees to remove the facility within one hundred eighty (180) days after the site's use is discontinued.

B. All such applications for the construction of new Towers shall be set down for hearing before the Planning & Zoning Commission, in accordance with the Rules and Regulations governing the same. Upon final hearing of such application, the Commission shall issue a report of such hearing, together with a recommendation for final approval or denial. The Council shall thereupon hold a public hearing, and shall approve or deny such Special Use Permit. Co-location of antennas on a single Tower, antennas attached to existing structures/buildings, Towers located in industrial districts, or replacement Towers to be constructed at the site of a current Tower are permitted uses and will not be subject to the Special use permitting process.

C. Any decision to deny a request to place, construct or modify a Wireless Telecommunications Facility and/or Tower shall be in writing and supported by evidence contained in a written record of the proceedings of the City Council.

8. CO-LOCATION REQUIREMENTS

A. Public Property First.
1. In order to encourage the location of Wireless Telecommunications Facilities on publicly-owned buildings or property, the City shall undertake an identification of publicly-owned building or properties that the City determines are suitable for such use. The City shall

regularly update such identification and make the results of such identification available to the public.

2. Persons locating Wireless Telecommunications Facilities upon such identified publicly-owned buildings or properties shall be exempted from the requirements herein regarding presentation of proof that co-location of facilities on Towers or structures owned by other Persons or in other locations is not available. However, Persons locating Wireless Telecommunications Facilities on publicly-owned buildings or properties shall continue to be subject to the requirements contained in Paragraph B. below.
3. In addition, Persons locating Wireless Telecommunications Facilities on publicly owned buildings or properties identified by the City to be suitable for such purposes shall be exempt from the requirement of Section 4.B.1 through B.3. and Section 7.A.2 through A.4.

B. No new Tower shall be constructed in the City unless such Tower is capable of accommodating at least one additional Wireless Telecommunications Facility owned by other Persons.

C. A Special Use Permit shall be issued only if there is not technically suitable space reasonably available on an existing Tower or building within the geographic area to be served. With the permit application, the applicant shall list the location of every Tower or building within such area that could support the proposed antenna. The Applicant must demonstrate that a technically suitable location is not reasonably available on an existing Tower or building. If another communication Tower is technically suitable, applicant must show that it has offered to allow the owner to co-locate an antenna on another Tower within the city owned by applicant on reciprocal terms and the offer was not accepted or the other Tower is presumed to be reasonably available.

9. ABANDONMENT OF TOWER

A. All providers utilizing towers shall present a report to the Director of Public Works notifying him of any Tower facility located in the municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Director of Public Works may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Director of Public Works and be instructed to either reactivate the facility's use within 30 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the owner/operator the costs.

B. The City must provide the Tower owner 30 days' notice and an opportunity to be heard before the Building Board of Appeals before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the Tower and any appurtenances attached thereto at the then fair market value, or in the alternative, order the demolition of the Tower and all appurtenances.

C. The City shall provide the Tower owner with the right to a public hearing before the Building Board of Appeals, which public hearing shall follow the 30 day notice required in Paragraph B. All interested parties shall be allowed an opportunity to be heard at the public hearing.

D. After a public hearing is held pursuant to Section C., the Building Board of Appeals may order the acquisition or demolition of the Tower. The City may require the Tower owner to pay for all expenses necessary to acquire or demolish the Tower.

10. VARIANCES AND SPECIAL EXCEPTIONS

Any request to deviate from any of the requirements of this Ordinance shall require variance approval in conformance with the procedures set forth in Appendix 29-A of the City Code.

11. MISCELLANEOUS

A. Non Waiver. Nothing in this Ordinance shall preclude the City from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this Ordinance.

B. Severability. If any provision of this Ordinance or the Application of any provision of this Ordinance to any Person is, to any extent, held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Ordinance and the application of such provision to other Persons or circumstances shall not be affected by such holding. In case of such an event, this Ordinance and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such an Ordinance provision is subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had previously been held invalid or unenforceable, no longer conflicts with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect.