

AGENDA

**The City of Rolla
Planning & Zoning Commission
City Council Chambers, 1st Floor
901 North Elm Street
Monday, December 9, 2025 at 5:30 PM**

Commission Members:

**Chairman Russell Schmidt, Secretary/Vice-Chairman Monty Jordan,
City Council Representative Nathan Chirban,
Kevin Crider, Janece Martin, Monte Shields, Steve Davis, Don Morris, Lister Florence**

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, November 10, 2025
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:** **NONE**
- III. PUBLIC HEARING:**
- 1. TXT25-02:** Re-adoption and revisions to Chapter 42 (Planning and Zoning) of the City of Rolla Ordinances for conformance with state statutes and to update various planning and zoning regulations
- IV. NEW BUSINESS:** **NONE**
- V. OLD BUSINESS:** **NONE**
- VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:** **NONE**
- VII. CITIZEN COMMENTS:**

NEXT MEETING DATE:

Tuesday, January 13, 2026

**MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
MONDAY, NOVEMBER 10, 2025**

Presiding: Russell Schmidt, Chairperson

Commission Members Present: Kevin Crider, Steve Davis, Lister Florence, Monty Jordan, Don Morris and Monte Shields

Commission Members Absent: Nathan Chirban and Janece Martin

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, October 14, 2025.
The minutes are approved unanimously by a voice vote.

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. ANX25-01: Voluntary Annexation of certain property in Section 35, Township 38 North, Range 8 West into the City of Rolla corporate limits and assigning R-3, Multi-family Residential zoning for the Audubon Ridge Development

City Planner Tom Coots presents the report.

III. PUBLIC HEARING:

1. SUB25-06: Preliminary Plat of Audubon Ridge, a multi-family residential subdivision creating 44 lots and 1 outlot in the R-3, Multi-family Residential district.

Chairperson Schmidt opens the public hearing at 5:32.

City Planner Tom Coots presents the staff report.

Chairperson Schmidt asks for citizen comments at 5:42.

Caleb Homan with Archer Elgin shared that they have an interconnection with the Audubon Society and will have walking trails connecting to the Audubon property and street names which will tie in with the Audubon. There will be a new water connection to White Columns Drive which will bring better interconnection for the city and will go all the way to Vichy Road and the old sewer system will be replaced.

The public hearing was closed at 5:47.

A motion was made by Davis and seconded by Morris to approve the Preliminary Plat of Audubon Ridge, a multi-family residential subdivision creating 44 lots and 1 outlot in the R-3, Multi-family Residential district. A roll call vote on the motion showed the following. Ayes: Crider, Davis, Florence, Jordan, Morris and Shields. Nays: None. Absent: Chirban and Martin. The motion passes.

IV. NEW BUSINESS: NONE

V. OLD BUSINESS: NONE

VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE OR STAFF:

1. 2026 Meeting Schedule.

VII. CITIZEN COMMENTS:

NONE

Meeting adjourned: 5:48 p.m.

Minutes prepared by: Cindy Brown

NEXT MEETING:

Tuesday, December 9, 2025



Report to:

**Planning and Zoning
Commission**

Case No.: TXT25-02

Meeting Date: December 9, 2025

Subject: Text Amendment for re-adoption and revisions to Chapter 42 (Planning and Zoning) of the City of Rolla Ordinances for conformance with state statutes and to update various planning and zoning regulations

Background: Chapter 42 (Planning and Zoning) was significantly revised and re-adopted in 2023. The City of Rolla contracted with a firm last year to review all of the adopted city codes and ordinances for compliance with state statutes, correct any errors, and improve the organization. As a part of the efforts, Chapter 42 is also proposed to be revised. Although the revisions are relatively minor, changes are proposed throughout the code, making it more advantageous to re-adopt the whole chapter again with the revisions.

Since the zoning code overhaul in 2023, staff has also been keeping track of issues that need clarification. While re-adopting the chapter, those revisions were included for consideration.

Application and Notice:

Applicant - City of Rolla
Public Notice - Legal ad in the Phelps County Focus; [The City of Rolla](#)
City Council Date - To be determined

Discussion: The proposed amendments to the city codes are recommended by the City Staff after review by the consultant. At this time, the Planning and Zoning Commission is asked to review the proposed changes to Chapter 42. The revisions to Chapter 42 will be presented to the City Council at a date to be determined along with the other proposed changes to the other city codes. The revisions are needed to ensure proper coordination with the state statutes and to clarify certain sections. A list of the significant revisions recommended by staff and as recommended by the consultant are included as attachments.

Findings:

1. The proposed text amendment is needed to ensure coordination with the state statutes and make clarifications to the zoning and subdivision regulations.
2. Chapter 42 is proposed to be re-adopted due to revisions being proposed throughout the code.

Potential Motions:

1. Find the text amendment is needed and recommend the City Council approve the text amendment as presented or with modifications.
2. Find that the proposed text amendment is not needed and recommend that the City Council take no action.
3. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by:

Tom Coots, City Planner

Attachments:

Text Amendments proposed by staff; Text Amendments proposed by consultant

Proposed Text Amendments recommended by staff:

Section 42-130. Land Use Applications. [Ord. No. 4762, 10-2-2023]

The following Sections detail the requirements for the various types of land use applications.

4. Applications may be received during business hours at the Community Development Department office or submitted electronically ~~emailed to the department together with all attachments.~~

Section 42-132. Conditional Use Permit. [Ord. No. 4762, 10-2-2023]

The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish specified uses which may be deemed acceptable, desirable, or in the public interest to locate in certain zoning districts. The purpose of the review is to determine whether the proposed location of the use is consistent with the overall intent of the zoning district regulations and to permit the imposition of conditions designed to minimize or mitigate potential adverse effects.

1. A property owner or authorized representative may request a conditional use permit by submitting the following:
 - a. Completed application on forms supplied by the Community Development Department;
 - b. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - c. Filing fee;
 - d. ~~Five (5) paper copies and an electronic copy (pdf preferred) of the~~ site plan, if applicable;
 - e. A letter of request or project report detailing the proposed use or development, and;
 - f. Other supporting materials, if desired.

Section 42-134. Planned Unit Development (PUD) Overlay District — Application. [Ord. No. 4762, 10-2-2023]

4. Preliminary PUD Application. A property owner or authorized representative may request a PUD Overlay District zoning designation by submitting the following:
 - a. Completed application on forms supplied by the Community Development Department;
 - b. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - c. Filing fee;
 - d. ~~Five (5) paper copies and an electronic copy (pdf preferred) of the~~ preliminary PUD site plan;
 - e. Survey prepared by a registered land surveyor;

- f. Five (5) paper copies and an electronic copy (pdf preferred) of the PUD report, and;
- g. Other supporting materials, if desired.

Section 42-138. Vacations. [Ord. No. 4762, 10-2-2023]

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

Section 42-142. Public Hearings. [Ord. No. 4762, 10-2-2023]

1. Applications for special exceptions, variances, shall be submitted not less than twenty-eight (28) days prior to a regularly scheduled Board meeting, or by a filing deadline as posted by the Community Development Department. The Community Development Director may elect to accept applications after the filing deadlines due to unusual circumstances or hardship.
2. Applications for rezoning (map amendment), conditional use permit, preliminary plat, final plat, planned unit development, or annexation must be submitted not less than twenty-eight (28) days prior to a regularly scheduled Commission meeting, or by a filing deadline as posted by the Community Development Department. The Community Development Director may elect to accept applications after the filing deadlines due to unusual circumstances or hardship.
3. Meeting dates assigned at the time of application are tentative only, as additional information or revisions to plans may be needed prior to being able to be heard at a meeting.
4. When any of the following land use actions are proposed through the submittal of an application or initiated by the City or legislative body, the signage, mail, and newspaper public notification procedures listed below shall be carried out by the Community Development Department at least fifteen (15) days prior to the Board of Adjustment, Planning and Zoning Commission, or City Council public hearing for such a proposal:
 - a. ~~Major subdivisions;~~
 - b. Planned unit developments;

- c. Conditional use permits;
- d. Rezoning (map amendment);
- e. Text amendments (no signage required);
- f. Appeals to the Board of Adjustment;
- g. Variances;
- h. Special exceptions;
- i. Vacations (entirety of street rights-of-way only);
- j. Preliminary plats;
- k. Amendments to conditional use permits; and
- l. Amendments to planned unit development final development plans.

Section 42-144. Fee Schedule. [Ord. No. 4762, 10-2-2023]

Land Use Action Type	Application Fees
Preliminary plat	\$500.00
Final plat	\$500.00
Minor subdivisions (administrative review)	\$250.00
Minor subdivision (requiring final plat process)	\$450.00
Lot consolidations	\$50.00
Lot line adjustments	\$50.00
Planned unit developments	\$600.00
Conditional use permits	\$450.00
Rezoning (map amendments)	\$375.00
Voluntary annexation	\$600.00
Appeals to the Board of Adjustment	\$375.00
Variances	\$375.00
Special exceptions	\$375.00
<u>Vacation of Right-of-Way (stand-alone application)</u>	<u>\$375</u>
<u>Vacation of Easement (stand-alone application)</u>	<u>\$75</u>

Section 42-222. C-2, General Commercial District. [Ord. No. 4762, 10-2-2023; Ord. No. 4836, 12-16-2024]

4. Exceptions.

- a. Not more than twenty percent (20%) of a property or portion of a property used for commercial purposes may be used for an outdoor use unless such property has frontage or access to an arterial or collector road or Interstate Highway.
- b. An outdoor use may be required to be screened from any adjacent residential property.
- c. An outdoor use may be required to be screened from any adjacent property or roadway if determined to be necessary by the Community Development Director.

Section 42-213. U-R, Urban-Residential District. [Ord. No. 4762, 10-2-2023; Ord. No. 4836, 12-16-2024]

4. Exceptions:

- a. Townhouse development is exempt from the side yard setbacks (interior lot lines only) and minimum lot size requirements.
- b. Townhouses are subject to a minimum lot frontage of fifteen (15) feet and a minimum lot depth of seventy-five (75) feet.
- c. Up to four (4) townhouse units are permitted on one lot as permitted for multi-family uses. More than four (4) townhouse units are required to be platted on separate lots.

Section 42-215. R-4, Urban Multi-Family District. [Ord. No. 4762, 10-2-2023; Ord. No. 4836, 12-16-2024]

3. The following minimum requirements for subdivision and building applies in the R-4, Urban Multi-Family District:

- a. Minimum size of lot: four thousand (4,000) square feet.
- b. Minimum lot frontage: twenty-five (25) feet at front lot line.
- c. Minimum lot width: twenty-five (25) feet at building line.
- d. Maximum height of buildings/structures: five (5) stories and seventy-five (75) feet; Ten (10) stories and one hundred twenty (120) feet with a conditional use permit.
- e. Minimum setback dimensions:

- | | | |
|----|-------------|---|
| 1) | Front yard: | 5 feet |
| 2) | Side yard: | No minimum setback; 10 feet when adjacent to any other <u>residential</u> district; 20 feet when adjacent to an alley |

3)	Side yard — Corner lot:	5 feet
4)	Rear yard:	10 feet; 20 feet when adjacent to an alley or any other district

Section 42-312. Required Parking Spaces. [Ord. No. 4762, 10-2-2023]

4. Exceptions and reductions from the required parking.
 - a. Large Uses. The required parking may be reduced by ten percent (10%) for uses which require more than one hundred (100) parking spaces.
 - b. Shared Parking. The required parking may be reduced by up to ten percent (10%) for shared parking areas if a shared parking agreement and/or cross access easements are executed.
 - c. Motorcycle/Scooter Parking. A minimum of two (2) spaces and up to ten percent (10%) of all vehicle parking spaces may be converted into motorcycle/scooter parking.
 - d. Electric Vehicle Charging. Electric vehicle charging spaces count towards the minimum parking requirements.
 - e. An approved cooperative parking plan reduces the required amount of parking for the duration of the plan being in effect.
 - f. Approval of a PUD, variance, or CUP may reduce the required parking if the reduction is specifically approved.
 - g. No minimum parking requirements apply to commercial properties located in the C-C, Center City District. Parking for residential uses may be reduced by providing parking off-site, providing parking passes for leased parking for residents, paying an impact fee for parking (if established), or by providing bicycle parking meeting the location and design requirements as specified in the Section for all dwelling units as specified in this Section.
 - h. Tandem Parking. The Community Development Director may approve tandem parking for certain commercial uses, two (2) or more bedroom residential units, or fraternities/sorority houses.

Section 42-322. Encroachments. [Ord. No. 4762, 10-2-2023]

- a. Open (i.e., no roofs or cover) fire escapes and open stairways required for emergency egress may be permitted to extend into a required rear or side yard by up to five (5) feet.
- b. Open handicapped ramps are not subject to any setback requirements.
- c. In residential districts, bay windows and unenclosed balconies, porches, stoops, terraces, and their eaves may encroach into the required setbacks by up to five (5) feet and not less than five (5) feet from a property line. Such encroachments in the R-4 district are permitted to encroach up to five (5) feet to the property line.

Section 42-335. Buffer-Yards. [Ord. No. 4762, 10-2-2023]

6. The minimum buffer-yard width may be reduced by fifty percent (50%) if the property owner elects to install a six (6) foot solid wood fence, a six (6) foot solid masonry/brick wall or a six (6) foot solid evergreen hedge for buffer yards ~~A and B, C, and D~~. The fence may be reduced to four (4) feet in the front setback to comply with the fence regulations.

Required plantings per 100 linear feet						
Buffer-yard	Canopy Trees	Under-Story Trees	Evergreen Trees	Shrubs	Screening	Minimum Width
A	1	1	1	10	N/A	15
B	2	2	2	15	N/A	20
C	3	3	4	20	Yes	25 20
D	4	4	5	20	Yes	50 20

Section 42-451. Accessory Structures And Uses. [Ord. No. 4762, 10-2-2023]

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

Section 42-456. Accessory Dwelling Units. [Ord. No. 4762, 10-2-2023]

5. No accessory dwelling unit on a residential lot will be permitted to have separate utilities, utility metering, or addressing from the principal use.
7. The accessory dwelling unit may be used as a rental unit. In no case may both the accessory dwelling unit on a residential lot and principal dwelling both be rented separately. The property owner is required to live on the property for accessory dwelling units on residential lots.

Section 42-458. RV Parks. [Ord. No. 4762, 10-2-2023]

Businesses which provide overnight accommodation for one (1) or more recreational vehicles or trailers must adhere to the following requirements:

1. One (1) or more storm shelters meeting the requirements of ICC-500, or an alternative approved by the Community Development Director, must be provided on the site for all residents and employees.

Section 42-502. Sketch Plat. [Ord. No. 4762, 10-2-2023]

4. A property owner or authorized representative may request a review of a sketch plat by submitting the following:
- Completed application on forms supplied by the Community Development Department;
 - Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - No application or fees are required for review of a sketch plat;

~~d. Three (3) paper copies of the sketch plat and an electronic copy (pdf preferred).~~

Section 42-503. Preliminary Plat. [Ord. No. 4762, 10-2-2023]

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

A property owner or authorized representative may request a review of a preliminary plat by submitting the following:

1. Completed application on forms supplied by the Community Development Department;
2. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
3. Filing fee;
4. ~~Three (3) paper copies of the preliminary plat and an electronic copy (pdf preferred).~~

Section 42-504. Final Plat. [Ord. No. 4762, 10-2-2023]

1. A property owner or authorized representative may request a review of a final plat by submitting the following:
 - a. Completed application on forms supplied by the Community Development Department;
 - b. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - c. Filing fee;
 - ~~d. Three (3) paper copies of the final plat and an electronic copy (pdf preferred);~~
 - e. Civil plans for any proposed streets, sanitary sewers, storm sewer, or other public infrastructure;
 - f. Copy of proposed HOA documents, protective covenants, private easements, cross-access agreements, maintenance agreements, etc., if applicable.

11. The final plat shall not be approved by City Council until the development plans have been accepted by the City Engineer and the Rolla Municipal Utilities Engineering Department and the infrastructure has been built and is ready for acceptance or the improvement guarantee has been provided. ~~Development Plans shall expire 3 years from the date of approval unless an extension is granted by the City Engineer. All development plans shall conform to the current standards and specifications. Development Plans may be considered to be abandoned after six (6) months after providing comments. Abandoned plans may be discarded.~~

Section 42-505. Minor Subdivision. [Ord. No. 4762, 10-2-2023]

5. A property owner or authorized representative may request a review of a final plat by submitting the following:
 - a. Completed application on forms supplied by the Community Development Department;

- b. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - c. Filing fee;
 - d. ~~Three (3) paper copies of the~~ final plat ~~and an electronic copy (pdf preferred);~~
6. Minor subdivision plats must include the following information:
- a. All information required of a preliminary plat for a first submittal.
 - b. All information required of a final plat for the final submittal to be recorded, except that the signature block for the Planning and Zoning Commission must be replaced with a signature block for the Community Development Director; ~~the signature blocks for the Mayor and City Clerk removed,~~ and the dedication language must be replaced with a signature block for the property owners to state that they are causing the plat to be created.

Section 42-506. Lot Consolidations And Lot Line Adjustments. [Ord. No. 4762, 10-2-2023]

3. A property owner or authorized representative may request a review of a lot consolidation or lot line adjustment by submitting the following:
- a. Completed application on forms supplied by the Community Development Department;
 - b. Letter authorizing a representative to apply on behalf of the property owner, if applicable;
 - c. Filing fee;
 - d. ~~One (1) paper copy of a~~ lot consolidation/lot line adjustment exhibit ~~and an electronic copy (pdf preferred);~~ and
 - e. Proposed legal descriptions of the affected lots.

Section 42-515. Design Requirements, Parks Dedication. [R.O. 1988 § 42-515; Ord. No. 4762, 10-2-2023]

9. Fee-In-Lieu Of Park Dedication. If the land available within the subject subdivision proposal does not meet the requirements and stipulations of this Section, a fee-in-lieu of parkland dedication shall apply. The payment shall be calculated at a base rate of ~~eighteen thousand dollars (\$18,000.00)~~ ~~fifteen thousand dollars (\$15,000.00)~~ per acre of the parkland acreage requirements as calculated above. Any fractional parts of an acre shall be prorated. The dollar amount per acre value established herein will be reassessed not sooner than every five (5) years from ~~June 4, 2018,~~ January 1, 2026, based on the cost of increase in property values and such increase shall be revised administratively. This rate will apply unless the developer can demonstrate to the satisfaction of the Parks Director and the Parks Advisory Commission that the current fair market value should be used.

Proposed Changes to Chapter 42 from consultant

42-001

Sections 42-124.5(2) and 42-152 had some language that overlapped in part.

- Remedy
 - 42-124.5(2) was left as is
 - 42-152 references the exceptions contained in 42-124.5
 - 42-152A was deleted and 42-152 B&C were moved to 42-125 F&G

Section 42-124.5. Variances And Special Exceptions. 2

[R.O. 1988 §§ 42-124.5, 42-152(2 — 3); Ord. No. 4762, 10-2-2023]

2. The Board of Adjustment may authorize special exceptions to this Chapter as follows:

- a. The Board of Adjustment may grant a special exception to allow a legal nonconforming use to be changed to any other use, provided the proposed use is not more intense than the existing use in terms of traffic generation and other impacts on surrounding property.
- b. Permit the extension or expansion of an existing legal non-conforming use in a building or upon a lot currently occupied as a legal non-conforming use.
- c. Permit the use of property owned by a church for a parking lot in any district under such safeguards and conditions as are necessary to protect adjacent property.
- d. Alternative arrangements for landscaping, signage, or parking which is found to meet the intent of this Chapter.
- e. Any other land use specifically eligible for approval with a special exception in this Chapter.
- f. To allow a preexisting non-conforming use or structure to be expanded if, in the opinion of the Board, such expansion will not be more objectionable to or detrimental to the character of the neighborhood.
- g. To allow the reestablishment of a discontinued use within an existing structure if, in the opinion of the Board, it is impractical to use the structure for a conforming use and such reestablishment would not be detrimental to the character of the neighborhood.

Section 42-152. Board Of Adjustment. [Ord. No. 4762, 10-2-2023] Section 42-222. C-2, General Commercial District. [Ord. No. 4762, 10-2-2023; Ord. No. 4836, 12-16-2024]

- ~~1. The Board of Adjustment may grant a special exception to allow a legal non-conforming use to be changed to any other use provided the proposed use is not more intense than the existing use in terms of traffic generation and other impacts on surrounding property.~~
- ~~2. The Board of Adjustment may grant a special exception to allow a preexisting non-conforming use or structure to be expanded if, in the opinion of the Board, such expansion will not be more objectionable to or detrimental to the character of the neighborhood.~~

3. ~~The Board of Adjustment may grant a special exception to allow the re-establishment of a discontinued use within an existing structure if, in the opinion of the Board, it is impractical to use the structure for a conforming use and such reestablishment would not be detrimental to the character of the neighborhood.~~

42-002

Article I Division 7 were reviewed to ensure they matched State Statutes.

- Remedy
 - Consultant provided a sample ordinance which we will incorporate into updates

Division 7 Enforcement

Section 42-160. Violations And Penalties.

1. ~~In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, or in case of any violation of Sections 89.300 to 89.490, RSMo., or of any ordinance or other regulation made under authority conferred thereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made pursuant to the authority of Sections 89.010 to 89.140 and Sections 89.300 to 89.490, RSMo.~~
2. ~~The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable as follows:~~
 - a. ~~The maximum fine and court costs that can be imposed for such violation shall be:~~
 - 1) ~~For the first violation within any twelve-month period of time: two hundred dollars (\$200.00).~~
 - 2) ~~For the second violation within any twelve-month period of time: two hundred seventy-five dollars (\$275.00).~~

3) For the third violation within any twelve-month period of time: three hundred fifty dollars (\$350.00).

4) For the fourth and any subsequent violation within any twelve-month period of time: four hundred fifty dollars (\$450.00).

b. Court costs shall be assessed against such person unless the court finds that the defendant is indigent.

3. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

Section 42-160. Penalties. [Ord. No. 4762, 10-2-2023]

Any person violating or failing to comply with any provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than three hundred dollars (\$300.00), per day, for each day of non-compliance:

Section 42-161. Violations. [Ord. No. 4762, 10-2-2023]

1. Whenever the Community Development Director, or authorized representative, determines that there are reasonable grounds to believe that a violation of any provision of this Chapter exists on any parcel of land within the City, he/she shall give notice of such alleged violation to the owner or agent of said parcel. The City shall attempt to give notice when the violation does not pose an imminent danger and the owner has not previously been notified either orally or in writing regarding a violation of the same Section of this Chapter. Such notice shall:

a. Be in writing and include a statement of any alleged violations, what remedial action(s) are to be taken, and any fines or fees associated with the enforcement of this Chapter; Allow a reasonable time for the correction of any violation or the performance of any required act;

b. Be served upon the owner or his/her agent personally, by registered mail to his/her last known address, or is posted conspicuously in or about the building, structure, or sign affected by the action;

2. Whenever the Community Development Director has ordered a person to correct any violation and when such violation has not been corrected within the time specified by such order, thereafter the Director may institute an action to revoke any permits issued by the City under which the activity is conducted and occupancy permits:

3. If a person violates this Chapter or if a notice of a violation is not complied with within the time specified, the Director may cause a Municipal Court summons to be issued, and he/she may also request the City Attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to acquire removal or termination of the unlawful use of a building, structure or sign in violation of the provisions of this Chapter or any order or direction made pursuant thereto:

4. The imposition of the fines herein prescribed shall not limit the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or

~~abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or use of building or structure in or about any premises, in violation of this Chapter.~~

42-003

42-203 (definitions) and 42-454 (medical marijuana uses) need to be updated to reflect both adult use and medical uses.

- Remedy
 - Updated (see attached redline)

Section 42-454. Marijuana Uses. [Ord. No. 4762, 10-2-2023]

2. ~~Permitted Locations. Marijuana Uses may be located in~~
 - a. ~~Marijuana Dispensary uses are permitted in the C-2, General Commercial district and the C-C, Center-City district.~~
 - b. ~~Marijuana Testing Facility uses are permitted in the M, Manufacturing district; and may be permitted as a conditional use in the C-2, General Commercial district and the C-C, Center-City district.~~
 - c. ~~Marijuana Infused Products Facility uses are permitted in the M, Manufacturing district; and may be permitted as a conditional use in the C-C, Center-City district.~~
 - d. ~~Marijuana Cultivation Facility uses are permitted in the M, Manufacturing district.~~

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42-004

Home Occupation legislation was enacted in 2022 and we need to update Ch 42 in multiple locations to reflect that legislation.

- Remedy
 - Section 42-700 (definitions) was updated to reflect the terminology found in the state statute (see attached redline)
 - 42-410 updated (see attached redline)
 - 42.710 Zoning use table updated (see attached redline)
 - Updated Ch. 25 (Licenses)

Section 42-410. Home-Based Businesses. [R.O. 1988 § 42-410; Ord. No. 4762, 10-2-2023]

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

Section 42-411. Permitted In Residential Districts, When.

~~No-impact home-based businesses shall be permitted in all residences and in accordance~~

subject to the restrictions and limitations of this Article. The term "home occupation" when used in this Code shall be interpreted to mean home-based business.

HOME-BASED BUSINESS — A business operating in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

NO-IMPACT BUSINESSES — A home-based business that:

1. Is engaged in the sale of lawful goods and services; and
2. Does not cause a substantial increase in traffic through the residential area; and
3. The activities of the business are not visible from any public street; and
4. Does not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and
5. Does not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or any other time that the business is operating.

Section 42-412. Restrictions and Limitations.

1. A no-impact home-based business must be incidental and subordinate to the principal residential use of the premises and shall not include more than twenty-five percent (25%) of the floor area of any one (1) floor of a dwelling unit, not including the floor space of any permitted accessory building used by the business. This provision shall not be interpreted as allowing an accessory building, except by the usual permitting process for accessory buildings.
2. The owner or operator of the no-impact home-based business must be an owner or tenant of the residence and must reside at the residence.
3. The owner or operator of the no-impact home-based business may employ others to work in the no-impact home-based business.
4. The home occupation may be conducted in an existing detached accessory building that existed at the time this Article was adopted. A new accessory building shall not be constructed to house a home occupation.
5. Outdoor storage of materials or equipment used in the home occupation shall not be permitted.
6. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
7. Signage regarding the business is allowed, as outlined in Section 42-344 of this Chapter.
8. The owner or operator must provide adequate parking for the no-impact home-based business. Parking for the no-impact home-based business may include the driveway or garage of the residence or paved parking area located behind the front plane of the residence.

9. The total number of persons in the home, including residents, customers, clients, employees, and all others may not exceed the maximum occupancy of the residence at any time.

10. See Chapter 25 of this Code for licensing requirements.

Section 42-410. Home Occupations. [Ord. No. 4762, 10-2-2023]

1. Customary home occupations include the following activities:

a. Home offices; b. Studios for artists, sculptors, authors, photographers, musicians, and composers; c. Computer programming and data processing; d. Direct sale product distribution (Amway, Avon, Tupperware, etc.); provided parties for the purpose of selling merchandise or taking orders shall not be held more than once a month, shall be limited to ten (10) customers and shall be held between the hours of 9:00 A.M. and 10:00 P.M.; e. Dressmakers, seamstresses, and tailors; f. Home crafts, such as model making, rug weaving, woodworking, ceramics [with a kiln up to six (6) cubic feet] and similar activities; g. Mail order sales; h. Retail and sales, by appointment only; i. Music and art teachers or other tutoring services, with classes limited to ten (10) persons per day; j. Telephone answering service; k. Washing and ironing service; l. Services such as hair salon, nail salon, pet grooming; m. Food preparation and catering with proper Health Department licensure; n. Professional services such as counselling and massage therapy; o. Sale of foods grown on the property; p. "Work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform to all other requirements of this Section.

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

3. The following limitations for home occupations shall apply: a. The home occupation shall not produce offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust odors, or heat detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multi-family structure, shall constitute a violation; b. The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States Mail, similar parcel delivery service, or private vehicles with a gross vehicle weight rating of twenty four thousand (24,000) pounds or less; c. Not more than one (1) commercial vehicle utilized in the business shall be parked onsite; d. Signage is limited to one (1) sign up to four (4) square feet in area; and e. The number of employees and customers is not permitted to exceed the occupancy limit for the residential building.

4. A business license may be required for any customary home occupation which requires that customers or patrons come to the property:

5. A special exception may be granted by the Board of Adjustment to allow for a customary home occupation for any use not listed or similar to a listed use:

Section 42-700. Definitions. [Ord. No. 4762, 10-2-2023]

HOME-BASED BUSINESS - OCCUPATION - A business which is operated by the occupant of a residential dwelling from the Dwelling that manufactures, provides, or sells goods or services.

Sec 42.710 Zoning Use Table

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

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

- (Commercial Use)

	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
Residential Uses									
Home Based Business – no impact	P	P	P	P	P	P	P	P	P
Home Based Business – not defined as ‘no impact’	C	C	C	C	C	C*	C*	C	C*
Detached Single-family Dwelling	P	P	P	P	P	X	X	P	X
Residential Group Home	P	P	P	P	P	X	X	X	X
Modular Home	P	P	P	P	P	X	X	X	X
Mobile Home	X	X	X	X	X	X	X	X	X
Manufactured Home	X	X	X	X*	X	X	X	X	X
Residential-design Manufactured Home	P	P	P	P	P	X	X	P	X
Manufactured Home Park	X	X	X	C	X	X	X	X	X
Two-family (Duplex) Dwelling	X	P	P	P	P	X	X	P	X
Townhouse	X	C	P	P	P	X	X	P	X
Multi-family	X	X	P*	P*	P	X	C*	C	X
Overnight Shelter	X	X	X	C	C	X	X	X	C
Transitional Housing	X	X	X	C	C	X	X	C	X
Fraternity/Sorority House	X	C	X	P	P	X	X	C	X
Rooming and Boarding Houses	X	X	X	P	P	X	X	X	X
Family Child Care Home	P	P	P	P	P	X	X	X	X
Adult Day Care Home	P	P	P	P	P	X	X	X	X
Community Center	P	P	P	P	P	-	-	-	-
Nursing Home	C	C	X	P	X	-	-	-	-
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X

42-005

42-333(4) References 'Development Services Director' which is not referenced anywhere else in the Code

- Remedy
 - Updated to 'Community Development Director'

42-006

42-361(5) references the 'Trails Master Plan'

- Remedy
 - Added a footnote that the Trails Master Plan is on file in the City offices

42-007

42-364 (1) references 'Institute of Traffic Engineers'

- Remedy
 - Updated to read 'Institute of Transportation Engineers'

42-008 & 42-009

42-420 Adult use definitions/requirements should match the state statute

- Remedy
 - Updated to reflect Statutory requirements and match language (see attached redline)

Section 42-420. ~~Adult Uses~~ Sexually Oriented Businesses [Ord. No. 4762, 10-2-2023]

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

k. The fact that an applicant for ~~an adult use a sexually oriented business~~ license who has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Section.

l. The barring of such individuals from the management of ~~adult uses sexually oriented businesses~~ serves as a deterrent to, and prevents conduct that leads to the transmission of sexually transmitted diseases.

m. The general welfare, health, morals, and safety of the citizens of Rolla, Missouri, will be promoted by the enactment of this ~~Section~~ Division.

Section 42-421. ~~Adult Use Sexually Oriented Business~~ Definitions. [Ord. No. 4762, 10-2-2023]

Words and phrases contained in this ~~Section~~ Division shall be deemed to have certain meanings, as follows:

ADULT CABARET -- A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

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

DISPLAY —

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

~~EMPLOYEE — Any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment business. Any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.~~

ENTERTAINER — Any person who provides adult entertainment within ~~adult entertainment~~ a sexually oriented business premises as defined in this Section whether or not a fee is charged or accepted for entertainment.

EXPLICIT SEXUAL MATERIAL —

~~1. — Any picture, photograph, or other pictorial or visual representation, that depicts actual or simulated "specified sexual activities"; or~~

~~1. Any a book, magazine, newspaper or other printed or written material; or any video tape, DVD, or any other recorded medium whose content is made up in whole or in dominant part of depictions or descriptions of "specified sexual activities" or "specified anatomical areas;" pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.~~

KNOWINGLY — Having knowledge of the character and content of any material described herein or failure on notice to exercise reasonable inspection, which would disclose the content and character of the same.

MANAGER — Any person who manages, directs, administers, or is in charge of the affairs and/ or conduct of any portion of any activity involving adult entertainment occurring at any ~~adult entertainment sexually oriented business~~ premises.

MATERIAL — ~~Any book, magazine, or other printed or written material, or any picture, drawing, photograph, videotape, or other pictorial representation, figure, object or article. Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects.~~

OPERATOR — ~~Any person who manages, directs, administers, or is in charge of the affairs and/ or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises. Any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business.~~

PERSON — Any individual partnership, corporation, trust, incorporated or unincorporated association marital community joint venture, governmental entity, or other entity or group of persons however organized.

PREMISES -- ~~the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both.~~

PUBLIC PLACE — Any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person ~~as an act of sexual stimulation or gratification, who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.~~

SERVER — Any person who serves food or drink at an adult entertainment business.

SEXUAL CONDUCT -- ~~Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.~~

SEXUALLY ORIENTED BUSINESS — Includes:

1. ~~An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale~~

or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment:

a. Has a substantial portion of its displayed merchandise which consists of such items; or
b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or
c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

e. Maintains a substantial section of its interior business space for the sale or rental of such items; or

f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

2. An adult cabaret;

3. An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

4. A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

5. A sexual encounter center. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of

consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude.

1. — Means any business enterprise that:

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

b. — Has one (1) of the following as a regular and substantial business purposes: the providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display "specified anatomical areas" or "specified sexual activities"; or the providing of services that provide "specified sexual activities" or "specified anatomical areas" ancillary to other pursuits, or allow participation in "specified sexual activities" ancillary to other pursuits;

c. — The definition of "sexually oriented business," also includes, but is not limited to, any and all of the following as defined herein:

1) — **ADULT RETAIL ESTABLISHMENTS** — An establishment that has as a regular and substantial business purpose, offers for sale or rent, any one (1) or more of the following: instruments, devices, gifts, or paraphernalia that are designed for use in connection with "specified sexual activities" or clothing that graphically depicts "specified anatomical areas" or any materials, such as printed materials, photographs, slides, films, videotapes or DVD, sold or rented in an adult bookstore, adult news rack, or adult news stand that are characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

2) — **ADULT ENTERTAINMENT BUSINESS** — Any establishment to which the general public, patrons or members are invited or admitted and wherein an entertainer provides "adult entertainment," as defined herein. These establishments, include, but are not limited to, adult theater, adult entertainment cabaret, adult entertainment studio, adult encounter parlors, and body painting studios.

3) — **ADULT MOTION PICTURE THEATER** — An establishment containing a room with seats facing a screen or projection areas, where a regular and substantial portion of its business is the exhibition to customers of films, videotapes, or other such devices that are intended to provide sexual stimulation or sexual gratification to the customers and that are distinguished by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

4) — **BATH HOUSE** — An enterprise where a regular and substantial portion of its business is offering baths with other persons present who are nude or displaying "specified anatomical areas."

5) — **ADULT MOTEL** — An enterprise where a regular and substantial portion of its business is offering public accommodations for consideration for the purpose of viewing closed circuit television transmissions, films, motion pictures, videotapes, slides or other photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description

~~of "specified sexual activities" or "specified anatomical areas" and rents room accommodations for less than six (6) hours at a time.~~

SPECIFIED ANATOMICAL AREAS —

1. ~~Uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola or nipple, or any combination of the foregoing; or Less than completely and opaquely covered: human genitals, pubic region, buttock and female below a point immediately above the top of the areola; and~~
2. Human male genitals in a discernible erect state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — ~~Sexual conduct, being actual or simulated, acts of human masturbation, sexual intercourse, or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female, or any sadomasochistic abuse or acts including animals or any latent objects in an act or apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses Chapter of the Missouri Criminal Code. Includes any of the following:~~

1. ~~Intercourse, oral copulation, masturbation or sodomy; or~~
2. ~~Excretory functions as a part of or in connection with any of the activities described in paragraph (1) of this definition.~~

SUBSTANTIAL BUSINESS PURPOSE —

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

Section 42-422. Adult Use License. [Ord. No. 4762, 10-2-2023]

(Entire section to be relocated and revised in Chapter 25, Licenses)

Section 42-423. Adult Use Requirements And Standards. [Ord. No. 4762, 10-2-2023]

(Sections 1-6, 8, 10-17 to be relocated to Chapter 25)

42-010

Ch. 42, Article IV, Division 6 references provisions that are also in Chapter 15. Need to ensure they match.

- Remedy
 - Delete text of 42-470 and replace with verbiage that references Chapter 15.

Section 42-470. Floodplain Development.

[R.O. 1988 § 42-470; Ord. No. 4762, 10-2-2023]

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas shall meet the requirements of Chapter 15 of this Code.

are required to assure that:

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

42-011

Definition of Alley in 42-501 (1) and 42-700(3) do not match

- Remedy
 - Update language in 42-501 to match 42-700

42-012

Definition of Lot in 42-501(14) and 42-700 (28) do not match

- Remedy
 - Update language in 42-501 to match 42-700

42-013

Definition of person in 42-501(22) and 42-700(46) do not match

- Remedy
 - Update language in 42-501 to match 42-700

42-014

Definition of setback in 42-501(26) does not match 42-700(51)

- Remedy
 - Changed both definitions to: the distance by which a building or part of a building is set back from the property line.

42-015

42-515(11)(a) references one-half (1.5) mile

- Remedy
 - Revised to read one and one-half (1.5) mile

42-016

42-016 references the zoning map being held as an attachment to the chapter

- Remedy
 - Revise to say the zoning map is on file in the City offices

42-017

Each zoning change is listed (Plats and rezoning) in Chapter 42.

- Remedy
 - Delete these from Chapter 42



A Member of the ICC Family of Solutions

Report of Final Codification Changes Recodification Project

PREPARED FOR:

City of Rolla, MO

PROJECT EDITOR:

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INTRODUCTION

Report

This report is based on the Editorial and Code Analysis completed by City Officials and returned to General Code in May 2025, as well as the City’s responses to the Final Draft questions returned in September 2025. It has been updated with decisions by the City Officials, which are indicated by a marked box next to the chosen option and written-in comments by both the City and General Code.

Statutory Updates

The Model Code provisions in the Draft of the City’s Code reflect Statutory Updates through the 2024 Legislative Session.

Legal Advice

Please note that it is not the intent of General Code to give legal advice or opinions by way of the Editorial and Code Analysis, but rather to provide as much information as possible to enable City Officials to make necessary decisions. Any questions as to validity or legal sufficiency of legislation, or as to interpretation of cases and statutes, will properly remain the responsibility of your Municipal Attorney.

Last Legislation in Code

The last legislation reviewed for the final publication of the Code was Ord. No. 4860, adopted May 19, 2025.

Process/Next Steps

Deliverables under the terms of the contract are five (5) print copies of the Code. This Report of Final Codification Changes should be kept with the Code Adoption Ordinance supplied by General Code.

Question 42-001

Code Content:

§ 42-124.5(2)

Code / Municipal Code / Planning and Zoning / Administration / Board Of Adjustment / Board Of Adjustment — Variances And Special Exceptions.

The Board of Adjustment may authorize special exceptions to this Chapter as follows:

§ 42-152 *Board Of Adjustment.*

Code / Municipal Code / Planning and Zoning / Administration / Non-Conforming Uses

These provisions appear to overlap, at least in part. In order to avoid the potential for conflict moving forward, the City may want to delete overlapping provisions from one of these Sections. The City could also replace any overlapping provisions with a reference to the other Section.

Please review and advise what revisions are needed herein.

Options:

Revise as follows:

Delete subsection 42-152 A; move 42-152 B and C to 42-125 to F and G. In section 42-152 reference the exceptions contained in 42-124.5

See attached revisions.

Do not revise.

Defer decision until after Code publication

GC Comment:

The contents of § 42-152(2) and (3) were relocated to § 42-125 as Subsections (4) and (5). The Derivation Table contains a note to refer to Ch. 42, Art. I, Div.3, so no editor's note was added.

Internal Discussion: No comments yet

Question History:

2025-02-05 15:31:22 - Dawn Bell - Community Development Director unassigned question from Dawn Bell - Community Development Director.

2025-02-05 15:31:16 - Dawn Bell - Community Development Director unset question needs review.

2025-02-05 15:31:12 - Dawn Bell - Community Development Director changed the text of option: "Revise as follows:".

2025-02-05 15:29:33 - Dawn Bell - Community Development Director selected option: "Revise as follows:".

2024-12-05 15:57:38 - Lorri Powell - City Clerk set question needs review.

2024-12-05 15:57:37 - Lorri Powell - City Clerk assigned question to Dawn Bell - Community Development Director.

Question 42-002

Code Content:

Ch 42 Art I Div 7 Enforcement

Code / Municipal Code / Planning and Zoning / Administration

The City may want to review Section 89.120, RSMo., set out below, and determine whether any revisions are needed in this Article.

Note that Sections 479.350 and 479.353, RSMo., as revised by Senate Bills 5 (2015) and 572 (2016), may affect the application of zoning penalties — see the provisions regarding municipal ordinance violations in our [Sample General Penalty Exceptions Section](#) and our comment to [Section 1-7](#) at the beginning of this Analysis. The City may want to discuss these provisions with the City Attorney.

We have provided a [Sample Zoning Penalty](#) that incorporates the provisions of Senate Bills 5 and 572.

89.120. Violations--penalties

1. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of sections 89.010 to 89.140 or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of sections 89.010 to 89.140.

2. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable as follows:

(1) In any city with more than three hundred thousand inhabitants, by a fine of not less than ten dollars and not more than five hundred dollars for each and every day that such violation continues, 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. Notwithstanding the provisions of section 82.300, however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred and fifty dollars or more than one thousand dollars for each and every day that 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;

(2) In all other municipalities, by a fine of not less than ten dollars and not more than two hundred fifty dollars for each and every day that such violation continues, 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. Notwithstanding the provisions of section 82.300, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that 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.

3. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars.

Options:

See attached revisions.

Do not revise.



Revise as follows:

Use sample ordinance.

Defer decision until after Code publication

Internal Discussion:

lpowell@rollacity.org 2024-12-05T16:08:36.805522

Nathan - can you review the penalty provisions of Ch. 42 in light of SB 5. Should we incorporate the progressive fine provision in Statutes herein?

Question History:

2025-01-01 20:17:24 - Nathan Nickolaus - Attorney unset question needs review.

2025-01-01 20:17:21 - Nathan Nickolaus - Attorney changed the text of option: "Revise as follows:".

2025-01-01 20:17:09 - Nathan Nickolaus - Attorney selected option: "Revise as follows:".

2024-12-05 16:07:42 - Lorri Powell - City Clerk set question needs review.

2024-12-05 16:07:40 - Lorri Powell - City Clerk assigned question to Nathan Nickolaus - Attorney.

Question 42-003

Code Content:

§ 42-203 Zoning Use Definitions.

Code / Municipal Code / Planning and Zoning / Zoning Districts / Generally

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

§ 42-454 Medical Marijuana Uses.

Code / Municipal Code / Planning and Zoning / Special Regulations / Special Uses

On August 7, 2023, the City adopted Ord. No. 4748, which sets out marijuana regulations that reflect the approval of marijuana for "adult use." The City then adopted Ord. No. 4762 on October 2, 2023, which sets out a fully revised Chapter 42, superseding previous ordinances.

The City may want to compare these Sections (and any other marijuana provisions in this Chapter) to Ord. No. 4748 to ensure all of the necessary marijuana regulations have been included in this Chapter. Note that the title of Section 42-454 and portions of the provisions therein suggest that Section only applies to medical use and does not address adult use.

Please review and advise.

Options:

Revise as follows:



See attached revisions.

Medical Marijuana Uses 1 .docx

Do not revise.

Defer decision until after Code publication

Note: The word 'medical' on the heading was supposed to have been taken out when ch. 42 was adopted in 2023 but we struck it out with this version as well. We did update it as well.

Internal Discussion:

lpowell@rollacity.org 2024-12-05T16:12:16.147319

Make sure we update to adult use marijuana regulations

Question History:

2025-05-14 13:30:55 - Dawn Bell - Community Development Director unset question needs review.

2025-05-14 13:30:35 - Dawn Bell - Community Development Director added question note.

2025-05-14 13:29:17 - Dawn Bell - Community Development Director uploaded a file for option: "See attached revisions."

2025-05-14 13:29:04 - Dawn Bell - Community Development Director selected option: "See attached revisions."

2024-12-05 16:11:40 - Lorri Powell - City Clerk set question needs review.

2024-12-05 16:11:38 - Lorri Powell - City Clerk assigned question to Dawn Bell - Community Development Director.

Question 42-004

Code Content:

42-203{14} HOME OCCUPATION

Code / Municipal Code / Planning and Zoning / Zoning Districts / Generally / Zoning Use Definitions.

The use does not include operations which would be classified as an agricultural business use.

§ 42-410 Home Occupations.

Code / Municipal Code / Planning and Zoning / Special Regulations / Generally

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

42-700{24} HOME OCCUPATION

Code / Municipal Code / Planning and Zoning / Appendix / Definitions.

A business which is operated by the occupant of a dwelling from the dwelling.

The City should review Sections 89.500 and 71.990, RSMo., set out below, which were enacted during the 2022 Legislative Session, and determine whether any revisions are needed herein. These statutory provisions appear to restrict the City's ability to regulate certain home occupations.

89.500. Home-based work — limitation on zoning restrictions.

1. *As used in this section, the term "home-based work" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.*

2. *A zoning ordinance or regulation adopted pursuant to this chapter that regulates home-based work shall not:*

- (1) Prohibit mail order or telephone sales for home-based work;*
- (2) Prohibit service by appointment within the home or accessory structure;*
- (3) Prohibit or require structural modifications to the home or accessory structure;*
- (4) Restrict the hours of operation for home-based work; or*
- (5) Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure.*

3. *A zoning ordinance or regulation adopted pursuant to this chapter that regulates home-based work shall not contain provisions that explicitly restrict or prohibit a particular occupation.*

4. *The application of this section does not supersede any deed restriction, covenant, or agreement restricting the use of land nor any master deed, by law or other document applicable to a common*

interest ownership community. (L. 2022 H.B. 1662)

71.990. Home-based business, use of residential dwelling — limitations on restrictions by political subdivisions — reasonable regulations permitted.

1. As used in this section, the following terms mean:

- (1) "Goods", any merchandise, equipment, products, supplies, or materials;*
- (2) "Home-based business", any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.*

2. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:

- (1) Any deed restriction, covenant, or agreement restricting the use of land; or*
- (2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.*

3. Except as prescribed under subsection 4 of this section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this section, a home-based business qualifies as a no impact, home-based business if:

- (1) The total number of employees and clients onsite at one time does not exceed the occupancy limit for the residential dwelling; and*
- (2) The activities of the business:*
 - (a) Are limited to the sale of lawful goods and services;*
 - (b) May involve having more than one client on the property at one time;*
 - (c) Do not cause a substantial increase in traffic through the residential area;*
 - (d) Do not violate any parking regulations established by the political subdivision;*
 - (e) Occur inside the residential dwelling or in the yard of the residential dwelling;*
 - (f) Are not visible from the street; and*
 - (g) Do not violate any narrowly tailored regulation established under subsection 4 of this section.*

4. A political subdivision may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of:

(1) Protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or

(2) Ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

5. No political subdivision shall require a person, as a condition of operating a home-based business, to:

(1) Rezone the property for commercial use;

(2) Obtain a home-based business license; or

(3) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with no more than two dwelling units.

6. Whether a regulation complies with this section is a judicial question. (L. 2022 H.B. 1662)

Options:

Revise as follows:

■ ***See attached revisions.***

Home Occupations.docx

Pevely Home Occupations_.docx

Ch. 42 Definitions home based-business.docx

ZONING TABLE.docx

Do not revise.

Defer decision until after Code publication

Note: The Pevely Article goes into Business Licenses, Ch. 25. and Cathy, please have them review this, both in Zoning and in Business, to be sure it looks right to them. I think they did a great job. Marge

Internal Discussion:

lpowell@rollacity.org 2024-12-05T16:18:35.137139

Review in light of new State Statutes - consider move to business licensing rather than zoning
(Marge can send sample code)

Question History:

2025-05-15 10:27:48 - Marge Perry - code editor added question note.

2025-05-14 14:04:41 - Dawn Bell - Community Development Director unset question needs review.

2025-05-14 14:04:38 - Dawn Bell - Community Development Director uploaded a file for option: "See attached revisions."

2025-05-14 14:04:34 - Dawn Bell - Community Development Director uploaded a file for option: "See

attached revisions."

2025-05-14 14:04:29 - Dawn Bell - Community Development Director uploaded a file for option: "See attached revisions."

2025-05-14 14:04:24 - Dawn Bell - Community Development Director uploaded a file for option: "See attached revisions."

2025-05-14 14:04:12 - Dawn Bell - Community Development Director selected option: "See attached revisions."

2024-12-05 16:14:55 - Lorri Powell - City Clerk set question needs review.

2024-12-05 16:14:52 - Lorri Powell - City Clerk assigned question to Dawn Bell - Community Development Director.

Question 42-005

Code Content:

§ 42-333(4)

Code / Municipal Code / Planning and Zoning / General Provisions / Landscaping, Screening, And Buffer yards / Landscaping, Screening, And Fencing Standards.

Existing trees and vegetation may be retained to fully or partially satisfy the screening requirements if approved by the **Development Services Director**. Such screening area must be a minimum of twenty (20) feet in width.

It doesn't appear that the Development Services Director is referenced anywhere else in the Code. Should this refer to the Community Development Director?

Options:

Revise as follows:

Do not revise.

☒ **Revise as suggested.**

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-10-31 16:51:06 - Lorri Powell - City Clerk selected option: "Revise as suggested.".

Question 42-006

Code Content:

§ 42-361(5)

Code / Municipal Code / Planning and Zoning / General Provisions / Development Requirements / Sidewalks.

The City of Rolla may participate in the cost of construction of sidewalks to close gaps in sidewalk connectivity, enhance ADA compliance, build wider sidewalks in the center City or for trails as indicated in the adopted **Trails Master Plan**, and construct pedestrian bridges or culverts to cross highways, railways, or waterways.

If the Trails Master Plan is on file in the City offices, we will add a footnote to that effect. If not, the City may want to specify what this document is and/or where it can be accessed.

Options:

Revise as follows:

Do not revise.

☒ ☐ ***Add a footnote that the Trails Master Plan is on file in the City offices.***

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-10-31 16:51:31 - Lorri Powell - City Clerk selected option: "Add a footnote that the Trails Master Plan is on file in the City offices.".

Question 42-007

Code Content:

§ 42-364(1)

Code / Municipal Code / Planning and Zoning / General Provisions / Development Requirements / Traffic Impact Analysis.

A traffic impact analysis may be required for any new development that will generate one hundred (100) or more peak hour trips using current **Institute of Traffic Engineers** Trip Generation Manual, or accessing a street or road or near an intersection with a known level of service of D, E, or F.

We believe the reference highlighted above should read "Institute of Transportation Engineers." Please review and advise.

Options:

Revise as follows:

Do not revise.

☒ **Revise as suggested.**

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-10-31 16:51:50 - Lorri Powell - City Clerk selected option: "Revise as suggested.".

Question 42-008

Code Content:

§ 42-421 *Adult Use Definitions.*

Code / Municipal Code / Planning and Zoning / Special Regulations / Adult Uses

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

The City may want to compare this Section to the similar definitions in Section 573.010, RSMo., set out below, and determine whether any revisions should be made herein. Note that the definitions in the Statutes don't use the term "adult entertainment business," but instead use the term "sexually oriented business."

In the event the City's definition and the statutory definition are not similarly named, the City should clarify which definition(s) to replace if a statutory definition is used.

Note that any revisions made herein may require wording throughout this Article and/or Chapter to be revised.

573.010. Definitions

As used in this chapter the following terms shall mean:

(1) *"Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;*

(2) *"Characterized by", describing the essential character or dominant theme of an item;*

(3) *"Child", any person under the age of fourteen;*

...

(5) *"Employ", "employee", or "employment", any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;*

(6) *"Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;*

(7) *"Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;*

(8) *"Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data,*

or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

...

(12) "Operator", any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;

...

(15) "Premises", the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;

...

(18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

...

(20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

...

(22) "Sexually oriented business" includes:

(a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment:

a. Has a substantial portion of its displayed merchandise which consists of such items; or

b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

e. Maintains a substantial section of its interior business space for the sale or rental of such items; or

f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

...

(24) "Specified anatomical areas" include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) "Specified sexual activity", includes any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) "Substantial", at least thirty percent of the item or items so modified;

...

(L.1977, S.B. No. 60, p. 662, § 1, eff. Jan. 1, 1979. Amended by L.1985, H.B. Nos. 366, 248, 372 & 393, § B, eff. July 19, 1985; L.1987, H.B. Nos. 113, 501 & 668, § A, eff. July 15, 1987; L.1989, H.B. No. 225, § A; L.2000, S.B. Nos. 757 & 602, § A; L.2006, H.B. Nos. 1698, 1236, 995, 1362 & 1290, § A, eff. June 5, 2006; L.2014, S.B. No. 491, § A, eff. Jan. 1, 2017; L.2022, S.B. Nos. 775, 751 & 640, § A, eff. Aug. 28, 2022.)

Options:

Do not revise.

Revise as follows:

 **See attached revisions.**

Adult Uses--ch. 42 Art. IV Div 2 revised.docx
Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2025-05-14 14:09:44 - Dawn Bell - Community Development Director unset question needs review.

2025-05-14 14:09:38 - Dawn Bell - Community Development Director uploaded a file for option: "See attached revisions."

2025-05-14 14:09:34 - Dawn Bell - Community Development Director selected option: "See attached revisions."

2024-12-05 16:22:29 - Lorri Powell - City Clerk set question needs review.

2024-12-05 16:22:25 - Lorri Powell - City Clerk assigned question to Dawn Bell - Community

Development Director.

Question 42-009

Code Content:

§ 42-422 *Adult Use License.*

Code / Municipal Code / Planning and Zoning / Special Regulations / Adult Uses

§ 42-423 *Adult Use Requirements And Standards.*

Code / Municipal Code / Planning and Zoning / Special Regulations / Adult Uses

The City may want to compare these Sections to the provisions set out in Section 573.531, RSMo., set out below, and determine whether any revisions are needed herein.

Note that Section 573.540, RSMo., requires the City's regulations to be "the same or stricter than but not inconsistent with" certain statutory Sections, including Section 573.531, RSMo.

573.531. Establishment of business, prohibited where--nudity in establishment prohibited--display of sexual activities, requirements--state requirements--hours of operation--minors and alcohol prohibited--definitions

1. No person shall establish a sexually oriented business within one thousand feet of any preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. This subsection shall not apply to any sexually oriented business lawfully established prior to August 28, 2010. For purposes of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business.

2. No person shall establish a sexually oriented business if a person with an influential interest in the sexually oriented business has been found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(1) Rape and sexual assault offenses;

(2) Sexual offenses involving minors;

(3) Offenses involving prostitution;

(4) Obscenity offenses;

(5) Offenses involving money laundering;

(6) Offenses involving tax evasion;

(7) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (1) to (6) of this subsection; or

(8) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in subdivisions (1) to (7) of this subsection.

3. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

4. No employee shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed stage at least six feet from all patrons and at least eighteen inches from the floor in a room of at least six hundred square feet.

5. No employee, who appears in a semi-nude condition in a sexually oriented business, shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

6. A sexually oriented business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;

(2) An operator's station shall not exceed thirty-two square feet of floor area;

(3) If the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;

(4) The view required under this subsection shall be by direct line of sight from the operator's station;

(5) It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and

(6) It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

7. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of sections 573.525 to 573.537 shall be given one hundred eighty days after August 28, 2010, to comply with the stage and building requirements of sections 573.525 to 573.537. During such one hundred eighty-day period, any employee who appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at least six feet

from all patrons.

8. No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 12:00 midnight and 6:00 a.m. on any day.

9. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

10. No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.

11. As used in this section, the following terms mean:

(1) "Establish" or "establishment", includes any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(c) The addition of any sexually oriented business to any other existing sexually oriented business;

(2) "Influential interest", includes any of the following:

(a) The actual power to operate a sexually oriented business or control the operation, management, or policies of a sexually oriented business or legal entity which operates a sexually oriented business;

(b) Ownership of a financial interest of thirty percent or more of a business or of any class of voting securities of a business; or

(c) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity which operates a sexually oriented business;

(3) "Viewing room", the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction.

(L.2010, S.B. Nos. 586 & 617, § A. Amended by L.2014, S.B. No. 491, § A, eff. Jan. 1, 2017.)

Options:

Do not revise.

Revise as follows:

updated in documents for previous question.

See attached revisions.

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2025-05-14 14:10:15 - Dawn Bell - Community Development Director unset question needs review.

2025-05-14 14:10:13 - Dawn Bell - Community Development Director changed the text of option: "Revise as follows:".

2025-05-14 14:09:55 - Dawn Bell - Community Development Director selected option: "Revise as follows:".

2024-12-05 16:25:43 - Lorri Powell - City Clerk set question needs review.

2024-12-05 16:25:41 - Lorri Powell - City Clerk assigned question to Dawn Bell - Community Development Director.

Question 42-010

Code Content:

Ch 42 Art IV Div 6 Floodplain Development

Code / Municipal Code / Planning and Zoning / Special Regulations

The City should compare these provisions to the provisions in [Chapter 15](#) to ensure they do not conflict. Please review and advise if any revisions are needed herein.

Options:

■ *Revise as follows:*

■ Delete the text of Section 42-470 and replace with the following: Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas shall meet the requirements of Chapter 15 of this Code.

Do not revise.

See attached revisions.

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-12-05 16:36:03 - Lorri Powell - City Clerk unset question needs review.

2024-12-05 16:35:08 - Marge Perry - code editor changed the text of option: "Revise as follows:".

2024-12-05 16:33:25 - Marge Perry - code editor set question needs review.

2024-12-05 16:33:20 - Marge Perry - code editor changed the text of option: "Revise as follows:".

2024-12-05 16:33:17 - Marge Perry - code editor selected option: "Revise as follows:".

Question 42-011

Code Content:

42-501{1} ALLEY

Code / Municipal Code / Planning and Zoning / Subdivision Regulations / Definitions.

A public way, which affords a secondary access point to an abutting lot.

42-700{3} ALLEY

Code / Municipal Code / Planning and Zoning / Appendix / Definitions.

A public way that extends only secondary means of access to abutting property located within a block.

Should these two definitions be the same? Please review and advise if any revisions are needed.

Options:

Revise as follows:

Use the definition from - 42-700 to replace the definition in 42-501 AND in section 42-441 revise the definition of LICENSE to read as follows: A written license issued by the City allowing a person to operate and maintain a manufactured home park under the provisions of this Section and regulations of the Zoning Code.

Do not revise.

See attached revisions.

Defer decision until after Code publication

Internal Discussion:

maperry@generalcode.com 2024-12-05T17:10:46.615392

FYI: In this Question I added the change requested in 42-441, definition of LICENSE to remove the word Clerk.

Question History:

2024-12-05 17:09:30 - Marge Perry - code editor changed the text of option: "Revise as follows:".

2024-12-05 16:37:50 - Lorri Powell - City Clerk changed the text of option: "Revise as follows:".

2024-12-05 16:37:09 - Lorri Powell - City Clerk selected option: "Revise as follows:".

Question 42-012

Code Content:

42-501{14} LOT

Code / Municipal Code / Planning and Zoning / Subdivision Regulations / Definitions.

A property as designated in a duly approved and recorded subdivision or by a metes and bounds description.

42-700{28} LOT

Code / Municipal Code / Planning and Zoning / Appendix / Definitions.

An undivided tract or parcel of land that is under one (1) ownership, and is designated as a separate tract of land by identifying its boundaries by a lot number or letter on a duly approved and recorded subdivision or by a metes and bounds description on a recorded instrument.

Should these two definitions be the same? Please review and advise if any revisions are needed.

Options:

☒ ***Revise as follows:***

☐ Use the definition from - 42-700 to replace the definition in 42-501

Do not revise.

See attached revisions.

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-12-05 16:39:26 - Lorri Powell - City Clerk changed the text of option: "Revise as follows:".

2024-12-05 16:39:09 - Lorri Powell - City Clerk selected option: "Revise as follows:".

Question 42-013

Code Content:

42-501{22} PERSON

Code / Municipal Code / Planning and Zoning / Subdivision Regulations / Definitions.

See Owner.

42-700{46} PERSON

Code / Municipal Code / Planning and Zoning / Appendix / Definitions.

Any individual, corporation, association, firm, partnership, institution or other legal entity, singular or plural.

Should these two definitions be the same? Please review and advise if any revisions are needed.

Options:

☒ ***Revise as follows:***

☒ Use the definition from - 42-700 to replace the definition in 42-501

Do not revise.

See attached revisions.

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-12-05 16:40:19 - Lorri Powell - City Clerk changed the text of option: "Revise as follows:".

2024-12-05 16:40:12 - Lorri Powell - City Clerk selected option: "Revise as follows:".

Question 42-014

Code Content:

42-501{26} SETBACK OR BUILDING LINE

Code / Municipal Code / Planning and Zoning / Subdivision Regulations / Definitions.

A line specifically established upon the plat or established by the Zoning Code which identifies an area into which no part of a building shall project.

42-700{51} SETBACK


Code / Municipal Code / Planning and Zoning / Appendix / Definitions.

The mandatory minimum or maximum distance between a lot line and an elevation of a building or the closest point of a structure that is not a building, unless otherwise indicated.

Should these two definitions be the same? Please review and advise if any revisions are needed.

Options:

 ***Revise as follows:***

 Change both definitions to: the distance by which a building or part of building is set back from the property line.

Do not revise.

See attached revisions.

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-12-05 16:42:39 - Lorri Powell - City Clerk changed the text of option: "Revise as follows:".

2024-12-05 16:42:01 - Lorri Powell - City Clerk selected option: "Revise as follows:".

Question 42-015

Code Content:

§ 42-515(11)(a)


Code / Municipal Code / Planning and Zoning / Subdivision Regulations / Design Requirements — Parks Dedication. / Design Requirements — Parks Dedication.


Acquisition of neighborhood or community parks within **one-half (1.5) mile** of the applicable subdivision.

Should the text highlighted above read "one-half (0.5) mile" or "one and one-half (1.5) miles"?

Options:

Revise the above-highlighted text to read "one and one-half (1.5) miles."

 **Revise as follows:**

 See the attached "sec 42-515 revised" document in the "edit note to editor" below

Revise the above-highlighted text to read "one-half (0.5) mile."

Defer decision until after Code publication

Note: change this section per attached document

notes/42-015 - Note - 583792861 - sec. 42-515 revised.docx

Internal Discussion: No comments yet

Question History:

2025-04-15 16:07:47 - Marge Perry - code editor edited question note.

2025-01-16 15:58:12 - Lorri Powell - City Clerk unset question needs review.

2025-01-16 15:58:06 - Marge Perry - code editor edited question note.

2025-01-16 15:58:03 - Lorri Powell - City Clerk edited question note.

2025-01-16 15:57:00 - Lorri Powell - City Clerk changed the text of option: "Revise as follows:".

2025-01-16 15:56:20 - Marge Perry - code editor uploaded question note file.

2025-01-16 15:56:19 - Marge Perry - code editor added question note.

2025-01-16 15:55:19 - Marge Perry - code editor changed the text of option: "Revise as follows:".

2025-01-16 15:54:31 - Lorri Powell - City Clerk selected option: "Revise as follows:".

2025-01-16 15:54:30 - Marge Perry - code editor set question needs review.

2024-12-05 16:46:21 - Lorri Powell - City Clerk selected option: "Revise the above-highlighted text to read "one and one-half (1.5) miles."".

2024-12-05 16:45:37 - Lorri Powell - City Clerk selected option: "Revise the above-highlighted text to read "one-half (0.5) mile."".

Question 42-016

Code Content:

§ 42-900 *Zoning Map*

Code / Municipal Code / Planning and Zoning / Zoning Map

The Zoning Map is held as an attachment to this Chapter.

As noted in this Section, a copy of the City's Zoning Map is included as an attachment to this Chapter (see the [Chapter 42 Table of Contents](#), which includes the link to the [attached Zoning Map](#)); however, in late November 2023, the City expressed some concerns about the accuracy of the Zoning Map. Should this attachment be removed from this Chapter?

If the attachment is removed, we will revise this Section to read as follows, unless the City indicates otherwise:

The Zoning Map is on file in the City offices.

Options:

Retain the Zoning Map as an attachment to this Chapter.

Revise as follows:

☒ ***Remove the attached Zoning Map from the Code and revise this Section as suggested.***

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-12-05 16:49:06 - Lorri Powell - City Clerk selected option: "Remove the attached Zoning Map from the Code and revise this Section as suggested.".

Question 42-017

Code Content:

*Ch 42 Art X Subdivision and Resubdivision of Property
Code / Municipal Code / Planning and Zoning*

*Ch 42 Art XI Amendments to the Official Zoning Districts Map
Code / Municipal Code / Planning and Zoning*

Specific lists of zoning changes are not typically set out in Municipal Codes as they are not general in nature. Note, also, that these provisions were not set out in Ord. No. 4762, which adopted a fully revised version of Chapter 42. Could these two Articles be removed from the Code? Note that if these Articles are removed, this information will be saved from repeal in the adopting ordinance provided with the final Code.

If the City would like to retain this information in the Code, we suggest the City set these provisions out in separate Appendix Chapters so they are easier to maintain and make Chapter 42 easier to navigate. As an example, see [City of Bridgeton, APPENDIX IV-I](#). These Appendix Chapters would be set out (in part) as follows:

Appendix 42-I, Acceptance Of Plats

Appendix 42-II, Public Land Transfers

...

Appendix 42-VI, Planned Unit Developments

Appendix 42-VII, Annexations, Zoning, and Rezoning Amendments

Please review and advise.

Options:

Retain these provisions in the Code but set them out as Appendix Chapters as suggested above.

Other (explain):

☒ **Delete these two Articles and save these provisions from repeal.**

Defer decision until after Code publication

Internal Discussion: No comments yet

Question History:

2024-12-05 16:55:57 - Lorri Powell - City Clerk selected option: "Delete these two Articles and save these provisions from repeal.".
