CITY OF JOPLIN, MISSOURI

ZONING REGULATIONS

APPENDIX 29-A—ZONING

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ARTICLE 1
TITLE AND INTENT

Sec. 29A-100. *Title*.

These regulations shall be known and may be cited as the Zoning Ordinance of the City of Joplin, Missouri.

Sec. 29A-101. *Intent.*

These regulations, adopted pursuant to the provisions of RS Mo 89.010, et. seq., are intended to serve the following purposes:

A. To promote the health, safety, quality of life, comfort and general welfare of the City;

B. To preserve and protect property values throughout the City;

C. To restrict and regulate the height, number of stories, and size of structures; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population;

D. To divide the City into zones and districts; and

E. To regulate and restrict the location and use of structures and land within each district or zone.

Sections 29A-102 through 29A-199, Reserved.

ARTICLE 2
RULES AND DEFINITIONS

Sec. 29A-200. ***Rules of Construction and Interpretation.***

A. Rules:

1. In the construction of these regulations, the provisions and rules of this Article shall be preserved and applied, except when the context clearly requires otherwise:

   a. Words used in the present tense shall include the future.

   b. Words in the singular number include the plural number, and words in the plural number include the singular number.

   c. The phrase "used for" shall include the phrases "arranged for" "designed for" "intended for," "maintained for," and "occupied for."

   d. The word "shall" is mandatory.

   e. The word "may" is permissive.

   f. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.

   g. The word "Board" means the Board of Adjustment.

   h. Unless otherwise specified, all distances shall be measured horizontally.

   i. The word "City" means City of Joplin, Missouri.

   j. The words "council," "city council," "governing body" shall mean the City Council of The City of Joplin, Missouri.

   k. The word "commission" or phrase "Planning Commission" shall mean the City of Joplin, Missouri, Planning and Zoning Commission.

   l. The abbreviation N/A means not applicable.

   m. The use of the male pronoun includes the use of the female pronoun.

2. Any word or phrase which is defined in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

B. Interpretation:

1. *Minimum Requirements:* In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, quality of life and welfare.

2. *Overlapping or Contradictory Regulations:* Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.

3. *Private Agreement:* These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.

4. *Unlawful Uses:* No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

5. *City Reference:* All public officials, governing bodies, and agencies—unless otherwise indicated—to which general reference is made are references to the City of Joplin, Missouri.

Sec. 29A-201. ***Definitions.***

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.

Adult: A person 18 years of age or older.

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 Entertainment Establishment (or Adult Entertainment Business): Any business, premises or establishment including, without limitation, adult arcades, adult bookstores or video stores, and adult motion picture theatres, adult mini-motion picture theaters, adult cabarets, adult live performance theaters to which the public, patrons or members are invited or admitted, which has any of the following:

A. No more than thirty percent (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" as herein defined, 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" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or

B. No more than thirty percent (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" as herein defined, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or

C. No more than thirty percent (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" as herein defined, 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" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined, and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined.

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."

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.

Agricultural Sales and Service: An establishment primarily engaged in the sale, purchase, or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agriculture: 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, General: The use of land for the production of livestock, dairy products, poultry or poultry products.

Agriculture, Limited: The use of land for the production of row crops, field crops, tree crops or timber.

Airport or Airstrip: Any public or privately owned or operated ground facility designed to accommodate landing and take off operations of aircraft, including all taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley: A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration: Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

Animal Care, General: A use providing animal care, veterinary services or boarding. See "Animal Care, Limited" and "Kennel."

Animal Care, Limited: A use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See "Animal Care, General" and "Kennel."

Animal Hospital: An establishment for the care and treatment of small animals, including household pets.

Apartment: A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Apartment House: A building arranged, intended or designed for more than two families, including triplex, four-plex and other multifamily housing.

Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

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.

Assisted Living: Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

Athletic Field: A wide stretch of open land used for outdoor games such as baseball, football, and soccer.

Auditorium or Stadium: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Bank or Financial Institution: Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. "Banks and Financial Institutions" also include automated teller machines.

Bar or Tavern: An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and night clubs.

Basement: A story below the first story as defined under "Story," counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Bed and Breakfast: A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than four groups of patrons in a 24-hour period.

Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Planning and Community Development Manager shall determine the outline of the block.

Boarding House or Lodging House: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

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.

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.

Campground (Campgrounds, Private): Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five days or more for recreation, religious, education, or vacation purposes, the normal use of which is limited to specific members, patrons, or otherwise listed and enumerated persons.

Car Wash: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

Carnival or Circus: Any aggregation of shows or riding devices, games or skill or chance, or any combination of shows and riding devices, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, panoramas, musical and theatrical entertainments, or riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.

Cemetery, Crematory, Mausoleum: Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

Churches, Chapels, Temples and Synagogues: See the definition of "Religious Assembly."

City Council: The elected Governing Body of the City of Joplin.

Clubs And Lodges, Private: A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons, or otherwise listed and enumerated persons.

Cluster Development: The arrangement of buildings or structures in groups around common courts, driveways, parks or other unique features of the land permitting more latitude and flexibility in placement and design. The lots, buildings or structures in a cluster development must meet the requirements of the appropriate planned districts.

College or University: An institution of higher education offering undergraduate or graduate degrees.

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.

Community Center: A building to be used as a place of meeting, recreation , or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

Composting Facility: A facility that is designed and used for transforming food, yard wastes and other organic material into soil or fertilizer by biological decomposition.

Comprehensive Plan: A comprehensive plan made and adopted by the Planning Commission and affirmed through a *Resolution of Support* by the City Council which, through a combination of text, charts and maps, sets forth proposals for general locations of various land uses, including streets, parks, schools, public buildings, and utilities.

Convalescent Care: An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

Correctional Facility: A facility providing housing and care for individuals confined for violations of law.

Court: An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

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.

Day Care is care of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Day care is a voluntary supplement to parental responsibility for the child's protection, development and supervision. Day care may be given in a family day care home, group day care home or day care center.

Day Care Facility: is a day care home, day care center or group day care home or other place conducted or maintained by any person who advertises or holds himself out as providing care for more than four children during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment as a convenience for its customers; except that, a child day care facility shall not include any private or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four-and five-year-old children, a home school, as defined in section 167.031, RSMo, a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization.

A. *Day Care Home*: whether known or incorporated under another title or name, a day care home is a child care program where care is given by a person licensed as a day care home provider for no more than ten (10) children not related to the provider for any part of the 24-hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.

B. *Group Day Care Home*: whether known or incorporated under another title or name, is a child care program where care is given by a person licensed as a group day care home provider for eleven (11), but not more than 20, children not related to the child care provider for any part of the 24 hour day. 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 (1) group day care home or family day care home.

C. *Day Care Center:* whether known or incorporated under another title or name, is a child care program where care is given by a group of persons licensed as a group day care center for more than 20, children for any part of the 24 hour day.

Day Care (Child Care) Provider: Group day care home provider or provider is the person(s) licensed or required to be licensed under section 210.211, RSMO in order to establish, conduct or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the division:

A. Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and

B. Ultimate financial control of the operation of the facility.

Department of Natural Resources: The Missouri Department of Natural Resources (MoDNR).

Drive-In Establishments: Any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

Dwelling: A building or portion thereof, designed exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels or motels.

A. *Single-Family:* A detached building arranged, intended, or designed for occupancy by one family.

B. *Two-Family or Duplex:* A single building arranged, intended, or designed for occupancy by two families.

C. *Single-Family Attached Dwelling:* Residential dwellings having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

D. *Multifamily:* A building or portion thereof, arranged, intended or designed for occupancy by three or more families on a rental or lease basis and commonly referred to as a triplex, four-plex or apartment building.

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.

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.

Exterior Setback: A required setback that fronts on a public street.

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.

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:

- The basement floor area.
- The area of each floor of the structure.
- Attic space having headroom of 7' 10" or more.

Food Store: An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed, such as a delicatessen or bakery.

Food/Bakery Product Manufacturing: A use engaged in the manufacture of food and food products, including non-retail bakeries, canning facilities and creameries.

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.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

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

Family: One (1) 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 (3) unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

Final Development Plan: A plan submitted for site plan review as required by these regulations for single family, two family, multifamily, commercial, and industrial development proposals.

Garage: An accessory building or portion of a main building used for storage only of automobiles.

Garden Apartment Building: An apartment building located on a lot either singly or together with other similar apartment buildings completely landscaped, the total ground floor area of which does not exceed twenty-five percent of the lot.

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.

Golf Course: A facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See "Recreation and Entertainment, Outdoor."

Governing Body: That Body having jurisdiction in the zoning area.

Government Service: Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, and utility billing offices.

Grain Elevator: A tall building for storing grain.

Greenhouse, Nursery: An establishment where flowers, trees, and other products that are commonly used as landscaping in and around buildings are grown and sold.

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.

Group Homes: Any residential home in which eight (8) or less unrelated mentally or physically handicapped persons reside; further, and pursuant to Section 89.020.2 RSMO, such home may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

A. *Group Home, General:* A residential home providing 24-hour care in a protected living environment for more than eight persons with physical or mental disabilities and any number of care givers.

B. *Group Home, Limited:* A residential home providing 24-hour care in a protected environment for eight (8) or less unrelated persons with mental or physical disabilities; further, and pursuant to Section 89.020.2 RSMO, such home may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

Group Residential: The use of a site for occupancy by groups of more than five persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding or lodging houses. The term "group residential" does not include "group homes."

Hard Surfaced Road: An all weather surface improved with asphalt, concrete, asphaltic concrete or similar material designed to City of Joplin street standards.

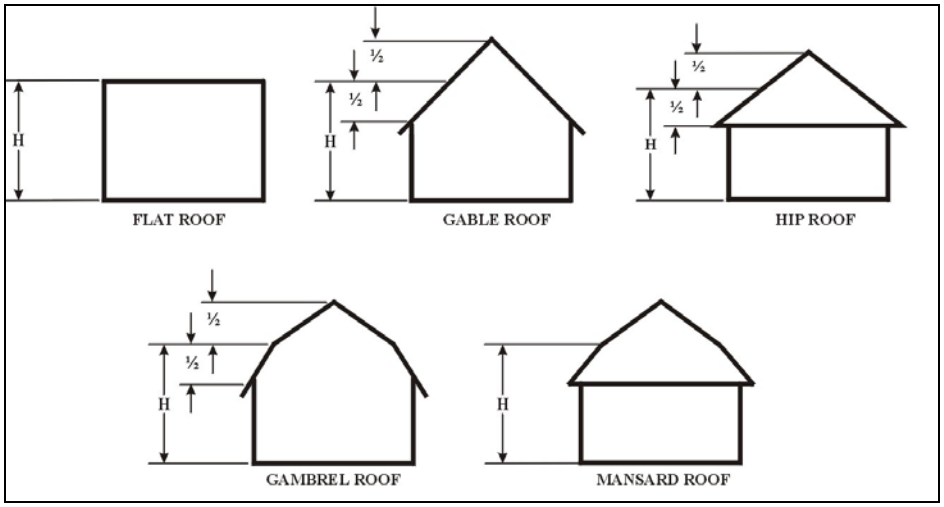
Hazardous Operation: Activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

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.

Health Club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Height of Buildings and Structures: The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Height, where not regulated by feet, shall be regulated by stories and a story shall be equal to twelve (12) feet for purposes of measuring structures other than buildings.

Illustration 1.
Vertical Dimensions of Structure Heights



Heliport or Helipad: An area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

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.)

Hospital: An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

Hotel, Motel, or Tourist Court: A structure which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests for periods of not more than 28 consecutive days; and having more than two bedrooms furnished for the accommodation of such guests.

A structure or portion thereof, or a group of structures, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Kennel: Shall be interpreted to mean the keeping or harboring of a total of five (5) or more adult dogs and cats, over the age of six (6) months. A kennel will be located no closer than fifty (50) feet to another dwelling, including outside runs, and shall contain at least one (1) fully enclosed shelter for each animal or animals and provide an exercise area. (Ord. No. 79-134, 12, 9-4-79)

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

Interior Setback: A required setback that does not front on a public street.

Landfill: A disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

Laundry Plant: An establishment that is primarily engaged in the large-scale washing or cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick-up stations.

Library: A publicly-operated establishment housing a collection of books, magazines, audio and video tapes and other material for borrowing and use by the public.

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 occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under these Regulations, and having its principal frontage upon a public street. A lot as used herein may consist of one or more platted lots, or tract or tracts as conveyed or parts thereof.

A. *Corner:* A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Planning and Community Development Manager, except that a lot as herein defined, when made up of more than one platted lot, shall be deemed to front on the street upon which said platted lots front.

B. *Interior:* A lot whose side lines do not abut upon any street.

C. *Lot, Through:* An interior lot having frontage on two streets.

Lot Line: The line bounding a lot as defined herein.

A. *Front:* The boundary between a lot and the street on which it fronts. For clarification of the front lot line location, see the definition of "corner" above.

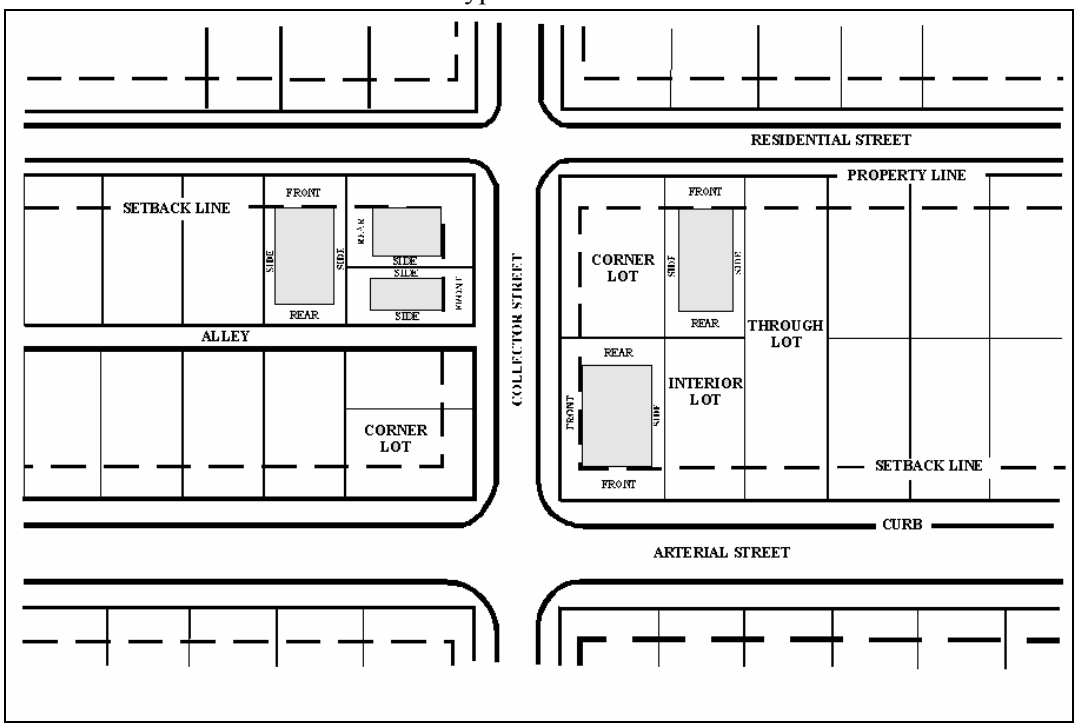
B. *Rear:* The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Planning and Community Development Manager shall determine the rear line.

C. *Side:* Any lot boundary line not a front or rear line thereof, a side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot Depth: The mean horizontal distance from the front street line to the rear line.

Lot Width: The horizontal distance between the side boundary lines of a property measured at the front building line.

Illustration 2.
Lot Types and Setbacks



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 Supplementary District Regulations.

Manufactured Home Sales: An establishment primarily engaged in the display and sale of manufactured housing units.

Manufacturing and Assembly: Establishments engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding "Basic Industry."

Massage Shop: An establishment which has a fixed place of business having a source of income or compensation 60% or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

Materials Recovery Facility: A facility in which source separated co-mingled recyclable materials, such as newspapers, glass, metals and plastic containers, are stored, flattened, crushed and/or bundled prior to shipment to others who will use those materials to manufacture new products.

Medical Service: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists, blood banks and medical laboratories.

Mining or Quarrying: The extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand and gravel pit operations, quarries and mines.

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.

Mobile Homes Park: See definition for "manufactured home park."

Mobile Homes Subdivision: See definition for "manufactured home park."

Nursing home: A privately operated establishment where maintenance and personal or nursing care is provided for persons who are aged, disabled, or chronically ill and need assistance in caring for themselves.

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.

Office, General: An establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted

use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Oil or Gas Drilling/Refining: The subsurface extraction or refining of oil or natural gas.

Parcel: A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

Parking Lot, Commercial: Area used or intended to be used for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

Parking Area, Off Street: An all weather surfaced, (concrete, asphaltic concrete, or other comparable surface), enclosed or unenclosed for the short term storage of automobiles.

Parking Space: An area surfaced for all weather for the purpose of storing one parked automobile.

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.

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.

Post Office: A facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

Preliminary Development Plan: A preliminary site plan which may be submitted at the option of the developer to the Planning and Community Development Manager prior to submission of the final site plan.

Printing and Publishing: The production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services.

Recreation and Entertainment, Indoor: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors and video game arcades. Does not include those uses considered as parks and recreation.

Recreation and Entertainment, Outdoor: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters and miniature golf courses. Does not include those uses considered as parks and recreation.

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).

Recreational Vehicle Park: Land used or intended to be used for occupancy by recreational vehicles for transient living purposes, including the use of camping spaces for tents.

Recycling Collection Center: A facility which is not larger than 1,000 square feet in size and is designed for the collection of aluminum and steel cans, glass, plastic containers, papers and other usable materials for their redistribution for sale or reutilization. No processing equipment or storage is allowed.

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.

Recycling Processing Center: A facility designed for the purpose of collecting, redistributing and processing recyclable materials. Activities may include the receipt, separation, storage, conversion, bailing and/or processing of paper, iron, metal, glass, newspaper, and other non-biodegradable materials. Hazardous and biodegradable materials, as determined by the Missouri Department of Natural Resources, including, but not limited to, food, beverages, drugs, cosmetics, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, and other similar materials, shall not be brought into or handled by a recycling facility.

Religious Assembly: A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site or religious camp.

Repair Service: An establishment primarily engaged in the provision of repair services to individuals and households, but excluding "Vehicle Repair" services. Typical uses include appliance repair shops.

Research Service: An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of

the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Residential Care Facility: Any structure used by a person, persons, institution, nonprofit organization or public agency for the short or long-term care, rehabilitation, socialization or education of persons who are developmentally disabled, handicapped or socially dysfunctional, being provided room and board in a residential setting and under the supervision of authorized personnel who either live on the premises or share a twenty-four hour on-premises supervisory responsibility.

Restaurant: A building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.

Restaurant, Fast Food: A use primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

Restaurant, General: A building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.

Roadside Stand: A structure 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. Requires appropriate commercial zoning; and must comply with all site and structure provisions of the applicable zoning district. Products sold are generally grown off the zoning lot where such stand is located.

Salvage Yard: A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Typical uses include automobile salvage yards and junkyards.

School, Elementary, Middle or High: The use of a site for instructional purposes on an elementary or secondary level.

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.

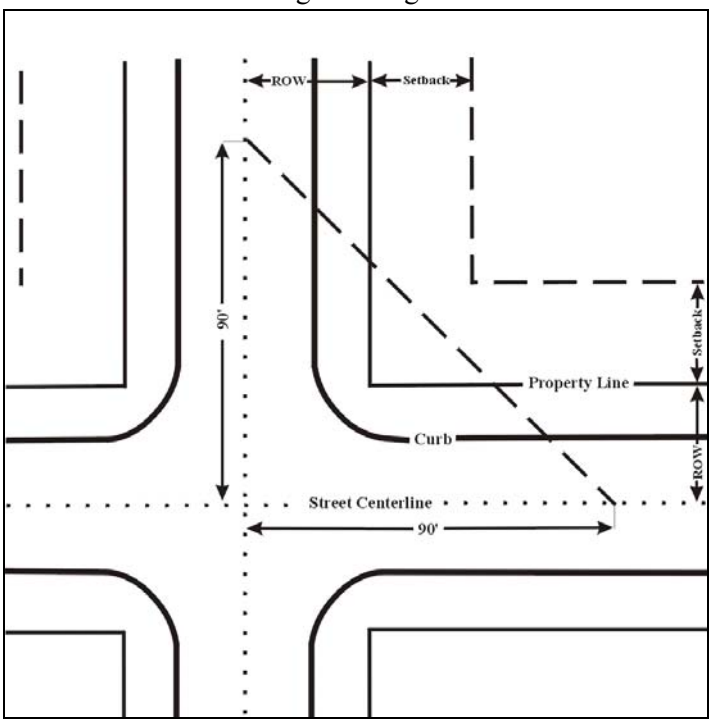
Setback: The distance that is required by this zoning ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: The term "setback" refers to a required minimum area, while the term "yard" refers to the actual open area.)

Service Station, Automotive: A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. Uses involved primarily in the sale of diesel fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semi trailers shall be classified as "Truck Stop Service Stations."

Service Station, Truck Stop: A use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi trailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semi trailers.

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 between a height of 3 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets; except that, the City Engineer may establish greater sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO). In the case of an adjacent street with multiple lanes, the farthest edge of the lane nearest the property line shall be considered the centerline of the street for purposes of measuring the sight triangle.

Illustration 5
Sight Triangle



Sign: Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building and including but not limited to, the following:

A. *Indirectly Illuminated:* Any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.

B. *Semi-Illuminated:* Any sign located on a building which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.

C. *Detached:* Any sign located on the ground or on a structure located on the ground and not attached to a building.

D. *Wall:* Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

E. *Roof:* Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof or upper portion of walls as a principal means of support.

F. *Projecting:* Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.

G. *Snipe:* Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building or firmly anchored to the ground.

H. *Marquee:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building.

I. *Poster Panel or Billboard:* An illustration of approximate dimension of 12' x 24' or multiples thereof mounted on a semi permanent structure and depicting information not directly related to the property upon which it is placed.

J. *Attention Attracting Device:* Any flasher, blinker, animation, banner clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.

Single-Family Residential, Detached: The use of a lot for only one principal dwelling unit that is not connected to any other dwelling unit. This definition shall include, as defined by these regulations, "modular homes" but shall exclude "manufactured homes."

Single-Family Residential, Attached: The use of a site for two dwelling units that are constructed with common or abutting walls and with each dwelling unit located on its own separate lot. Typical uses are sometimes called twin homes.

Solid Waste Collection/Processing: Recycling collection centers, incinerators, processing facilities, materials recovery facilities, solid waste transfer stations or any facility where municipal solid wastes are salvaged, sorted, processed or treated.

Solid Waste Transfer Station: A facility where solid waste or recyclable material is transferred from collection vehicles (some sorting may occur) to long distance hauling vehicles for transportation to a central solid waste management facility for processing, disposal, incineration or resource recovery.

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 set forth in paragraphs 1 and 2 of this definition.

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.

Stable: An accessory building and premises for the keeping of horses, ponies, mules or cows.

A. *Private:* A stable owned by occupants of the premises, and not kept for remuneration, hire or sale.

B. *Public:* A stable other than a private or riding stable as defined herein.

C. *Riding:* A structure and premises in which horses, ponies, or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

Story: That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half story when between 50 and 75 percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Stockyard: A non-farm-based facility used or intended to be used for selling or holding livestock.

Street: A right-of-way which affords principal means of vehicular access to property abutting thereon.

Street Line: The dividing line between the street and the abutting property, also commonly known as the front property line.

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.

Street Network:

A. *Expressway/Freeway:* A divided highway which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function; with only grade-separated access to expressways allowed, and with traffic volumes usually exceeding 20,000 AADT.

B. *Arterial:* A street which provides for through traffic movement between and around areas with limited direct access to abutting property, subject to necessary control of entrances, exits and curb uses; serving large traffic volumes generally above 5,000 AADT.

C. *Collector:* A street which provides for traffic movement between arterials and local streets, with direct access to abutting property, serving traffic volumes generally between 1,500 and 5,000 AADT.

D. *Local:* A street which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Studio, Radio, Television, Film or Music: An establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

Swimming Pool, Public: A recreation facility designed and intended for water contact activities that is operated as a business or as a club unless such club is associated with a neighborhood club or similar organization. The same as private pool but operated as a commercial business. Public swimming pools shall conform to county health department requirements.

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 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.

Tourist Cabin: See definition of "hotel/motel."

Townhouse: A dwelling unit located in a group of three or more attached townhouse dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one interior common wall and a private exterior entrance.

A. *Townhouse Structure:* A grouping of three or more townhouses.

B. *Townhouse Site:* A townhouse, the total land area beneath the townhouse and the facilities associated with the townhouse.

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.

Transitional Living Facility: A state licensed group-care home for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement, and residential rehabilitation treatment centers which also may provide outpatient rehabilitation for alcohol and other drug abuse.

Travel Trailer: A recreational vehicle with the residential trailer compartment permanently attached to the axles as a single vehicle, and designed for short-term occupancy within an approved travel trailer camp.

Twin Home: The use of a site for two dwelling units that are constructed with common or abutting walls and with each dwelling unit located on its own separate lot. Twin homes are often created by subdividing a single duplex into two separate lots each of which contains one dwelling unit.

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 defined 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 and that involve only minor structures, such as poles and lines.

Variance: A variation from a specific requirement in this Ordinance, as applied to a specific piece of property, as distinct from rezoning.

Vehicle and Equipment Sales: An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance activities. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, moving trailer rental, and farm equipment and machinery sales and rental.

Vehicle/Equipment Storage Yard: An outdoor area used or intended to be used for long-term storage of vehicles and equipment, other than a "Commercial Parking Lot" or accessory parking to a principal use.

Vehicle Repair, General: An establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle Repair, Limited: A use providing automobile repair or maintenance services within completely enclosed buildings, but not including "General Vehicle Repair" services.

Vocational School: A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "College or University" or "School."

Warehouse, Mini-Storage: An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for dead storage of their household goods or personal property.

Warehousing and Wholesale: An establishment primarily engaged in the storage or sale of materials, equipment, or products or sale to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but exclude "Mini Storage Warehouses". and sale of goods to the general public.

Welding or Machine Shop: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

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 D of these regulations as expressly not included in the term.

Variance: A variation from a specific requirement in this Ordinance, as applied to a specific piece of property, as distinct from rezoning.

Wholesale Sales: The selling of goods primarily to other businesses for resale or further manipulation.

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 otherwise provided. In measuring a yard for the purpose of determining the width of a side yard the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used.

A. *Front:* A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

B. *Side:* A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

C. *Rear:* A yard between the rear lot line and the rear line of the main building and the side lot lines.

Youth Facility: An establishment whose principal purpose is providing educational, social, or athletic activities for children.

Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.

Zoning Area: The area to be zoned as set out on the official Zoning Map filed of record.

Zoning Regulations: The term "zoning regulations" or "these regulations" shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning ordinances of the City of Joplin.

Sections 29A-202 through 29A-299, Reserved.

ARTICLE 3
GENERAL PROVISIONS

Sec. 29A-300.*Jurisdictional Area*

The provisions of these regulations shall apply to all structures and land in the incorporated area of the City of Joplin, Missouri. The jurisdictional area shall be shown on the Official Zoning District Map.

Sec. 29A-301. *Districts*

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures or land, the corporate area of The City of Joplin, Missouri is hereby divided the following districts:

District AG Agriculture District
District R-1 Single-Family Residential District
District R-S Residential Suburban District
District R-2 Two-Family Residential District
District R-3 Apartment House District
District R-4 Townhouse District
District M-P Manufactured Home Park Residential District
District MUC Mixed Use Commercial District
District C-0 Office Building District
District C-l Neighborhood Commercial District
District C-2 Central Business District
District C-3 Commercial District
District M-1 Industrial Park District
District M-2 Heavy Industrial District

Sec. 29A-302. *Overlay Districts*

In addition to the above listed zoning districts, the following overlay districts are also located within the corporate limits of Joplin.

Overlay District PD	Planned Development Overlay District
Overlay District HP	Historical Preservation Overlay District
Overlay District FP	Flood Plain Overlay District

Sec. 29A-303. *Zoning Districts Map*

The boundaries of the districts are shown on the Official Zoning Districts Map which is filed in the office of the Planning and Community Development Manager. Each of the said zoning maps, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein. Such map shall be marked,

"Official Copy of the City of Joplin, Missouri Zoning Map". Electronic copies and files of such map shall reference the "Official Copy" on file in the office of the Planning and Community Development Manager.

Sec. 29A-304. ***Rules Where Uncertainty May Arise***

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, incorporated herein, the Planning and Community Development Manager shall determine the boundaries of the various districts. The Planning and Community Development Manager in determining the boundaries shall apply the following rules:

A. The district boundaries are the center lines of streets, alleys, waterways, and railroad rights-of-way, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of a street, alley, waterway, or railroad right-of-way, the centerline of such street, alley, waterway or railroad right-of-way shall be construed to be the boundary line of such district.

B. Where the district boundaries do not coincide with the location of streets, waterways, or railroad rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

C. Where none of the above rules apply, the district boundaries shall be determined by the use of the scale shown on the zoning map.

Sec. 29A-305.*Exemptions*

The following structures and uses shall be exempt from the provisions of these regulations:

A. 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, but not including substations or storage tanks located on or above the surface of the ground.

B. 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.

C. Agriculture as defined by these regulations. In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall be subject to the applicable regulations of these regulations.

D. Retaining walls on public property.

E. Public signs.

F. Development Procedures and Zoning District Regulations which have been approved by the City of Joplin in an annexation agreement prior to the date of adoption of these regulations shall be exempt from the requirements of these regulations; except that, amendments of the Official Zoning Districts Map shall be made only as per the amendment procedures of these regulations.

Sec. 29A-306.*Requirements Must Be Observed*

Except as hereinafter provided:

A. No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose other than is permitted in the district in which such building, structure or land is situated.

B. No building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height, or area limit herein established for the district in which such building is located.

C. No lot area shall be reduced or diminished so that the yards or other open spaces is smaller than prescribed by these requirements, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.

Sec. 29A-307. *Annexed Land*

All land which may hereinafter be annexed to the City of Joplin shall be classified "R-1", Single-family Residential District, and shall be re-classified only after a public hearing by the Planning Commission and recommendation to the City Council as provided in these regulations for zoning district amendments. The public hearing by the Planning Commission to adopt a recommendation may be held prior to annexation of the subject parcel of land to the City. Fees for the rezoning of annexed land may be waived by the City Council.

Sec. 29A-308. *Interpretation, Purpose and Conflict*

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, quality of life, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or any statute, local ordinance or regulation, except that if this Ordinance imposes a greater restriction, or higher standard, this Ordinance shall control.

Sec. 29A-309. *Invalidity of a Part*

If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 29A-310. ***Saving Clause***

All rights or remedies of the City of Joplin are expressly saved as to any and all violations of previous zoning regulations or amendments thereto, of said city that have accrued at the time of the effective date of this Ordinance; and to such accrued violations, the city and the courts shall have all the powers that existed prior to the effective date of this Ordinance; and all existing violations of previous zoning regulations which would otherwise become nonconforming uses under this Ordinance shall not become legal nonconforming uses under this Ordinance, but shall be violations of this Ordinance in the same manner that they were violations of prior zoning regulations.

Sec. 29A-311. ***Vested Rights***

A. For the purpose of single-family residential development in the residential districts, development rights for land shall vest upon recording of the final plat for such land. If construction has not begun within five years of recording the plat, the development rights shall expire unless an extension is granted.

B. For all non-single-family development, development rights for land shall vest upon the recording of a final plat or approval of the site plan or specific construction documents for such land. If all permits required for such development have not been issued and the start of construction and the completion of substantial amounts of work under the validly issued permits have not begun within one year of approval of the site plan, the development rights shall expire unless an extension is granted.

C. The Planning Commission may for good cause as presented by the applicant grant a single extension of vested rights. Vested rights for single-family development shall not be extended for more than one year. For all non-single-family development, an extension of not more than 6 months may be granted. Applicants seeking an extension shall submit a statement in writing, justifying the extension. In considering an extension, the Planning Commission shall consider the following factors, as well as other relevant considerations:

    1. Undue or unnecessary hardship placed upon the property owner;

    2. The extent to which the current regulations would hinder to complete development;

    3. Extent to which the property can be made to conform with current regulations; and

    4. Conformance with the general spirit and intent of the zoning and subdivision regulations.

D. Nothing in this subsection shall be construed to exempt development from the provisions of Zoning and Subdivision Regulations except to the extent that the construction or development is expressly shown on the approved final plat or site plan. For example, the right to complete a building in accordance with previously-approved site plans shall not include the right to erect signs or make other site improvements in accordance with such plan unless such signs or improvements were expressly shown on the plans and cannot, as shown, be revised to conform to the provisions of the Zoning Regulations as amended.

Sections 29A-311 through 29A-399. ***Reserved***

ARTICLE 4
DISTRICT AG, AGRICULTURE DISTRICT

Sec. 29A-400. *Intent*

It is the intent of the "AG" Agricultural District to preserve and protect land from premature development until there are adequate public services available to accommodate development.

Sec. 29A-401. *Permitted Uses*

Single-family residences and agricultural related uses are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-402. *Special Uses*

For a general listing of special uses, see Appendix "A." Use regulations.

Sec. 29A-403. *Height and Area Regulations*

In district AG the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Sec. 29A-1800 of Article 18).

A. *Height*: Buildings or structures shall not exceed 35 feet, and shall not exceed two and one-half (2 1/2) stories in height.

B. *Front yards*: There shall be a front yard, the minimum depth of which shall be 50 feet.

C. *Side yards*: There shall be a side yard on each side of a building not less than 15 percent of the width of the lot; except that such side yard shall not be less than 15 feet and need not be more than 25 feet.

D. *Rear yards*: There shall be a rear yard, the minimum depth of which shall be fifty (50) feet.

E. *Width of lot*: The minimum width of a lot shall be 100 feet, provided that where a lot has less width than herein required in separate ownership at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one-family residence.

F. *Lot area per family:* Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area of not less than five (5) acres per family, provided that this regulation shall not prohibit the erection of a single-family detached dwelling on a legal lot of record in separate ownership at the time of the adoption of this order of no less than 15,000 square feet.

Sections 29A-404 through 29A-499. ***Reserved***

ARTICLE 5
DISTRICT R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 29A-500. ***Intent***

The intent of this District is to provide for low density residential development including those uses which reinforce residential neighborhoods.

Sec. 29A-501. ***Permitted Uses***

Generally, single-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-502. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-503. ***Height and Area Regulations***

In District R-1 the height of buildings, the minimum dimension of lot and yards, and the minimum lot area per family permitted on any lot shall be as follows:(For exceptions see Sec. 29A-1800 of Article 18).

A. *Height*: Buildings or structures shall not exceed 35 feet or two and one-half (2 1/2) stories in height.

B. *Front yards*: Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least 25 feet.

C. *Side yards*: There shall be a side yard on each side or the dwelling of not less than six (6) feet. Dwellings on corner lots shall provide the following side yards on the street side of the lot:

    1. Six (6) feet on residential streets.

    2. Ten (10) feet on collectors.

    3. Fifteen (15) feet on secondary and primary thoroughfares.

    4. Fifteen (15) feet on all streets which are less than 50 feet in right-of-way width.

D. *Rear yards:* The depth of the rear yard shall be at least 25 feet.

E. *Lot area per family:* Every dwelling hereafter erected, moved or altered shall provide a lot area of not less than 7,800 square feet per family, provided that where a lot has less area than herein required in separate ownership at the time of the passage of these Zoning Regulations, this regulation shall not prohibit the erection of a single-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, compliance with ordinances and all requirements of the MoDNR relating to septic tank installation shall be required.

F. *Lot width:* The minimum lot width in this district shall be 65 feet provided where a lot had less width than herein required at the time of the passage of this ordinance, this regulation shall not prohibit the erection of a one-family dwelling

ARTICLE 5A
DISTRICT R-S, RESIDENTIAL SUBURBAN DISTRICT

Sec. 29A-504. ***Intent***

The intent of this district is to provide for lower-density residential development in urban fringe and suburban areas including those uses which reinforce larger-lot residential neighborhoods.

Sec. 29A-505. ***Permitted Uses***

Generally, single-family dwellings on larger lots, parks, educational and religious uses are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-506. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-507. ***Height and Area Regulations***

In District R-S the height of buildings, the minimum dimension of lot and yards, and the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Sec. 29A-1800 of Article 18).

A. *Height*: Buildings or structures shall not exceed 40 feet or two and one-half (2 1/2) stories in height.

B. *Front yards*: Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least 25 feet.

C. *Side yards*: There shall be a side yard on each side of the dwelling of not less than ten percent of the lot width, not less than seven (7) feet. Dwellings on corner lots shall provide the following side yards on the street side of the lot:

    1. Ten (10) feet on residential streets.

    2. Fifteen (15) feet on collectors.

    3. Fifteen (15) feet on secondary and primary thoroughfares.

    4. Twenty (20) feet on all streets which are less than 50 feet in right-of-way width.

D. *Rear yards:* The depth of the rear yard shall be at least 25 feet.

E. *Lot area per family:* Every dwelling hereafter erected, moved or altered shall provide a lot area of not less than twelve thousand (12,000) square feet per family,. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, compliance with ordinances and all requirements of the MoDNR relating to septic tank installation shall be required.

F. *Lot width:* The minimum lot width in this district shall be eighty-five (85) feet.

Sections 29A-508 through 29A-599. ***Reserved***

ARTICLE 6
DISTRICT R-2, TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 29A-600. ***Intent***

The intent of this district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, in a manner which will encourage a strong residential neighborhood.

Sec. 29A-601. ***Permitted Uses***

Generally, single-family dwellings, two-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A".

Sec. 29A-602. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-603. ***Height and Area Regulations***

In District R-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:(For exceptions see Sec. 29A-1800 of Article 18).

A. *Height:* Buildings or structures shall not exceed 35 feet or two and one-half (2 1/2) stories in height.

B. *Front yards:* Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least 25 feet.

C. *Side yards:* There shall be a side yard on each side of the dwelling of not less than six (6) feet. Dwellings on corner lots shall provide the following side yard on the street side of the lot.

    1. Six (6) feet on residential streets.

    2. Ten (10) feet on collector streets.

    3. Fifteen (15) feet on secondary and primary thoroughfares.

    4. Fifteen (15) feet on all streets which are less than 50 feet in right-of-way width.

D. *Rear yards:* The depth of the rear yard shall be at least 25 feet.

E. *Lot area per family*: Every dwelling hereafter erected, moved or altered shall provide a lot area of not less than 7,800 square feet per family, or 4,000 square feet per family for two-family dwellings. Where a public or community sewer is not available and in use for the disposal of sanitary sewage, compliance with Ordinances and all requirements of the MoDNR relating to septic tank installation shall be required.

F. *Lot size:* The width of the lot shall be at least 65 feet for a single family dwelling and at least 70 feet for a lot containing a two-family dwelling except that a two-family dwelling may be constructed on a lot of not less than 50 feet if such lot was in separate ownership and zoned for two-family dwellings prior to the adoption of this Ordinance.

G. *Single-family attached dwelling:*. For residential dwellings having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building, each such dwelling may be sold independently of other portions. Single-family attached dwellings are subject to a special use permit, conditioned on standards in the Use Table in Appendix A. Such units shall be improved on legal lots of record that accommodate dwellings in compliance with all setback requirements and related minimum yard standards.

Sections 29A-604 through 29A-699. ***Reserved***

ARTICLE 7
DISTRICT R-3, APARTMENT HOUSE DISTRICT

Sec. 29A-700. ***Intent and Purpose of District***

The "R-3" Apartment House District is intended for the purpose of allowing high-density residential land use with the co-mingling of compatible single-family and two-family dwellings, apartments, residential care facilities, home occupations, community facilities and certain uses, yet retain the basic residential quality. In addition, this District is intended for the purpose of allowing multifamily residential land uses in multi-story buildings that are located adjacent to commercial development.

Sec. 29A-701. ***Permitted Uses***

Single-family dwellings, two-family dwellings, multifamily dwellings, boarding houses, parks, educational and religious uses are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed groupings in the Appendix "A."

Sec. 29A-702. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-703. ***Height and Area Regulations***

In District R-3, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows provided that single and two-family dwellings shall conform to the regulations of District R-2: (For exceptions see Sec. 29A-1800 of Article 18).

A. *Height:* Buildings or structures shall not exceed 45 feet or three and one-half (3 1/2) stories, which ever is less.

B. *Front yards:* 25 feet for the first thirty five feet of building height with one (1) additional foot of setback for each additional two (2) feet of building height above thirty-five feet.

C. *Side yards:* 10 feet for the first 35 feet of building height except that not less than 15 feet, shall be provided on the street side of a corner lot. For buildings with a height of more than 35 feet, one (1) additional foot of setback shall be added for every two (2) feet of building height above 35 feet.

D. *Rear yards:* 25 feet for the first 35 feet of building height with one (1) additional foot of setback for every two (2) feet of building height above 35 feet.

E. *Lot area per family*: The minimum lot area for apartment houses shall be 2,500 square feet per family. Apartment houses may not be constructed where adequate sanitary sewers are not available for connection thereto.

F. *Lot width:* The minimum lot width for construction of an apartment building shall be 60 feet plus 30 feet for each story over two (2).

Sections 29A-704 through 29A-799. ***Reserved***

ARTICLE 8
DISTRICT R-4, TOWNHOUSE DISTRICT

Sec. 29A-800. ***Intent and Purpose of District***

It is the intent and purpose of the R-4, Townhouse District to provide an alternative form of home ownership and development not provided elsewhere in these regulations.

Sec. 29A-801. ***Applicability***

Townhouse units developed in accordance with this section may be conveyed along with the land underneath the particular unit and its associated lot provided that all of the land upon which the townhouse itself and its accessory appurtenances are constructed is conveyed in unity with the townhouse, and provided further that all land other than the individual townhouse site is conveyed in common to all of the individual owners, to a duly constituted property owners' association or to the public pursuant to a subdivision action by the City Council.

Sec. 29A-802. ***Permitted Uses***

Single-family dwellings, two-family dwellings, and multifamily dwellings, nursing homes and boarding houses**, parks, educational and religious uses** are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-803. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-804 ***Height, Area and Design Regulations***

In district R-4, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot and the general design criteria shall be as follows: (For exceptions see Sec. 29A-1800 of Article 18).

A. *Height:* Buildings or structures shall not exceed 35 feet or two and one half (2 1/2) stories in height.

B. *Front yards:* Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least 25 feet.

C. *Side yard:* There shall be a yard on each side of the building, of not less than 10 feet, nor less than 15 feet on the street side of **a** corner lot. In the case of a cluster development, there shall be a minimum separation of no less than 20 feet between buildings or structures.

D. *Rear yard:* The depth of the rear yard shall be not less than twenty-five (25) feet.

E. *Lot area per family*: The intent of this section is to provide for the division of land and buildings within a townhouse development along and extending from party walls for the transfer of ownership in fee. The width and length of lots will be variable with each development, but in no case shall any lot contain less than 2,000 square feet.

F. *Design regulations:* The developer will declare each townhouse development as such prior to the issuance of a building permit and provide a plat showing the position of the proposed townhouse development, properly dimensioned and showing the relationship of all structures to one another and the boundary lines of the property. Also, proposed property lines will be shown and properly dimensioned illustrating the internal division of land as it is to be transferred.

Sec. 29A-805. ***Additional Requirements***

The developer will also provide, prior to issuance of certificate of occupancy, the following:

A. Evidence that a plat is on record dedicating all necessary rights-of-way or easements within the development as required or shall properly subdivide the property as required by Appendix 29-B of this Code.

B. A copy of all details or covenants, bylaws and administrative provisions pertinent to the maintenance of all buildings, structures, land and other physical facilities, and which includes:

1. Every property owner is required to be a member of the association;

2. The association shall be responsible for maintenance of all common property and facilities, all exterior structure surfaces of townhouse units, and all landscaping located outside of enclosed private yard or patio areas;

3. The Association and its agents shall be granted the right to enter common and private areas and facilities for the purpose of necessary repairs or maintenance;

4. The association shall be empowered to make and collect assessments for the maintenance, repair and replacement of common areas and facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas of townhouse sites;

5. The association shall be responsible for necessary maintenance, repair, and replacement of all common facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas, and shall ensure that all townhouses and common facilities are maintained to the standards enumerated elsewhere in this regulation. A maintenance sinking fund with annual reporting to the Finance Director of the City of its audited balance shall be established as a condition of approval. The association documents shall put the

property owners and potential purchasers on notice that the City of Joplin has the right to enforce said maintenance and to assess the individual association members their pro-rated share of the cost of such enforcement;

6. A performance and maintenance bond shall be required of the association for any common private improvements—as a condition of plat approval. The bond shall be attached to and referenced on the recorded final plat;

7. Copies of the following association documents shall be submitted prior to regulatory approval:
   - articles of incorporation;
   - deed restrictions;
   - bylaws; and
   - declaration of easements, conditions, covenants and restrictions.

Sections 29A-804 through 29A-899. ***Reserved***

ARTICLE 9
DISTRICT M-P, MANUFACTURED HOME PARK RESIDENTIAL DISTRICT

Sec. 29A-900. ***Intent***

It is the intent of this district to provide medium density manufactured home park development which is compatible with the character of the surrounding neighborhood in which it is located. Manufactured home parks are considered as a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas.

Sec. 29A-901. ***Permitted Uses***

Generally, manufactured homes, **parks, educational and religious uses** are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-902. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-903. ***Height and Area Regulations***

In District M-P, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:(For exceptions see Sec. 29A-1800 of Article 18).

A. *Height:* Buildings and structures shall not exceed 35 feet or two and one-half (2 1/2) stories in height.

B. *Front yards:* Any manufactured home or building hereafter constructed or placed in District M-P shall provide a front-yard, the minimum depth of which shall be at least 10 feet.

C. *Side yards:* There shall be a side yard on each side of the dwelling of not less than 10 feet. Dwellings on corner lots shall provide the following side yards on the street side of the lot:

    1. Ten (10) feet on residential streets.

    2. Fifteen (15) feet on collector streets.

    3. Twenty (20) feet on secondary and primary thoroughfares.

    4. Twenty (20) feet on all streets which are less than 50 feet in right-of-way width.

D. *Rear yards:* The depth of the rear yard shall be at least 25 feet.

E. Manufactured home park standards:

1. Minimum park area: 3 acres.

2. Minimum park width: 225 feet.

Sec. 29A-904. *Use Limitations*

Each manufactured home park shall be designed in accordance with all city codes and to the following minimum design standards:

A. Minimum Design Standards:

1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

2. Manufactured home parks hereafter approved shall have a maximum density of eight (8) manufactured homes per gross acre, and a minimum area of 5,000 square feet shall be provided for each manufactured home space.

3. Each manufactured home space shall be at least 50 feet wide and be clearly defined.

4. All manufactured homes and additions thereto shall be so located to maintain a clearance of not less than 20 feet from another manufactured home or 25 feet from any permanent structure within the park.

5. All manufactured home spaces shall front upon a private roadway of not less than 25 feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to 30 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.

6. All roadways and sidewalks within the manufactured home park shall be of all-weather surfacing and shall be adequately lighted at night.

7. A community structure may be provided which may include recreation facilities, laundry facilities, and other similar uses.

8. The perimeter of all manufactured homes shall be fully skirted.

9. Sidewalks shall be required on one side of all streets.

10. Landscaping shall be shown on the development plan.

11. All roadways shall meet the design standards as adopted by the City for private streets in manufactured home parks.

12. A structure permit for the park shall be obtained before moving a manufactured home into an M-P district.

B. Water Supply:

1. Water shall be supplied to the park by a public water system.

2. The size, location and installation of water lines shall be in accordance with the requirements of the building codes of the City.

3. Individual water service connections shall be provided at each manufactured home space.

C. Sewage Disposal: Individual sewer connections shall be provided for each manufactured home space and shall be installed in accordance with the building codes of the City. A public sewer system shall be used.

D. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code.

E. Electrical: Each manufactured home space shall be provided with an individual electrical outlet supply which shall be installed in accordance with the building codes of the City and requirements of the electric supplier.

F. Gas: Natural gas hookups, when provided, shall be installed in accordance with the Building Codes of the City and the regulations of the gas supplier.

G. Refuse and Garbage Handling: Storage, collection and disposal of refuse in a park shall be in accordance with City code.

H. Blocking: All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the Manufactured Home and Recreational Vehicle Code and in accordance with the manufacturer's guidelines.

I. Pad Requirements: Shall be a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials; or shall be of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.

Sec. 29A.905. ***Application Requirements***

A. An applicant for "M-P" Manufactured Home Park District shall prepare or cause to be prepared a preliminary Manufactured Home Park Plan, drawn to a scale of not less than 1" = 100', and 10 copies of said plan shall be submitted to the Planning Commission for its review and recommendations. Said plan shall be designed in accordance with the Minimum Design Standards herein and shall have contours shown at two (2) foot intervals.

B. Upon approval of the preliminary Manufactured Home Park Plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the City Council for their review and final action.

C. Any substantial deviation from the approved plan, as determined by the Planning and Community Development Manager, shall constitute a violation of these regulations. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and City Council prior to the occupancy of the Manufactured Home Park.

D. Construction of an approved Manufactured Home Park shall begin only after the final plan has been granted by the City Council.

Sections 29A-905 through 29A-999. ***Reserved***

ARTICLE 10
DISTRICT MUC, MIXED USE COMMERCIAL DISTRICT

Sec. 29A-1000. ***Intent***

It is the intent and purpose of this section to permit and regulate the development and use of land for corporate offices and mixed-use retail commercial activities adjacent to highway interchanges and to create a visual gateway to the City of Joplin while also maximizing the commercial potential and traffic carrying capacity near highway interchanges. The commercial retail uses permitted are intended to serve the permitted office uses rather than the surrounding neighborhood or region.

Sec. 29A-1001. ***Permitted Uses***

Generally, office uses, as well as limited service and retail uses that support the office uses**,** parks, educational and religious uses are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-1002. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-1003. ***Performance Standards***

The following standards shall be complied with in each MUC District:

A. A minimum of 20 acres shall be required for each MUC District.

B. The development of each MUC District shall create a campus like environment and shall incorporate unified design standards for the entire development which shall be approved by the Planning Commission at time of rezoning.

C. All retail establishments shall be located within an professional office building, shall be on the first floor of the building and shall be oriented towards the interior of the building.

D. The total floor area of all retail and service establishments within each professional office building shall not exceed 20 percent of the total first floor area of the applicable building.

E. Hours of operation of each retail and service establishment within a professional office building shall be the same as, or less than, the hours of the permitted office uses within the development.

F. Each individual free standing service use shall not exceed 10,000 square feet in floor area.

G. The total amount of square footage for retail and service establishments shall not be greater than ten (10) percent of the total square footage of professional office area provided however, that the

percentage of retail and service establishment square footage may be increased beyond the base amount of ten (10) percent, by ten (10) percent increments up to maximum of 40 percent, if the following conditions are met:

1. Completion of a comprehensive traffic study of the interchange area, with costs to be shared by the City, the County and other developers, if applicable. The applicant shall be required to set aside sufficient land to make the road improvements recommended in the study. This bonus must be performed before any other bonuses may be used. (10% increase)

2. The set aside of land for amenities such as plazas with seating or recreational open space and walkways to off-site destinations. (10% increase)

3. Development of design standards to cover elements such as building height (view shed and sun-shadow analyses may be required for structures over three stories), landscaping, and building materials. (10% increase)

H. Structured parking shall be required for all office, retail and service buildings exceeding 100,000 square feet in floor area.

I. Access to development from surrounding streets shall be limited to no more than two per site and shall make provisions to prevent traffic congestion.

Sec. 29A-1004. ***Height and Area Regulations***

In District MUC the height of building, the minimum dimensions of lots and yards, and the minimum lot area shall be as follows: (For exceptions see Sec. 29A-1800 of Article 18).

A. *Height:* Buildings or structures shall not exceed 55 feet or four (4) stories.

B. *Front yards:* A front yard of not less than 30 feet shall be provided for the first 35 feet of building height. For each additional one (1) foot of building height one (1) additional foot of set back shall be provided.

C. *Side yards:* A side yard of not less than 15 feet shall be provided for the first 35 feet of building height. For each additional two (2) feet of building height an additional one (1) foot of setback shall be provided. Where a side yard is adjacent to a street a side yard of 20 feet shall be provided for the first 35 feet of building height with one (1) additional foot of setback for each additional two (2) feet of building height above 35 feet.

D. *Rear yards:* A rear yard of not less than 20 feet shall be provided for the first 35 feet of building height. For each additional two (2) feet of building height one (1) additional foot of set back shall be provided.

E. *Maximum coverage:* The maximum coverage for all buildings shall not exceed 20 percent for each tract or lot. The minimum amount of open space shall be 60 percent of the tract or lot area.

Sections 29A-1004 through 29A-1099. ***Reserved***

ARTICLE 11
DISTRICT C-O, NON-RETAIL DISTRICT

Sec. 29A-1100. ***Intent***

The intent of the C-O, Non-Retail District is to provide a zone which will accommodate a broad range of office and institutional business uses as well as high-rise multifamily development. Retail uses are allowed only as accessory uses to the office and institutional businesses. Development is allowed based upon a site plan with setbacks averaged by the neighboring district regulations with off-street parking facilities required of the private development.

Sec. 29A-1101. ***Permitted Uses***

Generally office and service uses, **parks, educational and religious uses** are permitted. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-1102. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-1103. ***Height and Area Regulations:***

In District C-O the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:(For exceptions see Sec. 29A-1800 of Article 18).

A. *Height*: No building or structure shall exceed 30 feet or two stories in height.

B. *Front yards:* A front yard of not less than 25 feet shall be provided.

C. *Side yards:* There shall be a side yard on each side of a building of not less than seven (7) feet for one story buildings and ten (10) feet for two story buildings.

D. *Rear yards:* The depth of the rear yard shall be at least 25 feet.

Sec. 29A-1104. ***Use Standards***

The following standards shall not be exceeded by any use in this district:

A. No merchandise, equipment, inoperable vehicles, or vehicle parts shall be stored or displayed outside a building.

B. All products shall be sold and all services rendered inside a building, except that banks and savings and loan establishments may have drive-up or walk-up service.

C. No noise, smoke, radiation, vibration or concussion, heat or glare shall 'be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

D. No gasoline vending or vending devices will be permitted. The vending of fuels of any kind is prohibited.

E. Exterior lighting for parking or security shall be directed away from adjacent property and so shielded as to mitigate glare and the direct visual sighting of the light-emitting device from adjacent property.

F. Drive-up or drive-in service may be provided at any establishment.

Sections 29A-1105 through 29A-1199. ***Reserved***

ARTICLE 12
DISTRICT C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 29A-1200. ***Intent***

It is the intent and purpose of this section to permit and regulate the development and use of land for business and commercial activities of a non-offensive nature, which uses serve a neighborhood and the immediate environs as opposed to a larger portion of the community, or trade area; and including residences, providing non-residential uses are allowed on the street level.. Stores, shops and offices to be established in District C-1 are intended to generate only light vehicular traffic, to be active only during daylight hours, to require no outside storage or display, to require limited signs, and generally to serve as a convenience to residences within walking or short driving distance.

Sec. 29A-1201. ***Permitted Uses***

Generally, retail uses with no outdoor storage are permitted that serve the surrounding neighborhood in which the uses are located**,** parks, educational and religious uses. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-1202. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-1203 ***Use Standards***

The following standards shall not be exceeded by any use in this district:

A. No merchandise, equipment, inoperable vehicles, or vehicle parts shall be stored or displayed outside a building.

B. All products shall be sold and all services rendered inside a building, except that banks and savings and loan establishments may have drive-up or walk-up service.

C. No noise, smoke, radiation, vibration or concussion, heat or glare shall 'be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

D. The sale of packaged intoxicating liquor, not for consumption on the premises, except that eating establishments may sell for consumption on the premises alcohol for beverage purposes, alcoholic, spirituous, liquors, a part of which is spirituous, vinous or ferments, and all preparations or mixtures for beverage purposes, containing three and two-tenths (3.2) percent of alcohol, or less, by weight. Such sales shall be in accordance with the provisions in Section 311 (RSMo), and Chapter 10 of the Code of Ordinances of the City of Joplin.

E. No gasoline vending or vending devices will be permitted. The vending of fuels of any kind is prohibited.

F. Exterior lighting for parking or security shall be directed away from adjacent property and so shielded as to mitigate glare and the direct visual sighting of the light-emitting device from adjacent property.

G. Drive-up or drive-in service may be provided at any establishment.

Sec. 29A-1204. *Height and Area Regulations*

In District C-1 the height of building, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:(For exceptions see Sec. 29A-1800 of Article 18).

A. *Height*: Buildings or structures shall not exceed 30 feet or two (2) stories.

B. *Front yards:* A front yard of not less than 15 feet shall be provided.

C. *Side yards:* No side yard is required, except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-l to C-O inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of 15 feet shall be provided on the street side of a corner lot.

D. *Rear yards:* No rear yard is required, except that where a rear line of a lot in this district abuts upon land in a District R-1 to CO inclusive, a rear yard of not less than ten (10) feet shall be provided in this district.

E. *Lot area per principal structure*: The intent of this section is to provide for the division of land and buildings within a business district to promote orderly development and productive use of land in neighborhood business districts, rather than on single lots. The width and length of lots will be variable with each development, but in no case shall any lot contain less than ten thousand (10,000) square feet. All lots shall contain the necessary area to provide required parking, buildable area with appropriate setbacks, and private usable space. Minimum lot widths, depths and yard setbacks shall be determined prior to final approval of the plat or building permit.

F. *Transition of smaller lots:* When developing in an established neighborhood, lot sizes should best represent existing neighborhood patterns adjacent to existing development, and transition to smaller lots sizes within the plat, parcel or block.

Sections 29A-1205 through 29A-1299, Reserved.

ARTICLE 13
DISTRICT C-2, CENTRAL BUSINESS DISTRICT

Sec. 29A-1300. ***Intent***

It is the intent and purpose of this section to permit and regulate business and commercial activity in the central business district. The district regulations permit intensive use of land, without requirement for setbacks, open spaces or off-street parking, in order that pedestrian oriented shopping and business activity may be conducted with convenience. This district is designed particularly for the purpose of accommodating such traditional downtown uses as department and clothing stores, appliance, furniture and specialty stores, professional and entertainment centers, office uses, residences above commercial uses, and related enterprise.

Sec. 29A-1301. ***Permitted Uses***

Generally, retail uses with no outdoor storage are permitted, mixed uses, office, and residences above commercial uses, parks, educational, and religious uses. The downtown districts identified in the Comprehensive Plan shall be consulted when ruling on compatibility of land uses. For a general listing of permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-1302. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-1303. ***Use Standards***

A. Drive-up or drive-in service may be provided at any establishment.

B. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced than is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

C. Automobiles and trucks may be stored or displayed outside a building but not within the sight distance triangle in the case of a corner lot as set forth in Yard Exceptions, Sec. 29A-1800 of Article 18. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalk or street, shall not reduce the capacity of a parking lot below that required by this ordinance and shall not occupy an area greater than 20 percent of the ground floor area of the building.

D. Places serving alcoholic and cereal malt beverages shall be subject to the provisions of Section 10-2 of Chapter 10 of the Code of Ordinances of the City of Joplin.

E. No outside storage for or keeping of pets or outside runs for pets in connection with pet shops or animal clinics or hospitals shall be permitted.

F. No inoperable or partially dismantled vehicle or vehicle parts shall be parked or kept outside a building.

G. Each gasoline service station shall have a lot area of not less than fifteen thousand (15,000) square feet.

Sec. 29A-1304. ***Height and Area Regulations***

In District C-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows: (For exceptions see Article 18.)

A. *Height:* Buildings or structures shall not exceed one hundred feet in height. Provided, however, that multifamily dwellings shall have no maximum or minimum height required except as governed by yard requirements, or by airport approach zones.

B. *Front yards:* None required.

C. *Side yards:* No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard shall then be provided the same as required in the district it abuts.

D. *Rear yards:* No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District R-1 to C-O inclusive a rear yard of not less than ten (10) feet shall then be provided in this district.

E. *Lot area per family:* Every multifamily dwelling hereafter constructed shall provide a lot area of not less than one thousand (1,000) square feet per dwelling unit.

F. *Transition of smaller lots:* When developing in an established neighborhood, lot sizes should best represent existing neighborhood patterns adjacent to existing development, and transition to smaller lots sizes within the plat, parcel or block.

Sections 29A-1305 through 29A-1399. ***Reserved***

ARTICLE 14
DISTRICT C-3, COMMERCIAL DISTRICT

Sec. 29A-1400. ***Intent***

It is the purpose and intent of this section to permit and regulate those business and commercial uses which are appropriately located on or near major traffic arteries. Such uses as retail or wholesale trade or services which relate to automotive traffic and which tend to generate relatively high vehicular movement are included. These permitted uses normally utilize prominent attention attracting devices, tend to generate noise and commotion and are in many cases active through late night hours and are thus in conflict with any nearby residential property. Since open space and off-street parking are required, this is an extensive type of development with low land coverage but with a tendency toward unsightliness and unrelated and mixed land uses. This district is appropriate in sizeable quantities on major thoroughfares but should be insulated from adjacent property by screening or open space in order to reduce adverse effects on adjacent property.

Sec. 29A-1401. ***Permitted Uses***

Generally, automobile and implement sales, lumber yards, contractor's yards, offices, neighborhood retailing and similar uses, **parks, educational and religious uses** are permitted. For a general listing of permitted and conditionally permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-1402. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-1403. ***Use Standards***

A. Drive-up or drive-in service may be provided at any establishment.

B. Any manufacturing or assembly of products as permitted above shall be entirely within a totally enclosed building.

C. No outside storage for or keeping of pets or outside runs for pets in connection with pet shops or animal clinics or hospitals shall be permitted.

D. No inoperable or partially dismantled vehicle or vehicle parts shall be parked or kept outside a building.

E. Each gasoline service station shall have a lot area of not less than 15,000 square feet.

F. No outdoor storage, except for the display of merchandise available for immediate sale to the public shall be permitted, except as other wise permitted by Section 18-108.

Sec. 29A-1404. *Height and Area Regulations*

In District C-3 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Article 5, Height, Yard and Area Exceptions.)

A. *Height:* Buildings or structures shall not exceed three stories or 45 feet in height.

B. *Front yards:* Any building hereafter constructed shall provide a front yard, the minimum depth of which shall be 15 feet.

C. *Side yards:* No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of 15 feet shall be provided on the street side of a corner lot.

D. *Rear yards:* No rear yard required, except that when a rear lot line abuts a lot in a District R-1 to C-O inclusive a rear yard of not less than 20 feet shall be provided.

E. *Lot area per principal structure*: The intent of this section is to provide for the division of land and buildings within a business district to promote orderly development and productive use of land in general business districts, rather than on single lots. The width and length of lots will be variable with each development, but in no case shall any lot contain less than 10,000 square feet. All lots shall contain the necessary area to provide required parking, buildable area with appropriate setbacks, and private usable space. Minimum lot widths, depths and yard setbacks shall be determined prior to final approval of the plat or building permit.

F. *Transition of smaller lots:* When developing in an established neighborhood, lot sizes should best represent existing neighborhood patterns adjacent to existing development, and transition to smaller lots sizes within the plat, parcel or block.

Sections 29A-1405 through 29A-1499. *Reserved*

ARTICLE 15
DISTRICT M-1, RESTRICTED INDUSTRIAL DISTRICT

Sec. 29A-1500. ***Intent***

The intent of this district is to permit industrial uses that are not obnoxious due to appearance, noise, emissions, or odor; that do not require intensive land coverage; and that can be compatibly developed with adjacent districts through site plan review.

Sec. 29A-1501. ***Permitted Uses***

Generally, light manufacturing, wholesaling, trucking and warehousing uses, as well as research, development, analysis or testing laboratories as a part of product development centers, testing facilities or research centers, parks, educational and religious uses. For a general listing of permitted and conditionally permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-1502. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-1503. ***Use Standards***

A. All operations shall be conducted within a fully enclosed building.

B. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within three hundred (300) feet of the property line.

C. Industrial wastes shall be of such a quantity and nature as to not overburden the public sewage disposal facilities as to cause odor and unsanitary effects beyond the property line as provided in Chapter 118 of the Code of Ordinances of the City of Joplin.

Sec. 29A-1504. ***Height and Area Regulations***

In District M-1 the height of buildings and the minimum dimension of lots and yards shall be as follows:(For exceptions see Sec. 29A-1800 of Article 18).

A. *Height:* No building shall exceed three (3) stories or 50 feet in height. A structure other than a building may be erected to a height not to exceed 100 feet provided such structure is set back from all property lines a distance equal to or greater than its height.

B. *Front yards:* A front yard of not less than 50 feet shall be provided.

C. *Side yards:* A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall be not less than 40 feet and no side yard shall be less than ten (10) feet. A side yard abutting a street in the case of a comer lot or a side yard abutting a zoned residential lot shall be not less than 20 feet.

D. *Rear yards:* A rear yard of not less than 15 feet shall be provided.

Sec. 29A-1505. ***Use Limitations***

A. All operations and activities shall be conducted within a structure or structures. Storage may be maintained outside said structure or structures provided the view of said storage area is properly screened from adjacent residential areas. Storage within M-1 Restricted Industrial shall be subject to screening of exterior storage from streets.

B. A solid or semi-solid fence or wall at least six feet high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "M-1" District.

C. No structure shall be used for residential purposes except that a watchman may reside on the premises.

Sections 29A-1506 through 29A-1599. ***Reserved***

ARTICLE 16
DISTRICT M-2, HEAVY INDUSTRIAL DISTRICT

Sec. 29A-1600. ***Intent***

The intent of the district is to permit a broad range of industrial uses, including uses that have a potential of obnoxious appearance, noise, emissions, or odor; that require intensive land coverage; and that require careful site planning to be compatibly developed with adjacent districts.

Sec. 29A-1601. ***Permitted Uses***

Generally, manufacturing, wholesaling, trucking and warehousing, **parks, educational and religious uses** are permitted. For a general listing of permitted and conditionally permitted uses by Land Use Table groupings, see Appendix "A" of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed LAND USE groupings in the Appendix "A."

Sec. 29A-1602. ***Special Uses***

For a general listing of special uses, see Appendix "A."

Sec. 29A-1603. ***Height and Area Regulations***

In District M-2 the height of buildings and structures, and the minimum dimension of yards shall be as follows: (For exceptions see Sec. 29A-1800 of Article 18).

A. *Height:* Buildings and structures shall not exceed 55 feet and shall not exceed four (4) stories in height.

B. *Front yards:* There shall be a front yard of not less than 30 feet.

C. *Side yards:* No side yard required except that a side yard abutting a street in the case of a corner lot, or a side yard abutting a zoned residential lot shall be provided, such side yard being not less than 15 feet.

D. *Rear yard:* No rear yard required except that a rear yard abutting a zoned residential lot shall be provided, such rear yard being not less than 20 feet.

Sec. 29A-1604. ***Use Limitations***

A. Storage may be maintained outside structures provided the view of said storage area is properly screened from adjacent residential areas. Storage within M-2 Industrial Districts shall be subject to screening of exterior storage from streets when adjacent to any district zoned other than M-2.

B. A solid or semi-solid fence or wall at least six feet high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district. Said fence or wall shall be maintained in good condition by the owner or owners of the property.

C. No structure shall be used for residential purposes except that a watchman may reside on the premises.

Sections 29A-1605 through 29A-1699. ***Reserved***

ARTICLE 17
OVERLAY DISTRICTS

Sec. 29A-1700. ***Intent***

The following overlay districts are intended to supplement the regulations of the underlying district(s) as well as the provisions of other applicable sections of this Zoning Ordinance.

A. *More Restrictive Requirements.* If any provision of an overlay district imposes a greater restriction, or higher standard than the underlying zoning district, or if any provision of an overlay district imposes a greater restriction, or higher standard than another section of this zoning regulation, the provision of the overlay district shall control.

B. *Deviations and Development Incentives/Bonus Provisions.* The Governing Body may, in the process of approving preliminary and final Overlay District plans, approve deviations of up to 20% in the standard lot area, dimensions and yard requirements if the options listed below are provided in addition to the minimum performance criteria listed above (items 1 through 8). Any deviations earned must be clearly set out in the minutes, the governing ordinance and depicted on the approved site plan.

   Reductions in the required lot size, dimensions and/or setback requirements of the underlying zoning district may be granted by the Governing Body if the options listed below are provided, based on; (1) the quality of the features offered; (2) the extent to which the development exceeds the minimum level which qualifies for a bonus; (3) extent to which the public will benefit from the offered option, and (4) compliance with local, state and federal regulations. The Governing Body may impose conditions to ensure a public benefit of approved bonuses.

   1. Up to a 20% bonus for providing a public or private multipurpose trail or other significant pedestrian feature(s) such as lighting features, retreat areas, transit shelters and the establishment of pedestrian connections to key destinations centers such as schools, parks, employment centers and transit facilities.

   2. Up to a 20% bonus wherever a greenway is preserved along one or both sides of a water channel or natural drainage area which is accessible to the public, with a minimum width of ten (10) feet that can be used for a linear park, and is developed for uses such as multipurpose trail, fishing area or other approved open space use.

   3. Up to 20% bonus for the redevelopment of an area considered in need of revitalization as declared by the Governing Body.

   4. Up to 20% bonus for the development of a neighborhood park and related improvements that satisfy the need of the immediate neighborhood as determined by the Park and Recreation Department and the Governing Body.

5. Up to a 20% bonus for exceeding the open space ratio requirement by at least 5% that is not otherwise restricted from development.

6. Up to a 20% bonus for preserving a natural area which would provide significant public enjoyment if enhanced in excess to the minimum requirement of this code.

7. Up to a 20% bonus for special treatment around or along entryways (gateways) which significantly improves its visual impact. This may include unique or innovative landscaping designs, unique or innovative methods to identify the development/region or the significant improvements to the appearance of major gateways into the City, where applicable. These should include a combination of such features as monument signs, landscaped areas, boulevards, street trees, planters, lighting features, public art and other similar treatments and provisions for their long term maintenance. Off-site "gateway" improvements are permitted subject to approval by the affected property owners, the City of Joplin and all other applicable jurisdictions.

8. Up to 20 % bonus for the creation of Points of Beautification (POB). Visually appealing features or points of beautification within subdivisions are encouraged and may include fountains, public art, unique landscaping, burying existing utility lines, unique paving materials (as approved by the City), etc.

9. Up to a 20% bonus for a planned development which results in the use of brick or other desirable exterior building material in all building faces or the use of other desirable architectural designs or features above the minimum requirements.

10. Up to a 20% bonus for providing at least an additional five (5) feet to any required perimeter buffering of adjacent, less compatible use that the Governing Body determines make a planned development a more compatible neighbor.

C. *Minimum lot sizes:* The Governing Body may authorize up to a 20% reduction in the applicable underlying district's lot area, setbacks and lot coverage requirements, except that the standards shown in this section should be the minimum permitted.

1.	Single family detached:	6, 240 sq. ft.
2.	2-Family family attached:	3,200 sq. ft (per unit)
3.	Townhomes:	2,000 sq. ft (per unit)
4.	Apartments:	2,000 sq. ft (per unit)

D. *Transition of smaller lots:* When developing in an established neighborhood, lot sizes should best represent existing neighborhood patterns adjacent to existing development, and transition to smaller lots sizes within the plat.

Sec. 29A-1701. ***Overlay District PD, Planned Development Overlay District***

A. *Intent and Purpose of the District:* The purpose of a "PD" overlay district is to provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in the applicable overlay district; to provide a framework within which the structures and uses in the overlay district may be interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open space. The use of overlay district procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, and conservation of resources.

For Moderate-density (R-2, Two-family Residential) and Multifamily (R-3, Apartment House) development the design guidelines in the Comprehensive Plan, Chapter 7, shall be followed. During Site Plan review of moderate-density and multifamily development proposals in the Opportunity Areas, the City Planning Commission and staff should refer to the residential design guidelines.

B. *Use of the Planned Overlay District:* With the exception of standard single-family and two-family residential subdivisions, zoning proposals which are intended to be subdivided into multiple lots should seek the zoning district classification. Planned developments are groupings of structures or sites that are planned as an integrated unit or cluster on property under unified control at the time of zoning. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards and other conditions that were committed to at the time of the rezoning. The Planned Development District must always be used in conjunction with one of the other zoning districts, known as the "underlying district." The requirements of the "PD" District shall be in addition to the requirements of the underlying district, except that the "PD" District may modify some of the regulations of the underlying district in specific situations. A "PD" District may be used in conjunction with any of the other zoning districts or with any combination of districts.

An application for rezoning to the "PD" District shall include a Preliminary Development Plan and may include a concurrent request to change the underlying zoning classification. If the rezoning is approved, the new district shall include the designation of the underlying district followed by "PD". For example, a Planned Development District of an "R-1" District shall be known as "R-1-PD."

Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. No structure or occupancy permit shall be issued until a Final Development Plan has been approved. The use of the "PD" district shall be separate from the Subdivision Regulations of the City, and the Development Plans required by the "PD" District shall not be construed as plats. It is recommended that the subdivision process follow the Rezoning/Preliminary Plan approval, but precede the approval of the Final Development Plan. Resubdivision may be a prerequisite to approval of the Final Development Plan.

C. *Permitted Uses:* Any use permitted in the underlying zone may be permitted. The uses permitted may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning Commission.

D. *Height Regulations:* The height regulations provided for the underlying zoning district shall be required, provided that the allowed height may be increased by one floor or 15 feet upon a showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property.

E. *Yard Regulations:* The yard regulations provided for the underlying zoning district shall be required, provided that the yard regulations may be reduced upon a showing of sufficient open space accessible to occupants; a separation between structures for fire-fighting purposes; and that there is consistency with the visual character of the community.

F. Use Regulations:

1. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition or inconvenience in the area.

2. Structures and traffic shall be arranged so that all principal structures are accessible to emergency vehicles.

3. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.

4. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.

5. Approval of the Final Development Plan may be conditioned by the Planning Commission or City Council to minimize any negative impact on the community.

G. *Application for Rezoning:* A petition to change to a "PD" Planned District shall be filed with the City, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The process for approval shall be the same as for any rezoning as provided by these regulations.

H. *Approval Procedure:* The approval by the City Council of the Preliminary Development Plan and the concurrent rezoning to the "PD" District shall be preceded by the publication and mailing of notice, a public hearing, and a recommendation by the Planning Commission. If the City Council disagrees with the recommendation, the application shall be returned to the Planning Commission for reconsideration. Approval of the Preliminary Development Plan shall be valid for two years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Plan shall extend the period of validity an additional two years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.

I. *Preliminary Development Plan:* The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1"=100', and shall include:

1. Boundaries of the project with dimensions to scale;

2. Topographic contour intervals of two feet;

3. Proposed size, height, location and arrangement of structures, parking areas with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets;

4. Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;

5. General landscape plan to include location and height of all walls, fences, signs and screen plantings;

6. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of a Final Development Plan;

7. Phases of final development;

8. Name and address of owner, applicant and architectural or engineering firm which prepared the plan;

9. Seal of engineer or architect licensed in the State of Missouri developing the plan, scale, north point and date of plan;

10. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure materials to be used or other similar factors;

11. An erosion control plan; and,

12. Ten (10) copies shall be submitted.

J. *Final Development Plan:* The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

1. Contour lines shall show finished grading only;

2. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and

3. Drawings showing the size, appearance and method of illumination for each sign. The Final Development Plan shall substantially conform to the approved Preliminary Plan, shall be in final form for the issuance of a building permit, shall have been previously reviewed by the appropriate City staff, and shall include a Construction Schedule. A final approval by the City Council shall authorize construction to begin according to the Construction Schedule providing all appropriate permits have been received. Construction of at least the first stage of development shall begin within three years from the date the ordinance of the zoning change was published in the newspaper. If construction does not begin within this period and no effort is made for an extension of time by the owner, the Final Development Plan shall be voided.

K. *Building Permits:* On final approval by the City Council, the owner shall provide five copies of the approved Final Development Plan to the City. The Planning and Community Development Manager shall issue building permits only in accordance with the approved Final Development Plan.

L. *Amendments:* If any substantial variation or rearrangement of structures, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

M. *Open Space:* The Planning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.

1. Open Space Requirements: If the Planning Commission requires open space, the City and the applicant shall enter into an agreement providing for the establishment of an agency to maintain the open space. Such agreement shall include provision for default, cure by the City, and enforcement.

2. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the City.

The development plan process shall be required prior to any rezoning or issuance of a building permit for other than a single-family dwelling.

N. *Time Limit:* A site plan approval for a "PD" district shall expire automatically unless a building permit is taken within 12 months after the approved date for commencement to such site plan.

Sec. 29A-1702. ***Overlay District HP, Historical Preservation Overlay District***

A. *Purpose*: The purpose of the "HP" overlay district is to promote the educational, cultural, economic, and general welfare of the community by:

1. 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;

2. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Joplin's landmarks and historic districts;

3. Conserving and improving the value of property designated as landmarks or within historic districts;

4. 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;

5. Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods and thereby preventing future urban blight.

B. *Overlay District Provisions:* All provisions relating to the HP Overlay District shall be as specified in Appendix B of these Regulations.

Sec. 29A-1703. ***FW, Floodway Overlay District and Overlay District FWF, Floodway Fringe Overlay District***

A. *Intent*: The intent of the FW Flood Way Overlay district and the FWF Flood Way Fringe Overlay District is to protect development from flood damage by restricting and/or prohibiting development within designated flood ways and flood way fringe areas within the City of Joplin by applying the provisions of these overlay districts are specified in Appendix C.

B. *Overlay District Provisions*: All provisions relating to the "FP" Flood Plain Overlay District shall be as specified in Appendix C of these Regulations.

Sections 29A-1703 through 29A-1799. ***Reserved***

ARTICLE 18
SUPPLEMENTARY REGULATIONS

Sec. 29A-1800. ***Height, Yard and Area Exceptions***

The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards, and other regulations and requirements as stated in the foregoing sections of this Ordinance shall be subject to the following exceptions and additional regulations.

Sec. 29A-1801. ***Height Exceptions***

A. In any district, public or semi-public buildings, such as hospitals, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding 75 feet, provided that such buildings shall have yards which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.

B. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, gas, tanks, grain elevators, stacks, cooling towers, radio transmitter towers, ornamental towers, monuments, cupolas, domes, spires, stand-pipes, and the necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter enacted laws affecting the same.

C. Single and two-family residential buildings may be built to a height of three stories where such three story height will occur only on those building walls which are not visible from the street upon which the lot abuts.

Sec. 29A-1802. ***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.

Sec. 29A-1803. ***Yard Exceptions***

A. In districts R-1, R-2, R-3, and R-4, where lots comprising 40 percent or more of the frontage, on the same side of a street between two intersecting streets, (excluding reverse corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this regulation, yet is less than the established setback for the block as provided above, such setback line shall apply; provided that the Board of Adjustment may permit variation in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard requirements impractical.

B. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.

C. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than 30 inches; and provided further that canopies or open porches may project a maximum of six (6) feet into the required front or rear yard; and existing open porches extending into the required yard shall not be enclosed.

D. An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four (4) feet into a required rear yard.

E. In any district, a detached accessory building shall not exceed 24 feet or two stories in height and shall in no case be higher than the main building. Accessory buildings shall not occupy more than 30 percent of a rear yard.

F. No rear yard shall be required in District C-1 to M-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway right-of-way or which has a rear railway track connection.

G. In computing the depth of a rear yard for any building where such yard abuts on alley, one-half of such alley may be assumed to be a portion of the rear yard.

H. A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

I. In all districts C-O to District M-2, inclusive, where a rear yard or a side yard abuts a residential district, a buffer yard shall be provided in accordance with the landscaping requirements specified in Sec. 29A-1808 of this Ordinance.

Sec. 29A-1804. ***Sight Triangle***

All corner lots shall provide sight triangles as defined in this ordinance free of shrubbery, fences, merchandise, equipment, vehicles or other obstruction to vision more than three (3) feet in height measured from the roadway. This regulation shall not require setback of buildings in District C-2 unless such setback is otherwise required in this ordinance.

Sec. 29A-1805. ***Fire Lane***

A fire lane shall be provided in accordance with Article V of the IFC as adopted by the City of Joplin so as to allow accessibility to the rear portion of all lots in a District C-O to M-2 inclusive for four wheeled vehicles from and to a public street or alley.

Sec. 29A-1806. ***Signage***

All signage shall conform to the provisions of Chapter 6 of the Municipal Code of the City of Joplin.

Sec. 29A-1807. ***Accessory Structures and Uses***

Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the principal use.

A. Unless otherwise provided, no accessory structure shall be erected in any required or established front yard, or a required side or rear yard and no detached accessory structure shall be erected closer than 12 feet to the principal structure on the lot. No accessory structure shall cover more lot area than the equivalent of 30 percent of the required rear yard.

B. Only accessory structures that are designed and constructed for that purpose will be allowed. It is not permitted to use trailers, boxes, or other similar structures as accessories to any permitted use within a residential or commercial district.

C. The determination of the eligibility of a proposed accessory use shall be made by the Planning and Community Development Manager and his decision may be appealed as set out in Article 21 Board of Zoning Adjustment.

D. The following uses shall be permitted as accessory to main uses permitted in this Ordinance:

    1. District AG: Accessory uses are permitted as listed in, AG Agricultural District Regulations.

    2. Districts R-1 and R-2:
        a. For any dwelling house, there shall be permitted one private garage or covered carport. Not more than one garage or carport space shall be permitted for each 2,000 square feet of lot area. A detached garage shall be located not less than 60 feet from the front lot line, not less than three (3) feet from any side lot line, nor less than one (1) foot from any alley line, except that when the rear lot line is common to a side or rear lot line of another lot, such outbuilding must be located a minimum of three (3) feet from said rear lot line, and in the case of a corner lot, not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part affecting the main building, except that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than 18 feet from the rear lot line, and shall not occupy more than 30 percent of the required rear yard.

b. Horses, ponies, cows or other animals and fowl may be kept in accordance with Ordinance No. 24625.

c. Temporary real estate sales office, located on property being sold, and limited to period of sale.

d. A hobby activity may be conducted as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation; provided, that any articles produced or constructed are not sold either on or off the premises.

e. Not more than two (2) boarders may be accommodated; provided, off-street parking space for such boarders shall be provided as approved by the Planning and Community Development Manager.

f. Such additional uses as private swimming pools, tennis courts, gardens, customary pets, television, and radio receiving antennae not exceeding 60 feet in height, signs as permitted by ordinance, parking areas, tool sheds and private greenhouses not exceeding 100 square feet in congregate area, play equipment, storage of one tenant-owned boat, camping trailer or pickup camper, the overnight parking of a truck 12,000 gross vehicle weight rating or less on the premises, and other similar uses. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third (1/3) its height.

g. One (1) tractor unit of a tractor/trailer combination may be parked in the yard for a maximum of 72 hours at any one time. Such parking area shall be paved with concrete or asphaltic cement.

h. Satellite receiving dishes larger than one (1) meter in diameter in residential districts, or two (2) meters in diameter in commercial and industrial districts, and receiving antennae are allowed only in the required rear yard.

i. Home Occupations subject to limitations set forth this Article.

j. Guest houses or servants' quarters for occasional occupation by guest and for servants of the principal building, and not as rental units or permanent occupancy by guests; provided the lot exceeds 10,000 square feet.

3. Districts R-3 and R-4: Same uses as permitted in District R-1 and R-2. Parking areas, signs as permitted by ordinance, recreation areas including tenant used swimming pools, health rooms, and minor recreation buildings, trash collection centers, power generators, vending machines for tenant use, and other similar uses.

4. Districts C-O and C-1: Parking areas, signs as permitted by ordinance, food service and vending machines for tenants only, private garages for motor vehicles, apartment for

maintenance personnel, low-level exterior light, radio, television or microwave antennae not exceeding 35 feet in height, flagpoles, cooling towers and other similar uses.

a. One recycle drop box may be allowed subject to the following conditions:

i. The recycle drop box shall be established in conjunction with a use which is in compliance with the zoning, building, and fire codes of the City of Joplin.

ii. The recycle drop box shall not obstruct pedestrian or vehicular traffic circulation.

iii. The recycle drop box shall be constructed and maintained with durable waterproof and rust proof material and shall be covered.

iv. All collected items shall be fully contained within the drop box.

v. A sign advertising said recycle drop box not exceeding four (4) square feet may be placed on the drop box.

vi. A recycle drop box shall not be placed closer than 30 feet from a residentially zoned area.

5. Districts C-2 and C-3:
   a. Parking areas, signs as permitted by ordinance, flood lighting and other similar uses.

   b. One recycle drop box may be allowed subject to the conditions in this Article.

6. Districts M-1 and M-2: Parking and loading areas, signs as permitted by ordinance, security and screen fencing, radio and microwave towers to heights as set out in this ordinance, gate house, loading equipment, recycle drop boxes, and other similar uses.

7. Special Uses: The following table identifies uses that upon issuance of a special use permit in accordance with the provisions of Article 21 shall be considered accessory to the principle uses listed.

Principle Use	Accessory Uses Allowed By Special Use Permit
Hospitals	Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food and prescription service and vending machines, laundries, gift shops and other similar services for hospital personnel, patient and visitors.
Public Utility Buildings	Outside storage of materials and equipment provided all outside storage is screened from view from off the premises.

8. Storage or keeping of inoperable or partially dismantled vehicles or vehicle parts: such storage shall not be permitted outside a building in any district.

9. Private Ways: A private drive or walk, other than a platted street, for purposes of access to premises in a District C-1 to M-2, inclusive shall not be permitted in a District R-1 to C-O, inclusive.

Sec. 29A-1808. ***Landscaping***

Landscaping should be designed in sufficient form, quantity and location to reduce, to the greatest extent possible, negative impacts affecting the site and adjacent properties and to increase the sense of neighborhood scale, character and identity. The intent of this section is to require landscaping in development sites, parking lots and transition areas in sufficient form, quantity and location to enhance the aesthetic qualities of the City and to protect and preserve the appearance, character and value of its neighborhoods and business by:

- Providing for quality and consistency in the design of landscaping and screening.
- Providing for the separation of incompatible types of land use.
- Providing for the preservation of existing trees and the planting of new trees in pace with the land development process.

A. Applicability: Landscaping shall be provided in accordance with the requirements of this Section and all other applicable requirements of Appendix A on the property of any use or development as a condition of final development plan or final plat approval or for any building permit for any land disturbing or construction activity.

B. Landscape plan- when required: A landscaping plan shall be required upon application of a building permit for new construction or structural alteration of buildings in any development where landscaping, screening, buffering or tree conservation requirements apply, including the construction of a new parking lot or the major expansion (more than 25% increase in parking space) of an existing parking lot.

C. Landscape plan- submittal requirements: A landscaping plan shall include information and detail as required by the Planning and Community Development Manager to determine compliance with this section. Such plan shall be submitted to the Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage. All landscape plans, unless otherwise waived by the Planning and Community Development Manager, shall include, but are not limited, to the following;

1. Scale no less than 1 inch = 100 feet

2. North reference. The extent of the development site, including the limits of land disturbance, clearing, grading, and trenching.

3. The location and size of all utilities on the site.

4. The location of all existing and proposed parking areas, sidewalks and other paved surfaces.

5. A detailed drawing of any enclosures or screening methods to be used on the property, including but not limited to, trash storage locations and loading areas.

6. The location and proposed landscaping of all existing and proposed buildings, structures, trash/dumpster enclosures, signage, raised medians or islands and buffer areas.

7. The location or boundary of any proposed tree preservation areas.

8. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees. A list shall be submitted of the number, size, and type (e.g., hardwood, softwood; deciduous, evergreen) of trees which are submitted for credit toward any requirement of this article.

9. The boundaries and proposed planting schedule of each required buffer or landscape area.

10. The location and mature size of all landscape materials proposed to meet the requirements of this Code, drawn to scale; and a planting schedule indicating plant names (scientific and common), quantities, condition (e.g., "sheared," "specimen," "1"), and installation size. A separate planting schedule is to be provided for each buffer, landscape strip, tree conservation area, parking lot, or other identifiable area where plant materials are to be installed.

11. The location, quantity, size and common name of all significant trees to be removed.

12. Location of all significant trees to remain on the development site and measures taken to protect them during construction.

13. The location and construction details, including a profile section, of each structure proposed to meet buffering or screening requirements.

D. General Requirements: Landscaping, screening, and buffering shall be designed to meet the following minimum requirements:

1. No landscaping is required in the downtown for tracts of land which these regulations imposes no yard requirements.

2. Pedestrian access between developments and in parking lots is encouraged to provide safe and uninterrupted pedestrian circulation to on-site principal uses and adjacent uses, where appropriate.

3. All portions of the site not covered with paving or buildings shall be landscaped.

4. All areas required to be landscaped shall be covered in plant material or other pervious materials in accordance with this Section or as approved by the Planning and Community

Development Manager. Plantings shall include trees, shrubs, ground cover, perennials, grasses, rock, mulch, sod or other natural materials excluding gravel, aggregate, or paving.

5. Loading areas shall be oriented away from view of the public right-of-way or adjacent residential uses. When this is not feasible, such areas shall be screened from the public right-of-way or residential areas through landscaping, walls, fences or a combination of these in a manner consistent with the development. Chain link is not an acceptable screening material.

6. Required landscape and buffer areas shall contain no driveways, structures, parking areas, patios, storm water detention facilities or any other structures or accessory uses except for the following:

   a. Retaining walls or earthen berms constructed as part of an overall landscape design.

   b. Pedestrian-oriented facilities such as sidewalks, trails, bus stops, etc.

   c. Underground utilities.

   d. Required vehicular access/driveways through a required buffer or landscape area may be allowed as a condition of site plan approval.

   e. Signs otherwise permitted by these regulations.

   f. Buffer areas may contain fences, walls, or earthen berms constructed to provide the visual screening required to meet the standards of Subsection F "Buffer Requirements" herein.

7. All required trees shall meet the minimum dimensions depicted in Table 1 and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

Table 1 Plant Sizes and Acceptable Street & Parking Lot Species

Planting Type	Minimum Sizes & Specifications
Bushes	24-inch, balled & burlapped or 5-gallon minimum container size.
Evergreens	6-feet, balled & burlapped or 5 gallon minimum container size
Deciduous Trees	2-inches DBH, balled and burlapped.
Ornamental Trees	2-inches DBH, balled & burlapped or 7 feet for a multi-stemmed tree.

General Planting Standards and Restrictions

- No tree shall be planted closer than three (3) feet to any curb or sidewalk.
- No tree shall be placed within 15' of any street light, stormwater inlet or manhole.
- No tree or other landscaping material shall be placed within the site distance triangle exceeding over 30" in height.
- All trees planted within 20' from a roadway right-of-way shall be taken from a list below or as approved by the City.
- For projects where more than fifty (50) trees will be installed, a variety of tree species must be utilized so that one species does NOT provide more then twenty percent (20%) of the large deciduous trees, more then twenty percent (20%) of the ornamental tress, or more then twenty percent (20%) of the evergreen trees.

Tree Species	Recommended Trees for Along ROW	Recommended Parking Lot Trees	Mature height
Ash, White	X	X	45+
Ash, Autumn Applause	X	X	45+
Basswood, American (Linden)	X		45+
Birch, River		X	45+
Buckeye, Ohio		X	25-35
Buckeye, Red		X	20-30
Chanticlear	X		30-40
Cherry, Sargent, Columnar		X	30-40
Crabapple, Spring Snow		X	25-30
Crabapple, Sugar Tyme		X	25-30
Elm, Chinese (Lacebark)	X		45+
Fir, White (Conocolor)		X	45+
Ginkgo	X	X	45+
Goldenrain Tree	X	X	25-40
Hackberry, Prairie Pride (no thorns)	X		45+
Hackberry, All Seasons	X		45+
Hickory, Shagbark	X		45+
Hickory, Shellbark	X		45+
Honeylocust, Shademaster	X	X	45+
Honeylocust, Skyline	X	X	45+
Hornbeam, European	X	X	45+
Hornbeam, Fastigiate European	X	X	35-40
Hornbeam, American	X	X	20-35
Juniper, Chinese		X	20-30
Katsura		X	45+

Lilac, Japanese Tree	X	X	25-30
Linden, Littleleaf	X	X	45+
Maple, (varieties)		X	20-25
Oak, (varieties)	X		45+
Pagodatree, Japanese	X		45+
Pear, Callery, Aristocrat	X	X	35-40
Pear, Callery, Redspire	X	X	35-45
Pecan	X		45+
Planetree, London	X		45+
Plum, Purple-leaf		X	15-25
Redbud, Eastern		X	45+
Rubbertree, Hardy	X		45+
Serviceberry, Robin Hill		X	25-30
Serviceberry, Downy		X	25-30
Serviceberry, Cumulus		X	25-30
Spruce, Colorado Blue		X	30-40
Spruce, White		X	45+
Sugarberry	X		45+
Yellowwood	X		45+
Zelkova, Green Vase	X		45+
Zelkova, Japanese	X		45+
Zelkova, Village Green	X		45+

The American Standard for Nursery Stock, published by the American Association for Nurserymen, is hereby incorporated by reference for the determination of plant standards. Publications of the University Extension, University of Missouri, and other authorities acceptable to the Planning and Community Development Manager also may be used. If there is any discrepancy between these standards and the standards of the City's Zoning Regulations (Appendix 29), the City's Zoning Regulations Code shall prevail.

E. Landscape Standards

1. Residential Landscape Standards: In any new subdivision that includes residential development exceeding two (2) lots, landscaping shall be provided in accordance with the following:

   a. In addition to the requirements herein, one tree shall be installed for each dwelling unit.

   b. A grass area shall be provided along the full length of any street frontage of any new residential development. It shall be located between the back of curb or edge of street and sidewalk.

   c. When medians are utilized within a residential subdivision, they shall be landscaped. All trees in cul-de-sac islands shall be taken from the approved street tree list.

   d. When subdivision entrance monuments are utilized, they shall be located within an area that is landscaped.

2. Parking Lot Landscaping Standards: Landscaping shall be provided within any parking lot designed or intended to accommodate five (5) cars or more, in accordance with the following.

   a. A landscape plan for a parking lot shall meet one of the following design standards;

      i. Deciduous shade trees shall be provided within the parking lot at a ratio of at least one (1) tree for every twenty (20) parking spaces, or portion thereof, or

      ii. Each parking stall shall be within one-hundred (100) feet from a tree.

   b. New trees shall have a caliper of no less than two (2) inches upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

   c. A minimum seven (7) foot wide landscape strip or planting island is required between head-to-head parking bays when there are more than 100 parking spaces within a parking lot. Alternating landscape strips or other interior parking lot islands of any configuration may be substituted in lieu of the seven (7) foot head to head landscaping requirement, based upon an equivalent square foot basis as approved by the City.

   d. All planting areas within a parking lot or vehicular use area shall be curbed with a minimum six (6)-inch high rolled or vertical concrete curbs and contain a two foot car overhang area where appropriate.

   e. Landscape islands and other planting areas shall be well drained and contain suitable soil and irrigation characteristics for the planting materials they contain, in ground irrigation systems may be required as determined by the governing body.

   f. Landscape islands:

      i. Single Island: There shall be an island with a minimum landscape width of seven (7) feet and a minimum area of one-hundred (100) square feet, placed at the end of a single row of parking, containing at least one deciduous tree. The island shall contain a minimum of one deciduous tree and one shrub and include grass, or ground cover, except for those areas that are mulched.

      ii. Double Island: There shall be a double island of two-hundred and ten (210) square feet placed at the ends of double row of parking. Two (2) deciduous trees and 2 shrubs are required per double landscape island.

      iii. A landscaped island with a minimum landscape width of seven (7) feet and a minimum area of one-hundred (100) square feet shall be located every 25 spaces in a row.

g. All parking lots containing more than five (5) parking spaces shall be screened from public streets and sidewalks, public open spaces, and adjacent properties by complying with one of the following perimeter landscaping options;

i. The outside perimeter of all parking areas and drive aisles shall include a landscaped area seven (7) feet in width. When a parking lot abuts a public right-of-way one tree, selected from the City's list of acceptable street trees shall be planted every 50' on center within the landscaped perimeter adjacent to the right-of way; or

ii. A five (5) foot to seven (7) foot wide perimeter-landscaped area with ornamental fencing, masonry wall or plantings, berms or combination thereof providing a minimum 3 (three) feet vertical opaque screening. When a parking lot abuts a public right-of-way one tree, selected from the City's list of acceptable street trees shall be planted every 50 feet on center within the landscaped perimeter adjacent to the right-of way.

h. In commercial and industrial districts, landscaping is required between the curb and property line in addition to the landscaping required on the lot.

i. Every landscaping plan shall include a method of maintenance including a watering system or statement of maintenance methods. All plantings shall be properly maintained and at the direction of the Planning & Community Development Manager replaced when plantings are no longer viable or overgrown to such a degree as to be hazardous or unsightly.

F. Buffer Requirements: A buffer shall be provided within any development pursuant to the Table 2 and the following requirements:

1. A 20 foot natural landscape buffer is required whenever the back or side yards of a residential development face non-subdivision streets. Plantings within this buffer should meet the following requirements:

a. When deciduous trees are used within the 20 foot buffer the trees shall be located within ten (10) feet from the public right-of-way being buffered or screened. At a minimum four (4) trees shall be planted every 100 linear feet and should be no closer than 30 feet apart.

b. When evergreen trees are used within the 20 foot buffer they shall be planted within ten (10) feet from the subdivision or lots being proposed. A minimum of six (6) trees shall be required within one-hundred linear feet and should be no closer than 25 feet apart.

2. A buffer shall be required along the periphery of any proposed single-family subdivision when the average lot size abuts an existing or approved single-family subdivision that has an average minimum lot size of 30% or more of the minimum lot size in the subject subdivision.

3. A buffer shall be required in any manufactured home park, multi-family or nonresidential development project along any side or rear lot line that abuts a less intense land use.

Table 2 Buffer Standards: *When Required*

Zoning of Adjacent Development	*Zoning of proposed development*				
	M-1 & M-2	**C-2 & C-3**	**C-1**	**R3 & M-P**	**AG, R1, R2, & R4**
AG, R1, R2, & R4	B or C	B or C	D	D	*D
R3 & M-P	B or C	B or C	D	-	-
C-1,	B or C	D	-	-	-
C-2 & C-3	D	-	-	-	-
M-1 & M-2	-	-	-	-	-

Required Buffer Design (See also Figure 1): Letters in table correspond with the following standards:

A. 6' fence with landscaping (10' min width)
B. Combination of berm, fencing and landscape (20' min width)
C. 20' natural buffer (20' min width)
D. Any of the above or combination of A-C

* Only required when the average lot size of the proposed subdivision is 30% smaller than the adjacent approved or existing subdivision.

G. Acceptable Buffer Methods: Required buffer yards shall comply with the following standards. Figure 1 illustrates the acceptable structural and natural buffering techniques.

1. Natural Buffers: When natural buffers are required they shall meet the following criteria:

   a. At a minimum, natural buffers shall consist of existing vegetation that provides an opaque visual screen to a height of six (6) feet, or any combination of existing and replanted vegetation that can reasonably be expected to create an opaque visual screen six (6) feet high within 2-4 growing seasons. Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs bushes and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

   b. The retention of existing vegetation should be preserved to the maximum extent practical. The addition of new vegetation may be required if vegetation retained is not sufficient.

   c. Natural buffers shall be sufficient in opacity to screen automobile headlights from areas zoned residential or agriculture. The City may require a landscaped berm or a structure buffer, such as walls or fences, to achieve the desired level of screening needed.

   d. Generally, all trees and bushes used within a required buffer area shall be adequate in quantity and type to provide the necessary screening or buffering as determined by the City. Buffer areas shall comply with the standards in Table 1 and Figure1- Illustration C.

   e. A minimum of 60 percent of the deciduous trees must be of a species which mature at a height of 45 feet or greater.

2. Structural Buffers: Structural buffers shall meet the following criteria:

   a. Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.

   b. All earthen berms shall have a maximum side slope of two (2) horizontal to one (1) vertical (2:1). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.

   c. Trees shall be located or planted within any structural buffer at a density of no less than one (1) tree unit for each thirty (30) feet of buffer length or portion thereof. New trees shall have a caliper of no less than two (2) inches upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

   d. Fences and freestanding walls, preferably of brick, stone or pre-cast concrete, shall present a finished and decorative appearance to the abutting property. Permanent fences or walls shall be located no closer to the property line than two (2) feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

   e. Fences used in buffers shall be made of rot-resistant material or protected from deterioration with water-proofing material.

H. Exterior Storage: Except as otherwise permitted by these regulations or during permitted construction on any tract, all exterior storage of equipment, raw materials or finished products shall be fully screened from the view of adjacent parcels and streets by a solid screen fence at least six (6) feet in height. Storage within M-2 Industrial - Heavy District shall be exempt from screening of exterior storage visible from abutting streets.

I. 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. Outdoor storage shall not interfere with the required and/or approved operation of the site, including but not limited to traffic circulation, parking, open space or aesthetics.

J. The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the area of either the front, side or rear yard exclusive of any area of required setback. In no case shall merchandise for sale be displayed in any required set back or parking area, or interfere with pedestrian or vehicular access or parking.

K. If following review, the Planning and Zoning Department and/or the Planning Commission determines that these regulations cannot reasonably be met an exception to these regulations shall be granted. Such exception shall be based upon the following considerations:

1. The exception is unique to the property in question and will not ordinarily be found in the same zone or district; and is not created by an action or actions of the property owner or applicant.

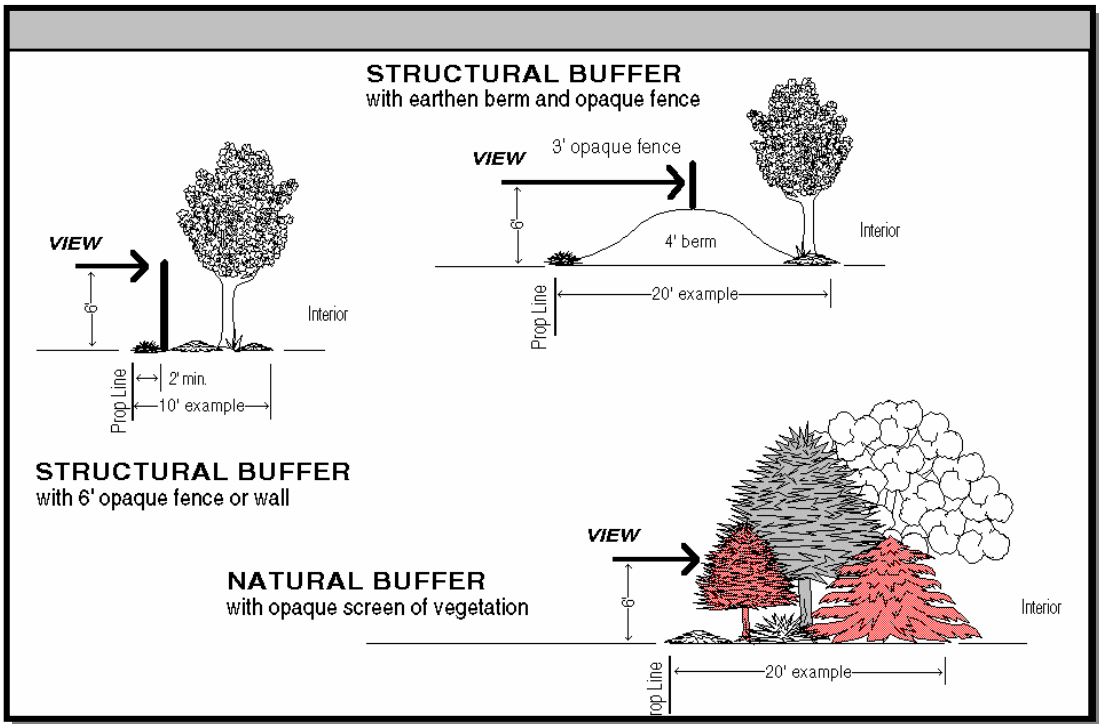
2. The exception is the minimum exception necessary.

3. The granting of the exception will not create unfair competition with similar uses in the same zone or district.

4. The granting of the exception will not adversely affect the rights of adjacent property owners.

5. The exception will not be opposed to the general spirit and intent of these regulations.

L. Refuse: Except during permitted construction on any tract, all waste materials, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes, and located on a paved surface designed for adequate vehicle and removal equipment access and operation. Containers shall be screened from view from adjacent parcels and any streets. Unless the container is contained within the building until time of collection, screening shall be provided by dense landscaping, landforms, by housing the container in a refuse enclosure at least as tall as the container, or a combination there of. This screen shall provide complete visual screening of the dumpster and be compatible in material and color with the principal structure on the lot. The owner of any land parcel shall be responsible for keeping that land free of refuse. All exterior storage not included as a permitted accessory use, a permitted use, included as part of a Special Use Permit, or otherwise permitted by these regulations or other City code shall be considered refuse.



Sec. 29A-1809. ***Unplatted and Miscellaneous Tracts***

Not more than one building or structure shall be erected constructed or moved on land within the city that is not platted into standard lots and streets. Prior to the issuance of a building permit for construction of a building or structure on such unplatted or miscellaneous tract the owner shall submit to the Planning Commission a plat containing lots of size and shape appropriate to the proposed use, and including any streets, alleys, easements and building lines as may be required by the Commission in order to assure orderly development. Upon the approval of the plat by the Planning Commission it shall be submitted to the City Council for final approval. Upon final approval by the City Council the Planning and Community Development Manager shall be empowered to issue such permits as are allowed under this Ordinance and other codes and ordinances of the City of Joplin.

Sec. 29A-1810. ***Number of Structures and Uses on a Zoning Lot***

Where a lot or tract is used for other than a single-family dwelling, more than one principal use and structure may be located upon the lot or tract, but only when the structure or structures conform to all requirements for the district in which the lot or tract is located.

Sec. 29A-1811. ***Sight Triangle Exception***

On a corner lot in any district, development shall conform to the requirements of the sight triangle as defined by these regulations, except that in the downtown "C-2" district, the City Engineer shall determine the required sight triangle standard on a case-by-case basis.

Sec. 29A-1812. ***Access to Business and Industrial Districts***

No land which is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.

Sec. 29A-1813. ***Temporary Uses Permitted***

Temporary Uses Permitted. 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. Sidewalk Sales: The sale of retail merchandise on a sidewalk in a C-1", C-2", or C-3" district shall be permitted provided that the merchandise being sold is displayed and sold in front of the store in which the merchandise in normally sold. Sidewalk sales shall only be allowed in conjunction with a promotion and shall not last longer than two days.

J. Vessels for collection of recyclables shall be set-back from all required yards and screened from view of all rights-of-way and adjacent property lines.

K. 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.

Sec. 29A-1814. ***Determination of Structure Setback Line***

The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure; except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:

A. Projections for new construction shall conform to the provisions of the adopted ICC code in effect at the time of application, with regard to construction details, property setbacks and public property encroachment.

B. Projections shall be defined as: Any structural or non-structural portion or appendage attached to the main structure which by design protrudes outward beyond the structure floor, wall, and roof or foundation line. Projections include, but are not limited to:

1. Roof Eaves
2. Cornices
3. Porches
4. Stairs
5. Bay and Egress Windows
6. Dormers
7. Combustible or Noncombustible

8. Ornamentation

9. Soffitts

10. Balconies

C. Exception for Canopies and Awnings: A canopy or awning may be permitted to overhang a public way in any business zoning or industrial zoning district providing:

1. The canopy or awning construction is covered with a fabric material, such as canvas, or is made of a material which simulates a fabric covering, other than metal or aluminum.

2. No portion of the canopy or awning shall be less than eight (8) feet above the level of the sidewalk or other public way.

3. The canopy or awning may extend the full width of the building facade to which it is attached, and further, it shall not extend beyond a point two (2) feet inside the curb line of a public street.

Sec. 29A-1815. ***Fences***

A. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

1. Fencing for safety purposes shall be required wherever dwellings or manufactured homes are built or installed on lots abutting major streets as defined in these regulations or railroad right-of-way.

2. No fence shall be constructed which will constitute a traffic hazard.

3. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

4. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or which fence shall adversely affect the public health, safety and welfare.

5. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than four (4) feet in the front yard or eight (8) feet elsewhere; provided, however, that the Planning Commission may, as a special use, authorize the construction of a fence higher than eight feet if the Planning Commission finds the public welfare is served.

B. It shall be unlawful for any person to erect or maintain any fence or other like structure except as follows:

1. Privacy fences may be erected on any lot, except as provided in Sec. 29A-1815, D, and shall be no more than eight (8) feet high and shall not be located closer to the front property line than the nearest portion of the rear of the building.

2. Decorative fences may be erected on any lot, except as provided in Sec. 29A-1815, D, and shall be no more than four (4) feet high and be of open construction.

3. Security fences may be erected on any business or industrial lot to a height of not more than 12 feet, except the top four (4) feet must be of open wire, woven wire, or barbed wire construction.

4. Open wire fences for the enclosure of private tennis courts may be constructed to a height of nor more than 12 feet, but must be set back from all property lines at least six (6) feet, may be of any material, except as provided in Sec. 29A-1812, D, and the top four (4) feet must be of open wire or woven wire construction.

5. Materials allowed for construction of a privacy fence must be wood, except posts may be made of metal. Maximum board width is 12 inches for solid, staggered, or "basket weave" fences. Solid panels such as plywood, wafer board, etc., will not be allowed, except around construction sites for public safety, which must be removed upon issuance of a certificate of occupancy.

6. Materials allowed for construction of a decorative fence can be wood, woven wire, chain link, wrought iron, square tubing, and metal pipe. A decorative fence must be of open construction, no panels such as plywood, wafer board, etc., will be allowed, except as provided in Sec. 29A-1812, D.

7. All framework of a wood fence, privacy or decorative, must be on the inside portion of the fence, and all posts of a wire fence must be inside of the fabric. All posts (except metal "T" line posts) must be set in concrete to a minimum depth of 18 inches and a minimum of four (4) inches by four (4) inches. Metal "T" posts can be driven. (Ord. No. 93-168,. 1, 10-18-93).

C. *Dilapidated Fences:* No person shall permit, cause, keep, maintain or allow a fence within the corporate limits of the City of Joplin in a dilapidated or dangerous condition.

D. *Dangerous fences:* Any person who shall place or permit to be placed or remain on or along any railroad or building front or any part of a building, fence or premises, adjacent or contiguous to any right-of-way or public way or residence any spikes, or sharp-pointed cresting, or any barbed wire or other things, except as permitted in Sec. 29A-1815 , B, 3 above, or electrified fence, dangerous or liable to tear, snag, cut or injure anyone coming in contact therewith, shall be deemed guilty of a misdemeanor.

E. *Declared Nuisance:* All fences or other like structures erected or maintained in violation of this article are hereby deemed and declared to be a nuisance, and any owner or occupant of a lot or

tract of land upon which nuisance exists shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

Sec. 29A-1816. ***Performance Standards***

A. *Applicability:* No land use permit, building permit or certificate of occupancy shall be granted for any use, unless the Planning and Community Development Manager shall find that the use shall conform to the standards set forth in this section.

B. *Compliance Required:* No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable noise or glare (referred to herein as "dangerous or objectionable elements") in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.

C. *Locations Where Determinations Are to Be Made for Enforcement of Performance Standards:* The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any Point").

D. *Performance Standards Required:* The following provisions, standards and specifications shall apply:

1. Noise Limitations:

a. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the United States Standards Institute. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noise shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Order, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises capable of being so measured shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.) or shrillness. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, police and air raid warning sirens) shall be excluded from the above regulations.

b. No activity shall be responsible for the transmission of noise across any residential or commercial zoning district boundary line in excess of the levels established below.

c. Conform to the provisions of Section 26.57 of the City of Joplin City Code.

Octave Band (Preferred Center Frequency)	***Sound Level In Decibels (Re: .0002 Microbar)***	
	8:01 A.M. to 10:00 P.M.	***10:01 P.M. to 8:00 A.M.***
31.5	79	73
63	74	68
125	68	62
250	60	54
500	55	49
1,000	50	44
2,000	46	40
4,000	41	35
8,000	36	32

2. Lighting Standards:

   a. Type One
   OPEN FACE DOWN LIGHTS (NEMA HEAD SYMMETRIC LUMINARIES) Less than 200 Watts - No restrictions at this time.

   b. Type Two
   ROADWAY (Cobra/NEMA HEAD ROADWAY ASYMMETRIC LUMINARIES) Horizontal Lighting - 1,000 Watts or less - No restrictions at this time

   c. Type Three
   FLOODLIGHT and all area lighting that does not fit into type one & two descriptions

      (A) Type Three Restrictions - aiming and pole location will be based on lighting a strip running perpendicular to the cross arm of the luminaries.

      1. The described area is restricted to within the property lines.

      (B) Type Three 400 Watts or Less

      1. Area includes 1.5 times the mounting height on each side of the luminaire and 3 times the luminaire mounting height in the direction that the light is aimed.

      2. The <u>maximum</u> aiming angle will be 45 degrees from the base of the level light pole. (aim point will not be greater than the mounting height.)
      (30ft. mounting height equals a 30ft. aim point)

      (C) Type Three 401 Watts or Greater

1. Area includes 2 times the mounting height on each side of the luminaire and 4 times the luminaire mounting height in the direction that the light is aimed.

2. The maximum aiming angle will be 45 degrees from the base of the level light pole (aim point will not be greater than the mounting height.)
(30ft. mounting height equals a 30ft. aim point)

(D). Ballfields and recreation areas are exempt from this regulations, but require special city permit.

(E). Restrictions effective for all new installations after 3-10-1997.

(F). Miscellaneous environmental nuisances.

1. No use shall be permitted or so operated as to produce or emit:

2. Smoke or particulate matter of a number 1 or darker on the Ringlemann Chart.

3. Dust, fly ash, radiation, gases, heat, or other effects which are obviously injurious to humans or property at the property line.

4. Vibration or concussion perceptible without instruments at the property line.

Sec 29A-1817 Home Occupations

A home occupation is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling, subject to the following:

A. Restrictions and limitations:

1. The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.

2. All materials or equipment used in the home occupation shall be stored within an enclosed structure.

3. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.

4. No sign shall exceed two 2 feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard.

5. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence, and not more than one full-time equivalent, non-resident employee.

6. No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.

7. No traffic shall be generated by the activity of the home occupation which is abnormal to a residential neighborhood.

B. The following are permitted home occupations:

1. Attorney

2. Accountant.

3. Architect.

4. Bed and breakfast, by special use permit, and provided conditions are met.

5. Chiropractor.

6. Clergyman.

7. Computer programming and data processing.

8. Contractor, limited to telephone and office use.

9. Day care home, subject to issuance of a special use permit if more than four non-resident children and not more than ten children are given care.

10. Dentist.

11. Engineer.

12. Masseur or Masseuse.

13. Musician.

14. Osteopath.

15. Physician.

16. Salesman.

17. Teaching or instruction, provided not more than three (3) students are taught at any one time nor more than twelve (12) students per day.

18. Telephone answering.

19. Home crafts, such as model making, rug weaving, lapidary work, and pottery making, provided that none of the products are sold either at retail or wholesale on the premises.

20. Internet-related occupations that meet home occupation restrictions and limitations.

21. Mail order businesses, not including on-site sales or services.

C. The following are prohibited as home occupations:

1. Barbershops and beauty shops, except when issued a Special Use Permit as provided for in Appendix A of these Regulations.

2. Animal hospitals.

3. Mortuaries.

4. Private clubs.

5. Repair shops.

6. Restaurants.

7. Stables or kennels.

8. Tourist cabin.

9. Automobile repair or paint shops.

10. Group day care home or day care center.

11. Direct sales product distribution parties for taking group orders or similar group functions shall be held no more than once each month at any residence; and sales to individuals shall be prohibited.

Sec 29A-1818. Inoperable Vehicles

No inoperable or partially dismantled vehicle or vehicle parts shall be parked or kept outside a building.

Sec 29A-1819. through 29A-1899, Reserved

ARTICLE 19
OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 29A-1900. ***Applicability***

Off-street parking and loading space, as required in this article, shall be provided for all new structures, and for alterations and additions to existing structures. Off-street parking and loading space shall be required for any existing structure or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures, alterations, or additions to existing structures or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article; except that no off-street parking or loading space shall be required for any use located in the "C-2" - Central Business District.

Sec. 29A-1901. ***General Provisions***

A. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.

B. Front Yard Setbacks: Unless excepted by site-plan review, off-street parking spaces shall be provided in other than the front yard in all districts, except that in the event an attached garage is converted to a livable room of a dwelling, the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard.

C. Accessory Use: Off-street parking shall be considered as an accessory use of the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this article relating to off-street parking exceptions.

In no instance shall off-street parking required by this article be located more than 300 feet (as measured along lines of public access) from the use which it serves.

Repair Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.

E. Computation: When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 1/2 or less may be disregarded, and a fraction in excess of 1/2 shall be counted as one parking space.

F. Mixed Uses: When a structure or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.

Sec. 29A-1902. ***Layout and Design Requirements***

Off-street parking improvements other than for single-family, two-family, or buildings accessory thereto shall be subject to site plan review.

The layout and design of parking areas in all districts shall conform with the following standards:

A. Area: A required off-street parking space shall be designed to meet or exceed the Minimum Parking Standards at the end of this Article.

B. Design: Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-Street Parking Standards of this article.

C. Setback: Off-street parking and loading areas in multifamily and commercial districts, except in the downtown district, shall be set back 10 feet from the property line.

D. Surfacing: All open off-street parking and loading areas shall be graded and paved with an all-weather material such as asphalt, concrete or double sealcoat.

E. Lighting: 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 and shall be subject to the performance standards for lighting specified in Article 18.

F. Landscaping and screening:

1. Interior parking lot landscaping in multi-family and commercial districts shall be provided in Subsection 28A-1808 of these regulations.

2. All off-street parking facilities other than for single-family, two-family or buildings accessory to single-family or two-family dwellings must be screened from view along any public street ROW, or residential lot line to a minimum height of three feet above the highest finished grade of the parking area. Berms, walls or a suitable combination may be used. In addition, islands that are located within the interior portion of parking areas shall be landscaped. Driveways shall not apply to this regulation.

G. Location of Parking Facilities: Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured

from the nearest point of the parking facility to the entrance of the building which it is required to serve:

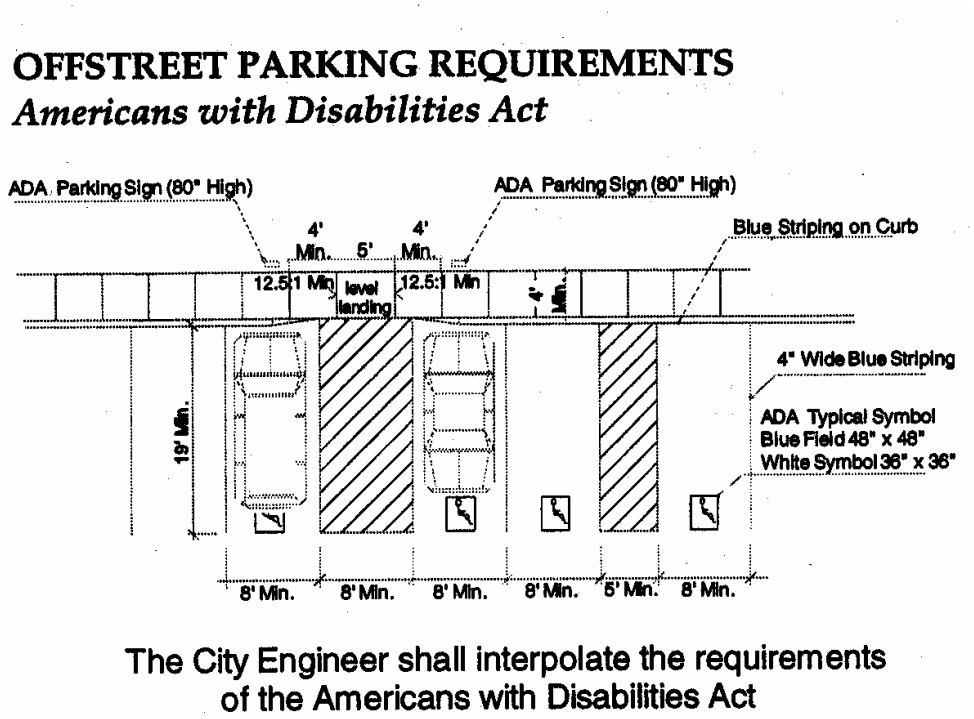
1. For one-and two-family dwellings: On the same lot as the principal structure.

2. For multifamily dwellings: Not more than 200 feet from the premises they are required to serve.

3. For commercial and institutional uses (for hospitals, sanitariums, asylums, orphanages, rooming houses, club rooms, fraternity and sorority houses): Not more than 300 feet from the building they are required to serve.

4. For uses other than those specified above, not more than 1,000 feet from the building they are intended to serve.

H. ADA Compliance: All sidewalks, crosswalks, parking lots, or other areas of pedestrian circulation shall comply with ADA accessibility guidelines and standards.



Source: BWR Corporation, 1996

ADA parking sign 80" if in walk way; may be shorter if outside of a walkway.

Sec. 29A-1903. ***Commercial Driveway Provisions***

The following standards shall apply to all commercial driveways providing ingress or egress to a Thoroughfare or Collector street as identified in the Comprehensive Plan.

A. Commercial Driveway Design Standards:

1. Off-street parking spaces shall be arranged so that no vehicle will back directly onto a street. All private parking areas and circulation drives shall be located off of the street right-of-way. Divisional islands and curbs shall be constructed where necessary to provide such protection.

2. Access to property shall be allowed only across such driveways, and all other frontage on the property shall not be utilized in any manner whatsoever for egress, ingress or parking on the right-of-way.

3. Any driveway design must allow an entering vehicle turning speed of fifteen (15) miles per hour to help reduce interference with through street traffic. Radii of driveway shall be sufficient to achieve this standard for the primary vehicle such driveway is to serve.

4. There must be sufficient on-site storage to accommodate queued vehicles waiting to park or exit without interfering with street traffic.

5. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems.

6. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

7. Direct-access driveway placement should be such that an exiting vehicle has an unobstructed sight distance according to the following schedule.

DESIGN SPEED MPH	SIGHT DISTANCE FEET
25	**175**
30	**200**
35	**225**
40	**275**
45	**325**
50	**350**

8. Driveway design must be such that vehicle entering the driveway from the street will not encroach upon the exit lane of a 2-way driveway. Also, a right-turning exiting vehicle will be able to use only the first through traffic lane available without encroaching into the adjacent through lane.

B. Standards for Right Turn Lanes and Tapers: Right turn lanes and tapers shall be required when:

1. Expected right-turn ingress movements meet or exceed fifty (50) miles per hour during a typical weekday peak traffic period.

2. Driveway volumes are expected to meet or exceed one thousand (1,000) vehicles per day calculated using Institute of Transportation Engineers site generated traffic standards for closest matching land use category as set forth in the Trip Generation Manual, 4th Edition.

3. The City Engineer can document through traffic analysis that such treatment is necessary to avoid congestion and/or unsafe conditions on the public thoroughfare.

C. The grade of a 2-way, 1-way or divided commercial driveway shall not exceed five percent (5 %) for a minimum of 25 feet from the edge of the pavement.

D. Driveway Spacing: Driveway spacing shall follow the guidelines in the Comprehensive Plan, Chapter 6, and there shall be a minimum of ninety (90) feet between any driveways whether on a single parcel or adjoining parcels. Such spacing to be measured from the center of driveway throat to the center of the driveway throat of the adjoining driveway.

E. Number of Driveways Per Parcel: For the purpose of this regulation parcel shall mean a piece of land that contains one business or is owned by one (1) owner even though the land may have been subdivided in to smaller lots.

1. A minimum of one (1) driveway opening shall be permitted to a particular parcel from any abutting street provided that access is not otherwise controlled or restricted.

2. One (1) additional driveway will be permitted along a continuous site for each 200 feet of frontage over the first 200 feet or fraction thereof.

3. Parcels with 200 feet or less of frontage may apply for a second driveway if shared with an adjoining parcel, provided that minimum spacing according to paragraph D (above) is maintained. In such cases, only one shared driveway will be permitted.

F. Corner Clearance: Corner clearance shall follow the guidelines in the Comprehensive Plan, Chapter 6, and All direct-access driveways shall be constructed such that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection shall be at least 120 feet from the perpendicular curb face of the intersecting street. Using a 15 foot driveway

radius, the edge of the driveway throat shall be 135 feet from the curb face of the perpendicular intersecting street. The driveway radius shall not compound with the intersection corner radius. Corner Clearance Arterial and Collector Streets: All direct access driveways shall be constructed such that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection shall be at least 150 feet right-in, right-out, or 250 feet right/left in-out, from the perpendicular curb face of the intersecting street. The driveway radius shall not compound with the intersection corner radius.

G. Driveway Width: Except for dual driveways approved by the City Engineer, the width of the driveway throats shall not exceed 35 feet in width. Provided, however, driveway widths shall be between 30 feet and 55 feet for those driveways exiting or entering upon arterial and collector streets. The specific width shall be established by the City Engineer based upon traffic volumes and the proposed sign design.

H. Access Easement Agreements: In order to guarantee the above standards and improvements will be maintained by future owners, Access Agreements shall be required. These Agreements will be recorded in the appropriate Reorder of Deeds Office and will be binding upon inure to the benefit of future owners of the property unless modified and amended.

I. Driveway Profiles: The grade of a 2-way, 1-way or divided commercial driveway shall not exceed five percent (5%) for a minimum distance of 25 feet from the edge of the pavement.

Sec. 29A-1904. ***Required Spaces***

Off-street parking spaces shall be provided as follows:

A.. Dwelling and Lodging Uses:

1. Boarding or rooming houses: One parking space per each three sleeping rooms.

2. Dormitories, fraternities, sororities: Two parking spaces for each three occupants based on the maximum design capacity of the structure.

3. Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.

4. Manufactured home parks: Two parking spaces per each manufactured home.

5. Nursing homes, rest homes, etc.: One parking space per each five beds based on the designed maximum capacity of the structure, plus one parking space for each employee.

6. Single-family: Two spaces per dwelling unit.

7. Two-family and multifamily: Two spaces per dwelling unit. Two-family and multifamily dwelling units designed specifically for the elderly, one space per two dwelling units.

B. Business, Commercial, and Industrial Uses:

1. Automobile, truck, recreational vehicle and manufactured home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each employee.

2. Automobile salvage yards: One parking space for each employee, plus one parking space for each 10,000 square feet of storage area.

3. Financial, business, and professional offices: One parking space for each 300 square feet of gross floor area.

4. Bowling alleys: Four parking spaces for each lane.

5. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a 24-hour period, plus one parking space for each vehicle maintained on the premises.

6. Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.

7. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee and each vehicle maintained on the premises.

8. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.

9. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One per three employees based upon the largest working shift in any 24-hour time period.

10. Medical and dental clinics or offices: One parking space for each 200 square feet of gross floor area.

11. Restaurants, private clubs and taverns: One parking space for 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.

12. Retail stores and shops: One space per 200 square feet of floor area.

13. Service stations: One parking space for each employee plus two spaces for each service bay.

14. Theaters, auditoriums, and places of assembly with fixed seats: One space for each 3.5 seats.

15. Theaters, auditoriums, and places of assembly without fixed seats: One parking space for each four people, based upon the computed occupant load of the structure or the assembly area.

16. Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.

17. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

C. Other Uses:

1. Churches: One parking space for each six seats based upon the maximum designed seating capacity, including choir lofts.

2. Elementary, junior high and equivalent parochial and private schools: Two spaces for each classroom.

3. High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom, plus one space for each two employees.

4. Hospitals: One parking space for every four beds, plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.

5. Laundromats: One space for each two washing machines.

6. Nursery schools, group day care homes, and day care centers, public or private: One parking space for each employee.

7. Fraternal associations and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.

8. Swimming pools and clubs: One parking space for each 50 square feet of water area.

9. Trade and commercial schools: One parking space for each three students and employees.

Sec. 29A-1905. ***Special Uses***

A. District Permitted: In order to provide off-street parking areas, the Planning Commission may, after public notice and hearing, grant as a special use the establishment of parking areas in any zoning district under the provisions further set forth in this chapter.

B. Location: Parking provided under this chapter must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.

C. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

Sec. 29A-1906. ***Loading and Unloading Regulations***

Loading and unloading space shall be provided off-street and on the same premises with every structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses or warehouses, manufacturing or other uses, involving the receipt or distribution of materials or merchandise by motor vehicles. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkways. The number of spaces required shall be as follows:

A. For all uses in the C-1", "C-2" and C-3" Districts, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments (In 1,000 Sq. Ft.)	Required Number and Size of Loading Berths
1 - 10	1 - (10' x 25')
10 - 25	2 - (10' x 25' each)
25 - 40	2 - (10' x 70' each)
40 - 100	3 - (10' x 70' each)

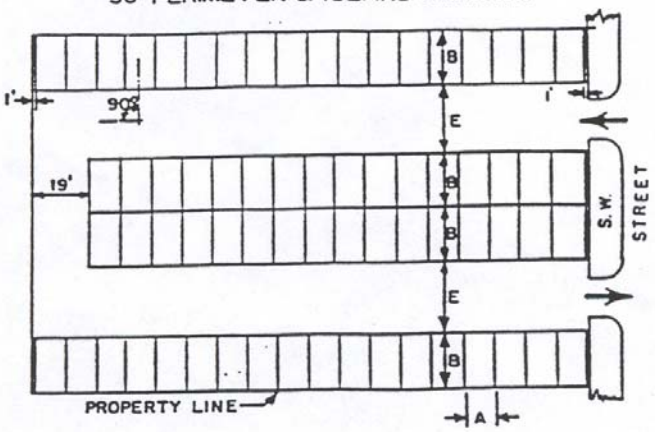
B. For all uses in the "M-1" and "M-2" Districts, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments (In 1,000 Sq. Ft.)	Required Number and Size of Loading Berths
1 - 10	1 - (10' x 25')
10 - 40	1 - (10' x 70')
40 – 100	2 - (10' x 70' each)

D. For each additional 100,000 square feet of gross floor area or any fraction thereof over 100,000 square feet of gross floor area, one additional berth shall be provided. Each such additional berth shall be at least 10 feet in width by 60 feet in length.

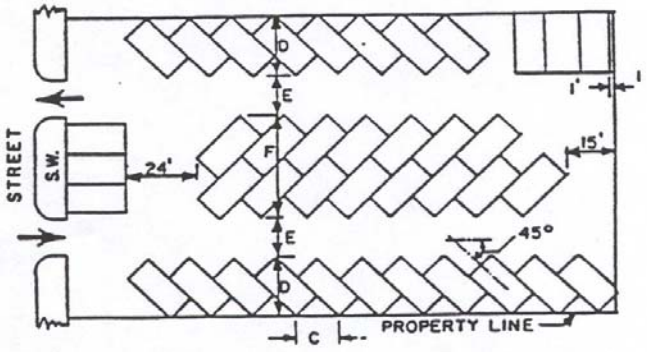
OFF–STREET PARKING STANDARDS

90° PERIMETER & ISLAND PARKING



90° PERIMETER & "ISLAND" PARKING					
STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	19'	19'	19'	19'
DR.-WAY WIDTH	E	25'	24'	24'	24'

45° PERIMETER & ISLAND PARKING



45° PERIMETER & "ISLAND" PARKING					
STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	19'	19'	19'	19'
CURB LENGTH/CAR	C	12'	12.7'	13.5'	14'
STALL DEPTH	D	19.5'	20'	20'	20.5'
DRIVEWAY WIDTH	E	13.5'	13'	13'	13'
ISLAND WIDTH	F	33'	33'	33'	34'

Sections 29A-1907 through 29A-1999. ***Reserved***

ARTICLE 20
NONCONFORMATIES

Sec. 29A-2000. ***General***

Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses. A definition of each type is as follows:

A. Nonconforming Lot of Record: An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.

B. Nonconforming Structure: An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.

C. Nonconforming Use: An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

Sec. 29A-2001. ***Nonconforming Lots of Record***

The Planning and Community Development Manager shall issue a building permit for any nonconforming lot of record, provided that:

A. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and

B. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations, and

C. Said lot can meet all yard regulations for the district in which it is located, and

D. Said lot can meet minimum standards for sewage treatment as required by County and State regulations for sewage treatment.

Sec. 29A-2002. ***Nonconforming Structures***

A. Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

B. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; provided further, existing mobile home parks not meeting the requirements of these regulations shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of these regulations.

C. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its appraised value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

D. Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Sec. 29A-2003. ***Nonconforming Uses***

A. Authority to Continue: Any lawfully existing nonconforming use or part or all of a structure or any lawfully existing nonconforming use of land, may be continued, so long as otherwise lawful.

B. Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.

2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

C. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

2. Extension of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.

D. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

E. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of its appraised value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

F. Moving: No structure that is devoted in whole or in part to a nonconforming use and no conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning districts in which it is located after being so moved.

G. Change in Use: If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special use be changed to another nonconforming use provided that the Planning and Community Development Manager either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning and Community Development Manager may require appropriate conditions and safeguards to prevent said change in nonconforming use from adversely affecting the surrounding area. Once a change is made to a more appropriate use, the use shall not be returned to the original use or a less appropriate use.

H. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

I. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

J. Nonconforming Residential Uses: Notwithstanding the provisions of Sec. 29A-2003, C and D of this Article, any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

K. Nonconforming Uses: All existing mobile home or manufactured home parks not meeting the requirements of these regulations shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of these regulations; except that, any existing manufactured home park developed according to a valid special use permit or other approved development plan, shall become a legal, conforming use under these regulations.

Sec. 29A-2004. ***Status of Special Uses***

A. Status of Existing Special Uses: Where a use exists at the effective date of these regulations and is permitted by these regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district. Such special use shall not be enlarged or expanded unless a special use application is approved as set out in Article 21 of these regulations.

B. Status of Future Special Uses: Any use for which a special use permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use.

Sections 29A-2005 through 29A-2099. ***Reserved***

ARTICLE 21
SPECIAL USE PERMITS

Sec. 29A-2100. ***Intent***

A. Delegation of Power: The City Council is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community; except that, the Planning Commission is hereby authorized to renew special use permits where substantial change in the special use does not exceed ten percent of the originally permitted use by floor area, parcel area or other measures of business activity, as determined by the commission. The City Council shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.

B. Conditions and Guarantees: Prior to the granting of any special use permit, the Planning Commission or City Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Commission may recommend or the City Council may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.

C. Special Use Permits in Residential Districts: In no event shall special use permits in residential districts be transferable from an owner-applicant to a subsequent owner of the subject real estate or structure.

Sec. 29A-2101. ***Procedures***

A. Application: A written application for a special use permit shall be filed with the Planning and Community Development Manager and shall include a statement indicating the section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.

B. Fees: Every application for a special use permit shall be subject to a filing fee as established by the City Council.

C. Site Plan: All applicants for a special use permit shall submit with their application 30 copies of a development plan for the property which shall include the following:

1. A site plan showing:

   (a) Approximate size and locations of all structures.

   (b) Access from streets.

   (c) Parking arrangements and numbers of spaces.

   (d) Interior drives and service areas.

   (e) Landscaped areas.

   (f) All proposed signs.

   (g) Public and private utilities.

   (h) Traffic requirements.

2. Location map showing development and zoning of adjacent property within 100 feet.

3. The full legal description of the boundaries of said development area.

4. A description of the general character of all structures.

Hearing: Upon receipt of the formal application and all accompanying material, a public hearing for the special use permit application shall be placed on the next scheduled meeting of the Planning Commission; provided, however, that notice must be published in a newspaper of general circulation not less than 15 days prior to the date set for the hearing. The Planning Commission shall submit a recommendation to the City Council within 30 days after the close of the public hearing; except that, in hearing on a renewal of an existing special use permit, the commission is authorized to renew special use permits where substantial change in the special use does not exceed ten percent of the originally permitted use by floor area, parcel area, or other measures of business activity, as determined by the commission.

E. Findings: In making a recommendation to the City Council, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

F. Action by City Council: Upon receipt of the Planning Commission's recommendation the City Council shall set a time and place for a hearing on said special use permit application. Notice of the time and place of such hearing shall be published in an official paper of general circulation in the City of Joplin at least five and not more than fifteen (15) days prior to such hearing. The City Council shall consider the recommendation of the Planning Commission and act in accordance with the procedures for amending zoning district boundaries. If the City Council fails to act upon a recommendation within 120 days from the receipt thereof, the application shall be deemed to have been denied.

Sec. 29A-2102. ***Special Use Permit Protests***

In case a protest against such special use permit, is presented, duly signed and acknowledged by the owners of thirty (30) per cent or more either of the areas of the land (exclusive of streets and alleys), included in such proposed special use or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the proposed special use, such revision or amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all of the members of the City Council.

Sec. 29A-2103. ***Standards for Issuance of Special Use Permits***

Before any permit shall be granted, the Planning Commission shall make written findings certifying that adequate provision has been made for the following:

A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.

B. Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.

C. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.

D. The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.

E. The adequacy of required yard and open space requirements and sign provisions.

F. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.

Sec. 29A-2104. ***Additional Conditions for Particular Special Uses***

In granting a special use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in

the neighborhood, and to carry out the general purpose and intent of these regulations. The additional conditions as prescribed in Appendix A, *Use Table* Standards, shall be requirements for the approval of the special uses as listed in the table.

Sec. 29A-2105. ***Time Limit***

A. Sunset: A special use permit shall expire, upon public hearing, unless a building permit is taken within 12 months to effectuate such specially permitted use; or if no building permit is required, evidence of use is filed with building inspector.

B. Abandonment: Once a specially permitted use ceases or is abandoned for a period of more than 12 months, the special use permit shall expire upon public hearing; except that the special use permit for an auto salvage yard shall automatically expire if the state license for operating the auto salvage yard lapses for a period of time more than six months.

C. Home Occupation: A special use permit for a home occupation shall not be transferable to a new owner of the real estate.

D. Expiration as a condition of the Permit: A special use permit shall expire on the date specifically stated in the conditions listed on each permit.

Sections 29A-2106 through 29A-2199. ***Reserved.***

ARTICLE 22
SITE PLAN REVIEW

Sec. 29A-2200. ***Intent***

The City of Joplin recognizes that the very nature of land development creates the potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems. Also, the City strives to achieve the goal of promoting growth in Joplin, while stabilizing the established residential patterns of the area. The City seeks to ensure that any location that must accommodate intense urban uses, shall be subject to Site Plan Review by the Planning and Community Development Manager. Site Plan Review shall help ensure that the meaning and intent of the Zoning Regulations, and all portions thereof, are fully complied with.

The Site Plan Review regulates the development of structures and sites in a manner which considers the following concerns:

A. The balancing of landowners' rights to use their land, with the rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);

B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;

C. The adequacy of waste disposal methods and protection from pollution of surface or groundwater;

D. The protection of historic and natural environmental features on the site under review, and in adjacent areas;

E. The stability of the built environment--particularly residential neighborhoods--by promoting urban development which is compatible with clearly identified natural resources; and

F. The development guidelines set out in the Comprehensive Development Plan for the City of Joplin.

Sec. 29A-2201. ***Applicability***

All applications for land use permits or building permits, other than for single-family dwellings, and buildings accessory to single-family dwellings, shall be subject to site plan review. In addition, the Planning and Community Development Manager shall require that all applications for building permits for developments in any redevelopment overlay district as identified on the Future Land Use Plan of the Comprehensive Development Plan or by ordinance of the City Council, be subject to Site Plan Review in accordance with these regulations. Site Plan Reviews shall be performed by the Planning and Community Development Manager.

The applicant may appeal a site plan review determination to the Planning and Zoning Commission for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Planning and Community Development Manager in the enforcement of Site Plan Review. The request for review by the Planning Commission shall be accompanied by a complete description of the error(s) alleged.

Sec. 29A-2202. ***Authority***

Land use permits or building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts or redevelopment area in which Site Plan Review is applicable, unless Site Plan Review approval has been granted.

Sec. 29A-2203. ***Submission Requirements***

The Site Plan shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

Site Plans shall be prepared by a registered professional engineer, architect on land surveyor registered in the state of Missouri architect at a scale 1" = 100' for projects of 1200 sq. ft. or larger. Items required for submission include:

A. Name of the project, address, boundaries, date, north arrow and scale of the plan.

B. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.

C. Name and address of all owners of record of abutting parcels.

D. All existing lot lines survey pin locations, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.

E. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. For developments in a designated redevelopment area indicate design details to make new construction compatible with existing structures.

F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

G. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

H. The location, height, size, materials, and design of all proposed signage in conformance with the Joplin City Code.

I. A landscape plan which conforms with the landscaping requirements specified in Chapter 5 and shows all existing open space, trees, forest cover, water sources, and all proposed changes to these features. In addition, the size, type, location and number of plant materials existing or proposed as well as a notation of all areas to be seeded or sodded shall be shown. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.

J. The location of all present and proposed utility systems including:

1. sewerage system;

2. water supply system;

3. telephone, cable and electrical systems; and

4. storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swells.

K. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

L. Topography (unless specifically waived) with contour intervals of not more than two feet, referred to N.G.V.D.; except that, where the ground is too flat for contours, spot elevations shall be provided. The developer shall indicate the regulatory flood elevation on the site plan, and shall assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facility improvements, such as sewer, gas, electrical, and water systems are designed to be located, elevated and constructed to minimize or eliminate flood damage, and (c) adequate drainage is planned so as to reduce exposure to flood hazards.

M. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

N. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The City Engineer may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and

3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.

4. In addition to the requirements contained herein, any use subject to site plan review requiring more than 150 parking stalls shall provide more than one means of ingress and egress and provide a traffic study, performed by a registered transportation engineer, pursuant to the requirements of Sub-section c) herein;

a) Any use requiring 300 or more stalls shall in addition provide adequate access to an arterial or collector street.

b) The developer of any use that requires improvements to the City's transportation system shall be responsible for the cost to design and construct all applicable public improvements such as traffic signals, sidewalks, turn lanes, street lights, medians, etc.

c) Any use requiring a traffic study pursuant to this Article or as required by the city shall submit the study prior to any approvals. The traffic study should address the following:

   1. Level of service for site ingress and egress
   2. Demand for auxiliary turn lanes
   3. Vehicle queue lengths
   4. Access spacing
   5. Access sight distance
   6. Impact to adjacent major intersections
   7. Onsite traffic circulation, including emergency vehicles, buses, delivery trucks, etc
   8. Pedestrian circulation

The methodology used to evaluate each of these pertinent factors should follow the practices recommended by the Institute of Transportation Engineers (ITE). The basic steps in assessing traffic impacts include the following:

a) Obtain existing peak hour traffic counts at the site and at the adjacent major intersections. Average daily counts should also be provided on the day of the week and time of the day the proposed use is anticipated to generate the maximum number of trips. Counts should be no more than two years old.
b) Estimate trips generated by the site. The most current edition of the ITE publication Trip Generation should generally provide the basis for the estimation, unless more specific empirical data is available.

c) Distribute forecast trips in and out of the site and quantify the level of impact the proposed use will have on the local transportation system.
d) Assign forecast trips to the public street network.
e) Conduct capacity and queuing analysis for adjacent major intersections for existing and forecasted am and pm peak conditions and analyze all ingress and egress to the site for forecast conditions for am and pm peak hours.
f) Suggest mitigation for adjacent major intersections and ingress and egress where level of services has deteriorated to E or F for forecast conditions.
g) Address compliance with MoDOT policies for access management or the policies of the agency having jurisdiction over the right-of-way- whichever is more restrictive shall apply.
h) Address onsite traffic and pedestrian circulation functionality. This would include truck turning analysis.
i) Attached all calculations and assumptions in a technical appendix adequate for complete review by the City's decision making bodies.

The results of this analysis shall provide documentation for the City's consideration that the proposed development adequately addresses traffic impacts and does not present a clear and present, grave and immediate danger to public health, peace and welfare.

O. For new construction, alterations to any existing structure, a table containing the following information must be included:

1. Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;

2. Maximum number of employees;

3. Maximum seating capacity, where applicable;

4. Number of parking spaces existing and required for the intended use; and

5. A landscape plan for improving large areas of paved parking with appropriate landscaping may be required.

Sec. 29A-2204. ***Standard of Review***

The recommendations of the Planning and Community Development Manager shall be based on the following standards:

A. The extent to which the proposal conforms to the provisions of these regulations.

B. The extent to which the development would be compatible with the surrounding area.

C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations, sign code, building code, fire code, storm water management code and all other applicable City codes and ordinances.

D. The extent to which the proposal conforms to customary engineering standards used in the City.

E. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

F. The extent to which the location of the proposed development conforms with the provisions of any applicable overlay districts.

G. The extent to which the proposal conforms to the design elements specified in the Future Land Use Development Recommendations in Chapter 6 of the Comprehensive Development Plan. These design elements include:

1. Site appropriateness
2. Building arrangement
3. Access
4. Circulation and parking
5. Building elements
6. Service facilities including but not limited to loading and delivery drives and entrances
7. Utilities/Mechanical/Outdoor Storage/Trash Receptacles
8. Buffers and screens
9. Landscaping

These guidelines are intended to supplement the City of Joplin regulatory review process. Each of the nine design elements or sections includes a statement of purpose and a listing of key issues. The applicant will be expected to address these issues by: a) complying with the guidelines for each chapter; or b) proposing alternative solutions that specifically address the identified issues. The applicant is encouraged to propose innovative alternatives that accomplish the stated purpose of the guidelines. The applicant shall clearly show how he addressed the key issue(s) with supportive information and data.

Sec. 29A-2205. ***Development in a PD Overlay District***

Development in a PD Planned Development overlay district shall be reviewed to achieve the following additional objectives:

A. The proposed development incorporates the same type of building materials as are found within the redevelopment overlay district.

B. The exterior features of the new development is similar to the exterior features existing within the redevelopment district.

C. The relationship of buildings/structures to the open space is the same or similar to that of the existing development within the redevelopment district.

D. The size, height, and setback of buildings/structures within the proposed development is similar to the size, height, and setback of existing buildings/structures within the redevelopment overlay district.

E. The placement and amount of landscaping is similar to the placement and amount of landscaping of existing development within the redevelopment overlay district.

Sec. 29A-2206. ***Development in a HP Overlay District***

Development in a HP Historic Preservation overlay district shall be reviewed to achieve the following additional objectives:

A. Standards for Review as shown in Section 27 of Appendix B (Historic Preservation) shall be a part of this section by reference.

Sec. 29A-2207. ***Development in an FP Overlay District***

Development in a FP Flood Plain overlay district shall be reviewed to achieve the following additional objectives:

A. Standards for Review as shown in Section 6.0 and 7.0 of Appendix C (Flood Plain Overlay District-Flood Plain Regulations) shall be a part of this section by reference.

Sec. 29A-2208. ***Single-Family and Two-Family Residential***

Single family and two family residential shall be reviewed to achieve the following:

A. The location and arrangement of the building(s) is such that it is in compliance with all setback requirements of the code.

B. That the lots are in compliance with the code in arrangement, dimension and square footage.

C. Adequate access is provided so as to prevent traffic hazards on adjacent streets.

D. That the scale, massing, appearance, and building design should be compatible with the surrounding neighborhood. The building shall be street oriented with pedestrian entrances from the street.

E. The principal orientation of each residential building shall be parallel to the street it faces. The street elevation of each residential building shall have at least one street oriented entrance and will require a street frontage.

Sec. 29A-2209. ***Multifamily Residential Development***

For Moderate-density (R-2, Two-family Residential) and Multifamily (R-3, Apartment House) development the design guidelines in the Comprehensive Plan, Chapter 7, shall be followed. During Site Plan review of moderate-density and multifamily development proposals in the Opportunity Areas, the City Planning Commission and staff shall refer to the residential design guidelines. Multifamily residential development shall be reviewed to achieve the following additional objectives:

A. The location and arrangement of the building(s) is such that adverse effects will not occur to nearby land uses.

B. Adequate access is provided so as to prevent traffic hazards and traffic congestion both within the site as well as on adjacent streets.

C. Adequate parking is provided and is intermixed with landscaping so as to provide relief from continuous curbing and asphalt/concrete surfaces. A minimum of one (1) tree is provided within or immediately adjacent to the parking area for each ten (10) parking spaces.

D. Service facilities and outside storage areas are located so that they are adequately screened from adjacent land uses as well as individual dwelling units within the development.

E. Adequate buffers from neighboring land uses are provided.

F. The size, height, and design of the signage incorporates the design of the development and is located so that it does not adversely effect nearby properties.

Sec. 29A-2210. ***Development within District C-2, Central Business District***

Development within District C-2, Central Business District shall be reviewed to achieve the following additional objectives:

A. Preserve the scale and dimensions of existing business structures;

B. Coordinate off-street parking improvements with neighboring parcels to minimize the use of land for parking and screen parking lots from view as seen from the public right-of-way; and

C. Achieve a master signage scheme that complements the eclectic signage in the district.

Sec. 29A-2211. ***Commercial and Industrial District Development Standards***

Commercial and industrial districts. In zoning districts permitting commercial and industrial uses, no building shall be erected that does not meet the following minimum standards, based on site plan review:

A. Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the walls of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment in order to screen it from view from tall buildings or from higher ground.

Raised exterior walls or screen walls should be designed to enclose groups of equipment. Wall material should be compatible with or identical to the predominant opaque material on the exterior of the building.

B. The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.

C. The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves shall not be allowed.

D. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.

E. Where large structures are proposed with overly-long facades (walls), where one dimension exceeds the length of the perpendicular dimension, such as warehouses, building mass should be articulated with variations in the building plane and parapet height and through the use of other unique design or site plan features.

Overly-long horizontal facades should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, and landscaping. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and islands containing trees and shrubs.

F. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank is discouraged.

G. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.

H. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design is particularly important.

I. It shall be a requirement of this code that the use of substantial amounts of masonry materials (face brick, stucco, stone) will make up at least forty (40) percent of the street facade of any building, except for residential. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces are discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood.

Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco, or split-face block, especially along perimeter streets. Appropriate landscaping can be used to complement and enhance a building's design, color and material.

J. Architectural treatments (e.g., building materials, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment. The applicant will have the burden of demonstrating the reasons for differing treatment on different sides (e.g., the need for truck accesses on one side and pedestrian access on another).

Long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.

K. External lighting shall be such that it shall not shine directly onto adjacent residential areas.

L. The perimeter of commercial and industrial sites shall be extensively landscaped.

M. Parking lots shall be landscaped as per the landscaping standards in these regulations.

N. Commercial and industrial development which contain multiple buildings shall be encouraged to incorporate a cluster design for the purpose of incorporating design standards throughout the development and for preserving traffic capacity on adjacent streets.

Sections 29A-2212 through 29A-2299. ***Reserved***

ARTICLE 23
BOARD OF ADJUSTMENT

Sec. 29A-2300. ***Formation***

A Board of Adjustment is hereby created in accordance with State Statutes governing such creation. The word "Board" when used in this Article shall mean Board of Adjustment (or "Board of Zoning Adjustment"). The Board shall consist of five members, 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.

The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. 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, and will 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.

Sec. 29A-2301. ***Powers and Jurisdiction***

The Board shall have the following powers and jurisdictions:

A. Appeals: To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Planning and Community Development Manager in the enforcement of these Regulations.

1. Appeals of the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Planning and Community Development Manager. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Planning and Community Development Manager and with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Planning and Community Development Manager shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from is taken.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning and Community Development Manager certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Planning and Community Development Manager of good cause shown.

B. Variances: To authorize in specific cases a variance from the specific terms of these Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Regulations shall be observed, public safety and welfare secured, and substantial justice done.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of the Zoning Regulations actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.

2. Variances may be granted for any modifications of the specific terms of the Zoning Regulations, except that a variance may not be granted to allow the establishment of a use not permitted in the district regulations.

3. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination of each condition and the finding shall be entered in the record.

   (a) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.

   (b) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

   (c) The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

   (d) The variance desired will not adversely affect the public health, safety, quality of life, order, convenience, prosperity, or general welfare.

   (e) The granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.

C. Conditions of Determination: In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer

from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Planning and Community Development Manager, or to decide in favor of the applicant upon any matter which it is required to pass under any such regulation, or to affect any variation in such regulation. Upon the hearing, any party may appear in person or by agent or by attorney.

Sec. 29A-2302. ***Applications:***

A. The procedure for requesting a hearing before the Board shall be as follows:

1. All applications to the Board shall be in writing on forms provided by the Board.

2. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place, and subject of each hearing shall be published in the official newspaper (as designated by the City Council) at least fifteen (15) days prior to the date fixed for the public hearing. A copy of the Notice of Public Hearing shall be sent to each party of interest and to the Planning Commission.

3. An application shall be accompanied by a filing fee in an amount as established by the City Council by Ordinance.

B. In addition to the above requirements, certain applications require additional information as follows:

1. Appeals:

(a) An application for an appeal shall be filed within 60 days after a ruling has been made by the Planning and Community Development Manager.

(b) A copy of the order, requirement, decision, or determination of the Planning and Community Development Manager which the appellant believes to be in error.

(c) A clear and accurate written description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.

(d) Where necessary, a plot plan, drawn to scale, shall be submitted in duplicate showing existing and proposed plans for the area in question.

2. Variances:

(a) The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the Zoning Regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 29A-2301, B, 3 of this Article.

(b) The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application, the structures existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the Board in consideration of the application.

Sec. 29A-2303. ***Performance***

In making any decisions varying or modifying any provisions of the Zoning Regulations or in granting an exception to the district regulations, the Board shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforceable by or payable to the City Council in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and, in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

Sec. 29A-2304. ***Who May Appeal From the Board Decision***

Any person, department, or departments of the government jointly or separately aggrieved by any decision of the Board may present to the Circuit Court having jurisdiction a petition, duly verified, stating that such decision is illegal in whole or in part,
specifying the grounds of the illegality, and asking for relief there from. Such petition shall be presented to the Court within 30 days after the date of filing the decision in the office of the Board.

Sections 29A-2305 through 29A-2399. ***Reserved***

ARTICLE 24
AMENDMENTS

Sec. 29A-2400. ***Amendments to Change Zoning Regulations or District Boundaries***

The City of Joplin City Council from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the City Council or the Planning Commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Applications for special use permits shall be considered by the same procedure as zoning district amendments. Any such amendment, if in accordance with the adopted comprehensive plan, shall be presumed to be reasonable.

Sec. 29A-2401. ***Public Hearing***

All such proposed amendments first shall be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The public hearing shall be held at next regular meeting of the Planning Commission for which the application may be scheduled. The Planning and Community Development Manager, or other appointed official as designated by the Planning Commission, shall cause an accurate written summary to be made of the proceedings, and shall give notice of the hearing as provided in these regulations.

Sec. 29A-2402. ***Notice of Hearing***

At least 15 days notice of the time and place of such hearing shall be published in an official newspaper of the City. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration.

In addition to such publication notice, written notice of such proposed amendment shall be mailed before the hearing to owners of record of lands located within at least 185 feet of the area proposed to be altered. Notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the City Council. Such notice is sufficient to permit the Planning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice.

The applicant shall post a notice on the property in the form of a sign provided by the Planning and Community Development Manager. Placement of such sign shall be in the center of the property in question, no more than five (5) feet from the front yard right-of-way line. Placement shall be made at

least 15 days prior to the scheduled public hearing, and must remain until after the City Council has received and acted upon the recommendation of the Planning Commission. The cost of said sign or signs shall be paid by the applicant.

Sec. 29A-2403. ***Adoption***

The procedure for consideration of and adoption of a recommendation to amend zoning district boundaries shall require a majority of the full membership of the Planning Commission at the hearing to recommend approval or denial of the amendment to the City Council. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of denial.

Upon the receipt of the recommendation of the Planning Commission and protest petitions that may have been submitted, the City Council shall consider the application and may approve the recommendations of the Planning Commission or take whatever action it deems necessary. If a proposed amendment is not acted upon finally by the City Council within 120 days after the recommendation of the Planning Commission is submitted to it, such proposed amendment shall be deemed to have been defeated and denied, unless the applicant for such amendment shall have consented to an extension of such period of time. Whenever a proposed amendment is defeated, either by vote of the City Council or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided in this Article.

If the City Council returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Council may adopt or may revise or amend and adopt such recommendation, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the City Council following the Planning Commission's next regular meeting after receipt of the City Council's report, the City Council may consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

Sec. 29A-2404. ***Applications***

Any party desiring to amend a zoning district boundary or regulation contained in this Zoning Ordinance, as to any lot, tract or area of land, shall file with the Planning and Community Development Manager an application for such amendment. All applications for an amendment shall be accompanied by such data and information as prescribed in these regulations.

Sec. 29A-2405. ***Application Fee***

A fee in an amount set by the City Council shall accompany each amendment application. Said fee shall be deposited with the Planning and Community Development Manager at the time said amendment application is filed.

Sec. 29A-2406. ***Comprehensive Plan***

Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by the Planning Commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the City Council. The adoption of the Comprehensive Plan shall require an affirmative vote of a majority of the full membership of the Planning Commission. The Comprehensive Plan shall be submitted to the City Council for a *Resolution of Support* and, upon adoption, certified to the Council and City Clerk.

An attested copy of the Comprehensive Plan and any amendments thereto shall be sent to the County Recorder of Deeds and all taxing subdivisions in the planning area which request a copy of such plan.

Sec. 29A-2407. ***Findings***

In order to recommend, approve or disapprove a proposed zoning district amendment, the Planning Commission shall make findings to determine whether the application is found to be compatible with the following:

A. Character of the neighborhood.

B. Consistency with the Comprehensive Plan and ordinances of the City of Joplin

C. Adequacy of public utilities and other needed public services.

D. Suitability of the uses to which the property has been restricted under its existing zoning.

E. Compatibility of the proposed district classification with nearby properties.

F. Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.

Sec. 29A-2408. ***Protest of an Amendment by Petition of Property Owners***

Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment, if a protest against such amendment is filed after the conclusion of the public hearing in the office of the City Clerk, duly signed by the owners of 30 percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such petition shall be presented to the City Council at the time the Planning Commission recommendation is acted upon; and further, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the City Council.

Sec. 29-A2409. ***Lapse of Amendment***

Notwithstanding anything contained herein, in the event a successful applicant shall fail to have obtained a Building Permit from the Building Official within six (6) months of the effective date of a zoning

district amendment, the Planning and Community Development Manager may notify the applicant, and/or landowner, of such fact. In the event the applicant or land owner shall fail to have obtained a Building Permit within 12 months of the effective date of the amendment, then, the Planning and Community Development Manager shall schedule a Hearing before the Zoning & Planning Commission, which shall after due notice in accordance with the Zoning Code, make a recommendation to the City Council concerning whether such amendment shall be reconsidered and reverted to its previous classification. Should the Council choose not to revert the zoning classification, this process shall continue annually for as long as the landowner or applicant fails to obtain a building permit.

Sections 29A-2410 through 29A-2499. ***Reserved***

ARTICLE 25
ADMINISTRATION

Sec. 29A-2500. ***Legislative and Quasi-Judicial Regulation of Land Use***

The City shall regulate land use as provided by statute and appoint a Planning Commission by City ordinance; which Planning Commission shall prepare and adopt bylaws for the conduct of their business, including adoption of a comprehensive plan.

Sec. 29A-2501. ***Office of the Planning and Community Development Manager***

A. Authorization: A Planning and Community Development Manager shall be appointed by the City Manager and shall be responsible for the enforcement of these regulations.

B. Duties of the Planning and Community Development Manager: The Planning and Community Development Manager shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:

1. Provide and supervise professional planning and zoning services to the public; staff the Planning Commission.

2. Supervise the approval and issuance of zoning and occupancy certificates, and the inspection of structures and uses of land to determine compliance with the provisions of the zoning regulations.

3. Receive, file, and forward to the Board of Adjustment the records in all appeals and all applications for variances.

4. Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, variances, appeals and applications therefore and records of hearing thereon.

5. Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Adjustment.

Sec. 29A-2502. ***Office of the Chief Building Official***

Authorization: A Chief Building Official shall be appointed by the City Manager and shall be responsible for the enforcement of certain sections of these regulations.

B. Zoning Enforcement Duties of the Chief Building Official: The Chief Building Official shall:

1. Approve and issue all zoning and occupancy certificates and make and maintain records thereof.

2. Conduct inspections of structures and uses of land to determine compliance with certain provisions of the zoning regulations.

Sec. 29A.2503.

Land Use Permits: A land use permit shall be obtained from the Planning and Community Development Manager prior to commencement of any of the following:

A. Grading, excavation, filling or any activity precedent to development of open, vacant or unimproved land for any use other than agricultural use.

B. Dredging, filling, grading or excavation of land within the Floodway Overlay or the Floodway Fringe Overlay districts.

Sec. 29A-2504. ***Land Use Permits and Building Permits -- Applications***

A. Applications for land use or building permits shall be filed upon forms prescribed by the City, setting forth the legal description of the lot, tract or parcel of land, together with a general description of any building or structure proposed to be constructed, erected or altered thereon, including the approximate size and shape, square foot and cubic area, the principal materials of construction, location of the building or structure upon the lot, tract or parcel, and the intended use of the land or building.

B. Applications for land use permits shall be submitted for approval by the Planning and Community Development Manager, and for building permits by the Chief Building Official.

C. Applications for building permits shall be submitted for approval by the Planning and Community Development Manager.

Sec. 29A-2505. ***Land Use Permits and Building Permits -- Minimum Rights-of-Way Required***

When a land use permit or building permit is requested on a lot or tract abutting a public street, the Planning and Community Development Manager shall determine that adequate right-of-way exists on that portion of the public street abutting the property. The minimum right-of-way, measured from the center line of the street of the property line of the lot or tract, shall be determined based upon the classification of the abutting street. Classification of the abutting street shall be determined by reference to the City of Joplin Comprehensive Plan, the Official Street Map or a master street plan; if the classification is not designated on any of such documents, the Chief Building Official shall determine the street classification by reference to existing or planned land uses of abutting properties.

B. Once the street classification has been determined, right-of-way requirements shall be calculated in an amount equal to one-half of the total right-of-way requirement established for such street classification. Where the property lies on both sides of the public street, the right-of-way

requirement shall be equal to the full amount of right-of-way required for said street classification.

C. No land use permit or building permit shall be issued for any lot or tract where the abutting right-of-way does not clearly comply with the right-of-way requirements until title for the additional required right-of-way has been conveyed to the City by plat or deed and accepted by the City Council.

D. Any requirement for dedication of right-of-way pursuant to this section may be waived by the Planning and Community Development Manager where the permit being requested does not result in a change or expansion of use of the property or an increase in the square footage of any building.

Sec. 29A-2506. ***Issuance of Land Use Permits***

Land use permits shall be either issued or refused by the Planning and Community Development Manager within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. No land use permit or building permit shall be issued unless all requirements of the zoning and subdivision regulations are met. In the event of refusal to issue a land use permit or building permit upon an application based upon noncompliance with the provisions of this ordinance, the applicant shall have the right to appeal to the Board of Zoning Adjustment as set forth in Article 23.

Sec. 29A-2507. ***Period of Validity***

Land use permits shall become null and void six months after the date on which each is issued unless within such six-month period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

Sec. 29A-2508. ***Occupancy Certificates***

No structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these regulations shall be used for any purpose; and no use of any land or structure shall be changed to any other use, unless an occupancy certificate shall first have been obtained from the office of the Chief Building Official certifying that the proposed use or occupancy compiles with all the provisions of these zoning regulations.

Sec. 29A-2509. ***Application for Occupancy Certificate***

Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no building permit is required shall be filed with the Office of the Chief Building Official and be in such form and contain such information as the Chief Building Official shall provide by general rule.

Sec. 29A-2510. ***Issuance of Occupancy Certificate***

No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the office of the Chief Building Official to be in full and complete compliance with the plans and specifications upon which the building permit was issued. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the office of the Chief Building Official to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within ten days after the receipt of an application therefore, or after the office of the Chief Building Official is notified in writing that the structures or premises are ready for occupancy. In the event of refusal to issue a certificate of occupancy upon an application based upon noncompliance with the provisions of this ordinance, the applicant shall have the right to appeal to the Board of Zoning Adjustment as set forth in Article 23.

Sec. 29A-2511. ***Revocation of Permits***

A permit may be revoked by the official issuing the permit at any time prior to the completion of the use, building, structure or sign for which the same was issued, when it appears to such official that one or more of the following conditions is present: there is departure from the plans, specifications or conditions as required under the terms of the permit; that the permit was procured by false representation; that the permit was issued by mistake; or that any of the provisions of this title are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed in the building or structure for which such permit was issued, or shall be posted in a prominent location on the property. Where notice of revocation has been served or posted, no further construction or use of the property shall proceed. Any revocation of a permit may be appealed to the Board of Zoning Adjustment as provided in Article 23.

Sec. 29A-2512. ***Applications for Vacation of Streets or Reservations***

Where an application for the vacation of any street, alley, utility easement or other public reservation by ordinance is not made by the owners of lands adjoining on both sides of the street, alley or public reservation to be vacated, the application shall be accompanied by affidavits of all such owners not joining in the application indicating their consent to the vacation. Copies of the application shall be filed in both the office of the City Clerk and the office of the Planning and Community Development Manager. The application shall be accompanied by a legal description and survey or such other drawing acceptable to the Planning and Community Development Manager depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley or public reservation.

Sec. 29A-2513. ***Consideration of Vacations***

A. Applications to vacate a street, alley, utility easement or other public reservation by ordinance may only be considered at a public hearing following notice of said proposed vacation and public hearing. 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 that a hearing thereon before the City Council will be held on a date certain after the completion of such publication notice, naming the day on which the hearing will be held, and that at such time and place all persons interested can appear and be heard concerning the application.

B. The City Council or the Planning and Community Development Manager 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 following publication notice and notice to abutting property owners in accordance with the provisions of Article 24, Section 29A-2402. At the conclusion of any such hearing, the Planning Commission shall submit its recommendation on the application to the City Council.

C. At the time designated in the publication notice for its hearing, the City Council shall proceed to hear the application, or may adjourn the hearing from time to time to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceedings thereof. At the hearing, the City Council shall hear such testimony as may be presented or required in order to fully understand the true nature of the application and the property of granting the same.

D. The City Council shall approve the application if it determines from the evidence that:

1. Due and legal notice has been given by publication as required herein.

2. No private rights will be injured or endangered by the vacation.

3. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

Sec. 29A-2514. ***Fees***

Rezoning Application	$250
Special Use Permit Application	$250
Special Use Permit Renewal	$150
Request for Board of Zoning Adjustments	$250
Request of Vacation of Streets, Alleys, and Easements	$250

Sections 29A-2515 through 29A-2599, Reserved.

ARTICLE 26
VIOLATION AND PENALTY

Sec. 29A-2600.

The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, structure or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not less than ten dollars and not more than one hundred dollars for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars nor more than two hundred and fifty dollars for each and every day such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

Sec. 29A-2601.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.

Sections 29A-2602 through 29A-2699, ***Reserved***

APPENDIX A
LAND USE TABLE

1. Use Table: The use table of this section provides a tabular summary of the land use types allowed within each base zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of conflict between the use regulations of The Land Use Table and the zoning district regulations, the text of the zoning district regulations shall prevail.

   A. Permitted (by-Right): Uses identified in a zoning district column of the Use Table with a "P" are "permitted by-right" and shall be permitted in such zoning district, subject to such Use Standards as may be indicated in the "Use Standards" column and all other requirements of this Zoning Ordinance.

   B. Special Use Permits: Uses identified in a zoning district column of the Use Table with an "S" are uses permitted only upon approval of a "special use permit" and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of Article 11. Specially permitted uses shall be subject to such conditions as may be indicated in the "use standards" column and all other requirements of this Zoning Ordinance.

   C. Not Permitted: Uses not identified in a zoning district column of the Use Table as permitted by-right or by special use permit are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this Zoning Ordinance.

   D. Use Standards: A letter in the final "use standards" column of the Use Table refers to conditions applicable to a particular use in one or more of the districts in which such use is allowed. The referenced regulations appear in Section 2 of this Article.

USE REGULATIONS	ZONING DISTRICTS													Use Standards
	RESIDENTIAL					NON-RESIDENTIAL								
	R-1 and R-S	R-2	R-3	R-4	MP	AG	MUC	C-0	C-1	C-2	C-3	M-1	M-2	
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	A
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	L
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	X
RESIDENTIAL USES PERMITTED														
Apartment				P			P	S		P	S			Q
Apartment, Garden			P	P			P	S			S			Q
Assisted Living		P	P	P				P	S					
Boarding House			S				S			S	S			
Duplex		P	P	P			S	P	S	S				CC
Group Home, Limited (1 - 8)	P	P	P	P				P	P	P	P			K
Group Home, General (9+)			S	S					P	P	P			K
Manufactured Home					P									
Mobile Home					P									BB
Manufactured Home Park					P									
Multifamily			P	P			P	P	P	P	S	S		Q
Single-Family, Attached	S	S	S	S										V
Single-Family, Detached	P	P	P	P	P	P								CC
Townhouse				S			S							FF

USE REGULATIONS	ZONING DISTRICTS													Use Standards
	RESIDENTIAL					NON-RESIDENTIAL								
	R-1 and R-S	R-2	R-3	R-4	MP	AG	MUC	C-0	C-1	C-2	C-3	M-1	M-2	
Transitional Living Facility			S	S				S	S		S			Y
NON RESIDENTIAL USES PERMITTED														
Adult Entertainment Establishment												P	P	C
Agricultural Processing						P								
Agricultural Sales and Service										P	P	P	P	
Agriculture						P								B
Agriculture, General						P								
Agriculture, Limited						P								
Airport or Airstrip	S	S	S	S	S	S	S	S	S	S	S	S	S	
Animal Care, General						S					P	P		N
Animal Care, Limited						S			P	P	P	P		
Animal Hospitals						S			P	P	P	P		
Apartment hotel									P	P	P	P		
Athletic fields	S	S	S	S	S	S				S	S	S		
Auditorium or Stadium								S	S	S	S	S		
Bank or Financial Institution							P	P	P	P	P	P		
Bar or Tavern										P	P	P		
Bed and Breakfast	S	S	S	S		S	S	S	P	P				D
Campgrounds, Private						S					P			
Car Wash									S	S	P	P		
Carnival or Circus														
Cemetery, Crematory, Mausoleum	S	S	S	S		S		S	S	P	S			
Churches, Chapels, Temples, Synagogues	P	P	P	P	P	P	P	P	P	P	P	P	P	
Clubs and lodges,	S	S	S	S	S	S	S	S	S	P	P			

USE REGULATIONS	ZONING DISTRICTS													Use Standards
	RESIDENTIAL					NON-RESIDENTIAL								
	R-1 and R-S	R-2	R-3	R-4	MP	AG	MUC	C-0	C-1	C-2	C-3	M-1	M-2	
Private														
College or University	S	S	S	S	S	S	P	P	P	P	P			
Community Center	S	S	S	S	S	S	S	P	P	P	P	P	P	
Composting Facility												S	S	G
Convalescent Care			S	S	S	S	P	S	P		P			
Convenience Stores w/Fuel Sales										P	P			
Correctional Facility								S	S	S	S	S		
Cultural Service							P	P	P	P	P	P	P	
Day Care Center	S	S	S	S	S	S	P	P	P	P	P	P	P	I
Day Care, Group Home (11+)	S	S	S	S	S	S	P	S	P	P	P	P	P	I
Day Care Home, (5 - 10)	S	S	S	S	S	S	P	S	P	P	P	P	P	I
Drive-in or drive-through establishment									P	P	P	P		
Fertilizer Sales and Storage											P	P	P	
Food/Bakery Product Manufacturing												P	P	
Food/Grocery Store							P		P	P	P			
Freight Terminal												P	P	
Funeral Home								S	P	P	P			
Gas and Fuel Sales/Storage										P	P	P	P	
Golf Course, Public	S	S	S	S		S								
Grain Elevator														
Greenhouses, Nurseries	S	S	S	S	S	S			P	P	P			
Health Club							P	P	P	P	P	P	P	
Heliport or Helipad								S			S	S	S	
Hospital							P	P	P	P	P	P		
Hotel, Motel or Tourist Court										P	P	P		
Industrial Waste Disposal													S	

USE REGULATIONS	ZONING DISTRICTS													Use Standards
	RESIDENTIAL					NON-RESIDENTIAL								
	R-1 and R-S	R-2	R-3	R-4	MP	AG	MUC	C-0	C-1	C-2	C-3	M-1	M-2	
Kennels	S	S	S	S	S	S	S	S	S	S	S	S	S	N
Landfill						S							S	O
Library	S	S	S	S	S	S	P	P	P	P	P			
Manufactured Home Sales											P	P		
Manufacturing and Assembly												P	P	
Medical Service							P	P	P	P	P	P		
Mining or Quarrying												S	S	O
Office, General							P	P	P	P	P	P		
Oil or Gas Drilling/Refining													S	
Parking Lot, Commercial	S	S	S	S	S	S	P	P	P	P	P	P	P	
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Photography Shop							P	P	P	P	P			
Post Office								P	P	P	P	P	P	
Printing and Publishing									P	P	P	P	P	
Private Club							S	S	S	S	S	P	P	
Public utility owned facilities	S	S	S	S	S	S	S	S	S	S	S	P	P	
Radio, television, microwave towers							S	S	S	S	S	P	P	
Recreation and Entertainment, Indoor										P	P	P		
Recreation and Entertainment, Outdoor							S	S	S	S	S	S		R
Recreational Vehicle (Travel Trailer) Park						S				S	S	P	P	
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	
Repair Service									P	P	P	P		
Research Service												P	P	
Restaurant, Fast Food									P	P	P	P		
Restaurant, General							P		P	P	P	P	P	
Roadside Stands									S	S	S	S		

USE REGULATIONS	ZONING DISTRICTS													Use Standards
	RESIDENTIAL					NON-RESIDENTIAL								
	R-1 and R-S	R-2	R-3	R-4	MP	AG	MUC	C-0	C-1	C-2	C-3	M-1	M-2	
Salvage Yard													S	U
School, Elementary, Middle or High	P	P	P	P	P	P	P	P	P	P	P	P	P	
Schools for developmentally disabled	S	S	S	S	S	P	P	P	P	P	P	P	P	
Service Station, Automotive										P	P	P		
Service Station, Truck Stop											P	P	P	
Solid Waste Collection/Processing						S							S	W
Solid Waste Transfer Station												S	S	
Stable, Commercial									P	P	P	P	P	AA
Stockyard												P	P	
Studio, Television, Film, Radio, Music							S	S	S	S	S	S	S	
Swimming Pool, Public	S	S	S	S	S		P	P	P	P	P	P	P	
Transit Facility							P	P	P	P	P	P	P	
Transitional Living Facility	S	S	S	S	S	S	P	P	P	P	P			
Utility, Major												P	P	
Utility, Minor												P	P	
Vehicle and Equipment Sales											P	P		Z
Vehicle Repair, General											P	P		Z
Vehicle Repair, Limited										P	P	P		Z
Vehicle/Equipment Storage Yard												P	P	
Vocational School	S	S	S	S	S	S	S	S	S	S	P	S		
Warehousing, Min-storage									S	S	S	P	P	DD
Warehousing and Wholesale											P	P	P	

USE REGULATIONS	ZONING DISTRICTS													Use Standards
	RESIDENTIAL					NON-RESIDENTIAL								
	R-1 and R-S	R-2	R-3	R-4	MP	AG	MUC	C-0	C-1	C-2	C-3	M-1	M-2	
Welding or Machine Shop												P	P	
Wireless Communication Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	Appendix D

2. Use Standards: The use standards of this section (as designated in the far right column of the Use Table above) shall apply to permitted uses, specially permitted uses, and accessory uses as noted below.

A. Accessory Uses

Permitted uses and approved specially permitted uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise stated in this zoning ordinance. See *Article 5, Supplemental Regulations* for use standards applicable to accessory uses in specific zoning districts.

(1) Residential Accessory Uses—In all residential districts.

Residential uses shall include, but not be limited to, the following accessory uses, activities and structures:

(A) Fences and walls,

(B) Garages, carports and off-street parking and loading areas, provided that a detached garage or carport in a residential district shall not cover more than 600 square feet or up to five percent of the total lot area, whichever is less;

(C) Gardens, provided that they meet the required front yard setbacks of the district in which they are located.

(D) Gates and guard houses;

(E) Guest house or guest rooms, neither of which may include kitchen facilities, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units;

(F) Home occupations, subject to the home occupation requirements of this Article.

(G) Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings, provided that such buildings shall not cover more than five (5) percent of the total lot area;

(H) Radio and television receiving antennas and support structures.

(I) Recreational and play facilities for residents;

(J) Storage of recreational equipment such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, provided that storage shall be limited to private garages, side or rear yards of private homes, and in the driveways of private homes. Stored vehicles or equipment shall not protrude onto public property or obstruct any sidewalks. Recreational vehicles or equipment shall not be stored within required off-street parking spaces. No recreational vehicle shall be used for living or sleeping purposes while stored on the premises for a period exceeding 14 days in a calendar year;

(K) Storm shelters and fallout shelters;

(L) Swimming pools subject to a setback of no less than four (4) feet from a protective fence no less than six (6) feet in height around the perimeter of the pool; and

a. Other necessary and customary uses determined by the Planning and Community Development Manager to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Planning and Community Development Manager to ensure land use compatibility.

(2) Nonresidential Accessory Uses

Nonresidential uses shall include, but not be limited to, the following accessory uses, activities and structures:

(A) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use;

(B) Dwelling units, other than manufactured homes, when used or intended to be used for security or maintenance personnel;

(C) Dwelling Units, when located on the second story of a commercial structure located in the "C-2", central business district.

(D) Fences and walls,

(E) Gates and guard houses;

(F) Offices for allowed business and industrial uses when the office is located on the same site as the principal use;

(G) Parking garages and off-street parking areas;

(H) Radio and television receiving antennas and support structures.

(I) Restaurants, news stands, gift shops, swimming pools, tennis courts, clubs and lounges when in a permitted hotel, motel or office building;

(J) Sales of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use;

(K) Recycling Collection Stations, subject to the provisions of sub-section 2.A. (4) (E) of this Article.

(L) The storage of merchandise when located within the same building as the principal business; and

(M) Other necessary and customary uses determined by the Planning and Community Development Manager to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standard imposed by the Planning and Community Development Manager to ensure land use compatibility.

(3) Accessory Use Development and Operational Standards

The following standards shall apply to all accessory uses and structures unless otherwise specifically provided.

(A) Exterior Setback: No accessory structure shall be located within a required exterior setback.

(B) Interior (Rear) Setback: Accessory structures shall not be required to comply with the interior rear setback standard that applies to principal uses. Accessory structures shall, however, be set back at least eight feet from rear lot lines and shall not be closer to the side lot line than the applicable minimum interior setback.

(C) Interior (Side) Setbacks: No accessory structure shall be located within a required interior side setback.

(D) Setbacks from Easements: No accessory structure, other than a fence or wall, shall be located within any platted or recorded easement, or over any known utility.

(E) Height: No accessory structure shall exceed the height of the principal structure on the parcel unless specifically authorized.

(F) Building Separation: Unless attached to the principal structure, accessory structures shall be located at least twelve (12) feet from any other structure.

(G) Building Coverage: No detached accessory structure shall cover more than ten (10) percent of the total lot area. Accessory buildings and structures shall be included in the calculation of total building coverage.

(H) All lots shall contain the necessary area to provide required parking, buildable area with appropriate setbacks, and private usable space for accessory structures. Minimum lot widths, depths and yard setbacks shall be determined prior to final approval of the plat.

(I) Transition of smaller lots: When developing in an established neighborhood, lot sizes should best represent existing neighborhood patterns adjacent to existing development, and transition to smaller lots sizes within the plat to accommodate accessory structures.

(J) Accessory Structures shall be subject to architectural guidelines that require the accessory structure to complement the principal residential structure as follows:

i. The architectural materials of an accessory structure greater than 100 square feet in floor area shall be of a permanent material customarily provided and sold for use as exterior siding of similarly situated structures and shall be compatible with the materials of the principal structure.

B. Agricultural uses are permitted in all districts as long as they are on parcels of 40 acres or more.

C. 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. Adult uses shall be restricted to the following zones: M-1, M-2, M1-PD or M2-PD.

(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 units 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.

D. Bed and Breakfast

Bed and Breakfast facilities shall be allowed in any zoning district by special use permit. 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 shall comply with standards for minimum dwelling size as required in the R-3 District for Multifamily dwellings.

(2) The establishment is located in a dwelling unit permanently occupied by the owner or manager, wherein as an accessory use to the residential use, rooms are rented to the public for not more than 14 consecutive nights.

(3) Two (2) off-street parking spaces with one (1) additional off-street parking space per lodging room shall be provided, and said spaces shall be adequately screened from neighboring property.

(4) A time period may be established by the City Council for each bed and breakfast establishment.

(5) No more than four bedroom units may be provided to guests. The City Council 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) In residential zoning districts, a maximum of four (4) guest rooms may be devoted to use by no more than four (4) guest groups.

(7) 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.

E. 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 8.

F. Communication Towers

Communication towers shall be subject to the following standards.

(1) Principal Use: Communication towers shall always be considered a principal use. They may be located on lots occupied by another principal use.

(2) Setbacks:

(A) The minimum setback between communication towers and all property lines shall be equal to 20 percent of the height of the tower.

(B) Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way.

(C) Communication towers shall be set back a minimum of 100 feet from the lot line of any AG, R-1, R-2, R-3, R-4 or M-P zoning district.

(D) Peripheral supports and guy anchors for communication towers may be located within the required setbacks, provided that they shall be located entirely within the boundaries of the property in which the tower is located and shall be located no closer than five feet from any lot line, and no closer than 10 feet from the lot line of an AG, R-1, R-2, R-3, R-4 or M-P zoning district.

(3) Height: The principal support structure for communication towers shall be permitted to exceed the height limit of the zoning district in which it is located, provided that the setback standards of this section are complied with.

(4) Security Fences and Walls: A fence or wall not less than seven feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards.

(A) Access to the tower shall be through a locked gate in the required fence or wall.

(B) If the communication tower is adjacent to a residential zoning district or a lot occupied by a residential dwelling unit, the required fencing shall consist of a masonry wall or solid fence with trees and shrubs planted

along the exterior of the fence or wall. At least one tree and one shrub shall be required for each 30 linear feet of fence or wall line.

(C) If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in a tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER"

(5) Airport Approach Paths: Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).

(6) Removal of Obsolete and Unused Towers: All obsolete or unused communication towers shall be removed within 12 months of cessation of use.

(7) Electromagnetic Radiation: Communication towers shall comply with all applicable Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NER).

(8) The requirement in these standards shall be amortized in over a seven year period.

G. Composting Facility

The following standards shall apply to all Compost Facilities.

a. 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.

b. Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as 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.

c. 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.

d. 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.

e. 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.

f. 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.

g. Storm Water Management: A storm water management plan may be required at the discretion of the City Engineer.

h. Litter Control: The operation shall be attended on days of operation to maintain the property in a clean, litter-free condition.

i. 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.

j. 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.

k. 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. Convalescent Care

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.

I. 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.

J. Funeral Homes.

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

K. 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.

L. Home Occupations. Home occupations shall be permitted in all districts permitting dwellings.

(1) Restrictions and Limitations:

(A) The home occupation shall be incidental and subordinate to the principal residential use of the premises and in other than home day care, not more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.

(B) All materials or equipment used in the home occupation shall be stored within an enclosed structure.

(C) No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.

(D) No sign shall exceed four (4) square feet, shall not be illuminated and shall be placed flat against the main wall of the principal residential structure.

(E) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence, and not more than one full-time equivalent, non-resident employee.

(F) No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.

(G) No traffic shall be generated by the activity of the home occupation that is abnormal to a residential neighborhood.

(2) Particular Home Occupations Permitted: Customary home occupations include, but are not limited to certain occupations that do not depend upon on-site commerce, and include the following list of occupations; provided, however, that each listed occupation is subject to the requirements of (A) through (G) above:

(A) Art, dancing, and music schools provided that instruction is limited to five pupils at one time.

(B) Ministers, rabbis, priests and other religious leaders.

(C) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.

(E) Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.

(F) Watch, clock, and jewelry repair services.

(G) Radio, television, phonograph, recorder, and small appliance repair services.

(H) Music teachers, provided that instruction shall be limited to five pupils at a time.

(I) Day Care Center uses and Day Care Home uses subject to the provisions of sub-section I of this Article; except, Day Care Homes shall be exempt from floor area use restrictions.

(J) Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.

(K) Tailoring, alterations, and seamstresses.

(L) Tool sharpening and filing.

(M) Services not dependent on client visits to the site, such as computer-assisted services and graphic design.

(3) Particular Home Occupations Prohibited: Home occupations shall not in any event include the following:

(A) Antiques - retail.

(B) Funeral services.

(C) Groceries - retail.

(D) Second-hand merchandise - retail.

(E) Equipment rental.

(F) Automobile and other motor vehicle repair services.

(G) Restaurants.

(H) Stables or Kennels.

(I) Tourist Home.

(J) Renting of trailers or equipment.

(4) Particular Home Occupations Allowed by Special Use Permit: Customary home occupations include occupations that do not depend upon on-site commerce; however, the following home occupations may be allowed by Special Use Permit upon a showing that the on-site commerce will not be disruptive to the residential character of the neighborhood:

(A) Caterers provided the cook stove in the residence is no greater than 6 burners.

(B) Barber Shops and Beauty Parlors, but not more than two chairs per residence.

(C) Physicians.

(D) Dentists.

(E) Chiropractors.

M. Hospitals

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

N. Kennel

A kennel shall harbor no more than 20 animals and located no closer than fifty (50) feet to another lot line on which a residential dwelling is located, including outside runs, and shall contain at least one (1) 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.

O. Recycling Collection Stations

1. Recycling Collection Stations shall be allowed as an accessory use in accordance with the following standards.

2. Maximum Size and Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed 1,000 square feet in area and only if shown on a Site Plan that has been reviewed and approved.

3. Screening: All collection stations shall be screened from public view of adjoining properties or any street right-of-way with a six (6) foot tall, 100 percent opaque, solid screen or be wholly contained within a structure.

4. Separation from Residential: Recycling collection station structures shall be located at least 150 feet from adjacent property zoned R-1, R-2, R-3 or M-P.

5. Reverse Vending Machines: Reverse vending machines shall be located or soundproofed such that the noise of operation is imperceptible from the property line of property zoned or used for residential purposes.

6. Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycled materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.

7. Hours of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

8. Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

P. 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.

Q. Multifamily and Development Denser than Single-family

Multifamily uses shall be allowed in the C-1 and C-2 districts provided, they are located above the first floor of a commercial building; and provided, the applicant for building permit approval complies with the requirements in the subsection below concerning off-street parking; provided further, the Board of Adjustment may grant a variance from off-street parking requirements on a showing of unusual hardship.

Multifamily uses shall be allowed in the C-3 and MUC, C-O, C-3 and M-1 districts provided, they are granted Special Use Permit or are rezoned to a PD district on a lot or contiguous parcels under single ownership no less than two acres in area.

All other multifamily development shall be subject to the following design guidelines and standards:

(1) Design guidelines in the Comprehensive Plan: For Moderate-density development (R-2, Two-family Residential) and Multifamily (R-3, Apartment House) the design guidelines in the Comprehensive Plan, Chapter 7, shall be followed. City shall reference the residential design guidelines during Site Plan review of moderate-density and multifamily development proposals in the Opportunity Areas of the Plan.

(2) Site Plan Review: Multifamily development shall be subject to site plan review requirements and procedures of these regulations.

(3) Natural Features and Environment: Each site should be designed to preserve natural features and environmental resources, such as:

   a. Flood plains and drainage ways.

   b. Bodies of water.

   c. Prominent ridges and rock ledges.

   d. Existing tree cover including tree masses, wind rows and significant individual trees.

(4) Cut and Fill: Excessive cut and fill are unacceptable. The site plan should preserve the natural topography of the site.

(5) Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways, and paths) shall be located and designed to provide physical separation from vehicles along all public and private streets and within any parking area.

(6) Building Separation: All buildings shall be separated by a minimum distance of 15 feet.

(7) Lot Coverage: Each site plan should be designed to reflect unique site characteristics and strong neighborhood environments without overcrowding the site. Lot coverage by all impervious surfaces shall not exceed 70 percent of the lot.

(8) Access: All multifamily residential developments must have direct vehicular access to collector, arterial or higher classification streets. Multifamily residential development shall not take access to local streets.

(9) Open Space: Open space should be provided to meet active and passive use requirements of the neighborhood.

a. At least ten (10) percent of the total site area shall be set aside as common open space. The common open space shall be suitable for active or passive recreational use. Common open space areas should be centrally placed within the neighborhood. Common open space may include pools, tennis courts, and tot lots. Common open space may not be counted toward nor located in required zoning district setbacks.

b. A minimum of 60 square feet of private open space shall be provided for each ground-level dwelling unit and each dwelling unit that is accessible from a walk out basement. Private areas should allow only limited access and be enclosed to ensure privacy. Private areas typically include yards, balconies and patios.

(10) Building Clustering: Unusable and unassigned open space surrounding buildings should be reduced by clustering buildings. Buildings should be clustered around a central common area, and not have the primary orientation directed toward the parking area.

(11) Building Orientation

(A) Individual Buildings: Individual buildings should be oriented in a way that established neighborhoods and sub-neighborhoods.

(B) Reduction of Unusable Open Space: Unusable open space should be reduced through building orientation, the use of low walls, fencing, landscaping and entry design.

(12) Vehicular Circulation and Parking

a. Street Layout: The layout of streets should provide for safe operation of vehicles within the neighborhood. Excessively straight and wide streets encourage high speed traffic and should be avoided. Curvilinear designs, reduced street widths, and cul-de-sacs create stronger neighborhood environments.

b. Parking Area Layout: Double loaded parking areas along private streets or drives are generally not acceptable. Parking areas should be clustered and separated from the street.

c. Parking Enclosures: Parking enclosures should be designed and sited so as to compliment the primary structures and to provide visual relief from extensive pavement area.

(13) Pedestrian Circulation

a. Pedestrian Linkages: Pedestrian access should be designed to provide reasonable linkages of dwelling units to neighborhood facilities such as recreation, services, mail and parking.

b. Landscaping Details: Pedestrian systems should incorporate landscaping details to increase the visual interest and character of the neighborhood.

c. Landscaping: Landscaping should be designed in sufficient form, quantity and location to reduce, to the greatest extent possible, negative impacts affecting the site and adjacent properties and to increase the sense of neighborhood scale, character and identify.

d. Architectural Design: The architecture of multifamily housing is a key element in determining the character of a neighborhood. The architecture should create a strong feeling of identity through design principles of scale, harmony, rhythm and balance.

e. Elongated sites with rectangular, double-loaded building footprints should be avoided. These designs typically lack interest and fail to create a strong sense of neighborhood.

f. The architectural design of each unit or building should impart a feeling of neighborhood scale. Units should be designed with vertical and horizontal offsets to break up roof lines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank wall surfaces should be avoided. Windows and projecting wall surfaces should be used to break up larger wall surfaces and establish visual interest.

g. The same level of architectural design and quality of materials should be applied to all sides of the building. The side and rear elevations, garages, carports, and all accessory structures should maintain the same level of design, aesthetic quality, and architectural compatibility.

h. Screening from the street of all outdoor refuse areas, ground mounted mechanical equipment, utilities, and banks of meters shall be provided. The screening of these items is to be architecturally compatible with the major building components and may include landscaping.

R. 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.

S. Recreational Vehicle Parks

Recreational Vehicle Parks shall be permitted subject to the following conditions:

(1) The site selected for recreational vehicle parks 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 (2) acres and shall be in one (1) ownership.

(3) The maximum number of recreational vehicle spaces allowed within the permitted districts 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 recreational vehicle park to register guests and provide service and supervision to the camp for camps in excess of 5 acres.

(6) The applicant for a recreational vehicle park 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 recreational vehicle parks 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.

T. 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.

U. Salvage Yards

The following standards shall apply to salvage yards, scrap and waste material storage yards, auto wrecking and junk yards.

(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.

V. Single-family Attached Dwellings

Single-family Attached development special use permits shall be subject to the standards of the underlying zoning district, as modified by the following standards.

(1) Lot Width: Each Single-family Attached dwelling unit shall be located on an individual lot having a minimum width of 20 feet.

(2) Building Coverage; Single-family Attached dwelling units shall be exempt from the Building Coverage standards of the underlying zoning district.

(3) Setbacks: No interior side setback shall be required on the "attached" side of a lot containing a Single-Family Attached dwelling unit. The interior setback standards of the underlying zoning district shall apply to "end" units in a Single-Family Attached development. End units are those that are attached to other dwelling units on only one side.

(4) The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall.

(5) Not More than two units shall be attached in this district.

(6) No unit shall have a depth greater than four times its width.

(7) Any exterior wall which is not a common wall must meet all yard requirements.

(8) Each lot must have direct access to a public street.

(9) The deed to each lot shall include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.

(10) The application for such special use must include a plot plan with the general location of buildings, parking areas, driveways, fences and other structures, the location of easements and utility lines, the number and type of all dwelling units, and the property lines within the proposed development.

W. 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 so maintained by the proprietor as to insurance 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

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.

X. Temporary Uses Permitted. The uses as provided in Section 18-113 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.

Y. 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 center at one time.

(2) Separation: No transitional living center shall be located within 1,500 feet of any other transitional living center 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.

Z. Vehicle/Equipment Sales, Vehicle/Equipment Storage Yards and Vehicle Repair/Service

(1) Vehicle and equipment storage areas and parking areas must be hard-surfaced and dust free.

AA. Stables

(1) Private, Public, Riding

A minimum of two (2) 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;

BB. Mobile Homes

(1) Because these units have been manufactured prior to the HUD code for manufactured homes, they shall not be permitted in the City of Joplin as new units or as relocated units.

CC. Single-Family Residential Height Limits

(1) Single-Family and Two-Family residences greater than 35 feet in height may be extend to up to 45 feet in height without a variance, provided one foot of

additional front yard setback and one-half foot of additional side yard setback is provided for each additional foot of height.

DD. Mini-storage warehouses shall conform to the following requirements:

1. One parking space shall be provided for each ten (10) 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 paved as provided in Article 19, of this zoning ordinance.

2. A landscaping strip of twenty (20) feet in width shall be provided along all borders where subject property abuts any residential zoning.

3. All two-way drives shall be at least thirty-four (34) feet wide including a ten-foot parking lane and all one-way drives shall be at least twenty-two (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 use requirements will be as follows:

6. The commercial or noncommercial storage of flammables, explosives, fertilizers or gases (toxic or nontoxic) will not be permitted.

7. No person shall inhabit or cause to be inhabited any storage unit neither temporary nor permanently.

8. 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.

EE. 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 Group Home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the Group Home is located that

will change the character thereof as property within a single family dwelling district.

(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.

FF. Development standards for Townhouses.

Separations and Spacing: No townhouse unit shall be located closer than 20 feet to a street, nor closer than ten feet to any parking lot or driving aisle, nor closer than 15 feet to any overall project boundary. No separation is required between individual townhouse sites or units within the same development, except:

a. *Other Applicable Codes:* Any separation required to comply with building regulation and fire protection requirements.

b. *Structure Length:* No single grouping of townhouse units shall exceed 200 feet in length and the average length within the overall development shall not exceed 160 feet however, no townhouse structure shall contain more than eight units.

c. *Structure Separation:* Each structure shall be separated from all other groupings of townhouse units according to the following table:
   i. side to side = 20’
   ii. side to back = 30’
   iii. back to back = 40’
   iv. front to side = 30’
   v. front to back = 40’
   vi. front to front = 40’

   vii. Wherever structures are arranged in a linear form with a combined length in excess of 400 feet, they shall have a minimum separation twice the distance specified above. In addition, there shall be unobstructed access at least ten feet in width on two sides of each individual townhouse unit.

d. *Unit Access:* Each townhouse unit shall contain windows and exterior access on at least two sides in addition to the separations from individual townhouse site property lines required by the building regulation for such openings.

e. *Minimum Width Townhouse Unit:* The minimum permissible width for a townhouse unit, center of common wall to center of common or exterior wall, shall be 19 feet.

APPENDIX B
HISTORIC OVERLAY DISTRICT

APPENDIX C

FLOODWAY AND FLOODWAY FRINGE REGULATIONS

APPENDIX D
WIRELESS TELECOMMUNICATIONS FACILITIES SITING

SECTION 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.

SECTION 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.

SECTION 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:

2. Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial;

3. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or

4. Antennas used by amateur radio operators and not exceeding sixty feet (60□) in height; or

5. 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.