



## ARTICLE 1. GENERAL PROVISIONS

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### 1.01 OVERVIEW

- A. **Title.** These regulations shall be known and may be cited and referred to as the Pleasant Hill Unified Development Code. References to “the Code”, “UDC”, “development code” or “these regulations” shall be considered a reference to the Pleasant Hill Unified Development Code. References to “zoning” or “subdivision” regulations or standards may be interpreted as references to specific parts of the UDC.
- B. **Purpose.** The Pleasant Hill Unified Development Code serves the following purposes:
1. To implement the City of Pleasant Hill’s Comprehensive Plan, and other plans and programs authorized under the guidance of the Comprehensive Plan.
  2. To promote the health, safety, and welfare of the City and its residents.
  3. To promote planning and urban design that emphasizes distinct places and unique elements of community character documented throughout Pleasant Hill.
  4. To invest public funds effectively and efficiently, and in a manner that creates lasting value for the community.
  5. To divide the city into zones and districts that promote the character, compatibility, scale and transitions of land use patterns.
  6. To provide a variety of housing opportunities for all residents and citizens.
  7. To conserve and protect property values throughout the City.
  8. To regulate and restrict the development and use of buildings and land within each zoning district to create a compatible scale and range of building types within districts, and to promote the appropriate relationship of development to the public realm and to adjacent property.
- C. **Authority and Jurisdiction.** These regulations are created through the authority granted by Chapters 89 and 445 of the Missouri Statutes. The provisions of these regulations shall apply to all structures and land within the incorporated area of Pleasant Hill, Missouri, as depicted on the official zoning map, and may apply to any other areas designated by the City through procedures and criteria authorized by Chapters 89 and 445 of the Missouri Statutes.
- D. **Severability.** If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, the judgment shall not affect any other provisions of these regulations. If any court of competent jurisdiction shall adjudge the application of a provision of these regulations to be invalid when applied to a particular property or project, the judgment shall not affect the application of the provision to other property or projects with different circumstances.



E. **Effective Date** [Reserved for adoption draft]

## 1.02 INTERPRETATION

A. **Rules of Construction.** The following rules regarding interpretation of this code apply:

1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
2. The present tense includes the future tense and the future tense includes the present tense.
3. The singular includes the plural and the plural includes the singular.
4. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
5. Lists of examples prefaced by "including the following," "such as," or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of these lists including other similar and non-mentioned examples.
6. "Shall" or "must" is mandatory; "should" or "may" is permissive but recommended as a way to best meet the standard or intent of the standard.
7. A reference to an administrative official shall refer to that official or his or her official designee, and all references to specific city officials may also include any other designee of the City Administrator.
8. Any reference to other official local, state or federal government rules or regulations shall include the then-current versions of those regulations, provided they remain binding.
9. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
10. The word "City" means the City of Pleasant Hill, Missouri.
11. The abbreviation N/A means not applicable.
12. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern. In making a determination of which standard is more restrictive the official may consider which is more specific, which is more consistent with the Comprehensive Plan, which is more consistent with the purposes, intent and objectives of these regulations, and which best promotes the public health, safety and welfare.

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

1. *General Calculations.* When calculations result in fractions it shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement, and rounded down to the nearest whole number if the standard is expressed as maximum allowance.
2. *Buildings:* The following shall be used in interpreting dimensional standards for buildings:



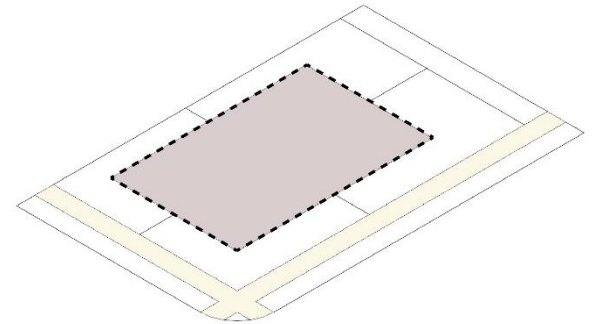
a. **Building Coverage.** The percentage of the total area of the lot covered by buildings or roofed areas of principal and accessory buildings, measured along the exterior wall at ground level, excluding the first 4 feet of any unenclosed roof overhangs. Building coverage may control the scale, mass, or orientation of the building more than is established within the setback lines. It does not include any unroofed projections, surface parking, or uncovered patios, stoops or plazas.

b. **Building Frontage.** Building frontage is the portion of the building that establishes the relationship to the public realm or street upon which the lot fronts. When expressed as a minimum percentage, it shall be interpreted as the percent of the lot frontage at which a building line must be established, including any specified alternatives to the building line that establish a similar relationship to the public realm or street.

c. **Building Setbacks.** Setbacks are the minimum required distance between any lot line and the building. When front building setbacks are expressed as a range (i.e. 10' to 25'), it shall be interpreted as a "build to" range, within which distance the front building line of the principal structure shall be established.

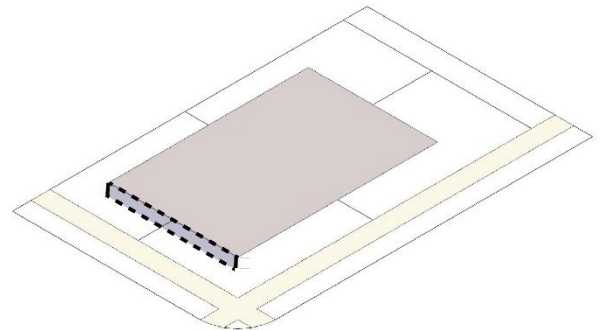
d. **Building Height.** Building height is measured from the average grade to the highest point of a roof. Average grade is determined by calculating the average of the highest and lowest elevation of pre-development grade along the front building line parallel to the street. Where significant development is proposed in association with a grading plan, post development grades may be used subject to that plan. Building heights expressed in both dimension and stories shall use the additional story limits to impact the scale, form, and mass of the building within the permitted overall height.

e. **Story.** A story is the part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of a floor and the ceiling next above. Story heights shall be:



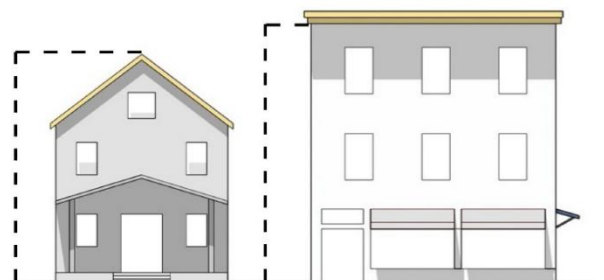
**Figure 1-1 Building Coverage**

*Amount of the lot allowed to be covered by structures can alter buildable area in addition to just setbacks.*



**Figure 1-2 Building Height & Grade**

*Building height is measured from the average grade at the front building line to the top of roof. Grades from front to rear do not affect permitted building height.*

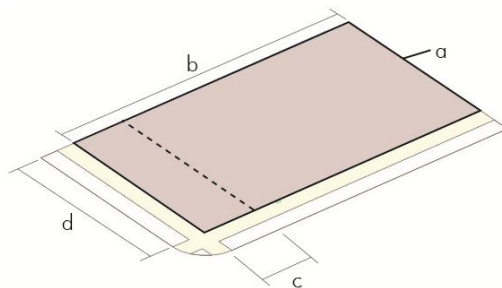


**Figure 1-3 Top of Roof**

*Parapets on flat roof buildings are not considered when measuring height and are subject to limited exceptions in this Code.*



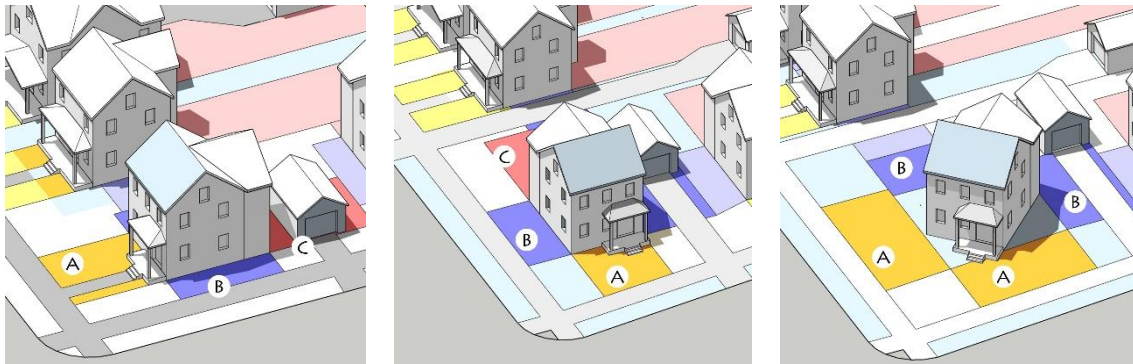
1. 9 to 14 feet for residential buildings
  2. 12 to 20 feet for nonresidential buildings
  3. Any story that has less than 4 feet of its height exposed above finished grade on the front elevation, or which has more than 50% of its perimeter exterior wall area measured from the finished floor elevation surrounded by finished grade shall not count as a story for the purpose of measuring building height.
- f. **Story, Half:** The space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level and in which the possible floor area with head room of 5 feet or less is at least 40% of the total floor area of the story directly beneath.
3. **Lots:** The following shall be used in interpreting dimensional standards for lots:
- a. **Lot Area.** The minimum required area of a horizontal plane bounded by the vertical planes through front, rear and side lot lines, or when expressed as a range it shall be interpreted as a minimum and a maximum.
  - b. **Lot depth.** The horizontal distance between the front and rear lot lines measured at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured from at least three different points along the front lot line, including the two corners at the front lot line.
  - c. **Lot frontage.** The portion of the lot that establishes the relationship between the building and other site elements and the public realm or street upon which the lot fronts. When expressed as a linear dimension, the horizontal distance between side lot lines, measured at the front lot line. Where the front lot line abuts a curved right-of-way, the lot frontage requirement may be applied at the front building line for purposes of regulating the dimensions of lots. When expressed as a percentage, the maximum percentage of that frontage width applied to the entire depth of the frontage area.
  - d. **Lot width.** The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front building line.
  - e. **Corner lots.** When applying building, lot and frontage standards to corner lots, lots can be arranged in one of three patterns based on the context of the block and abutting lots:



**Figure 1-4 Lot Dimensions**

(a) = lot area; (b) = lot depth; (c) lot frontage or front setback, and area of the lot that may be subject to enhance design standards; and (d) – lot width

1. **Standard Corner:** The building orients to the front of all other buildings fronting on the same street, and an expanded street-side setback may apply. Side and rear setbacks apply to the remaining sides.
2. **Reverse Corner:** The building orients to the end-grain of the block, and the front setback and frontage design applies to that side, and the street-side setback can be the greater of (a) the stated street-side setback for that building type or (b) 10 feet in front of the forward most point of the front building line of the abutting lot. Side and rear setbacks apply to the remaining sides.
3. **Corner orientation:** The building orients to the intersection or both streets, and includes two frontage designs along the street, and two side lot orientations with abutting lots, but no rear yard.



*Standard Corner*

*Reverse Corner*

*Corner Orientation*

**Figure 1-5 Corner Lots**

(A) = Front setbacks; (B) = Side setbacks (street side or interior); (C) = Rear setbacks

- C. **Computation of Time.** The following rules apply to any computation of time, unless a specific section of these regulations indicates otherwise:
  1. All time periods shall be expressed in days, unless expressed in years. Any time period expressed in years shall include a full calendar year from the act that commences the time period.
  2. The day of the act that commences a time period shall not be counted.
  3. The last day of the time period shall be included, unless it is a Saturday, Sunday or legal City holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal City holidays count in the time period.
  4. Whenever any time period is expressed for a formal submittal to the City, the time period shall end at 5:00 P.M. on the last day of that time period.
- D. **Private Agreements.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship;



provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provision of these regulations shall govern.

- E. **Unlawful Uses.** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, in any respect that, said unlawful structure or use conflicts with the requirements of these regulations, said structure or use remains unlawful hereunder.
- F. **Intent Statements, Graphics and Commentary.** Intent statements, graphics and commentary, such as captions to graphics or notes in tables, are an aid to interpretation of the text. In the event of any conflict or ambiguity between the intent statements, graphics or commentary and a specific standard, the specific standard shall control.
- G. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:
1. Boundaries indicated as approximately following city limits, railroad lines, platted lot lines, shore lines, or centerlines of streets or streams shall be construed to follow said borders.
  2. Where the district boundaries are indicated as approximately following property lines, the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.
  3. Where the district boundaries split any platted lots, the lot shall be interpreted in the district designated to the majority of the lot.
  4. Where the district boundaries split any unplatted property, any future platting of property may generally follow the zoning boundary and then each resulting property may assume the zoning applicable to the majority of the resulting lot, or where any resulting lots have significant discrepancies with zoning boundaries, rezoning may be required.
  5. All territory which may hereafter be annexed to the City of Pleasant Hill shall be classed as being in the same or similar district it had prior to annexation and have the same boundaries as it had before annexation.
  6. All streets, alleys, public ways, waterways and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets, alleys, public ways, waterways or railroad rights-of-way. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
  7. Whenever any public way is vacated, the adjoining zoning district shall be automatically extended to its centerline if ownership is split along the centerline.
  8. When a lot held in single ownership on the effective date of these regulations is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district unless the application of this provision would increase the area of the less restrictive portion of the lot by more than 25%.
- H. **Interpretation of Plans.** Where these regulations refer to the Comprehensive Plan or any maps associated with these plans, they shall be interpreted as follows:



1. The maps are a general framework and guide for decision-making, and do not pre-determine any specific use of land or buildings, or any application of a specific zoning category.
  2. Any zoning decision consistent with the land use component of the plan, including any land use, development or zoning map, shall be presumed reasonable. Other zoning decisions may also be reasonable if justified upon applications of the specific goals and policies of the plan to a particular context, or if based on analysis of that context assumptions in the plan have changed or are different from anticipated.
- I. **Resources, Guides and Industry Standards.** Resources, guides and industry standards that are recognized as reputable authority in the planning, development and urban design professions, may be used to supplement interpretation of this Code. They shall be subject to the approval of the Director upon a determination that the content is consistent with the policies of the Comprehensive Plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the Director shall be listed in Appendix A and at least one copy shall be kept on file. Use of these guides shall be consistent with the purposes, intent and design objectives expressed in these regulations, and shall not be used to otherwise modify, contradict or in any way conflict with any specific standard in these regulations.

### 1.03 ESTABLISHMENT OF DISTRICTS

- A. **List of Districts.** The zoning districts established in Section 4.01 are established to implement the purposes of these regulations.
- B. **Zoning Map Incorporation.** The boundaries of the districts listed in Section 4.01 are shown on the zoning district map of the City of Pleasant Hill, Missouri, which is filed in the office of the City Clerk. The map, with all notations, references and official ordinances amending the map is incorporated into these regulations.
- C. **Annexed Land.** All land which may be annexed to the City shall be classified as the corresponding district most similar to the zoning classification in effect under the prior jurisdiction, until otherwise changed in accordance with these regulations.

### 1.04 ADMINISTRATION

- A. **Staff.** The following city staff positions are responsible for administering specific aspects of this code.
1. *Community Development Director ("Director").* The Community Development Director is assigned by the City Administrator to oversee the implementation of this development code. The Director, or his or her designee, shall be responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies to coordinate any plans, policies and programs that impact the Comprehensive Plan. The Director shall make all final interpretation decisions, and any final administrative decisions referred to the Director under the procedures and standards of these regulations. The Director, or his or her designee, shall maintain permanent and current records of zoning regulations, maps, amendments, special and conditional uses, variances, exceptions, appeals, and applications; and maintain for distribution to the



public a supply of copies of the zoning map, the compiled text of the zoning regulations, and the rules of the Planning and Zoning Commission and the Board of Zoning Adjustments.

2. *Director of Public Works.* The Director of Public Works is responsible for administration of the engineering design, construction, operation and maintenance of all public improvements and private infrastructure specified under these regulations. The Director of Public Works shall advise the Community Development Director on any technical specifications and engineering designs that impact implementation of the Comprehensive Plan, and may make any final administrative decisions referred to the Director of Public Works under the procedures and standards of these regulations.
3. *Building Official/Inspector.* The Building Official/Inspector shall be responsible for the enforcement of these regulations. The Building Official/Inspector shall be responsible for conducting inspections of buildings, structures, and compliance with land use. The Building Official/Inspector should be aware of current records of zoning regulations, maps, amendments, special and conditional uses, variances, exceptions, appeals, and applications.
4. *City Clerk.* The City Clerk shall maintain permanent and current records of all ordinances passed relating to these regulations. It shall be the duty of the City Clerk to transmit Planning & Zoning Commission recommendations regarding acceptance of dedications of easements to the City Council for its action and to transmit final plats to Recorder of Deeds for filing.

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

1. *Membership.* The Commission shall consist of one member of the City Council selected by the Council annually, and 6 citizens appointed by the Mayor and approved by the City Council. All members of the Commission shall be citizens of Pleasant Hill and reside within the corporate limits of the municipality. All citizen members of the Commission shall serve without compensation but may be reimbursed for expenses incurred in the performance of assigned duties. No citizen member of the Commission shall serve on any other Pleasant Hill board or commission during that member's term.
2. *Officers.* A chairperson and secretary shall be elected from among the 6 citizen members. The chairperson and secretary shall each serve for a term of one year with eligibility for reelection. The duties of the secretary may be delegated to City staff.
3. *Term.* The terms of the members shall be 4 years or until their successors take office. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid.
4. *Removal.* The Council may remove any citizen member for cause stated in writing and after public hearing.
5. *Meetings.* The Commission will maintain a regular monthly meeting calendar with the option to cancel for lack of agenda items. Special meetings of the Commission may be called by the Chairperson. A quorum of the Commission shall consist of a majority of the



members. The minutes of the meeting shall be filed in the office of the Director, and shall be public record.

6. **Meeting Notice.** Meetings shall be posted in accordance with Chapter 610, RSMo. When a public hearing is required, notice shall be given as required in 89.050, RSMo.
  7. **Responsibilities.** Commission has responsibilities as granted to it in Chapter 89 of the Missouri Revised Statutes, along with any other responsibilities the City Council may confer to the Commission.
- C. **City Council.** The City Council is the elected body of the city responsible for all legislative decisions. The City Council shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the City. In addition to other general authority authorized by law, the City Council shall have the appeal authority and final decision authority referred to the City Council under the procedures and standards of these regulations.
- D. **Historic Preservation Commission.** The Historic Preservation Commission ("HPC") is hereby established in accordance with RSMo 253.415. The HPC shall have the supervisory and appellate powers made and provided by law.
1. **Composition Of Historic Preservation Commission.** The Historic Preservation Commission (HPC) shall consist of 5 members who are City residents and/or property owners, all of whom shall be appointed by the Mayor and approved by the City Council. Every effort shall be made to appoint people with a demonstrated interest in or expertise in historical preservation. A quorum shall consist of 3 members.
  2. **Terms.** The terms of office of the members shall be for two years, except that the terms of the first appointed commission shall be two commissioners to serve for one year, and three for two years. Vacancies shall be filled for the unexpired term only. The terms set forth herein shall not be construed as preventing a member from serving more than one consecutive term. Action to fill vacancies, to include expired terms, shall be initiated within 60 days, filled in the manner stated herein.
  3. **Officers.** Officers shall consist of a Chairperson, Vice-Chairperson, and a Secretary elected by the HPC and shall serve a term of one year and shall be eligible for re-election. The Chairperson shall preside over meetings. The Secretary of the HPC shall be elected by those present and shall have the following duties, which may be delegated to City staff:
    - i. Take minutes of each HPC meeting;
    - ii. Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the HPC;
    - iii. Give notice as provided herein by law for all public hearings conducted by the HPC;
    - iv. Advise the mayor of vacancies on the HPC and expiring terms of members; and
    - v. Prepare to submit to the council a complete record of the proceedings before the HPC on any matter requiring council consideration.
  4. **Meetings.** All decisions or actions of the HPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the HPC at the



beginning of each calendar year or at any time upon the call of the chairperson, but no less than once each quarter. Public notice of all meetings shall be posted in conformance with standard City policy and Chapter 610, RSMo.. No member of the HPC shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No action shall be taken by the HPC that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the HPC, as provided herein. The chairperson, and in his absence, the acting chairperson, may administer oaths and require the attendance of witnesses. All meetings of the HPC shall be open to the public except as allowed by state law. The HPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be public record. All HPC rules of procedure, designation criteria, design guidelines and forms shall be available to the public at the office of the City Clerk.

5. *Funding.* The City Council shall annually appropriate funds, within the budget limitations, for the operation of the HPC. The HPC may, with the consent of the City Council, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this division.
6. *Compensation.* The members shall serve without compensation but shall be reimbursed for expenses they incur while on Commission business.
7. *Powers and Duties.* The HPC shall have the following powers and duties:
  - i. To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this chapter and the Revised Statutes of the State of Missouri;
  - ii. To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted);
  - iii. To investigate, and recommend to the Planning and Zoning Commission and to the City Council the adoption of ordinances for the protection of properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks";
  - iv. To investigate and recommend to the Planning and Zoning Commission and the City Council the adoption of ordinances designating for protection areas having special cultural, historic, archaeological, community or architectural value as "Historic Districts";
  - v. To keep a register of all properties and structures which have been designated as Landmarks or Historic Districts, including all information required for each designation;
  - vi. To advise and assist owners of Landmarks and property or structures within Historic Districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;



- vii. To nominate Landmarks and Historic Districts to the Missouri Historic Register, and to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
- viii. To hold public meetings and to review applications for construction, alteration, removal or demolition affecting proposed or designated Landmarks or structures within Historic Districts and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
- ix. To hold public hearings on each proposed nomination of a Landmark and of a Historic District and on the guidelines developed for each nomination;
- x. To request the building inspector to issue stop work orders for any construction, alteration, removal or demolition undertaken without a certificate of appropriateness or to stop work that violates the conditions of a certificate;
- xi. To review all applications for demolition permits within the corporate limits of the city to determine impact to significant cultural resources, including those not yet nominated as landmarks or as contributing properties within an historic district;
- xii. To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
- xiii. To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of landmarks or property and structures within historic districts;
- xiv. To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks or historic districts;
- xv. To administer on behalf of the city any property of historical significance or full or partial interest in real property, including easements, that the City may have or accept as a gift or otherwise, upon approval by the City Council;
- xvi. To accept and administer on behalf of the City, upon approval of the Council, such gifts, grants, and money as may be appropriate for the purposes of this division. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the HPC and the purposes of this division;
- xvii. To call upon available City staff members as well as other experts for technical advice;
- xviii. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;
- xix. To testify before all boards and commissions, including the Planning and Zoning Commission and the Board of Zoning Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;



- xx. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this division;
- xxi. To develop a preservation component in the master plan of the City and to recommend it to the Planning and Zoning commission and to the City Council;
- xxii. To periodically review this development code and to recommend to the Planning and Zoning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property, sites and structures within historic districts; and
- xxiii. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this division.

**E. Board of Zoning Adjustments (“BZA” or “Board”).**

1. *Membership.* The Board shall consist of 5 members to be appointed by the Mayor with the approval of the City Council. All the members of the Board shall be residents of the City of Pleasant Hill. None of the members shall hold any other public office of the City. A member of such Board, once qualified, can thereafter be removed during the term of office, only for cause and after public hearing. In the event of death, resignation, or removal of any such member before the expiration of the term, a successor shall be appointed by the Mayor and confirmed by the City Council to serve the unexpired term. All members shall serve without compensation but shall be reimbursed for expenses they incur while on Board of Zoning Adjustments business.
2. *Alternate Member.* Using the aforesaid appointment process and qualifications, one alternate member may be appointed to the Board of Zoning Adjustments. The alternate may vote in the absence of a regular member or if a conflict recuses a member from participating.
3. *Term.* The members shall be appointed for a term of 5 years, or until their successors take office.
4. *Officers.* The Board shall, at the first meeting held in each calendar year, elect a chairperson, a vice-chairperson, and secretary. The Director shall serve as the secretary. The chairperson, or in his or her absence, the vice-chairman, shall preside at all meetings, and shall decide all points of order or procedures. The chairperson shall administer oaths and compel attendance of witnesses.
5. *Meetings.* All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, and records shall be immediately filed in the office of the City Clerk and shall be a public record.
6. *Powers and Duties.* The Board shall administer the following matters under the procedures and standards of these regulations:
  - a. Appeals of administrative decisions;
  - b. Variances; and
  - c. Any other exceptions or relief specifically referred to under the procedures and standards of these regulations.
  - d. A concurring vote of four members of the Board is necessary to reverse a decision of an administrative official.



7. *Appeals of Board Decisions.* Any person aggrieved by the decisions of the Board can submit their appeal to the circuit court within 30 days of the filing of the decision by the Board, and otherwise in accordance with 89.110, RSMo.

## 1.05 ENFORCEMENT

- A. **Violations.** It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations.
- B. **Enforcement.** The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including revoke or withhold any permits, prevent the sale or lease of property, correct or abate the nuisance, withhold any public improvements, or penalize and initiate legal proceedings to prevent the continuance of unlawful actions or conditions.
- C. **Penalty.** Any person violating any of the provisions of this Code shall be guilty of a misdemeanor, each day constituting a separate offense. Each offense may be punished as proscribed in the municipal code. The City of Pleasant Hill, Missouri shall further have the right to maintain suits or actions in any court of competent jurisdiction for the purposes of enforcing these regulations and to abate any potential nuisance. In addition to all other remedies provided by law, injunctions, mandamus or other appropriate actions may be instituted to prevent violations including revocation of any permit authorized under this code.

## 1.06 NONCONFORMANCES

- A. **Intent.** It is the general policy of the City to allow use of buildings and lots that were created legally and in conformance with then-applicable requirements, but that do not conform to the current applicable requirements of these regulations to continue. However, it is also the policy of the City to bring such uses, buildings and lots into conformance with current regulations as is reasonably practical, to balance considerations of cost, safety, community values and design quality. The intent of this section is to balance the interests of property owners in past investments, discourage investment that expands or reinforces non-conforming situations, and promote investment consistent with the Comprehensive Plan and these regulations.
- B. **Nonconforming Lot of Record.** Any lots platted legally prior to the adoption or amendment of this Code, but which could not be platted under the current requirements of this Code may continue to exist provided it complies with all other applicable standards. Any difficulties meeting these standards caused by the nonconformance of the lot may be used as criteria in granting any discretionary relief to these standards. The Building Official/Inspector may issue a building permit for any nonconforming lot of record when:
1. The lot is shown by recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations;
  2. The lot has remained in ownership separate and individual from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations; and
  3. The lot can meet all yard regulations for the district in which it is located.



- C. **Nonconforming Structure.** An existing structure or dwelling unit which does not comply with the height or yard requirements which are applicable to new structures or dwelling units in the zoning district in which it is located may continue to exist subject to the following:
1. *Enlargement, Repair, Alteration:* Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation expansions may occur provided that they comply with all other requirements of this Code, are not detrimental to the purposes, intent and objectives of the standards, and do not negatively impact development in conformance with this Code on adjacent property.
  2. *Damage or Destruction:* If destroyed by fire, natural disaster, accident or public enemy by less than 50% of its appraised value, the structure may be restored to its original condition if the restoration is started within 180 days (6 months) and completed within one (1) year
  3. *Moving:* No nonconforming structure or dwelling unit shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure or dwelling unit shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- D. **Nonconforming Use.** Uses that were legally initiated prior to the adoption or amendment of this Code, but which could not be continued under the current terms of this Code may continue to exist subject to the following:
1. The use may not be expanded beyond any specific area of the site or lot, but may be expanded within any existing building.
  2. Any activity that triggers specific site design standards shall require full compliance of the site design standards for the non-conforming use to be allowed to expand.
  3. A use that is discontinued for 180 days (6 months) or more shall lose its non-conforming status, and all future use of the site or building shall comply with these regulations.
  4. Any change of use shall be to a conforming use.
  5. *Nonconforming Accessory Uses:* No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
  6. *Nonconforming Residential Uses:* No nonconforming residential structure or dwelling unit may be remodeled, extended, expanded and enlarged to accommodate a greater number of dwelling or lodging units.
- E. **Nonconforming Site Condition.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space or other non-building site characteristic) in existence prior to these regulations but which are not compliant with the standards of these regulations may continue to exist subject to the following:
1. Any change of use or expansion of use shall require compliance with the new standards up to the proportion that is required by the change.
  2. Any site development activity on a portion of a site shall require compliance with the new standards up to that proportion that is subject to the development activity.
  3. Where any investment is greater than 50% of the appraised value of the site, or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.



- F. **Nonconforming Signage.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. Except for signs designated as historic signs by the Historic Preservation Board, nonconforming signs must be brought into compliance with this code or must be removed when any of the following conditions exist:
1. When the property or premises upon which the sign is located is vacant for a period of at least 60 days.
  2. When a sign and/or sign structure is damaged or destroyed in a monetary amount which exceeds 50% of its total replacement cost or becomes a hazard or nuisance or potential hazard or nuisance.
  3. When there is a zone change initiated by the business or property owner.
  4. When a sign and/or sign structure is abandoned, including empty frames.
  5. When an existing structure upon which the sign is located is relocated, replaced, or changed in size, location, height or setback.
  6. When the sign itself is relocated, replaced, or changed in size, location, height or setback.
  7. The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to change of copy or normal maintenance.
  8. When improvements are being made to 25% percent or more of the exterior wall of a building on which a nonconforming sign is located.
- G. **Burden of Proof.** The burden shall be on the applicant to establish entitlement to continuation of nonconforming situations or completion of nonconforming projects.



## ARTICLE 2. APPLICATIONS & PROCEDURES

- 2.01 GENERAL – ALL APPLICATIONS
- 2.02 PLATTING
- 2.03 ZONING MAP AMENDMENT
- 2.04 PLANNED DEVELOPMENT
- 2.05 SITE PLAN – ADMINISTRATIVE
- 2.06 SITE PLAN – GENERAL
- 2.07 CONDITIONAL USE PERMITS
- 2.08 VARIANCES
- 2.09 APPEAL OF ADMINISTRATIVE DECISIONS
- 2.10 TEXT AMENDMENTS

Table 2-1: Procedures Summary

|                                      | Eligible Applicants |    |    | Pre-application Meeting | Notice |           |        | Review Body |      |    |      |
|--------------------------------------|---------------------|----|----|-------------------------|--------|-----------|--------|-------------|------|----|------|
|                                      | Owner               | PC | CC |                         | Posted | Published | Mailed | Staff       | PC   | CC | BZA  |
| Subdivision – Administrative Plat    | ■                   |    |    | ☑                       |        |           |        | D           | A    |    |      |
| Subdivision – Preliminary Plat       | ■                   |    |    | ☑                       |        | ☑         | ☑      | R           | R/PH | D  |      |
| Subdivision – Final Plat             | ■                   |    |    |                         |        |           |        | R           | R    | D  |      |
| Zoning Map Amendment                 | ■                   | ■  | ■  | ☑                       | ☑      | ☑         | ☑      | R           | R/PH | D  |      |
| Planned Development–Preliminary Plan | ■                   |    |    | ☑                       | ☑      | ☑         | ☑      | R           | R/PH | D  |      |
| Planned Development - Final Plan     | ■                   |    |    |                         |        |           |        | R           | R    | D  |      |
| Site Plan – Administrative           | ■                   |    |    | ☑                       |        |           |        | D           | A    |    |      |
| Site Plan – General                  | ■                   |    |    | ☑                       | ☑      |           |        | R           | D    | A  |      |
| Conditional Use Permit               | ■                   |    |    | ☑                       | ☑      | ☑         | ☑      | R           | R/PH | D  |      |
| Variance                             | ■                   |    |    | ☑                       | ☑      | ☑         | ☑      | R           |      |    | D/PH |
| Appeal of Administrative Decision    | ■                   | ■  | ■  |                         |        | ☑         |        |             |      |    | D/PH |
| Text Amendment                       |                     | ■  | ■  |                         |        | ☑         |        | R           | R/PH | D  |      |

☑ = required

■ = authorized

PC = Planning & Zoning Commission

CC = City Council

BZA = Board of Zoning Adjustments

R = Review and recommending authority

D = Decision-making authority

PH = Public hearing required (distinguished from a public meeting generally open to the public)

A = Appeal of Decision.



## 2.01 GENERAL – ALL APPLICATIONS

### A. **Applications and Fees.**

1. *Forms.* Applications required under this Code shall be submitted to the Community Development Department. The Director is authorized to modify the application forms and submittal requirements as deemed necessary in the Director's discretion.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the City Council. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the Staff, Planning & Zoning Commission, or City Council.
3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each application under this code, which include the following:
  - a. *Owner.* The record owner of property impacted by the application, or that owner's authorized agent.
  - b. *Planning & Zoning Commission.* The Planning & Zoning Commission, acting on its own initiative according to its bylaws and rules of procedure.
  - c. *City Council.* The City Council acting on its own initiative according to its bylaws and rules of procedure.

### B. **Application Processing Cycles.** The Director shall establish a more specific processing cycle for each type of application, which includes:

1. Dates of regular meetings of review bodies and decision makers that comply with all legal requirements for notice and public meeting deadlines;
2. Deadlines for receipt of a complete application for consideration at a particular meeting;
3. The scheduling of staff reviews, agency reviews, and staff reports on complete applications; and
4. The steps and benchmarks in the application process (including required notice requirements, public meetings, public hearings, decision meetings and review by other bodies).

### C. **Pre-Application Meeting.** Pre-application meetings may be requested for any application and shall be required as indicated in Table 2-1. Where required, the applicant shall confer with the Director and other city officials designated by the Director. A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request for any application that is routine in nature and where the above topics can be addressed by general correspondence. The purpose of the pre-application meeting is to discuss the general nature of the proposal, including:

1. Classification of the application.
2. Procedure and submittal requirements.
3. Criteria for processing and decisions on the application.
4. Notification requirements, timing, and other procedural pre-requisites, or whether any special community outreach may be important.
5. Planning and infrastructure impacts, including the need for any additional technical studies or outside agency coordination and review.



6. The relationship to the Comprehensive Plan, and whether any specific plans, policies or other design, development or economic development initiatives impact the application.
  7. Zoning requirements for the property in question and adjacent property.
  8. Opportunities to improve any preliminary design concepts and better relate project benefits or mitigate impacts to other public or private investments in the area.
- D. **Good Neighbor Meetings.** At the discretion of the Director, and generally for applications requiring a Public Hearing, a neighborhood meeting may be required. The Director's requirement for a neighborhood meeting will be determined on a case-by-case basis, and shall take into consideration applications that are complex, present significant changes in the existing context, or have potential for unanticipated impacts on property in the vicinity. Neighborhood meetings shall meet the following:
1. *Timing.* The meeting shall be coordinated with other reviews and hearings to ensure that adequate and current information on the nature, scope, and scale of the project is available, and the public comments can be considered in the formal application.
  2. *Location.* The applicant is responsible for coordinating the meeting location, and the meeting shall be held at a public meeting facility within the City, such as a school, city building, library, community recreation center, or other convenient and accessible meeting center.
  3. *Notice.* The applicant is responsible for notification of the neighborhood in the manner and format prescribed by the City on the application forms. The notice may be coordinated with any other official notice required by this code for the application. The applicant shall receive confirmation of the time and location of the meeting from the Director prior to scheduling and notice.
  4. *Content.* The applicant is responsible for all content of the meeting, which at a minimum shall include:
    - a. The general nature and scope of the proposed project;
    - b. A summary of the proposed land use, including planned or all potential future uses under the request;
    - c. The most recent plans and submittals available for the project, depicting the scale, location, and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
    - d. Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
  5. *Summary.* The applicant shall prepare summary minutes of the meeting including evidence of the notice, attendance, content, discussion summary, and outcomes of the meeting. This information shall be included with or supplement the formal application.
- E. **Staff Review.** Upon receipt of an application, the Director shall take the following steps:
1. Determine if the application is complete within 14 days of filing. If the Director determines that it is incomplete, the Director shall notify the applicant of the specific ways in which the application is deficient and no further processing of the application shall occur until the deficiencies are corrected.



2. Schedule complete applications for further review according to these regulations.
  - a. Applications that require a public hearing shall be scheduled for initial review within 60 days of a determination of a complete application.
  - b. Applications that do not require a hearing shall be scheduled for initial review within 30 days of a determination of a complete application.

In the event that the next regular meeting of the review body is beyond these time periods, or the required notice cannot be given within these time periods, the application shall be scheduled for the closest available meeting.

3. Prepare a staff report that reviews the application considering the appropriate policies, plans and regulations. The Director shall provide a copy of the report to the review body and make it publicly available and available to the applicant and three (3) days prior to the scheduled meeting.

F. **Notice.** Notice shall be provided for each application as indicated in Table 2-1. Consistent with the provisions in Table 2-1, and in addition to the general publication of meeting agendas, required notice may include the following:

1. **Published.** Where published notice is required, at least 15 days prior to the public hearing or meeting, the Director shall publish the notice on the City's official website. When required by state statute, publication will be in the newspaper designated by the Council as the City's official newspaper. Such notice shall state:
  - a. The date, time and place of the hearing;
  - b. The legal description or a general description sufficient to identify the property under consideration;
  - c. The present zoning classification of the property, and the proposed classification; and
  - d. A general statement regarding the proposed change.
2. **Posted.** Where posted notice is required, the City shall post notice on property that is the subject of the application at least 15 days before the scheduled review. The City will furnish the sign(s) and post, which shall be placed within 5 feet of the right of way on a central portion of the site, or in any other manner so that it is visible without obstructions from public rights-of-way adjacent to the subject property. The City shall determine the number of signs needed and the general location of the posting based on a site plan provided by the applicant, and property over 5 acres shall have at least one sign on each street abutting the property.
3. **Mailed.** Where mailed notice is required, notice shall be mailed via first-class mail to all owners of record located within at least 185 feet of the boundaries of the property that is the subject of the application at least 15 days prior to the public review. The City will mail such notices. Notice shall be sent to the owners of record. When mailed notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action.
4. **Constructive Notice.** Minor technical deviations from stated notice requirements shall not be deemed to impair notice where there is actual notice of the time, date and place of the public hearing.



- G. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:
1. The hearing shall be conducted, and a record of the proceedings shall be preserved, which may be effectuated by the keeping of minutes, video recording, or other means of making the record.
  2. Any interested person or party may appear and be heard in person or by agent. Each person who appears at a public hearing shall state his or her name, address, and if appearing on behalf of an organization, the name and mailing address of the organization for the record.
  3. The review body may request testimony or a report on the application from any government official or agency, or any other person with information pertinent to the application.
  4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice, provided that the original public hearing is opened and that the specific date, time, and place of the continued hearing is announced at the original hearing.
  5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.
  6. The order of proceedings shall be as follows:
    - a. The Director shall present a description of the proposed development or amendment and a written or oral recommendation, if required. This recommendation shall address each factor required by the UDC to be considered prior to approval of the development permit or the amendment.
    - b. The applicant shall present any information that the applicant deems appropriate;
    - c. Public testimony shall be heard first in favor of the proposal, then in opposition to it;
    - d. The Director may respond to any statement made by the applicant or any public comment; and
    - e. The applicant may respond to any testimony or evidence presented by the staff or public.
- H. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in this Article, regardless of the presence of the applicant, including the following (or recommend the following when the review body is a recommending body):
1. Approve the application.
  2. Approve the application with conditions or modifications.
  3. Deny the application.
  4. Continue the application to allow further analysis. The continuance shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.



- I. **Appeals.** Where a review body is acting as an appellate body in accordance with Table 2-1, the following appeal procedures apply:
  1. Appeals shall be filed with the Director within 7 days of the decision by the decision-making review body.
  2. The following persons and entities shall have standing to appeal the action of the review body: the applicant; the Director, on behalf of any public official, department or agency; any owner of land directly impacted by the action or proposed action; and any person given the right of appeal by law.
  3. The review body designated as the appellate body shall consider the application as a new matter, and within 60 days of the date that the appeal was filed may take any action authorized by the decision-making review body. The procedure and required notice shall be the same as required of the original application.

## 2.02 PLATTING

- A. **Applicability.** Plat applications are required to establish or alter the legal boundaries of property, and to account for public spaces and facilities prior to potential fracturing of ownership. Plats shall apply to all divisions of land and any development on previously unplatted land, except:
  1. The division of land into parcels or tracts of more than 20 acres, and not involving any new streets or easements of access and not affecting major streets.
  2. A change in the boundary between adjoining lands which creates no additional or substandard lots.
  3. Land used for street or railroad right-of-way, a drainage easement, or other public utilities subject to local, state or federal regulations, if a new street or easement of access is involved.
  4. Whenever any lot, parcel or tract of land has been ordered by law to be partitioned.
- B. **Types of Plats and Applications.** Plat applications are classified and processed as one of three types, subject to the requirements described herein:
  1. *Administrative Plats.* Administrative plats are routine applications such as lot line adjustments, lot splits, lot combinations or small land divisions that do not alter development patterns or impact public services.
  2. *Preliminary Plats.* Preliminary plats are larger divisions of land with new ownership and development patterns; or which impact public facilities or land, and are proposed in a preliminary or conceptual format to prepare for detailed engineering and design of facilities.
  3. *Final Plats.* Final plats are a refined version of the preliminary plat that presents proposed ownership and development patterns, as well as the specific location of public facilities and public property based on detailed designs.
- C. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures. Any application not classified as an administrative plat shall be processed as a major subdivision with a preliminary and final plat.
  1. *Eligibility.* The following situations are specifically eligible for administrative plat processes:



- a. Lot Line Adjustment. The alteration of legal boundaries for up to 10 previously platted lots.
  - b. Lot Consolidation. The consolidation of up to 4 previously platted lots into 3 or fewer lots, provided no resulting lot is larger than two times the size of the largest existing lot or parcel.
  - c. Lot Split. The division of a previously platted lot into no more than 2 additional lots.
  - d. Plat Correction. A survey or other legal instrument to correct an error in the legal description or other element of an approved plat; to dedicate, vacate, or alter easements; or to confirm legal boundaries of lots in an approved plat that could only be determined post-construction, such as for duplexes, row houses or condominiums where the units and lots are individually owned.
  - e. Minor Subdivision. The division of previously unplatted land or of a platted tract into 5 or fewer lots.
  - f. Easement recording. Documentation to record the addition or removal of easements dedicated to a utility provider, the City, or other entity.
2. *Review Criteria.* An application may be classified as an administrative plat if the Director determines that all the following are met.
  - a. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.) or impact on the ability to maintain existing service levels will result.
  - b. The application does not alter any zoning district boundaries due to adjustments to any lots.
  - c. All resulting lots meet the legal standards of the subdivision regulations and applicable zoning districts.
  - d. The lot patterns are compatible with the surrounding area and any previously approved final plat for the subject property. In determining compatibility, the size and dimension of lots, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development and the potential impact of this deviation on surrounding property shall be considered.
  - e. No new street or alley right-of-way, or other public dedication is needed.
  - f. No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.
3. *Procedures.* Upon review by the Director and any affected departments or agencies, and within 30 days of filing, the Director shall approve any administrative plats that meet all requirements of these regulations, deny the application, or recommend further processing as a major subdivision.
4. *Effect of Decision.* Approval of an administrative plat requires the City to record the plat with the County recorder of deeds. The applicant shall be responsible for all associated fees.
5. *Limitations on Successive Applications.* Platted lots are eligible only one time for approval of a consolidation or division through the administrative plat process and any



further division or consolidations of the originally platted lots or newly created lots shall be processed through the preliminary and final plat process.

D. **Preliminary Plat.** A preliminary plat shall be processed according to the following criteria and specific procedures in addition to those identified in Table 2-1 and applicable in Section 2.01.

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

- a. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
- b. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations, are supportive of the Place Types in the comprehensive plan, and are coordinated with existing or potential development on adjacent property.
- c. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, including lot and development standards, frontage design standards, and access standards.
- d. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
- e. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
- f. Any impacts identified by specific studies or technical reports, including a review of storm water, traffic impacts, and access management are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
- g. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
- h. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.

2. **Plat Requirements.** Information to be shown on the Preliminary Plat submittal.

- a. *Tract Boundaries* (traverse bearing and distance of the boundaries).
- b. North point, date and scale on each page. The scale shall be one inch equals one hundred feet (1"=100') unless specifically waived by the director;
- c. Location by section, township, range, city, county and state, including descriptive boundaries of the subdivision.
- d. Name of the proposed subdivision. This name shall neither duplicate nor too closely resemble the name of any existing subdivision.
- e. A location map showing the tract in relation to the surrounding area.
- f. Name and addresses of the applicant, developer(s), owner(s) or record, and the name, address and seal of the engineer, land surveyor, architect or land planner responsible for subdivision layout.
- g. The following information for land located within 200 feet of the proposed subdivision: topography based on USGS or NAVD Datum at five-foot contour intervals; names of adjacent subdivisions; layout of streets (with names) and including an indication of road surface locations whether such streets are paved or unpaved; dedicated rights-of-way with widths; connections with adjoining platted streets; widths and locations of alleys; easements, and public walkways adjacent to or connecting with the tract; location, size and rights-of-way widths of



- all existing sanitary sewer, storm sewer, and water supply facilities; parks and other open spaces; and permanent buildings.
- h. Existing and proposed deed restrictions and protective covenants.
- i. Existing topography with contours at a maximum of five-foot intervals. All topographic data shall relate to USGS or NAVD Datum. In areas where grades are gentle, the Director may require a lesser contour interval. The location of water courses, limits of floodplains, floodways, ravines, bridges, lakes, wooded areas, approximate acreage and such other existing features as may be pertinent to the subdivision shall be shown
- j. Location of proposed culverts & bridges.
- k. Layout and width of right-of-way and cross sections showing surfacing of all existing and proposed streets and public ways proposed for the subdivision, and proposed street names.
- l. Lot layout, lot number, approximate dimensions, approximate lot areas, easements, setback requirements with dimensions, and the number or letter of each block.
- m. All parcels of land to be dedicated or reserved for public use or for use in common by property owners in the subdivision and any conditions of such dedication or reservation.
- n. Preliminary plans showing the locations and sizes of all existing and proposed sanitary sewerage lines, on site systems and facilities, the locations and sizes of all existing and proposed water distribution system lines and facilities, the location of the closest existing water and sewer mains, and the location and character of all other existing and proposed public utility lines, including gas and power lines. These plans shall be accompanied by a written and signed statement explaining how the applicant proposes to provide sewage treatment facilities or other disposal of sanitary wastes. When the applicant intends to use existing sewage treatment facilities, a letter from the proper authority accepting responsibility for treatment of sanitary wastes from the proposed subdivision is required to be provided by the applicant.
- o. Stormwater management plan pursuant to section 24006.5, calculations, and proposed size, nature and location of all proposed storm drainage improvements.
- p. Identification, location and nature of all existing and proposed zoning districts and land uses to be included within the subdivision and the zoning district and status of adjacent properties within 200 feet of the subdivision.
- q. Existing building footprints and pavement boundaries.
- r. Proposed use of lots.

3. *Procedure.*

- a. Pre-Application Conference in accordance with Section 2.01C.
- b. Development Review by staff and other agencies in accordance with Section 2.01E.
- c. A Good Neighbor meeting in accordance with Section 2.01D.
- d. Planning and Zoning Commission Public Hearing in accordance with Section 2.01G.
- e. Planning and Zoning Commission Recommendation.
- i. The Planning and Zoning Commission will consider the preliminary plat within the timeframe established in Section 2.01E.



- ii. The Planning & Zoning Commission will review and consider the reports and recommendations of staff and agencies to whom the preliminary plat has been submitted for review.
- iii. The Planning & Zoning Commission shall recommend approval of the preliminary plat; recommend approval of the preliminary plat with conditions, or recommend denial of the preliminary plat.
  - a. If such recommendation is not made after two continuances, or the third consecutive meeting in which this matter is scheduled, the plat shall be deemed recommended for approval.
  - b. If the Planning & Zoning Commission shall recommend approval of the preliminary plat with conditions or recommend denial, it shall be conveyed to the subdivider in writing shall specifically state the conditions or deficiencies in conformance with the Subdivision Regulations.
- f. City Council Action
  - i. The City Council will consider the preliminary plat within the timeframe established in Section 2.01E. Upon receipt of the recommendation of the Planning & Zoning Commission, the City Council must consider the application and may take final action to approve or disapprove it.
  - ii. If such decision is not made after two continuances, or the third consecutive meeting in which the matter is scheduled, the plat shall be deemed approved.
- 4. *Effect of Decision.* The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat.
- 5. *Term of Expiration.* The preliminary plat approval is valid for two years. However, if a final plat is approved for a specific phase shown on the preliminary plat, the two-year period restarts from the date of that approval. The Planning & Zoning Commission can extend this period by up to one year if the applicant shows significant progress in meeting the design and engineering requirements needed to submit a final plat, as detailed below.
- 6. *Extension of Preliminary Plat*
  - a. The Planning & Zoning Commission may grant an extension to the expiration date of a preliminary plat under the following conditions:
    - i. An applicant must submit a request for an extension prior to the expiration date from the preliminary plat. The request must include a basis for the extension.
    - ii. An extension to the preliminary plat can only be requested if it remains unchanged from last acceptance
    - iii. A request for an extension does not require submission of a new application fee or a public hearing.
  - b. If the request for an extension fails to obtain Planning & Zoning Commission approval, the preliminary plat will expire on its most recent expiration date unless a final plat application is submitted prior to the expiration date.
  - c. The Planning & Zoning Commission shall consider the following factors in its deliberation to determine if an extension should be granted:



- i. Whether there have been any changes in the City Code since the preliminary plat was initially approved that could potentially impact the development of the property.
  - ii. Whether development has occurred on property adjacent to or near the property that impacts the proposed plat.
  - iii. Whether the basis for the extension is reasonable and justified.
  - iv. The likelihood that the property will be developed within the timeframe requested for the extension.
- E. **Construction Plans.** After approval of the preliminary plat, the construction plans are submitted for review and approval by both staff and engineers. Once construction plans are approved, infrastructure will be installed as approved, inspected and approved. Upon approval and before acceptance of the infrastructure the 3-year maintenance bond must be submitted.
- F. **Final Plat.** After approval of the preliminary plat, construction plans, infrastructure completion, and receipt of a maintenance bond, the applicant may submit a final plat for all or portions for review. A final plat shall be processed according to the following criteria and specific procedures in addition to those identified in Table 2-1 and applicable in Section 2.01.
  - 1. **Review Criteria.** A final plat shall be reviewed according to the following criteria:
    - a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.
    - b. The approved construction plans, prepared by a professional engineer registered in the State of Missouri, for any utilities, infrastructure, and public facilities are approved according to technical specifications.
    - c. The phasing and timing of public improvements and approved construction plans.
    - d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.
    - e. The recommendations of professional staff, or any other public entity asked to officially review the plat.
    - f. Complies with any condition that may have been attached to the approval of the preliminary plat.
  - 2. **Procedure.**
    - a. Development Review by staff for substantial compliance with the preliminary plat and all applicable regulations of this Code.
    - b. Planning and Zoning Commission Recommendation.
      - i. The Planning and Zoning Commission will consider the final plat within the timeframe established in Section 2.01E.
      - ii. The Planning & Zoning Commission will review and consider the reports and recommendations of staff and agencies to whom the final plat has been submitted for review.



- iii. The Planning & Zoning Commission shall recommend approval of the final plat; recommend approval of the final plat with conditions, or recommend denial of the final plat.
    - (a) If such recommendation is not made after two continuances, or the third consecutive meeting in which this matter is scheduled, the plat shall be deemed recommended for approval.
    - (b) If the Planning & Zoning Commission shall recommend approval of the final plat with conditions or recommend denial, it shall be conveyed to the subdivider in writing shall specifically state the conditions or deficiencies in conformance with the Subdivision Regulations.
  - c. City Council Action
    - i. Upon receipt of the recommendation of the Planning & Zoning Commission, the City Council must consider the application and may take final action to approve or disapprove the final plat and accept or reject the dedication of land for public purposes within the timeframe established in Section 2.01H.
    - ii. If such decision is not made after two continuances, or the third consecutive meeting in which the matter is scheduled, the plat shall be deemed approved.
  - d. The action of the Planning & Zoning Commission and the City Council will be conveyed to the applicant in writing within ten (10) days of the meeting of the City Council at which the plat was approved or denied. If the final plat is disapproved, the applicant will be notified of the reasons for such disapproval. Acceptance of dedications will be indicated over the signature of the Mayor and attested by the City Clerk. If the City Council rejects any dedications on the final plat, it will advise the subdivider in writing of the reasons for the rejection.
3. *Effect of Decision.* The Final Plat shall be filed with the Recorder of Deeds, in accordance with the following section. No building permit shall be issued until the final plat and/or development agreement are filed with the Recorder of Deeds.
4. *Recording of the Final Plat.*
- a. No plat may be recorded or filed with the Recorder of Deeds until such plat has been approved by the City Council; all dedications of rights-of-way, easements and other property have been accepted by the City Council; and the design and financing of all improvements have been agreed to by both the applicant and the City Council.
  - b. The applicant will provide three copies of the final plat. The City will file the final plat and provide one copy of the recorded final plat to the applicant.
  - c. Where infrastructure is not installed prior to final plat and subject to a development agreement, the applicant will provide two copies of the development agreement. The City will file the development agreement and provide one (1) copy of the development agreement to the applicant.



- d. If applicable, the applicant will provide two (2) copies of the declaration of covenants and restrictions and articles of incorporation establishing a property owners association. The City will file and provide one (1) copy to the applicant.

### 2.03 ZONING MAP AMENDMENT

- A. **Applicability.** The zoning map amendment process provides review of changes to the zoning districts (rezoning). Zoning map amendments for specific property may be initiated by the City Council, the Planning & Zoning Commission, or the owners or authorized agents of any property affected. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to zoning map amendment applications.
- B. **Application.** When the owner of the property affected initiates an amendment to the zoning map, an application for such amendment must be submitted to the Community Development Director and completed in its entirety so that a public hearing date can be established.
- C. **Review Criteria.** The zoning map amendment shall be reviewed according to the following criteria:
  1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;
  2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;
  3. The suitability of the subject property for the uses to which it has been restricted;
  4. The extent to which rezoning will detrimentally affect nearby property;
  5. The length of time the subject property has remained vacant as zoned;
  6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by the current zoning;
  7. The recommendations of professional staff;
  8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;
  9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and
  10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.
- D. **Procedure.**
  1. Pre-Application Conference in accordance with Section 2.01C.
  2. Development Review by staff and other agencies in accordance with Section 2.01E
  3. If applicable, a Good Neighbor meeting in accordance with Section 2.01D.
  4. Planning and Zoning Commission Public Hearing in accordance with Section 2.01G.
  5. *Planning and Zoning Commission Recommendation.* Upon conclusion of the public hearing, the Planning & Zoning Commission will submit a recommendation to the City



Council to approve, approve with modifications, or disapprove the proposed amendment. The Commission must submit its recommendation along with a record of the public hearing thereon, to the City Council.

6. **City Council Action.** Upon receipt of the recommendation of the Planning & Zoning Commission, the City Council must consider the application and may take final action to approve or disapprove the final plat and accept or reject the dedication of land for public purposes within the timeframe established in Section 2.01H.
- E. **Protest by Petition.** A written protest petition opposing a zoning map amendment must be submitted to the City Clerk before the City Council's vote, allowing sufficient time to determine the validity of the petition. A protest petition will be considered "valid" if it is notarized and signed by the owners of 30% or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the property that is the subject of the zoning map amendment request. When a valid protest petition has been submitted, approval of a zoning map amendment requires a two-thirds (2/3) majority vote of the full membership of the city council.
- F. **Effect of Decision.** Amendments to the official Zoning Map (rezoning) shall be approved by the City Council in the form of an ordinance. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following such action. If the Official Zoning Map has been adopted by reference, the approval of the ordinance changes the Official Zoning Map to reflect such amendment and also amends the section of the Unified Development Code incorporating the same and reincorporate the zoning map as amended.

#### 2.04 PLANNED DEVELOPMENT

- A. **Applicability.** The planned development process is intended for development concepts that require a higher degree of specific planning based on the complexity of the project, conditions of a particular site or context, and the ability to meet or exceed the purpose, intent and objectives of this code through more flexible application of the standards. A planned development application is a type of zoning map amendment and must meet all of the procedures and requirements of that process, but it also accommodates a specific development plan. The planned development process involves at least two steps – the preliminary development plan, and the final development plan. When land needs to be subdivided to carry out the plan, the subdivision process is separate from the planned development process and may run concurrently with or follow it. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to planned development applications.
- B. **Preliminary Development Plan.** A preliminary development plan is a generalized development plan for the entire area proposed to be included within a planned development. The purpose of a preliminary development plan is to allow preliminary review of a proposed planned development before substantial technical work has been undertaken. Additions to previously approved preliminary development plans may be considered an amendment to that plan and do not require a minimum size. A preliminary development plan shall generally include:
  1. **Public Realm Plan.** A plan outlining the general location, design characteristics, and functions of all proposed streets, storm water management, open spaces, civic spaces, and circulation networks – whether public, common or private – that will create the public realm for the plan.



2. *Development Plan.* A plan indicating the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan. This plan shall have a particular emphasis on how these elements relate to the public realm plan and where transitions between these elements occur at a parcel or block scale, both within the development and in coordination with abutting property. The development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of this code.
  3. *Existing Conditions.* Analysis identifying the general layout of any existing structures, streets or infrastructure and the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other features.
  4. *Phasing or Implementation.* A strategy indicating the estimated timing of development, and any other administrative details of implementing the plan through future final site plans.
  5. *Illustrative Plan.* The concept plan may include an illustrative plan that includes renderings, elevations or plans of buildings, streetscapes, and public spaces or other urban design and architectural details demonstrating how the plan will be executed according to the applicable development standards.
- C. **Preliminary Development Plan Review Criteria.** A preliminary development plan shall be reviewed according to the following criteria:
1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practice.
  2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular of the areas immediately near or within the proposed project and are not strictly to benefit the applicant.
  3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.
  4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the Comprehensive Plan and any specific plans to the area.
  5. The plan meets all review criteria for a zoning map amendment.
- D. **Effect of Preliminary Development Plan Approval.** Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning & Zoning Commission may recommend, or the City Council may require conditions that must be met before an applicant submits a final development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan. Once the preliminary development plans is approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the preliminary development plan.



- E. **Designation on Official Zoning Map.** Sites governed by an approved preliminary development plan shall be designated on the Official Zoning Map with the letters base zoning district plus “P” (planned). (For example, where a portion of the development plan uses the R3 and the C2 base zoning districts for the preliminary development plan, the future zoning of each area shall be R3-P and C2-P respectively.)
- F. **Final Development Plan.** Approval of the rezoning based on the preliminary development plan shall allow the applicant to submit a final development plan for approval. A final development plan is a detailed plan for implementing the preliminary development plan including technical information on building, site, open/civic space, and infrastructure development. A final development plan may include the entire area covered in the preliminary development plan or it may include one or more phases of the approved preliminary development plan. The plan shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the preliminary development plan have been met.
- G. **Final Development Plan Review Criteria.** A final development plan shall be reviewed according to the criteria for Site Plan Review in Section 2.06, with the additional criteria that the final development plan is in substantial compliance with the approved preliminary development plan.
- H. **Effect of Final Development Plan Approval.** Approval of a final development plan shall be the same as that of Site Plan in Section 2.06.

## 2.05 SITE PLAN – ADMINISTRATIVE

- A. **Applicability.** The administrative site plan process is a way to ensure that routine development projects meet the development and design standards of this code, and all other standards applicable to the property. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to administrative site plan applications. The administrative site plan process does not apply to detached houses or duplexes, but applies to all other buildings and sites, including the following:
  - 1. Any expansion to an existing building footprint by 15% or less.
  - 2. Any change or intensification of use which alters access and parking.
  - 3. Any site development activity which expands the existing impervious surface 25% or less.
  - 4. Minor changes to the site access and circulation which do not present a significant change impacting the design of the public realm or traffic conditions near the site.
  - 5. Significant exterior design alterations to an existing building that do not change the footprint. This excludes ordinary maintenance, but may include things such as re-facing or changing exterior materials, altering the composition of the façade by changing patterns of windows and doors, changing architectural details and ornamentation.

The Director may determine that any application meeting these eligibility criteria still presents significant change or potential impacts on the area, or presents substantial interpretation questions on the application of development standards, and is not eligible for the administrative site plan process. These applications must be reviewed through the full site plan and design review process.
- B. **Review Criteria.** An administrative site plan shall be reviewed according to the following criteria:



1. In general, any site plan in compliance with all requirements of this code shall be approved.
  2. In deciding compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
    - a. The site can accommodate the buildings, proposed use, access and other site design elements required by this code and will not negatively impact the function and design of rights-of-way or adjacent property.
    - b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices, and requirements of Article 7 [Access & Parking Standards] and Article 8 [Landscape Standards].
    - c. The architecture and building design use quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.
    - d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.
    - e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.
  3. The application meets the criteria for all other reviews needed to build the project as proposed.
- C. **Effect of Decision.** Approval of an administrative site plan shall authorize the applicant to apply for a building permit, and other applicable permits.
- D. **Lapse of Approval.** An approved administrative site plan shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed and acted upon within one year of the approval. Any lapse of work on an approved site plan for more than 180 days may be cause for the Director to revoke the site plan approval. The Director may grant an extension for up to one additional year. Any other element of the plan not submitted for permits within one year shall expire, unless the application proposes a different schedule that is approved.

## 2.06 SITE PLAN – GENERAL

- A. **Applicability.** The site plan and design review process are a way to coordinate development projects within the public realm and with adjacent sites, and specifically to demonstrate how new projects meet the development and design standards of this code for compatible arrangement of buildings, pedestrian and vehicle access, lighting, and landscaping. Submittal of a Site Plan may require other supporting plans such as an Access & Parking Plan and Landscape Plan depending on project applicability. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to site plan and design review applications. The site plan and design review process specifically apply to:
1. Any new building.
  2. Any expansion to an existing building footprint by more than 15%, except detached houses and duplexes.



3. Any site development activity which expands the impervious surface by more than 25% of existing impervious surface on the lot.
  4. Any changes to the site access and circulation which present a significant change impacting the design of the public realm or traffic conditions near the site.
- B. **Review Criteria.** A site plan and design review shall be reviewed according to the following criteria:
1. In general, any site plan in compliance with all requirements of this code shall be approved.
  2. In deciding compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
    - a. The site can accommodate the buildings, proposed use, access and other site design elements required by the code and will not negatively impact the function and design of rights-of-way or adjacent property.
    - b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.
    - c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.
    - d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features, or site design elements.
    - e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.
  3. The application meets the criteria for all other reviews needed to build the project as proposed.
  4. The recommendations of professional staff.
- C. **Effect of Decision.** Approval of a site plan shall authorize the applicant to apply for a building permit, and other applicable permits. The Director may approve minor amendments to approved site plans and design reviews without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative site plan, or any change that is different from any condition of approval of the site plan and design review.
- D. **Lapse of Approval.** An approved site plan and design review shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed and acted upon within one year of the approval. Any lapse of work on an approved site plan for more than 180 days may be cause for the Director to revoke the site plan approval. The Planning & Zoning Commission may grant an extension for up to one additional year. Any other element of the plan not submitted for permits within one year shall expire, unless the application proposes a different schedule that is approved.



## 2.07 CONDITIONAL USE PERMITS

- A. **Applicability.** A conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses. These uses are not generally appropriate in that district, but require a case-specific review to determine the compatibility in a specific context and location, or due to the varying design and operational characteristics of the use, conditional use permits may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to conditional use applications.
- B. **Review Criteria.** A conditional use permit shall be reviewed according to the following criteria:
1. The proposed use complies with all applicable requirements of this code, furthers the intent of the proposed zoning districts, and does not conflict with the intent of any abutting districts.
  2. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this Code and the intent or design objectives of any applicable subsections of this code.
  3. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
  4. The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.
  5. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.
  6. The adequacy of drainage, utilities and other public facilities.
  7. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
  8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
  9. Recommendations of professional staff.
- C. **Effect of Decision.** Approval of a conditional use permit by the City Council shall authorize the applicant to apply for a building permit, and other applicable permits. Approval shall be valid for two years (prior to action by the applicant on the permit; distinct from any time limit the Planning & Zoning Commission or City Council may set for the duration of the permit), and the City Council may grant a one-year extension. Any application not acted upon according to the approval and conditions within this time period shall be void. Any amendment to a conditional use permit shall require the same process as the original approval.
- D. **Revocation.**
1. Any conditional use permit granted under the authority of this chapter is subject to revocation for any or all the following reasons:



- i. Non-compliance with any special conditions imposed by the UDC or by the city council at the time of approval of the conditional permit.
  - ii. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
  - iii. Violation of any other applicable Code provisions or any state or federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the conditional use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.
2. Investigation of a complaint. Should the City receive a complaint in reference to the conditional use permit, the City shall investigate the complaint. If it is determined that a violation of the conditions of the permit or other City Code violations exists, the Director shall bring the conditional use permit back to the Commission.
3. The City may revoke a conditional use permit under the same processes of which it was approved.

## 2.08 VARIANCE

- A. **Applicability.** Variances are a process to provide relief from the zoning provisions of this code (does not include Article 3 – Subdivision Standards), which when applied to a particular property and in a specific context would create an unnecessary hardship or practical difficulties on all reasonable use of the property. Variances may be initiated by the owners or authorized agents of any property affected. A variance shall not permit any use not permitted by these regulations in the particular zoning district. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to variance applications.
- B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that the following conditions are met:
  1. The variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;
  2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
  3. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
  4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
  5. Substantial justice will be done by granting the variance; and
  6. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
- C. **Effect of Decision.** Findings of fact identifying and evaluating all factors relevant to the application shall be made part of the public record. Any person, official or governmental agency



dissatisfied with any order or determination of the Board may bring an action in the Circuit Court of the applicable county within 30 days of the final decision.

## 2.09 APPEALS OF ADMINISTRATIVE DECISIONS

- A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in any final decision in the interpretation, administration, or enforcement of this code by an administrative official of the City. Appeals of administrative decisions may be filed by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the officer administering the zoning ordinance. Appeals of administrative decisions shall be filed with the City Clerk within 30 days of the date of the decision being appealed.
- B. **Effect of Filing.** The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Zoning Adjustments, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to, or poses irreparable harm to, life or property.
- C. **Notice.** A copy of the notice of public hearing shall be sent to each party to the appeal, and to the Board of Zoning Adjustments. The Board shall fix a reasonable time for the hearing of an application, and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the City Council) at least 15 days prior to the date fixed for the public hearing.
- D. **Action and Review Criteria.** The Board of Zoning Adjustments shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. An appeal shall be sustained only upon written findings that the official was in error. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm wholly or partly or may modify the decision being appealed. The Board of Zoning Adjustments shall act on an appeal within a reasonable period after application submittal, but in no case more than 60 days after receipt of a complete application.
- E. **Effect of Decision.** The decision by the Board of Zoning Adjustments shall have the same effect as a decision made by the administrative official. Any person, including any City Official or City Council, aggrieved by a decision of the Board may bring an action in the circuit court within 30 days of the final decision of the Board.

## 2.10 TEXT AMENDMENTS

- A. **Applicability.** Text amendments to these regulations may be initiated by the City Council or the Planning & Zoning Commission, or by Staff on behalf of these entities.
- B. **Specific Procedures.** These regulations may be amended at any time after the Planning & Zoning Commission has held a public hearing on the proposed amendment. In addition to the general procedures in Table 2-1, and Section 2.01, applications for text amendments shall be processed according to the following specific procedures:
  - 1. **Public Hearing.** A public hearing shall be held by the Planning & Zoning Commission for all proposed amendments.
  - 2. **Recommendations.** Upon the conclusion of a public hearing, the Planning & Zoning Commission shall prepare and adopt its recommendations in the form of a proposed



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Development Regulation and shall submit it with a record of the hearing to the City Council.



## ARTICLE 3. COMMUNITY DESIGN & SUBDIVISION STANDARDS

- 3.01 STREETS
- 3.02 PARKS & TRAILS
- 3.03 BLOCKS & LOTS
- 3.04 ADEQUATE PUBLIC FACILITIES
- 3.05 REQUIRED IMPROVEMENTS

### 3.01 STREETS

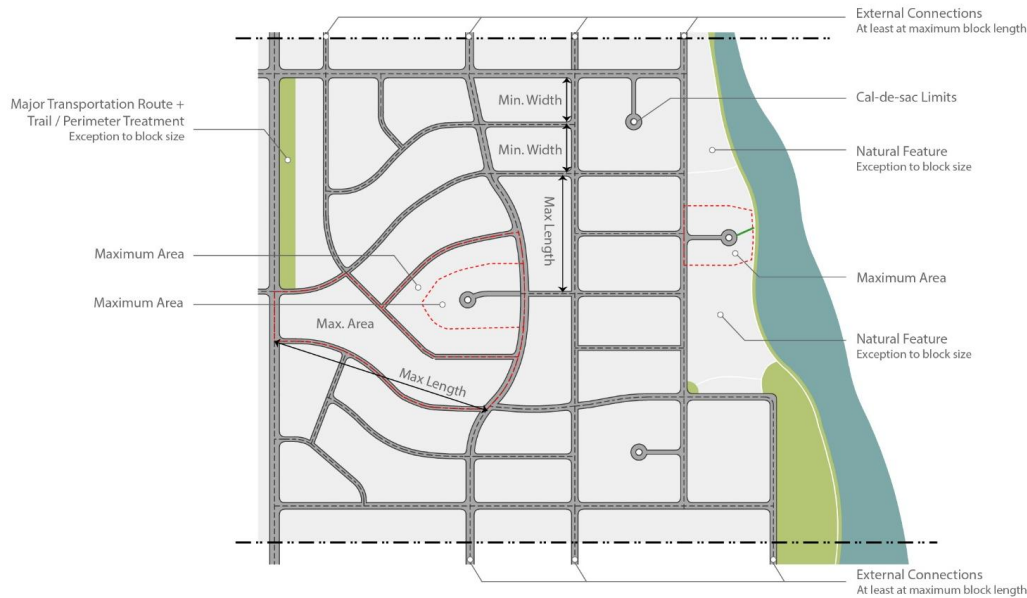
- A. **Intent.** The intent of the street design standards is to:
  - 1. Implement the Pleasant Hill Comprehensive Plan as development occurs, as well as the Future Connections Map and Active Transportation Map.
  - 2. Build complete and multi-modal networks of well-connected streets, trails, and paths to improve the access, capacity, safety, and efficiency of transportation systems.
  - 3. Plan street networks to connect to adjacent projects, correspond with the topography, and to ensure the proper arrangement of blocks and lots for coordinated long-range growth and development.
  - 4. Require and fix the extent to which and the way streets shall be graded and improved.
  - 5. Use street design to call attention to differing contexts within the City, and to better support development patterns and uses abutting the streets.
  - 6. Specify a variety of street design types for different contexts and allow effective transitions of street designs to best support development on abutting blocks.
- B. **Street Network.** Arterial, collector and local streets shall generally be laid out according to the policies of the Comprehensive Plan, and other plans or maps for major streets. In the absence of more specific guidance in these plans, the following standards shall apply to street networks.
  - 1. *Blocks and Connections.* Streets shall be laid out to provide a network of blocks and streets based on the planning context and development pattern as identified in Table 3-1:



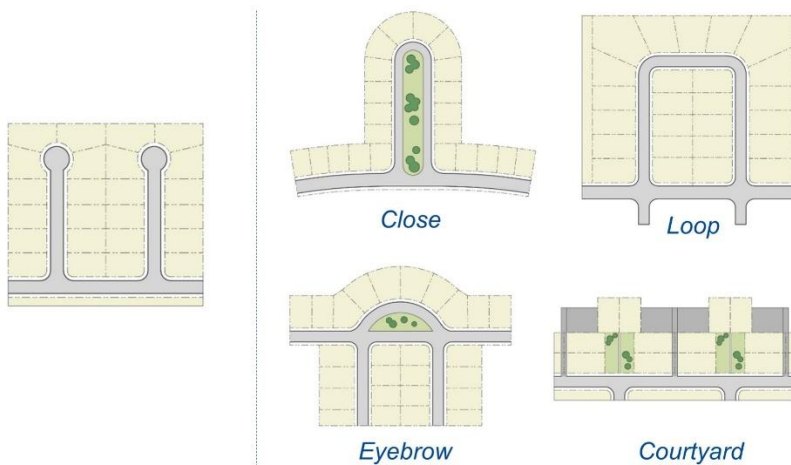
Table 3-1: Block Sizes & Connectivity

| Planning Context                                                                    |                                                                                                                                                                                                               | Block Length             | Block Area    | Cul-de-sac Limits |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------|-------------------|
|    | <b>Downtown Center &amp; Neighborhoods</b><br><i>Core areas of commercial centers and new walkable neighborhoods, and abutting blocks adjacent to walkable places.</i>                                        | 150' min.<br>500' max.   | 2 to 6 acres  | Prohibited        |
|   | <b>Suburban Commercial &amp; Neighborhoods</b><br><i>Suburban neighborhoods and other areas supporting commercial corridors.</i>                                                                              | 250' min.<br>1,000' max. | 6 to 10 acres | 450' max.*        |
|  | <b>Remote Areas or Campuses</b><br><i>Areas removed from walkable centers and commercial corridors, or projects arranged around internal networks or streets to serve large-scale and isolated land uses.</i> | 500' min.<br>1,320' max. | Over 10 acres | 600' max.*        |

\*The length shall be measured along the centerline of the street between the curbline of the intersecting street and the midpoint of the culdesac bulb.



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



**DISCOURAGED**

**PREFERRED**

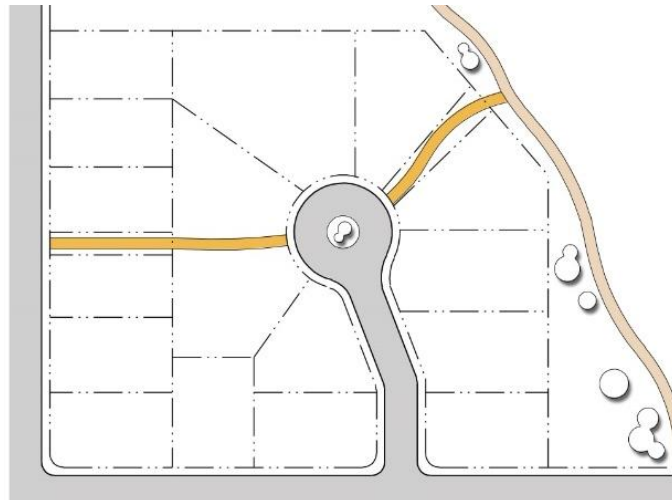
**Figure 3-2 Disconnected Street Options.** Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns.

2. **External Connections.** The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions, or their proper projection where adjoining property is not subdivided, insofar as they may be necessary for public requirements. Streets arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient



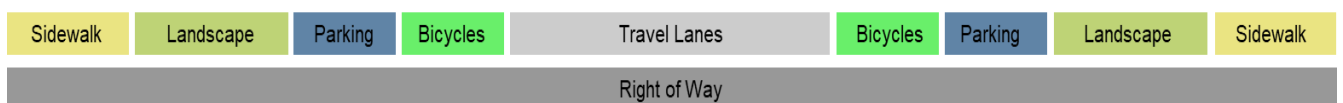
access to it. In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning & Zoning Commission shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat. Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.

3. **Off-sets.** Slight jogs in continuous streets at points of intersection with other streets shall not be permitted unless due to topography. Where offsets cannot be avoided, a minimum distance of 150 feet shall be established between centerlines of the intersecting streets.
4. **Exceptions.** The following are exceptions to the block and connectivity standards:
  - a. **Natural Features and Civic Spaces.** Proposed streets may follow the natural topography to reduce drainage problems and grades. Blocks or parcels abutting or containing important natural features, topographical constraints or otherwise creating parts of the Civic Space System, may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community.
  - b. **Regional Transportation Routes.** Blocks or parcels abutting intervening regional transportation routes such as highways or rail rights-of-way may be larger provided that street layouts and development patterns achieve local connectivity in all other ways possible.
  - c. **Rural Lots or Future Development Tracts.** Tracts divided into larger or rural lots of at least five acres may exceed block limits provided development is arranged to allow future streets in compliance with these regulations, and a logical pattern of re-subdivision can occur with minimal disruption of buildings, utilities, and other structures.
  - d. **Oversized Parcels.** Where oversized parcels are platted for special land uses or development projects that involve large-scale buildings and patterns, such as campuses or large-scale employment areas, platted blocks may be larger provided internal access streets mimic the block structure and urban design amenity of these standards, and create logical extensions and connectivity to the public streetscapes.
  - e. In any case where streets are not required to connect by Table 3-1 through exceptions to this Section, alternative designs such as loops, eyebrows, closes, or courtyard layouts are preferred over dead ends and cul-de-sacs.
5. **Walkways, Passages, Bike Routes.** Access easements may be required as appropriate to the circumstances of the proposed subdivision. In any case where exceptions for larger blocks apply, or any other area where substantial pedestrian traffic may occur, such as adjacent to schools, the City may require pedestrian walkways through blocks or at any dead-end streets. In blocks longer than 750 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Connections shall have a minimum width of 10 feet easement, and be designed to provide appropriate facilities connecting streetscapes, trails, or open space systems.



**Figure 3-3 Walkways, Passages, Bike Routes.** Where street networks do not connect, opportunities to connect pedestrian routes should be considered in context of the overall network and the proximity to common walkable destinations

6. **Adjoining Street Systems.** Whenever a developer has dedicated half of a street (from the centerline of the street to the property line for the length of the property) as a public way along their property, the adjacent developer must do the same to finish the street.
- C. **Street Design.** The street types in this section implement variations for context-based street design and support the intent of this section. Each street type classification provides design variations to align public space design with the development's context; provided it meets all engineering and safety standards. Streets shall be designed based on the following instructions under the discretion of the Public Works Director.
1. **Required Right-of-Way Minimum.** The Street Types provided in Table 3-2 require a minimum Right-of-Way width based upon functional classification and context.
  2. **Street Lane Widths.** Street lane widths are provided as ranges and shall be further defined using the application criteria in Table 3-3.
  3. **Street Design Elements.** Street design elements are either required, optional, or not applicable to the selected street type. The design of these elements shall be further defined using the application criteria in Table 3-3.



**Figure 3-4: Street Design Elements Diagram.**



**Table 3-2: Street Types**

| Street Type                                                                                                                                                                                                                                                             | Functional Classification |                    |                 |           |          | Required Section                         |                  | Typical Street Design Elements [2] |                               |               |                   |                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------|-----------------|-----------|----------|------------------------------------------|------------------|------------------------------------|-------------------------------|---------------|-------------------|-------------------------------|
|                                                                                                                                                                                                                                                                         | n/a – internal to block   | Local – Low Volume | Minor Collector | Collector | Arterial | Right-of-way Width<br>(required minimum) | Street Width [1] | Travel Lanes<br>(typical widths)   | Parking                       | Bike Facility | Landscape Amenity | Sidewalks                     |
| <b><u>Residential Streets</u></b>                                                                                                                                                                                                                                       |                           |                    |                 |           |          |                                          |                  |                                    |                               |               |                   |                               |
| Neighborhood Alley                                                                                                                                                                                                                                                      | ■                         |                    |                 |           |          | 20'                                      | 12' - 16'        | 12'-16' yield lane                 | n/a                           | n/a           | n/a               | n/a                           |
| Neighborhood Street                                                                                                                                                                                                                                                     |                           | ■                  |                 |           |          | 54'                                      | 24' - 28'        | 14'-17' yield lane                 | Required on at least one side | n/a           | Required          | Required on at least one side |
| Neighborhood Connector                                                                                                                                                                                                                                                  |                           |                    | ■               | ■         |          | 62'                                      | 28' - 34'        | 2 @ 10.5'                          | Required on at least one side | Optional      | Required          | Required on both sides        |
| Neighborhood Parkway & Boulevard                                                                                                                                                                                                                                        |                           |                    |                 | ■         | ■        | 90'                                      | 34' - 50'        | 2 @ 11' and 12' center lane        | Optional                      | Optional      | Required          | Required on both sides        |
| <b><u>Nonresidential Streets</u></b>                                                                                                                                                                                                                                    |                           |                    |                 |           |          |                                          |                  |                                    |                               |               |                   |                               |
| Nonresidential Alley                                                                                                                                                                                                                                                    | ■                         |                    |                 |           |          | 20'                                      | 18'              | 2 @ 9'                             | n/a                           | n/a           | Required          | n/a                           |
| Pedestrian Street – Minor                                                                                                                                                                                                                                               |                           | ■                  |                 |           |          | 60'                                      | 30' - 36'        | 2 @ 10'                            | Required on at least one side | n/a           | Required          | Required on both sides        |
| Pedestrian Street – Main                                                                                                                                                                                                                                                |                           | ■                  |                 |           |          | 80'                                      | 20' - 50'        | 2 @ 10'                            | Required on at least one side | n/a           | Required          | Required on both sides        |
| Commercial – Local                                                                                                                                                                                                                                                      |                           | ■                  |                 |           |          | 60'                                      | 22' - 38'        | 2 @ 11'                            | Required on at least one side | n/a           | Required          | Required on both sides        |
| Commercial – Standard                                                                                                                                                                                                                                                   |                           |                    | ■               | ■         | ■        | 80'                                      | 34' - 56'        | 2 @ 12' 12' center lane            | Required on at least one side | Optional      | Required          | Required on both sides        |
| Access Alley – Commercial/Industrial                                                                                                                                                                                                                                    | ■                         |                    |                 |           |          | 20' easement                             | 14'-18'          | n/a                                | Optional on shoulder          | n/a           | n/a               | n/a                           |
| <div>[1] Street width is back-of-curb measurement, with curb and gutter included street width where it is on-street parking or a travel lane.</div> <div>[2] See Table 3-3 Streetscape Design Guide for recommended street element applications based on context.</div> |                           |                    |                 |           |          |                                          |                  |                                    |                               |               |                   |                               |



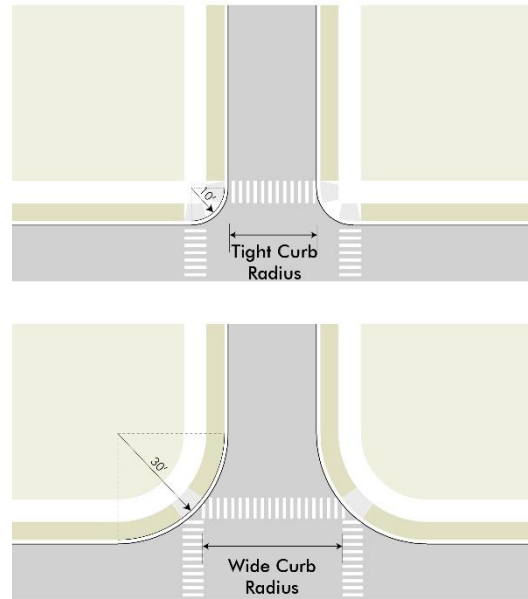
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4. *Street Design Application Guide.* The required minimum right-of-way standards and streetscape components shown for each street type in Table 3-2: Street Types are typical. Specific elements of the cross section may be modified to best reflect the priorities for the street type expressed in Table 3-2. At the discretion of the Community Development Director and Public Works Director, streets may be designed based on context following additional applicable criteria:
- a. Application of design elements or adjustments to required section do not contradict the intent of this section.
  - b. Any planning, urban design, traffic, and engineering issues have been identified and reconciled by the Public Works Director.
  - c. Adjustments to the measurements of specific street elements, as defined in Table 3-2, generally support the application criteria defined in Table 3-3: Streetscape Design Guide.



Table 3-3 Streetscape Design Guide

| Street Element         | Size                | Application Criteria                                                                                                                                                        | Street Type (Recommended) |                     |                        |                                  |                      |                           |                          |                |                    |
|------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------|------------------------|----------------------------------|----------------------|---------------------------|--------------------------|----------------|--------------------|
|                        |                     |                                                                                                                                                                             | Neighborhood Alley        | Neighborhood Street | Neighborhood Connector | Neighborhood Parkway & Boulevard | Nonresidential Alley | Pedestrian Street – Minor | Pedestrian Street – Main | Standard Local | Standard Collector |
| Travel Lanes           | 12'+                | High-speed / high-volume; generally, avoid on streets where moderate to high levels of pedestrian activity is expected or desired                                           |                           |                     |                        |                                  |                      |                           |                          |                | ■                  |
|                        | 11'                 | Applicable on major streets or routes where frequent truck or transit vehicles are expected                                                                                 |                           |                     |                        | ■                                |                      |                           |                          | ■              |                    |
|                        | 10'                 | Generally applicable on all City streets with through traffic                                                                                                               |                           |                     | ■                      |                                  | ■                    | ■                         |                          |                |                    |
|                        | 9'                  | Limited to low-volume streets, slow-speed streets, or where right-of-way is constrained                                                                                     |                           | ■                   |                        |                                  | ■                    |                           |                          |                | ■                  |
|                        | Yield lanes         | Limited to slow, low-volume streets in well-connected networks, where intermittent parking and occasional queuing areas allow two cars to pass                              | ■                         |                     |                        |                                  |                      |                           |                          |                | ■                  |
| Bike Lanes             | n/a                 | Slow or low-volume streets where bicycles can mix with travel lanes. (typically < 20 mph)                                                                                   | ■                         | ■                   |                        |                                  | ■                    | ■                         | ■                        | ■              | ■                  |
|                        | 4'-6'               | Low-speed streets or constrained right-of-way (typically < 35mph)                                                                                                           |                           | ■                   | ■                      |                                  |                      | ■                         |                          | ■              |                    |
|                        | 7'-10'              | Important bike routes or higher speed streets (typically 35+ mph); 2' – 4' protected buffer; 4'-8' bicycle travel way                                                       |                           |                     | ■                      | ■                                |                      |                           |                          |                | ■                  |
|                        | Off-street          | High-speed / high-volume (typically 45+mph); or portions of trails system                                                                                                   |                           |                     |                        | ■                                |                      |                           |                          |                | ■                  |
| Parking                | 6'-7'               | Limited to low-volume residential streets                                                                                                                                   | ■                         | ■                   |                        |                                  | ■                    |                           |                          |                |                    |
|                        | 7'-8'               | Generally applicable to all residential and commercial areas where parking is necessary                                                                                     |                           |                     | ■                      |                                  |                      | ■                         | ■                        | ■              | ■                  |
|                        | 14'-22' angled      | Limited to high-activity streets to maximize parking; depth depends on angle of parking, availability of backing area or cueing lane, and other traffic circumstances       |                           |                     |                        |                                  |                      | ■                         | ■                        | ■              | ■                  |
| Landscape/Amenity Area | 2'-6' amenity zone  | Walkable areas (typically paired with adjacent on-street parking) where hardscape, landscape, and street furniture extend sidewalks as social space; ornamental trees only. |                           | ■                   |                        |                                  |                      |                           |                          | ■              | ■                  |
|                        | 6'-13' amenity zone | Used for high-activity streets that prioritize social space in streetscapes; Sufficient for shade trees.                                                                    |                           | ■                   | ■                      |                                  |                      | ■                         | ■                        | ■              |                    |
|                        | 13'+ landscape      | Used on signature streets for enhanced landscape amenities; space can be shared with or shifted to medians.                                                                 |                           |                     | ■                      | ■                                |                      | ■                         | ■                        |                | ■                  |
| Sidewalks              | 4'                  | Avoid – constrained right-of-way only                                                                                                                                       |                           | ■                   |                        |                                  |                      |                           |                          | ■              |                    |
|                        | 5'-8'               | Appropriate range for most streets, in most cases constructed on both sides of the street.                                                                                  |                           | ■                   | ■                      |                                  |                      | ■                         | ■                        | ■              | ■                  |
|                        | 8'-12'              | Appropriate range for streets intended to support walkability, multi-modal paths, or social activity.                                                                       |                           | ■                   | ■                      | ■                                |                      | ■                         | ■                        | ■              | ■                  |

- D. **Intersection Design.** Intersections shall be designed according to the following standards:
1. **Street Layout.** Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be 60 degrees. Intersecting streets which determine block length shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood.
  2. **Corner Radii.** Curb radii shall be, according to the Public Works Director, the minimum amount necessary to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, based on the appropriate context. Table 3-4 establishes general guidelines based on context. In areas where large vehicles will make frequent turning movements, a greater turning radius may be required. In areas where slower speeds are desired, or walkability is desired, tighter corner radii may be required.



**Figure 3-5 Curb Radii.** Intersections with smaller curb radii reduce crossing distances and slow traffic.

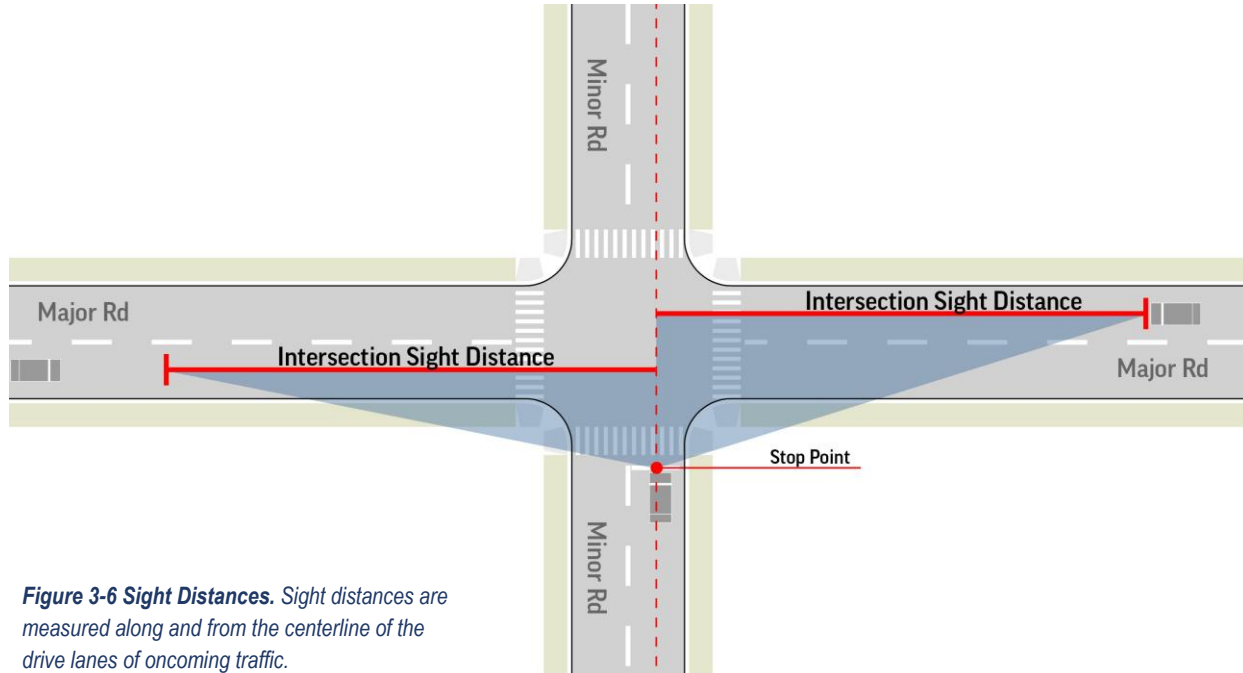
**Table 3-4: Corner Curb Radius Guidelines**

| Context                                              | Curb Radius |
|------------------------------------------------------|-------------|
| Local Streets; Walkable, Pedestrian-Oriented Context | 10'-20'     |
| Collector Streets; Suburban, Multi-Modal Context     | 15'-25'     |
| Arterial Roads; Auto- and Truck-Oriented Context     | 25'-35'     |



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

| Table 3-5: Clear Sight Distance     |                                                                                                     |
|-------------------------------------|-----------------------------------------------------------------------------------------------------|
| Design Speed of Intersecting Street | Intersection Sight Distance<br>(Measured along centerline of intersecting lane of oncoming traffic) |
| 15 mph                              | 105'                                                                                                |
| 20 mph                              | 125'                                                                                                |
| 25 mph                              | 150'                                                                                                |
| 30 mph                              | 200'                                                                                                |
| 35 mph                              | 225' - 250'                                                                                         |
| 40 mph                              | 275' - 325'                                                                                         |
| 45 mph                              | 325' - 400'                                                                                         |





- 
- a. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 3-5 to the centerline of the intersecting street.
  - b. Street trees, light poles or other limited obstructions are allowed within the sight triangle provided that they do not have any foliage, limbs, or other obstructions between 2 and 8 feet, and are no closer than 30 feet to the intersecting right-of-way line.
  - c. Fully controlled intersections, where signalization establishes and prioritizes safe turning movements, may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Public Works Director.
4. **Crosswalks.** Intersections of sidewalks with public streets shall have crossings meeting the following standards.
- a. Curb ramps meeting Americans with Disability Act (ADA) requirements shall provide a direct, non-diverted approach from the sidewalk along the block, into the crosswalk area.
  - b. Crosswalks on collector streets or higher classification shall be considered for enhanced crossings, including bulb outs, refuge islands or other traffic calming measures that are appropriate to the context of the intersection.
  - c. Where blocks exceed more than 800 feet between intersections, or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to approval of the Public Works Director.
  - d. Any crosswalk over 80 feet, or any other significant pedestrian crossing, may require a pedestrian refuge in the median at the discretion of the Public Works Director.



### 3.02 PARKS & TRAILS

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

1. Implement the City's Comprehensive Plan, and all other official plans and public policy related to coordination of natural resources, trails, park and recreational facilities, and open space within the City.
2. Recognize open space as an important and enduring element of civic design and Pleasant Hill's image and identity.
2. Plan and integrate an open and civic space system into the structure of streets, blocks and lots as a coordinated part of the public realm.
3. Value the design, function, and appropriate application of different types of open space, rather than solely the quantity of space.
4. Develop a greater perceived impact from open space by coordinating the design and location of open spaces across multiple development projects.
5. Consider the context and multiple functions that open spaces can serve to support development, including ecological, recreation, aesthetic, and urban design functions.
6. Create focal points for the community, neighborhood, district, or development site to which development and site plans should respond to.
7. Integrate natural systems into the design of common or public open spaces.

B. **Applicability.**

1. *Generally.* These standards apply to all divisions of land involving more than 5 acres. All platted lots shall have access to one or more of the open and civic space types in this Section, within the specified service area. The open space requirement is in addition to any landscape, setback, buffer or frontage type requirement in this code, however effective site design can allow areas to meet multiple standards.
2. *Exceptions.* The provisions of these regulations shall not apply to the following:
  - a. Residential, commercial, or industrial development for property to be located on a lot of record, or vested final plat, which was approved prior to the effective date of these regulations.
  - b. Residential, commercial, or industrial development constructed or to be constructed in accordance with a building permit issued prior to the effective date of these regulations.
  - c. Any lot platted within the applicable service area for any existing open and civic space types below does not require any new open spaces, provided:
    - i. It is public; or
    - ii. It is private or common and the property owner has a right to access this property through easements, covenants or other formal documentation of the entity with ownership and control of the space.



3. *Reductions and Deviation.* At the discretion of the City, the requirements may deviate from the criteria of this Section:
  - a. Based on a plan through the planned development process (Section 2.04) that meets or exceeds the intent of this Section.
  - b. To the point where any lesser percentage of open space will clearly meet both the service area and level of service targets.
  - c. For any application that dedicates open space to the public in a type, location and design standard that is acceptable to meet general public needs, upon the recommendation of the Park Board.

C. **Required Open Space Dedication.**

1. *Dedication.* Subdivision, planned development, or other residential/commercial improvement applications which develop on undeveloped area of land shall provide a dedication of open space, cash in lieu of dedication, or a combination of both at the discretion of Parks Director or their designee.
  - a. The requirement may be met by a dedication of land for public parks, private common areas, or a combination of both at the discretion of City Staff. Requirements relating to public and private dedications are outlined in 3.02C-3 and 3.02C-4.
  - b. Generally, land donations for public parks shall be at least 5 acres in size. Smaller spaces may be accepted by the City, and shall be designed according to the provisions of Table 3-6D: Small Open Spaces.
  - c. *Cash-in-lieu of Dedication.* Cash-in-lieu of land dedication may be used when the Park Board determines the cash value of land to be more appropriate in satisfying the needs of the proposed subdivision than land within the proposed subdivision. Typical cases include small developments, locations with disadvantageous topography or access, or developments that already have adjacent facilities that could be expanded to satisfy the need created by the proposed development. Cash in lieu required shall be paid prior to final plat approval. The fee is established in City Code Appendix B.
2. *Suitability Criteria – Generally.* All designated open space, accepted by the City for public and/or common use, shall be of suitable size, location, dimension, topography, and general character and shall have proper road and/or pedestrian access, as may be appropriate, to be usable open space, as follows:
  - a. The required open space provided, at a rate determined by the City.
  - b. Open spaces shall be designed and constructed in accordance with Open Space Design Standards outlined in Section 3.02-E.
  - c. Retention areas or detention basins shall not qualify as a dedicated open space.
  - d. At least 50% of the gross area of any active open space required to be dedicated pursuant to this section shall have a natural slope of 4% or less and shall not be in an existing watercourse, drainage easement, or water ponding area. In addition, that portion of the land must have a cover of 6 inches or more of topsoil



suitable for the seeding and cultivation of grass. If land proposed to be dedicated has a natural slope in excess of that required by this subsection but may be engineered to provide for a slope that meets the requirements imposed therein, the developer may, upon the favorable recommendation of the Park Board, permit such land to be dedicated to satisfy the requirements of this subsection.

- e. Open space areas located in spillways where the spillway is greater than 25% of the land area shall not be used to meet the requirements of this section.
  - f. **Trails Systems.** The trail system is considered integral to the parks and recreation system and all developers required to construct a segment of a required trail shall be awarded credit against the land dedication requirement. Where a future trail segment is defined on plans adopted by the City of Pleasant Hill, or by the MetroGreen or similar plan adopted by the Mid-America Regional Council, open space dedications are required to provide such trail segment. A public access easement 20 feet in width shall be required over the entire length of the trail segment. Any homeowner's association established for the development shall maintain the land adjoining the trails' surface along with all other common areas in their development. The developer shall be awarded credit both for the property acreage within the public access easement and for the cost of the trail improvement. Trail construction cost credits shall be determined by the City Engineer using AASHTO standard costs for asphalt installation for the year in which the construction takes place.
3. **Public Open Space.** The following provisions shall apply to the dedication of open space for public use.
- a. Generally, the dedication of public open space shall be in a single parcel unless there are physical features, such as a railroad, public street, or water separating the proposed tracts.
  - b. Public open space shall be dedicated to a condition ready for full service with electrical, water, and sewer access at the property line.
  - c. The layout of the park shall maximize street frontage on a public street.
4. **Private Common Space.** The developer may comply with the provisions of this section to furnish common space by privately developing open space at the discretion of The City.
- a. The developer must provide an area that meets the minimum standards set forth in this section related to size, suitability, and location, as set forth in 3.02C-2.
  - b. The developer must provide minimum neighborhood park improvements in a privately developed open space tract consistent with Table 3-6B.
  - c. All improvements to privately developed open space tracts shall be included in the first phase of infrastructure installation for the development's first final plat. A public access easement over the entire area shall be required and shown on the preliminary and final plat of the phase of development which includes the dedicated space. Privately developed parkland shall be maintained by the developer or homeowners' association (HOA) in the subdivision under a legal agreement approved by the City as adequate to ensure its continued operation



and maintenance. The developer may turn over all rights and maintenance of the completed park to the HOA if so agreed upon prior to final plat.

- d. The City may recommend credit against the requirements of this article for privately developing parkland upon a finding that the development would advance the goals of the parks and recreation element of the City's most recent comprehensive plan and/or would preserve a significant natural, cultural, or historic feature or landmark.
5. *Subdivision Of Park and Open Space Prohibited.* Land designated as public open space shall be maintained as open space and may not be separately sold, subdivided, or developed except to the City, an appropriate public agency, or a nonprofit entity if there is a public or nonprofit agency willing to accept the dedication and financially capable of maintaining such open space. Land designated as private open space may be sold but shall continue to be maintained as open space under the regulations of this Code.
6. *Prohibited Activity.* Following dedication of lands as provided herein, no person shall remove trees, vegetation, or topsoil there from, nor shall the lands be used for the purpose of stockpiling of earth or construction material, or disposal of construction debris, without the written consent of City staff.
7. *Platting Requirements.* Land proposed for dedication shall approved by the City and be clearly identified on any submitted plat including the number of acres for each site and the total acreage proposed for City park dedication within the project. All land dedicated shall transfer ownership at the time of plat recording.



- D. **Open Space Types & Context.** Open and civic space systems shall be laid out according to the policies of the Comprehensive Plan and this section. Open spaces shall be designed to reinforce the character of the area and anticipated development patterns, uses, and project designs. Table 3-6 indicates the types of open spaces that are eligible for each area based on context. Standards and specifications for each open space type are provided in sub-section E.

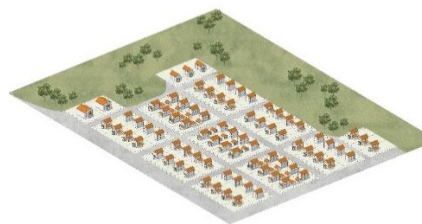
| Table 3-6: Open Space Types and Contexts                                            |                                                                                                                                                                                                               |              |      |                     |                                      |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------|---------------------|--------------------------------------|
| Planning Context                                                                    |                                                                                                                                                                                                               | Natural Area | Park | Trail /<br>Greenway | Square,<br>Courtyard,<br>Pocket Park |
|   | <b>Walkable / Compact</b><br><i>Downtown, core areas of commercial centers, near downtown areas and new walkable neighborhoods, and abutting blocks adjacent to walkable places.</i>                          | ■            | ■    | ■                   | ■                                    |
|  | <b>General</b><br><i>Suburban neighborhoods and other areas supporting commercial corridors.</i>                                                                                                              | ■            | ■    | ■                   | ■                                    |
|  | <b>Remote Areas or Campuses</b><br><i>Areas removed from walkable centers and commercial corridors, or projects arranged around internal networks or streets to serve large-scale and isolated land uses.</i> | ■            | ■    | ■                   | ■                                    |



- E. **Open Space Design Standards.** Open Space Systems shall be designed according to the specific type, and the standards below for each different type.

**Table 3-6A: Natural Area**

The size, location and design of a Natural Area shall be dependent on the planning context, the presence of natural amenities and ecological resources worthy of protection and the ability of the designated area to provide significant continuity with nearby natural features. In general, these areas should provide the opportunity of at least 5 acres of contiguous preserved area and ideally 40 or more acres.



**Service Area:**

N/A

**Design Standards**

- Natural Areas include any area of existing or restored open lands such as riparian corridors, flood hazard areas, unique geological formations, important habitats, significant plant types or substantial groupings of important plant types, wetlands, etc. The goal is to protect the edges to maximize intact spaces that provide valuable ecosystem services for the community, support preservation goals or enhance the aesthetics and amenities of the area.

**Table 3-6B: Parks**

**Size**

2 – 5 acres, 3+ acres ideal (Local Park), Neighborhood (5-25 acres) and Community Parks (25+ acres) shall meet the size requirements of the Parks and Recreation Department plans and policies.



**Service Area**

Within block or on adjacent block (Pocket Park)

1000' to ¼ mile (Local Park)

Neighborhood and Community Parks service areas dependent on Parks and Recreation Department plans.

**Design Standards**

- Any park planned for public dedication shall be designed according to official plans and policies of the Parks and Recreation Department.
- Other parks shall generally be at least 100' wide in all directions, except that linear natural features ("Greenway") may be designed as a park with portions as narrow as 40' provided it has significant continuity between other open space features
- One shade tree for every 40' of street frontage shall be required to relate the park to the public realm, plus other landscape to support the overall park design.
- Between 15% and 50% of the area should be allocated to structured recreation such as ball fields, playgrounds or sport courts. The remainder of the area should be allocated to ground cover, tree areas, gardens, lawns, or other landscape amenities.



**Table 3-6C: Trails & Greenways**

**Size**

20' min. width; 30'+ ideal, but dependent on topography and natural features.

Trails / Greenways shall be located to provide continuity through the area, and connections to other supporting facilities, with the ability to link existing or future destinations for pedestrians or cyclists, such as parks, schools and community centers or other civic destinations.

**Service Area**

1/8 mile, or 1/4 mile from access point.



**Design Standards**

- Any new trail or greenway shall be consistent with the Comprehensive Plan and any official plans and policies of the Department of Parks and Recreation.
- Trails / Greenways should include a paved or otherwise dust free stabilized surface at least 8' min width; 10' min. if shared bike/pedestrian trail.
- The landscape area on each side of the trail should be at least 6', and wider in places to incorporate natural features or significant vegetation.
- One shade tree for every 40' of trail length; and 1 ornamental tree or evergreen tree for every 25' of trail length shall be required. Existing vegetation within 35' of the centerline of the trail may count towards this allocation.
- Trails / Greenways located along rights of way may be designed in conjunction with the overall cross-section design of the right-of-way to create the optimal multi-modal design for the street and trail.

**Table 3-6D: Small Open Spaces – Square, Courtyard, Pocket Park**

**Size**

1,000 s.f. to 1 acre

**Service Area**

On block or immediately adjacent block



**Design Standards**

- Small open spaces shall include one shade tree for every 50' of street frontage and one ornamental tree for every 3,000 square feet.
- At least 10% of the area shall be allocated to planter beds, seasonal plantings or foundation plants or other landscape amenities.
- At least 20% of the area shall be designed for formal gathering such as seating areas and other concentrated amenities.
- Small open spaces should include seating, art, formal landscape and other amenities and ornamentation as a focal point for gathering places.
- Squares should have a public street along all sides and be designed as a focal point for abutting blocks; streets should be designed for multi-modal transportation with direct pedestrian access to the Square.
- Courtyards should have a public street along at least 1 side or accessible from a public street by a pedestrian passageway; streets should be designed for multi-modal transportation with direct pedestrian access between the Plaza/Courtyard and the street.



- F. **Location Criteria.** The following location criteria shall be used in determining the most appropriate locations and characteristics of land to be designated as required open and civic space systems.
1. **Visibility.** Priority should be given to areas that provide the most visible impact, and to locations that provide relationships to open and civic space systems on adjacent property and future development sites.
    - a. Formal open spaces (Greens, Squares, or Plazas) should be located at prominent focal points within a subdivision or development site, and included in or designed as an effective extension of the public rights-of-way, or other common areas.
    - b. Natural open space (Natural Areas, Trails/Greenways, or Parks) should be located along prominent ridges, valleys and view corridors or areas where other natural features such as significant vegetation or water features exist.
  2. **Function.** Open space shall be located in areas that maximize its functional characteristics.
    - a. Formal open space shall be centered in areas that will have the greatest population density, activity or development intensity in order to provide the greatest pedestrian accessibility.
    - b. Natural open space shall be located in areas where the ecological, aesthetic, and recreational impact will be the greatest.
- G. **Ownership and Management.** All required Open and Civic Space shall be designated as a separate parcel or tract on the final plat. Documentation recorded with the final plat shall demonstrate the responsibility and capacity for ongoing maintenance, administrative and financial management of the space according to these standards. Options for ownership and management of preserved area include:
1. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
  2. Creation of a homeowners and/or leaseholders association that owns it in common capable of carrying out the ownership and management.
  3. Dedication to a public entity as part of the rights-or-way, parks, or other community facilities element of the plan.

Dedication to the City or other public entity is subject to acceptance by and at the sole discretion of the City Council or other public entity. All open spaces designated on the final plat may be eligible to count towards the Park Land Dedication requirements according to the provisions of Section 3.02.C.

### 3.03 BLOCKS & LOTS

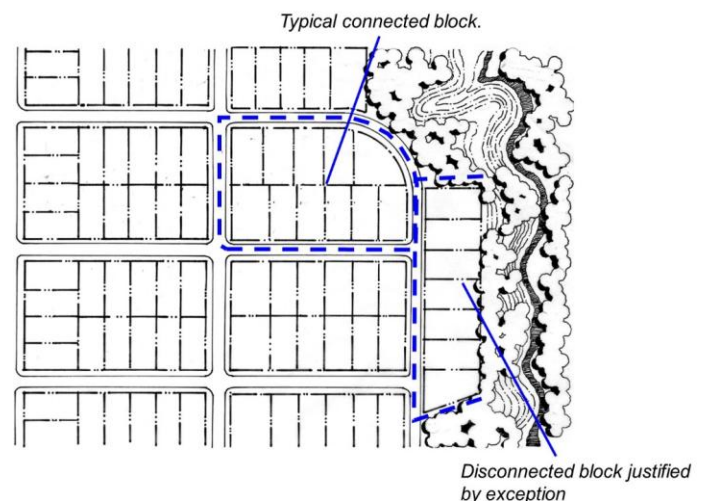
A. **Intent.** The intent of this Section is to:

1. Ensure the proper arrangement of blocks and lots within the structure of the street network and open and civic space systems.
2. Arrange development in a manner that is least disruptive to existing topography and capitalize on inherent characteristics of the land as defining features.
3. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
4. Promote appropriate site and building designs in relation to the public realm.
5. Ensure that all lots are buildable lots according to this Code, and provide that all tracts or other parcels serve an urban design or planning function in relation to the overall development pattern.

B. **Applicability.** The standards in this section apply to any division of land or platting involving new blocks or lots, to the extent the division impacts any of the standards.

C. **Block Arrangement.**

1. **Generally.** All blocks shall be laid out to have two tiers of lots, unless dictated by overriding development patterns outside of the control or impact of the project. A different arrangement may be required to provide better circulation or to protect a major circulation route.
2. **Unbuildable Areas.** Blocks and lots shall be arranged to avoid hazards and unbuildable areas including steep grades, unstable or expansive soils, lands with inadequate drainage or subject to flooding, and natural drainage areas. These areas shall be incorporated into open and civic space systems, restricted tracts or out lots, or otherwise mitigated to eliminate hazards.
3. **Block Size & Pattern.** The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 3.01.B.
4. **Access and Frontage.** The street network, street designs and block arrangements shall be coordinated to promote the connectivity and public realm design goals of each particular context.



**Figure 3-7 Blocks and Lots: General Layout and Size.** Blocks shall be laid out to meet the connectivity standards for each specific context, including any justified exceptions for disconnected blocks.



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- a. Blocks shall be laid out so that each lot has access to the street network.
    - b. Lot access should be coordinated at the block level to preserve the design of specific street design types.
    - c. When individual lots may have limited access due to broader streetscape and urban design goals, alternative strategies such as alleys, internal access streets, shared drives, or limited drives with access to interior portions of the block or lot should be used.
  5. **Drainage.** Storm drainage should be designed at the largest scale possible in order to avoid site by site treatment. Blocks and streets shall conform to existing topography as nearly as possible to reduce drainage problems.
  6. **Monuments.** Monuments shall be placed at block corners, point of curves, change in direction along lot lines and at each lot corner in accordance with specifications of the City.
  7. **Focal Elements.** On at least two of the four corners of an intersection of two arterial or collector streets, subdivisions shall provide a “focal element” within a radius of 125 feet from the intersection of the centerlines of said streets. The “focal point” need not be located at the corner of the lot but must be easily visible from the intersection of the two streets. A “focal element” may consist of any of the following or a combination thereof, and may be incorporated into a major entryway signage feature for the development:
    - a. A building with distinctive architectural elements, preferably with a vertical element.
    - b. A vertical architectural feature (maximum of 45’ height and minimum of 25’ height) such as a tower, spire, or unique roof form.
    - c. Public art or sculpture, fountains, or other water features.
    - d. Public plazas or other open space; or
    - e. Landscape features.
  - D. **Lot Arrangement.** All lots shall result in buildable sites considering the topography, surrounding character, proposed land uses, and development standards applicable to the lot.
    1. **Size.** The width and area of all lots shall comply with the requirements of the zoning district in which they are located.
    2. **Lot Lines.** Side lot lines shall be generally perpendicular to the right of way lines or radial to curved streets. All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street, except where a variation of this rule will provide a better street and lot layout to accommodate topography and overriding characteristics of the development pattern.
    3. **Lot Access.** Lot access shall be limited by the specific street type, and the access guidance provided for each street. Access for any street may be further modified by any specific access management study. Where access is limited by these standards and guidelines, alternative access through shared drives, internal access lanes, or alleys shall



be considered. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations identified in the arrangement of blocks and development patterns.

4. *Corner Lots.* Corner lots should have extra width sufficient to permit the establishment of front building lines on both adjoining streets, or to permit other building arrangements that support the proper relation of the building and site to the adjoining streets.
5. *Building Lines.* Building lines conforming to zoning regulations shall be shown on all lots within the platted area.



### 3.04 ADEQUATE PUBLIC FACILITIES

- A. **Intent.** The intent of this Section is to:
1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
  2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
  3. Consider the location of public and community facilities with initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are located conveniently in neighborhoods and districts and serve as focal points for the community.
  4. Provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities, or alternatively to provide an incentive for landowners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
  5. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
  6. Promote fiscal responsibility for all public entities by coordinating the planning, design, and financing of public facilities with impact generated from proposed development.
- B. **Generally.** Land proposed for development shall be served by public facilities and services which are adequate to support the proposed development. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service and streets.
- C. **Comprehensive Plan.** Proposed public improvements shall conform to and be properly related to the City's comprehensive plan, applicable capital improvements plans, street plans, and any applicable design guidelines.
- D. **Water.** All habitable buildings and buildable lots shall be connected to a public water system which is capable of providing water for health and emergency purposes, including adequate fire protection as required.
- E. **Wastewater.** All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment as required.
- F. **Stormwater Management.** Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The City may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development. Where applicable, proposed improvements shall comply with the adopted Missouri 7 Corridor Commercial Design Guidelines.



- G. **Streets.** Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian and bicycle circulation, shall be properly related to the Comprehensive Plan, and shall be appropriate for the particular traffic characteristics of each proposed development.
1. Traffic impact analysis. For any project projected to generate more than 1,000 vehicle trips per day based on Institute of Transportation Engineers trip generation rates, or if otherwise required pursuant to any provision of the UDC, an applicant shall prepare a traffic impact analysis in conformance with the provisions of this section. At a minimum, the traffic impact analysis shall include the following:
    - a. Existing traffic conditions and peak hour levels of service on adjacent roadways and intersections located within one mile of the project;
    - b. Average daily and peak hour traffic demands to be generated by the project;
    - c. Existing capacity of adjacent roadways;
    - d. Projected roadway level of service, based on full development of the project and any other approved projects within one mile of the subject property, on adjacent roadways and at intersections located within one mile of the project;
    - e. Recommended traffic mitigation measures for any development for which is projected to result in a level of service "D" or worse. Said measures shall result in a projected level of service "C" or better; and
    - f. Costs of the recommended traffic mitigation measures.
- H. **Phasing.** The City may require the phasing of development or improvements in order to maintain current levels of service for existing public services and facilities or for other reasons based upon maintaining the health, safety and general welfare of the City's inhabitants.
- I. **Extension Policies.** All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The City may require the applicant of a subdivision to extend off-site improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.
- J. **Easements/rights-of-way.**
1. Except as otherwise provided in the UDC, an applicant for a development approval shall ensure that adequate on-site and off-site easements are provided for future roadways, water, wastewater and other public utilities.
  2. The property owner shall grant adequate utility easements for all public and private utilities along rear and side property lines as required by the Public Works Director. Utility easements shall be submitted to the Public Works Director prior to plat recordation.
  3. All public utility easements shall be at least ten feet wide along ROW and 15 feet in other locations. Additional width may be required for reason of unusual topography or the need to use easements for multiple utilities.



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4. Easements shall be centered along or to be adjacent to a common property line where practical. All easements for drainage or sewer shall be selectively cleared of undergrowth, trees, and other obstructions by the developers prior to final approval. This does not apply to easements which are provided for possible future use.
  5. An applicant shall provide adequate on-site rights-of-way for anticipated traffic demands in a manner consistent with the UDC, the comprehensive plan and project specific Traffic Impact Analysis (TIA), if applicable. If a TIA, prepared in accordance with Section 3.05-G-1, shows that a proposed development creates the need for additional off-site right-of-way, the applicant may be required to provide said right-of-way prior to development approval.
  6. All designated right-of ways and easements shall be kept clear of trees, landscaping and other vegetation.
- K. **Inspections/Acceptance.** The City will inspect public improvements to ensure that such improvements are constructed to City standards and specifications. City acceptance of required improvements shall be required prior to use or occupancy of a development.
- L. **Maintenance.** The City shall require payment bonds, performance bonds, and three-year maintenance guarantees for any street, wastewater line, water main extensions, or drainage facility as a condition of accepting such improvement.



### 3.05 REQUIRED IMPROVEMENTS

- A. **Intent.** The intent of this Section is to ensure that all improvements necessary to serve lots within a subdivision are constructed, inspected, or otherwise assured of completion prior to the issuance of building permits.
- B. **Improvement Agreement.** Certain improvements shall be installed within the subdivision before building permits are issued for buildings on abutting lots or, in lieu of actual installation, benefit districts may be used for the required improvements. As an alternative to the above procedures, the applicant may enter into a Subdivision Improvement Agreement, providing sufficient security of completion in the form of performance bond or cash escrow in an amount estimated by the Public Works Director reflecting 120% of the cost of improvements in the approved construction plan. All improvements shall be installed in compliance with the specifications of the City and maintenance bond shall be required by the City.
- C. **Maintenance Bond.** The applicant shall guarantee the improvements against defects for a period of 3 years from the date of City acceptance of such improvements. The maintenance guarantee shall be secured by a bond or cash escrow in an amount reflecting 50 percent of the cost of the completed improvements. If the applicant has entered into a Subdivision Improvement Agreement for the completion of required improvements, an appropriate percentage of the performance bond or cash escrow may be retained by the City in-lieu of a maintenance bond. If the applicant has not entered into a Subdivision Improvement Agreement, the applicant shall guarantee the improvements as required by this section. A surety bond or cash escrow totaling 50 percent of the costs of the completed improvements shall be provided by the applicant.
- D. **Streets.** All streets in the subdivision shall be paved. No grading or other construction shall take place within a street right-of-way until the construction plans have been approved by the City Engineer and Public Works Director prior to the release of the surety by the City.
- E. **Sidewalks.** Sidewalks shall be installed in accordance with Section 3.01-C – Street Design. Walks shall also be installed in any pedestrian easements as may be required by the City.
- F. **Street Signs & Lighting.** The City shall install street signs at all intersections within a subdivision, the cost of which, including labor and materials, shall be paid for by the applicant. The applicant shall install street lighting in accordance with the current edition of the guides and industry standards recognized by the City of Pleasant Hill. All street light locations shall be shown on the construction drawings for the development. The cost of installation for such street lighting shall be paid by the applicant.
- G. **Peripheral Street Improvements.** The applicant shall be responsible for one-half of all peripheral streets which may border the subdivision. The applicant's responsibility shall be limited to the dedication of one-half of the recommended rights-of-way as described in these subdivision regulations. The applicant shall dedicate and build its portion of the improvement, or put money for the cost of its portion of the improvement into escrow and waive the right to protest any future benefit district for the improvement.
  - 1. **Money in Lieu.** In lieu of the actual construction of proposed perimeter streets prior to the filing of the final plat, the City Council may at its option, accept cash or a cashier's check into an escrow account for general street improvements, in an amount that will guarantee one-half of the construction costs, as determined by the City Engineer and Public Works Director, of the perimeter streets.



- H. **Water Systems.** All proposed development shall be connected to a public water system providing adequate supplies for normal usage and emergency needs. All water supply systems shall be designed and constructed to meet APWA and AWWA Standards or other standard adopted by the City. Written authorization from the water supplier shall be required prior to approval of any system which does not meet these standards. The guidelines in Table 3-8 shall be used to evaluate compliance with this provision. The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided, however, that the Public Works Director may authorize development to proceed if the water provider certifies that the necessary capital improvements have been funded for construction within 18 months. In no event shall a certificate of occupancy be granted prior to connection to an adequate public water supply. The Public Works Director and Planning & Zoning Commission may recommend to the City Council subdivisions which do not comply with the guidelines in Table 3-8, subject to the following conditions:
1. The applicable water supplier has reviewed the proposed development and stated in writing that it has budgeted improvements to provide water supplies consistent with the guidelines within 2 years or that there is no feasible way to meet the water supply guidelines within 5 years;
  2. The Pleasant Hill Fire Protection District has reviewed the proposed development and has recommended alternative strategies for delivering fire protection services to the proposed development; and
  3. The City Council finds that the proposed development will be adequately served for normal water demands; not reduce system water pressures or supplies so as to create a hazard to the public health or safety within other development served by the water system; not pose a threat to life or property within or adjacent to the proposed development due to inadequate fire protection; and not impede the logical extension of services to serve growth in the City in accordance with the Comprehensive Plan.
- I. **Storm Drainage.** The applicant shall install stormwater drainage improvements in compliance with the current edition of the specifications, guides and industry standards recognized by the City of Pleasant Hill, and such plans shall be examined and approved by the Public Works Director prior to construction.
1. Design Objectives.
    - a. Implement the practices outlined in the Missouri 7 Highway Corridor Commercial Design Guidelines, where applicable.
    - b. Integrating stormwater systems into development patterns using street designs and open spaces that serve dual purposes is a priority.
    - c. Where any stream or surface drainage or water course is necessary, easements shall be granted to the City to preserve their storm water function.
    - d. The City may require installation of pipe, masonry or rip-rap, flumes or inlets, or other such protective devices.
    - e. At the site level, infiltrating stormwater through Best Management Practices is preferred to detention.



- f. All plats and easements shall designate maintenance of the stormwater system, which may be private or City, dependent on each application.
  - g. Natural drainageways shall be retained to minimize interference with floodwater conveyance, floodwater storage, wetlands, and both surface and subsurface hydrology. The Public Works Director may approve modifications to natural channels that are consistent with the other provisions of the UDC.
  - h. Development design should reduce the exposure of people and property to flood hazards and nuisances associated with inadequate management of stormwater runoff.
  - i. Erosion and sedimentation problems should be minimized to conserve/enhance water quality and conserve valuable topsoil.
  - j. Development design should accommodate large floods and smaller, more frequent floods along major and minor waterways.
  - k. Stormwater systems should be designed to minimize future operational and maintenance expenses.
  - l. Stormwater systems should be designed to reduce the exposure of streets, utilities and other public facilities to damage from stormwater.
  - m. Development design should minimize the need for rescue and relief efforts from floods, and provide sufficient access for such efforts when needed.
2. ***Drainage Study Requirements.*** A drainage study, sealed by a Missouri registered professional engineer, shall be required prior to approval of construction plans or issuance of a building permit for any development other than a single-family dwelling, a two-family dwelling or farm structure. The drainage study shall include information necessary to demonstrate compliance with the APWA Standards as modified by this section and applicable DNR, U.S. Army Corps of Engineers or FEMA requirements. All applications for single-family permits shall clearly show the boundaries of the 100-year floodplain, if applicable, any channelized water conveyance draining an area of ten acres or larger and sufficient grading information to illustrate the direction of storm water drainage. The drainage study shall be supported by a hydrological analysis, prepared by a Missouri registered engineer. The Public Works Director may require the analysis area include the entire inundation area, watershed, or sub-watershed.
3. **Facility Management.**
- a. Stormwater facilities shall be maintained to prevent retention of water on site except in designated retention ponds.
  - b. Landscaping and storage shall be maintained to prevent soil erosion or blockage of drainageways.
  - c. Property owners are responsible for removal of debris from stormwater conveyances and facilities on their property.



- d. No fence, berm or structure shall interfere with drainage patterns unless approved by the Public Works Director or part of a soil conservation service project.
- 4. Floodplain Management. The following requirements apply to incorporated areas within the FW and FF districts, as determined by flood insurance rate maps or floodway maps as promulgated by the Federal Emergency Management Agency (FEMA):
  - a. *Disclaimer.* The provisions of this subsection do not imply or otherwise warrant that areas outside of the FW and FF, districts or land uses permitted in said districts will be free from flooding or flood damage nor does this code create liability on the part of Pleasant Hill, its officers or employees for any flood damages that may result from reliance on these floodplain/inundation management provisions, FEMA or any regulations or administrative decision made hereunder.
  - b. *Permit Required.* No development or construction shall be permitted except upon city issuance of a permit to develop granted under the following conditions:
    - i. No person, firm or corporation shall initiate any development, construction or substantial improvement or cause the same to be done within the FW or FF districts without first obtaining a separate permit for development under these floodplain/inundation management provisions and in compliance with FEMA or state department of natural resources dam safety regulations.
    - ii. Application for a permit for development, construction or substantial improvement within the FW or FF districts shall be made in writing on a form provided by the Floodplain Manager.
  - c. *Residences within the FW or FF Districts.* All residences within the FW or FF districts shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above base flood elevation and shall be permanently anchored to said foundation.
  - d. *Preventing Water Accumulation.* Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding or hydrological event.
  - e. *Automatic Equalization of Hydrostatic Flood Forces.* For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one-foot above grade in the FW or FF districts. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.



- f. *Enforcement Officer.* The Community Development Director is hereby designated as the enforcement officer for compliance under these floodplain/inundation management provisions and FEMA regulations. The duties of the enforcement officer shall include, but not be limited, to the following:
- i. Review of all applications for development permits to require that sites are reasonably safe from flooding/inundation and that the permit requirements of this section have been satisfied as well as the other requirements of these regulations.
  - ii. Review of all permits for proposed developments to confirm that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
  - iii. Notify adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse, and to provide evidence of such notification for FEMA.
  - iv. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - v. Require verification, recording and updating of records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, using reference marks ("RM") established by FEMA.
  - vi. Require verification, recording and updating of records of the actual elevation (in relation to mean sea level) using reference marks ("RM") established by FEMA, to which the new or substantially improved structures have been floodproofed and certified by a qualified individual as defined by FEMA when floodproofing as defined herein is utilized for a particular structure.
  - vii. Take any actions necessary to assure compliance with City and FEMA regulations in the granting or denial of applications for any permits in the FW and FF districts.
  - viii. Require that all proposals for subdivisions and other new development (including manufactured home subdivisions or parks) are consistent with the need to minimize floor damage and that:
    - (a) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate damage from floods or an hydrological event;
    - (b) Adequate drainage is provided for the purpose of reducing exposure to flood or inundation hazards; and
    - (c) Regulatory flood and inundation protection elevations utilizing FEMA "RM" are included in all proposals for all development.



- g. Floodplain/inundation permit application requirements. All written applications for development or substantial improvement in said districts shall:
  - i. Identify and describe the development to be covered by the permit;
  - ii. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development;
  - iii. Indicate the use or occupancy for which the proposed development is intended;
  - iv. Be accompanied by plans and specifications for proposed construction;
  - v. Be signed by the proposed permittee or his authorized agent who may be required to submit evidence to indicate such authority;
  - vi. Provide such other information as reasonably may be required by the enforcement officer or as required from the applicant under any part of these regulations, including, but not limited, to evidence of compliance with FEMA regulations or guidelines for anchoring to prevent flotation and lateral movement, the use of flood resistant materials and utility equipment and construction methods which minimize flood damage.
- h. Flood plain considerations in granting variances. The Board of Zoning Adjustments shall hear and decide appeals and requests for variances from the requirements of this subsection. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:
  - i. The danger that materials may be swept onto other lands to the injury of others;
  - ii. The danger to life and property due to flooding, inundation or erosion damage;
  - iii. The susceptibility of the proposed land use to flood damage or inundation and the effect of such damage on the individual owner;
  - iv. The importance of the services provided by the proposed land use to the community;
  - v. The necessity to the proposed land use of a waterfront location, where applicable;
  - vi. The availability of alternative locations, not subject to flooding, inundation or erosion damage, for the proposed land use;
  - vii. The compatibility of the proposed land use with existing and anticipated development;
  - viii. The relationship of the proposed land use to the comprehensive plan and floodplain/inundation management program for that area;



- ix. The safety of access to the property in times of flood/inundation for ordinance and emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- xi. The costs of providing governmental services during and after flood or inundation conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

J. **Sanitary Sewers.** All new lots, except for agricultural, are required to be connected to a public wastewater system which can provide adequate service, unless special approval is provided by the Community Development Director. All wastewater systems shall be designed and constructed to comply with DNR and APWA Standards as modified by the UDC. These design standards are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Public Works Director. Sanitary sewer systems should be designed or built for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. Design flows shall be subject to approval of the Public Works Director for each development.

1. *Off-site improvements.* The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided, however, that the Public Works Director may authorize development to proceed if the service provider certifies the necessary capital improvements have been funded for construction within 18 months. In no event shall a certificate of occupancy be granted prior to connection to an approved wastewater system.
2. *Wastewater system easements.* The property owner shall dedicate adequate easements to accommodate all wastewater system facilities required to serve new development, except individual service lines. The Public Works Director shall identify the location and dimensions of required easements, but in no instance shall an easement be narrower than ten feet in width. Easements should follow property lines to the greatest extent possible.

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

1. The applicant shall construct the facilities as planned by the City for future capacity as part of the subdivision and development process.
2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.



3. The City shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based by the applicant bidding the project with bid alternates, one alternate to build the minimum required facility to serve the subdivision or development and the second bid alternate being for the upsized facility planned by the City.
  4. The agreement shall be subject to approval by the City Attorney.
- L. **Other Utilities.** Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and seven and one-half (7.5) feet on each side of side lot lines, where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way. Where the utility company or agency has the need for a wider easement than required above for a specific location, this easement shall be shown on the plat. Utility easements shall not be obstructed by structures, retaining walls or trees. A property owner may install fences and landscape the easement with grass and shrubs at his or her own risk.



## ARTICLE 4. ZONING DISTRICTS & USES

- 4.01 ZONING DISTRICTS & INTENT
- 4.02 PERMITTED USES
- 4.03 ACCESSORY USE STANDARDS
- 4.04 SPECIFIC USE STANDARDS
- 4.05 TEMPORARY USE STANDARDS
- 4.06 USE DEFINITIONS

### 4.01 ZONING DISTRICTS & INTENT

The boundaries of the districts are shown on the official Zoning District Map of the City of Pleasant Hill, Missouri. The Zoning District Map, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such Zoning District Map with all notations, references, and other information was specifically set forth herein.

Table 4-1: Zoning Districts

| Abbreviation & Name of Zoning District |                                 | Intent & Applicability                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Relationship to Future Land Use Plan                         |
|----------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| A                                      | Agricultural District           | The A district is intended for properties which have been annexed to the City and are either being used for agricultural purposes or have little or no immediate development potential. Due to the development patterns and inefficiency of providing city services, this area receives only limited infrastructure investment and is therefore used as a "pre-development" district to either preserve open and rural lands and agriculture uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur. | General application in Agricultural/Rural Residential areas. |
| R-1                                    | Suburban Neighborhood District  | The R-1 district provides residential living (detached houses) in lower-density suburban neighborhood settings with access to supporting uses such as schools, churches, parks, and other public facilities. Alternatively, it may be used for single-family areas integrated into walkable or urban neighborhood patterns.                                                                                                                                                                                                                           | General application in Suburban Neighborhoods.               |
| R-2                                    | Residential Two-Family District | The R-2 district provides residential living allowing a mix of small-scale housing types at strategic locations to create transitions between nonresidential destinations and neighborhoods, and provide additional housing options in a suburban setting.                                                                                                                                                                                                                                                                                            | General application in Suburban Neighborhoods.               |
| R-1D                                   | Downtown Neighborhood District  | The R-1D district provides residential living (wide range of small-scale residential building types) in a compact, walkable neighborhood settings allowing a mix of housing options, limited neighborhood serving business uses, and small civic destinations in strategic locations. This district is intended to be applied to the traditional downtown-adjacent neighborhoods, though is also appropriate for Traditional Neighborhood Development ("TND") projects.                                                                               | General application in Downtown Neighborhoods.               |



|     |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                 |
|-----|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| R-3 | Residential Multi-family District  | The R-3 district provides multi-family residential living in a moderate-density pattern in suburban areas or larger-scale projects in strategic locations for legacy neighborhoods near downtown. R-3 is most appropriately located in areas that have transitions between lower-density neighborhoods or more intense non-residential contexts and where a high level of accessibility, public amenity, and support services are immediately available.                                 | General Application in Community Mixed-Use areas or as a transition between commercial areas and neighborhoods. |
| C-1 | General Business District          | The C-1 district provides wide range retail, service, and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, typically along corridors or major intersections, and is not easily integrated with other land uses or development patterns. Planned versions of this district can yield campus or mixed-use district patterns that are oriented to internal open space systems or other focal points of development. | General application in Community Mixed-Use areas, particularly in suburban commercial settings.                 |
| C-2 | Downtown Business District         | The C-2 district provides a mix of retail, service, employment, entertainment, and civic uses in a walkable setting, intended for Downtown, or other small-scale, neighborhood serving activity centers tightly integrated with and serving the daily needs of adjacent neighborhoods.                                                                                                                                                                                                   | General application in Downtown Mixed-Use area.                                                                 |
| M-1 | Light Industrial District          | The M-1 district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses.                                                                                                                                                                                                                             | General application in General Industry areas.                                                                  |
| M-2 | Heavy Industrial District          | The M-2 district provides employment, manufacturing and distribution uses and a moderate scale, intensity and format, that is more compatible with high-intensity commercial uses that require a moderate degree of vehicle and freight access from arterial streets, highways or rail corridors.                                                                                                                                                                                        | General application in General Industry areas.                                                                  |
| FW  | Floodway Overlay District          | See Article 10 – Special Districts                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                 |
| FF  | Floodway Fringe Overlay District   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                 |
| HPD | Historic Preservation District     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                 |
| UG  | Underground Space Overlay District |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                 |



## 4.02 PERMITTED USES

- A. **Table of Uses.** In order to implement the intent of each zoning district, facilitate complimentary transitions between districts, and to regulate a variety of compatible uses within zoning districts, use categories and general uses have been established for principal uses of land and buildings. Table 4-2 indicates permitted uses (■) subject to general district and building development standards, conditional uses (C) subject to the discretionary review process, uses only allowed through Planned Zoning District according to procedures of Article 2 (P), and uses with supplementary standards (\*) related to specific uses. Use categories are further defined in Section 4.06 Use Definitions.

| TABLE 4-2: USE TABLE                        |                                                   |    |      |    |    |    |    |    |    |                                      |
|---------------------------------------------|---------------------------------------------------|----|------|----|----|----|----|----|----|--------------------------------------|
|                                             | A                                                 | R1 | R1-D | R2 | R3 | C1 | C2 | M1 | M2 | Reference                            |
| <b>RESIDENTIAL USES</b>                     |                                                   |    |      |    |    |    |    |    |    |                                      |
| Detached House - Suburban                   | See Article 5 – Residential Development Standards |    |      |    |    |    |    |    |    |                                      |
| Detached House - Neighborhood               |                                                   |    |      |    |    |    |    |    |    |                                      |
| Detached House - Compact                    |                                                   |    |      |    |    |    |    |    |    |                                      |
| Accessory Dwelling*                         |                                                   |    |      |    |    |    |    |    |    |                                      |
| Duplex - Suburban                           |                                                   |    |      |    |    |    |    |    |    |                                      |
| Duplex / Multi-unit House                   |                                                   |    |      |    |    |    |    |    |    |                                      |
| Row House (3-8 units)                       |                                                   |    |      |    |    |    |    |    |    |                                      |
| Small Apartment (3-12 units)                |                                                   |    |      |    |    |    |    |    |    |                                      |
| Medium Apartment (13-40 units)              |                                                   |    |      |    |    |    |    |    |    |                                      |
| Large Apartment (>40 units)                 |                                                   |    |      |    |    |    |    |    |    |                                      |
| Garden Apartment                            |                                                   |    |      |    |    |    |    |    |    |                                      |
| Mixed-Use Building – Small                  |                                                   |    |      |    |    |    |    |    |    |                                      |
| Live/Work                                   |                                                   |    |      |    |    |    |    |    |    |                                      |
| Mixed-Use Building - General                |                                                   |    |      |    | P  | P  | P  |    |    |                                      |
| Residential Care – Group Home*              | ■                                                 | ■  | ■    | ■  | ■  |    |    |    |    | Section 4.04 Specific Use Standards. |
| Residential Care – Independent Living       |                                                   |    |      |    | ■  | ■  | ■  |    |    |                                      |
| Residential Care – Assisted Living          |                                                   |    |      |    | ■  | ■  |    |    |    |                                      |
| Residential Care – Institutional            |                                                   |    |      |    |    | ■  |    |    |    |                                      |
| Manufactured / Small Format Home Community* |                                                   |    |      | P  | P  |    |    |    |    | Section 4.04 Specific Use Standards. |
|                                             |                                                   |    |      |    |    |    |    |    |    |                                      |
| <b>PUBLIC / CIVIC USES</b>                  |                                                   |    |      |    |    |    |    |    |    |                                      |
| Assembly – Small (under 250)                | ■                                                 | ■  | ■    | ■  | ■  | ■  | C  |    |    |                                      |
| Assembly – General (250-1000)               | ■                                                 | C  | ■    | ■  | ■  | ■  | C  |    |    |                                      |
| Assembly – Regional (1000+)                 | ■                                                 |    |      |    |    | C  |    |    | ■  |                                      |
| Cemetery / Mausoleum                        | C                                                 | C  |      | C  | C  |    |    |    |    |                                      |
| Cultural and Public Service                 | ■                                                 | ■  | ■    | ■  | ■  | ■  | ■  |    |    |                                      |
| Open / Civic Space                          | ■                                                 | ■  | ■    | ■  | ■  | ■  | ■  | ■  | ■  |                                      |
| Public Service Facilities                   | ■                                                 | ■  | ■    | ■  | ■  | ■  | ■  | ■  | ■  |                                      |
| School                                      | ■                                                 | ■  | ■    | ■  | ■  | ■  | ■  |    |    |                                      |



**TABLE 4-2: USE TABLE**

|                                               | A | R1 | R1-D | R2 | R3 | C1 | C2 | M1 | M2 | Reference                            |
|-----------------------------------------------|---|----|------|----|----|----|----|----|----|--------------------------------------|
| Transportation – Airport, Heliport, Helipad*  | C |    |      |    |    |    |    |    |    | Section 4.04 Specific Use Standards. |
| Utilities – Limited*                          | ■ | ■  | ■    | ■  | ■  | ■  | ■  | ■  | ■  | Section 4.04 Specific Use Standards. |
| Utilities – General*                          | C | C  | C    | C  | C  | C  | C  | C  | C  | Section 4.04 Specific Use Standards. |
| Utilities – Major*                            | C | C  | C    | C  | C  | C  | C  | C  | C  | Section 4.04 Specific Use Standards. |
| Utilities – Power Plants*                     |   |    |      |    |    |    |    | C  | ■  | Section 4.04 Specific Use Standards. |
| <b>COMMERCIAL USES</b>                        |   |    |      |    |    |    |    |    |    |                                      |
| Adult Businesses                              |   |    |      |    |    | C  | C  |    |    |                                      |
| Animal Care – Limited*                        | C |    | C    |    | ■  | ■  | ■  | ■  |    | Section 4.04 Specific Use Standards. |
| Animal Care – General*                        | C |    | C    |    |    | C  | ■  | ■  |    | Section 4.04 Specific Use Standards. |
| Animal Care – Large*                          | C |    |      |    |    | ■  |    | ■  |    | Section 4.04 Specific Use Standards. |
| Day Care – Home*                              | ■ | ■  | ■    | ■  | ■  |    |    |    |    | Section 4.04 Specific Use Standards. |
| Day Care – Center*                            | C | C  | C    | C  | C  | ■  | ■  |    |    | Section 4.04 Specific Use Standards. |
| Food & Beverage – Bar Limited (< 3K SF)       |   |    |      |    |    | ■  | ■  | ■  |    |                                      |
| Food & Beverage– Cider Mill / Winery*         | C |    |      |    |    |    |    |    |    | Section 4.04 Specific Use Standards. |
| Food & Beverage – Restaurant Limited (<5K SF) | C |    | C    |    |    | ■  | ■  |    |    |                                      |
| Food & Beverage - Restaurant General (>5K SF) | C |    |      |    |    | ■  | ■  |    |    |                                      |
| Grocery – Market (under 10K SF)               | C |    | C    |    |    | ■  | ■  |    |    |                                      |
| Grocery – Small (10K-45K SF)                  |   |    |      |    |    | ■  | ■  |    |    |                                      |
| Grocery – General (45K+ SF)                   |   |    |      |    |    | ■  |    |    |    |                                      |
| Home-Based Business – General                 | C | C  | C    | C  | C  | ■  | ■  |    |    | RSMo Section 71.990                  |
| Home-Based Business – No Impact               | ■ | ■  | ■    | ■  | ■  | ■  | ■  |    |    | RSMo Section 71.990                  |
| Lodging – Inn (6-20 rooms) *                  | C |    | C    |    |    | ■  | ■  |    |    | Section 4.04 Specific Use Standards. |
| Lodging – Hotel / Motel Small (21-100 rooms)  |   |    |      |    |    | ■  | ■  |    |    |                                      |
| Lodging – Hotel / Motel Large (101+ rooms)    |   |    |      |    |    | ■  |    |    |    |                                      |
| Medical Care – Small (under 5K SF)            |   |    |      |    |    | ■  | ■  |    |    |                                      |
| Medical Care – General (5K-20K SF)            |   |    |      |    |    | ■  | C  |    |    |                                      |
| Medical Care – Large (20K+ SF)                |   |    |      |    |    | ■  |    | C  |    |                                      |
| Mortuaries & Funeral Homes                    |   | C  | C    | C  | C  | ■  | ■  |    |    |                                      |
| Office – Small (under 10K SF)                 |   |    | ■    |    |    | ■  | ■  | ■  | ■  |                                      |
| Office – General (10 – 50K SF)                |   |    |      |    |    | ■  | C  | ■  | ■  |                                      |
| Office – Large/Campus (50K+ SF)               |   |    |      |    |    | ■  |    | ■  | ■  |                                      |
| Pawnshops & Short-Term Loan Establishments*   |   |    |      |    |    | C  |    | C  | C  | Section 4.04 Specific Use Standards. |
| Personal Service – Limited (<3K SF)           |   |    | C    |    |    | ■  | ■  | ■  |    |                                      |
| Personal Service – General (3K-10K)           |   |    |      |    |    | ■  | ■  | ■  |    |                                      |



**TABLE 4-2: USE TABLE**

|                                                 | A | R1 | R1-D | R2 | R3 | C1 | C2 | M1 | M2 | Reference                             |
|-------------------------------------------------|---|----|------|----|----|----|----|----|----|---------------------------------------|
| Personal Service – Heavy (>10K SF)              |   |    |      |    |    | ■  | C  | ■  |    |                                       |
| Personal Service – Household Industrial         |   |    |      |    |    |    |    | ■  | ■  |                                       |
| Personal Storage – Indoor                       |   |    |      |    |    | ■  |    | ■  |    |                                       |
| Personal Storage – Outdoor*                     |   |    |      |    |    |    |    | ■  | ■  | Section 4.04 Specific Use Standards.  |
| Recreation/Entertainment – Indoor, Minor        |   |    |      |    |    | ■  | ■  | C  |    |                                       |
| Recreation/Entertainment – Indoor, Major*       |   |    |      |    |    | ■  | C  | C  |    | Section 4.04 Specific Use Standards.  |
| Recreation/Entertainment – Outdoor, Minor*      | C |    |      |    |    | ■  | ■  | ■  |    | Section 4.04 Specific Use Standards.  |
| Recreation/Entertainment – Outdoor, Major*      | C |    |      |    |    | C  |    | C  |    | Section 4.04 Specific Use Standards.  |
| Recreation and Entertainment – Campground*      | C |    |      |    |    |    |    |    |    | Section 4.04 Specific Use Standards.  |
| Retail – Light (<6K SF)                         |   |    |      |    |    | ■  | ■  |    |    |                                       |
| Retail – General (6K-20K SF)                    |   |    |      |    |    | ■  | C  |    |    |                                       |
| Retail – Heavy (>20K SF)                        |   |    |      |    |    | ■  |    | ■  |    |                                       |
| Retail – Outdoor Sales, Limited*                | ■ |    | ■    |    |    | ■  | ■  | ■  | ■  | Section 4.03 Accessory Use Standards. |
| Retail – Outdoor Sales, General*                | C |    |      |    |    | ■  | C  | ■  | ■  | Section 4.03 Accessory Use Standards. |
| Retail – Outdoor Sales, Heavy                   |   |    |      |    |    |    | ■  | ■  | ■  |                                       |
| Vehicle – Gas Station, Small (up to 8 pumps)    |   |    |      |    |    | ■  | C  | ■  | ■  |                                       |
| Vehicle – Gas Station, General (up to 16 pumps) |   |    |      |    |    | ■  |    | ■  | ■  |                                       |
| Vehicle – Gas Station, Large (up to 24 pumps)   |   |    |      |    |    | ■  |    | ■  | ■  |                                       |
| Vehicle – Gas Station, Truck Stop (24+ pumps)   |   |    |      |    |    |    |    | ■  | ■  |                                       |
| Vehicle – Service & Repair, Limited             |   |    |      |    |    | ■  | C  | ■  | ■  |                                       |
| Vehicle – Service & Repair, General             |   |    |      |    |    | ■  |    | ■  | ■  |                                       |
| Vehicle – Service & Repair, Major               |   |    |      |    |    |    |    | ■  | ■  |                                       |
|                                                 |   |    |      |    |    |    |    |    |    |                                       |
| <b>INDUSTRIAL USES</b>                          |   |    |      |    |    |    |    |    |    |                                       |
| Freight and Distribution – Light                |   |    |      |    |    | ■  |    | ■  | ■  |                                       |
| Freight and Distribution – Heavy                |   |    |      |    |    |    |    | ■  | ■  |                                       |
| Manufacturing – Artisan / Limited*              | ■ |    | C    |    |    | ■  | ■  | ■  | ■  | Section 4.04 Specific Use Standards.  |
| Manufacturing – Light                           | C |    |      |    |    | ■  |    | ■  | ■  |                                       |
| Manufacturing – General                         |   |    |      |    |    |    |    | ■  | ■  |                                       |
| Manufacturing – Heavy                           |   |    |      |    |    |    |    |    | ■  |                                       |
| Storage and Warehousing – Commercial, Indoor    |   |    |      |    |    | C  |    | ■  | ■  |                                       |
| Storage and Warehousing – Outdoor, Minor*       |   |    |      |    |    |    |    | ■  | ■  | Section 4.04 Specific Use Standards.  |



**TABLE 4-2: USE TABLE**

|                                           | A | R1 | R1-D | R2 | R3 | C1 | C2 | M1 | M2 | Reference                            |
|-------------------------------------------|---|----|------|----|----|----|----|----|----|--------------------------------------|
| Storage and Warehousing – Outdoor, Major* |   |    |      |    |    |    |    | ■  | ■  | Section 4.04 Specific Use Standards. |
| Waste Processing*                         |   |    |      |    |    |    |    | C  | C  | Section 4.04 Specific Use Standards. |
|                                           |   |    |      |    |    |    |    |    |    |                                      |
| <b>AGRICULTURAL USES</b>                  |   |    |      |    |    |    |    |    |    |                                      |
| Agriculture – Light Processing            | ■ |    |      |    |    |    |    |    |    |                                      |
| Agriculture – Heavy Processing            | C |    |      |    |    |    |    | C  | ■  |                                      |
| Farming – Small/Limited                   | ■ | C  |      |    |    |    |    |    |    |                                      |
| Farming – Commercial                      | C |    |      |    |    |    |    |    |    |                                      |
|                                           |   |    |      |    |    |    |    |    |    |                                      |
| <b>COMMUNICATIONS</b>                     |   |    |      |    |    |    |    |    |    |                                      |
| Telecommunications Antenna*               | C |    |      |    |    | ■  | ■  | ■  | ■  | Section 4.04 Specific Use Standards. |



### 4.03 ACCESSORY USE STANDARDS

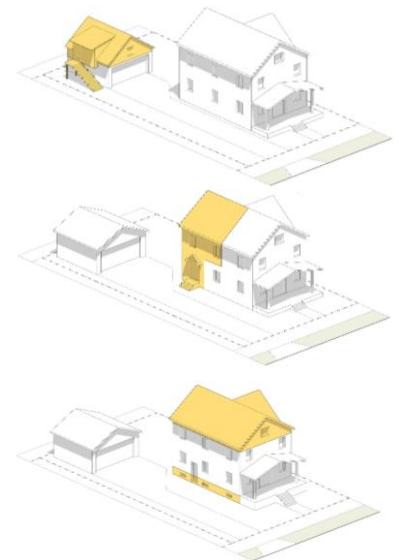
Accessory uses are clearly incidental to and customarily associated with an otherwise permitted or conditionally allowed use, and generally do not need any specific enabling or development standards, other than the generally applicable standards. The following accessory uses may be customarily incidental to otherwise permitted uses in the district, provided they meet the following additional limitations, performance standards and design criteria.

A. **Generally.** Accessory uses and the structures shall:

1. Be compatible with the general character of the area and comparable to uses of other property in the vicinity.
2. Not be constructed, maintained, or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging or disturbing to the adjacent property.
3. Be conducted in a way that is consistent with the intent and objectives of all other standards applicable to the property.

B. **Accessory Dwelling.** Accessory dwellings are permitted as an accessory use to a principal dwelling as indicated in Table 4-2, and subject to the following additional standards:

1. One accessory dwelling may be permitted per lot only when associated with a detached house.
2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic, wing, or basement apartment).
3. The accessory dwelling shall not exceed 75 percent of the living area of the principal dwelling or 1,000 square feet, whichever is less.
4. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling, where allowable.
5. A detached accessory structure shall meet all applicable development and design standards for the building and lot in Article 5 – Residential Development Standards.
6. The accessory dwelling shall be compatible with principal building, and whether within the principal building or in a detached structure, be clearly subordinate to the principal dwelling through the location of parking, access, building entrances and other design features that accommodate the dwelling.



**Figure 4-1 ADUs**

*There are two types of Accessory Dwelling Units (ADUs) – Detached (such as carriage houses) and attached interior ADUs (located within the principal dwelling unit).*

C. **Accessory Drive-Through.** The design and layout of drive-thru facilities for restaurants, banks, stand-alone automated teller machines (ATM's) or other uses shall:

1. Incorporate all structures into the design themes of the building or landscape in a compatible manner.
2. Vehicle circulation shall avoid potential pedestrian/vehicle conflicts on the site and along the streetscape.



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- a. Adequate stacking spaces for automobiles shall be provided on site and outside of setbacks to eliminate any impact on public streets.
  - b. Stacking areas within the service lanes shall generally accommodate at least 3 vehicles for non-food service uses and 8 vehicles for food-service uses, but may be modified for greater or lesser stacking dependent on the use or the context of the site.
  - c. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public streets and from internal pedestrian or parking areas.
  - d. Drive through access shall be prohibited from any street design to the "Pedestrian Street" Design Type in Section 3.01, and any allowed drive through services shall be accessed from side streets or internal block alleys or lanes in these circumstances.
3. Service areas, equipment, and structures shall be located in the most remote location possible, considering adjacencies to public streetscapes, residential property, or other sensitive adjacencies.
- a. Signs, speakers, or service facilities shall not be visible or audible from adjacent residential property. Operational limitations and additional screening or buffers may be required to ensure compatibility.
  - b. Signs, speakers, or service facilities shall be located on the side or rear of buildings to minimize impact on streetscapes.
  - c. To the maximum extent practicable, drive in lanes shall not be located between the principal building and street or other public gathering places. Where this is not possible, they shall be set back at least 20 feet from the right-of-way to permit additional landscape design and impact mitigation.
  - d. Lighting (both of the service area and from circulation and stacking) shall be mitigated by a combination of the location of facilities, types and location of light fixtures, and the design and location of buffers and screens.
  - e. The Director may require any drive-through service facility that does not clearly meet these standards and criteria to be reviewed subject to the procedures for conditional use permits in Article 2.
- D. **Outdoor Sales and Display (Limited).** Outside sales and display areas, such as vending machines, sales kiosks, rental machines, and other sidewalk displays of merchandise, may be accessory to any principal business where the area used for such display is less than 200 square feet.
- E. **Outdoor Sales and Display (General).** Outside sales and display areas larger than 200 square-feet, except for seasonal temporary sales (Section 4.05), may be accessory to any principal business under the following standards:
1. A site plan showing the location, area, and dimensions of the display area, and specifications for all lighting and fencing or screening.
  2. The area shall be limited to no more than 50% of the building area of the principal use.
  3. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.



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4. The area shall not interfere with pedestrian or building access or clear vision areas. Display areas located on sidewalks shall not exceed more than 50% of the width of any sidewalk, and shall provide a clearance of at least 5 feet in all cases.
  5. Any temporary or permanent structures shall meet applicable building code provisions.
  6. Areas shall be located on a solid, paved, or concrete surface.
  7. The area shall be screened from view along any property line abutting a residential use or district according to Article 8 – Landscape Standards.
  8. In reviewing the site plan, additional conditions or performance standards to mitigate excess noise, visual or operational impacts may be added to address specific sites or contexts.



#### 4.04 SPECIFIC USE STANDARDS

The following specific uses may have impacts different than the uses generally enabled in the zoning districts. These uses shall have the following additional limitations, performance standards, and design standards:

- A. **Transportation– Airport, Heliport, Helipad.** Aviation fields and airports may be permitted provided that the following conditions are satisfied:
1. Plans of any aviation field or airport shall include all approach and departure paths as necessary to assure safe and adequate landing and takeoff area and shall be supplemented by an aeronautical study by the local airport district office of the Federal Aviation Agency (FAA).
  2. Adequate safety provisions shall be provided and indicated by plans which control or restrict access to the landing and takeoff areas by the public.
  3. Landing and takeoff areas shall be surfaced in such a manner as to avoid the blowing of dust or dirt onto neighboring property.
- B. **Adult Businesses** - In districts where adult uses are enabled, it shall comply with the following:
1. Adult entertainment or service facilities shall be separated at least 1,000 feet from any other adult entertainment or service facility, whether inside or outside of the Pleasant Hill City limits.
  2. Any adult use shall be at least 500 feet from the boundary of
    - a. Any R-1, R-1D, or R-2 district;
    - b. A manufactured home park or similar residential zone district in an area adjoining the City of Pleasant; andAt least 1,500 feet from the boundary of
    - c. Any religious institution, public park, public library, community center / recreational facility, daycare or educational institution, whether within or without the City of Pleasant Hill.
  3. Separation distance shall be measured by a straight line from the nearest point of the property line of the proposed adult use, to the nearest point of the boundary or property of the applicable use.
- C. **Animal Care.** Where animal care facilities and kennels are permitted as the primary use, all the following standards must be met:
1. All animal shelter or boarding must be within a completely enclosed soundproofed and air-conditioned building.
  2. Where permitted, outdoor areas for recreational use by domestic animals shall be completely enclosed with fencing and utilized during regular business hours.
  3. Outdoor areas adjacent to any residential use or residential zoning district shall be screened using a Type II perimeter treatment as provided in Article 8 – Landscape Standards and screened using a solid or semi-solid fence or wall of at least 6 feet.
- D. **Artisan/Limited Manufacturing.** Production, storage, and distribution of products, or other on-site manufacturing, is allowed accessory to an otherwise allowed commercial use, provided:
1. The manufacturing area is no more than 50% of the building area, and any outdoor storage is limited to all applicable site design and screening standards.
  2. The entire site is limited to less than 1 acre.



- 
3. That all manufacturing areas, warehousing, shipping, and distribution facilities are clearly subordinate to the principle commercial use, and all manufacturing is to support the principal use.
  4. No byproducts such as smell, waste, smoke, or noise results from the manufacturing that is distinctly different or of greater intensity than the principal use.
  5. Traffic, customer, and shipping patterns and activities from the manufacturing use are not distinctly different from the principle commercial use in terms of intensity and hours of activity.
- E. **Attached Single-unit Dwellings.** Single-unit dwellings on separate lots, but attached to adjacent dwellings by means of a common wall shall conform to the following standards:
1. The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall.
  2. No unit shall have a common wall on more than two sides.
  3. Any exterior wall which is not a common wall must meet all yard requirements.
  4. Each lot must have direct access to a public street, unless otherwise allowed by this code to front on common space.
  5. The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.
- F. **Cider Mills & Wineries.** Cider mills and wineries are permitted by right or as a conditional use subject to the following conditions:
1. The application for a conditional use permit shall be accompanied by copies of all required city and state licensing and inspection forms pertaining to food and beverage preparation and sale.
  2. No structures or display areas shall be placed or maintained within any required setback area.
  3. Approved sanitary facilities shall be provided on-site if food or drink are provided for consumption on the premises.
  4. All items for sale shall be stored indoors, or within an approved screened storage area.
  5. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
  6. Off-street parking shall be provided at the ratio of one space per 200 square feet of floor area open to the public.
  7. Any manufacturing facilities shall be screened from adjacent residential districts or uses using the Type III buffer standards in Article 8 – Landscape Standards.
  8. Signage shall comply with Article 9 – Signs.
- G. **Day Care.** The applicant for a permit to establish a childcare facility must provide sufficient proof that the proposed use will comply with all state and city regulations.
1. The day care provider shall be licensed with the State of Missouri, and shall comply with all applicable regulations.



2. A loading zone must be capable of accommodating at least 2 automobiles for every 10 children for picking-up or dropping-off passengers. This standard is in addition to any applicable parking requirements in Article 7 – Access and Parking.
3. A minimum of 100 square feet of outdoor play area shall be provided per child. Open play areas shall be completely enclosed with a fence at least 4 feet in height. Play areas shall not be located in the front setback area.
4. Usable floor space shall be at least 35 square feet per child.

H. **Group Homes.**

1. The group home shall be approved or licensed by the state and city, as applicable and required.
2. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with any applicable design and development standards.
3. Lots must have at least 500 square feet of lot area per individual, resident and staff. There shall be a minimum floor area of at least 100 square feet per individual, resident and staff.
4. No group home shall be located less than 1,500 feet from another existing group home or day care.
5. Group homes shall not include alcoholism or drug treatment centers, work release facilities, or women's shelters.

I. **Lodging – Inns.** In districts permitting inns or boutique hotel accommodations, the following standards shall apply:

1. Cooking facilities within guest rooms shall be limited to microwaves and refrigerator.
2. Access and off-street parking shall be provided subject to the requirements Article 7 – Access & Parking.
3. Common areas may be leased for social events, provided that off-street parking is provided.

J. **Manufactured Homes.** Manufactured homes, as defined by the United States Department of Housing and Urban Development (HUD), are intended to expand affordability and housing options within Pleasant Hill and shall comply with the following:

1. **Manufactured Home Community Design Standards.**
  - a. *Generally.* Communities for manufactured homes shall be designed and improved in a manner that is consistent with communities for non-manufactured housing (Article 3) regarding streets, open space, lot/block arrangement, required improvements, and adequate public facilities. Manufactured home communities of two or more units shall require review and approval as provided in Section 2.04 Planned Development Procedures.
  - b. *Platting.* Each home site may be individually platted or otherwise independently sold if each home has access to public utilities consistent to the provisions of Article 3, all homes are on a permanent foundation, and provided covenants are established assuring common spaces and facilities will be maintained through a management entity or common association that has an organizational structure and financing mechanism to ensure continued operation according to the plan.
  - c. *Private Drives.* All private drives shall not exceed 24 feet in width, and be constructed of portland cement curbs and at least six inches of compacted stone base with two inches of hot mix



bituminous concrete as the surface course, or the equivalent, as determined by the director. Private drives that do not connect to a public street shall be designed as a “courtyard”, “loop”, “eyebrow”, “close”, as demonstrated in Section 3.01-B, or as a cul-de-sac limited to 450’ in length.

- d. **Public Streets.** Any publicly dedicated streets shall be improved to the standards for Neighborhood Streets and Neighborhood Alleys (Table 3-2), unless otherwise instructed by the Director of Public Works.
- e. **Open Space.** Manufactured home communities shall provide 300 square feet of common open space per unit. Common areas not dedicated as home sites, streets, or perimeter buffers shall be designed as usable open space subject to the requirements of 3.02 Open Space & Trails. Open space shall be equipped and maintained for the use of the residents of the community, and all facilities shall comply with the City's adopted building safety codes. At least 50% of usable open space shall be constructed prior to completion of 50% of the proposed units, and 100% of usable open space shall be constructed prior to the completion of 75% of proposed units.
- f. **Perimeter.** The community's perimeter shall include a landscape buffer II provided in Article 8- Landscape Standards
- g. **Storm Shelter.** Each manufactured home community shall provide sufficient and adequate number of shelters from severe storms. Shelters shall be placed at such intervals within the park to ensure maximum safety for residents during times of severe storms. Design and location of such shelters shall be determined at the time of plan approval, but in no case shall the construction of the initial phase of a manufactured home community be allowed to proceed without the concurrent construction of appropriate shelters.
- h. **Trees.** Manufactured home communities shall be subject to the planting requirements and specifications provided in Article 8 – Landscape Standards.
- i. **Sewer Facilities.** All liquid waste shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the Director prior to construction. All liquid and solid waste shall be connected to public sanitary sewer systems, unless otherwise approved by the Public Works Director.
- j. **Telecommunications.** All power and telephone lines shall be underground and shall follow standards of the utility corporation involved.
- k. **Grading.** The site of the community shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage system shall be approved by the Director prior to construction of streets or other portions of the park.
- l. **Storage.** Each manufactured home community shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park. Such storage space should not be less than 150 cubic feet for each mobile home site or in common structure with individual lockers.

2. **Manufactured Homes.**

- a. **Lots.** Manufactured Home lots shall not exceed 2,500 square feet. Manufactured homes shall be setback at least 25 feet from the Front Building Line.
- b. **Foundations.** Manufactured home foundations shall comply with the International Conference of Building Officials "Guidelines for Manufactured Housing Installation."
- c. **Anchors.** All homes shall be anchored to the ground consistent with Missouri Manufactured Home Commission Standards and the International Codes Council Building Code guidelines.



Anchor design shall be approved by the Director prior to installation and shall comply with all requirements of the state. In addition, data shall be submitted to the Director certifying the results of pull tests in soils representative of the subject site. The minimum load in direct pull shall be 5,400 pounds. Anchors shall be marked so that after installation, the identification is in plain view for inspection.

- d. *On-Site Outdoor Amenity.* Each home site shall have an all-weather hard surfaced private patio, courtyard, porch, stoop or similar outdoor amenity of at least 200 square feet, and which orients the home site to the internal street or common space it fronts on.
- e. *Canopies & Awnings.* Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sunroom purposes. When enclosed for living purposes, such shall be considered as part of the home and a permit required, issued by the Director, before such enclosure can be used for living purposes.
- f. *Parking.* Each dwelling unit shall require 2 off-street spaces. Required parking shall be located to the side or rear of the dwelling, or located off-site within a common lot within 300 feet of dwelling units. Tandem parking must be constructed at least 25' from the front property line.

K. **Mixed-Use Building – Small.** Mixed-use buildings in the C2-D district shall not provide residential use on the ground level.

L. **Pawn Shops & Short-Term Loan Establishments.** Pawnshops and short-term loan establishments may be authorized as a conditional use permit subject to the following conditions:

- 1. Pawn Shops & Short-Term Loan Establishments shall not be permitted within 1,000 feet of any church, school, daycare facility, public park, or hospital. Separation of distances shall be measured from property line to property line.
- 2. Pawn Shops & Short-Term Loan Establishments shall not be permitted within 500 feet of any residential district of use. Separation of distances shall be measured from property line to property line.
- 3. Pawnshops and Short-Term Loan Establishments may not be accessory to any other use. No such establishment may operate any accessory uses.

M. **Recreation/Entertainment– Outdoor, Major; Amusement Parks**

- 1. No cabin development or overnight parking of trailers or lodgings shall be permitted on the premises.
- 2. Facilities shall be located at least 50 feet from a public right-of-way and at least 200 feet from any dwelling.
- 3. Facilities shall be located on a roadway designated as a collector or minor arterial.
- 4. Access and off-street parking shall be provided subject to Article 7 – Access & Parking.
- 5. Facilities shall be screened using a Type III perimeter planting barrier as provided in Article 8- Landscape Standards.

N. **Recreation/Entertainment– Outdoor, Major; Firing Ranges & Gun Clubs.**

- 1. All indoor firing ranges and gun clubs shall be located at least 200 feet from any residential district or dwelling, and within a completely enclosed structure, designed to significantly prevent the escape of sound from the property.



2. All outdoor firing ranges shall be located at least 1,000 feet from any residential district or dwelling, and on a site of at least ten acres.
3. A solid fence, wall, berm or shield shall be provided behind all shooting areas, and be reviewed by the city police department.
4. Facilities shall be designed to prevent projectiles from escaping the property.
5. The location and type of facility shall be reviewed by the city police department.
6. Access and off-street parking shall be provided subject to the requirements Article 7 – Access & Parking.
7. A Type III buffer shall be provided along all abutting property lines of outdoor facilities, pursuant to Article 8 – Landscape Standards.
8. Hours of operation for outdoor facilities shall be limited to 9:00 a.m. to 9:00 p.m.

O. **Recreation– Outdoor, Campground; Recreational Vehicle and Travel Trailer Parks.** At the time of application to the Planning Commission for a conditional use permit, the applicant shall include with the application a site plan of all areas designated as campgrounds. This section is not to provide regulations for R.V. storage. Any areas intended for R.V. camping shall meet the following requirements:

1. The total park area shall not be less than 3 acres in area, and shall not exceed 20 spaces per acre.
2. Sufficient sanitary facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of waste from all holding tanks in a clean, efficient, and convenient manner.
3. A Type III buffer shall be provided along all abutting property lines, pursuant to the Perimeter Planting Requirements of Article 8.
4. Open storage of materials or belongings other than boats, trailers, automobiles, or operational vehicles is prohibited.
5. If provided, barbecue pits or fire rings and related setbacks thereof shall be subject to approval by the governing fire protection district.
6. Each R.V. Park shall provide shower and restroom facilities.
7. Each R.V. space shall be at least 1,500 square feet, with a minimum width of 25 feet.
8. Each R.V. space shall have a paved parking pad.
9. Each R.V. space should be provided water from a centralized water system; sewage disposal from a centralized community sewage disposal system; and electricity.
10. Each R.V. space shall include a designated parking area with a front setback of 15 feet and side setbacks of 5 feet each.

P. **Storage and Warehousing / Personal Storage – Outdoor.** Salvage, dismantling, or recycling uses as accessory uses or as principle uses shall require issuance of a conditional use permit pursuant:

1. Storage and work areas must be screened by an opaque eight feet tall fence from all surrounding uses and all roadways, or be located within a completely enclosed building.
2. Unusable items shall be disposed of and not allowed to be collected on the premises.
3. All tires not mounted on a vehicle shall be neatly stacked or placed in racks.



4. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises.
5. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable local, state and federal regulations.
6. All outdoor storage which occupies a volume of more than 150 cubic feet shall comply with the following:
  - a. No such storage shall be placed or maintained within a required yard setback.
  - b. Such stored items shall not project above the screening.
  - c. All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.

**Q. Telecommunications – Commercial Antennas.** The regulations and requirements of this section are intended to provide for the location and development of commercial broadcast, non-commercial residential, and amateur radio service telecommunications towers, antennas and antenna supporting structures. All references to height include antennas, support structures and all appurtenances measured from ground level to the highest point of said structures. In addition to any regulations set forth in Federal Communications Commission (FCC) regulations, Federal Aviation Administration (FAA) regulations, or the statutes of the state, all antennas and antenna supporting structures shall meet the following minimum regulations.

1. Antennas shall be set back from property lines a distance equal to or greater than one-half the height of the antenna and supporting structure. Height regulations for commercial antennas shall be the same as those for non-commercial antennas.
2. Antennas, guy wires, guying anchors, electrical equipment and energy transfer components shall be installed according to manufacturers' specifications using sound engineering and safety practices.
3. An applicant for a building permit for a commercial antenna system shall provide an engineering report specifying Detailed structural plans for the antenna and the support system; and an engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the Federal Communications Commission (FCC). An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antennas.

**R. Telecommunications – Non-Commercial Antennas.** All authorized non-commercial antennas and antenna support structures, except those specifically in the amateur radio service, shall comply with applicable FCC and FAA regulations and meet the following standards:

1. All authorized non-commercial antennas and antenna support structures, except those specifically in the amateur radio service, shall comply with applicable FCC and FAA regulations and meet the following standards:
  - a. A building permit shall be required for any antenna or antenna supporting structure extending more than 35 feet above the ground level and any freestanding antenna or antenna supporting structure extending more than 25 feet above ground level. The Director may require submission of documentation to verify compliance with any specific applicable building or electrical code(s). When a building permit is denied, the applicant shall be furnished with a statement of the reason(s) for denial.
  - b. Antennas and supporting structures shall be installed in a manner that meets or exceeds manufacturer's installation instructions.



- c. Antennas and supporting structures shall be installed to prevent safety hazards to persons on or off the property under any circumstances which reasonably can be anticipated.
- d. Antennas and supporting structures shall not be erected in required building setback areas unless authorized by a conditional use permit.
- e. Guy wires shall not extend into any required front yard or side yard along a street.

S. **Telecommunications – Amateur Radio Antennas.** All authorized non-commercial antennas and antenna support structures, except those specifically in the amateur radio service, shall comply with applicable FCC and FAA regulations and meet the following standards:

- 1. Due to the nature of the amateur radio service, the antennas and antenna supporting structures are many and varied. This service is strictly non-commercial and non-profit under FCC regulations as covered by FCC Regulations in Part 97.
- 2. When proposed amateur radio service antennas do not comply with the regulations established in this section, the antenna shall be subject to the conditional use permit provisions of Article 2, with conditions being established in accordance with the guidelines set out under FCC Part 97.
- 3. All authorized amateur radio service antennas shall comply with applicable FCC and FAA regulations and meet the following additional standards:
  - a. Antennas and supporting structures shall be set back a distance of at least one-half the height of the structure. A building permit shall be required for free-standing antenna structures exceeding 25 feet in height or antenna support structures exceeding 35 feet which are attached to a building. The Director may require submission of documentation to verify compliance with specific building and electrical codes. When a building permit is denied, the applicant shall be furnished with a statement of the reasons for denial.
  - b. Antenna support structures shall be installed in a manner that meets or exceeds manufacturers' installation standards. Home built antenna support structures shall follow sound engineering practices as referenced in applicable documents such as those of the American Radio Relay League or other recognized engineering texts.
  - c. Guy wires may not extend into any required front yard or side yard along a street.
  - d. In the A district, a conditional use permit shall be required for any amateur radio service antenna or support structure exceeding 100 feet in height; and not more than 8 exterior antenna support structures shall be permitted on any parcel, except as approved subject to a conditional use permit.
  - e. No more than 4 exterior antenna support structures shall be erected except as approved subject to a conditional use permit; and amateur radio service antennas or supporting structures over 75 feet may not be erected except as approved subject to a conditional use permit.
  - f. In the R1 district, no more than 2 exterior antenna supporting structures shall be erected except as approved subject to a conditional use permit; and amateur radio service antenna and support structures shall be limited to 40 feet except as approved subject to a conditional use permit.
  - g. In the R1, C1, and M1 districts, amateur radio service antennas and supporting structures shall be treated as any other commercial antenna or supporting structure.

T. **Utilities – Transmission Lines.** Utility transmission lines are permitted subject to the following conditions:



1. Upon application for the construction or use of utility transmission line structures, the applicant shall provide data pertaining to electromagnetic field radiation (EMF) rates for the structure(s).
2. In the A zoning district, electric and magnetic radiation shall not exceed 2 milligausses (mG) as measured at the nearest dwelling.
3. In all other residential zoning districts, electric and magnetic radiation shall not exceed 2 mG as measured at any residential property line.
4. Electric and magnetic radiation shall not exceed 2 mG as measured at the boundary of all school properties and active recreation areas.

U. **Utilities – Utility Structures.** Above-ground water storage tanks, sewage pumping stations, telephone relay towers, renewable energy systems, electric regulating substations and similar utility/ communications structures shall comply with the following standards:

1. Facilities shall be located at least 50 feet from any residential structure.
2. The Director may require facilities to be secured by a fence.
3. Telephone exchange stations in residential districts shall be limited to unmanned facilities, and shall provide at least two parking spaces for service vehicles.

V. **Waste Processing – Hazardous Waste Facility.**

1. No part of the active portion and closed portion of a hazardous waste facility shall be within one air mile of any occupied dwelling place or house, any school or educational institution, any hospital or sanitarium, or in any area that poses a substantial or imminent danger to human life or health.
2. No hazardous waste facility shall be located within a wetland or 100-year floodplain.
3. A 600-foot buffer zone shall be established between the perimeter of the active portion and closed portion of the hazardous waste facility and all boundary lines of the facility. Trees, shrubs, and suitable vegetation shall be planted to fully obscure, to the extent feasible, any view of the facility from public roadways and adjacent public or private properties at all times of the year, as to maintain, preserve and enhance the environmental integrity of the surrounding area.
4. A minimum separation of 500 feet shall be maintained between any part of the active portion of the hazardous waste facility and any existing pipeline, underground utility, or underground electrical transmission line right-of-way or easement.

#### 4.05 TEMPORARY USE STANDARDS

No temporary structure or use shall hereafter be built, established, moved, remodeled, altered, or enlarged unless the temporary structure or use is permitted by these regulations.

A. **Temporary Sales & Special Events.** The Director may administratively approve of temporary sales and special events subject to the following conditions:

1. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. All items for sale shall be stored indoors, or within an approved screened storage area, or removed from the site at the close of each business day.
2. Sales receptacles shall not exceed 500 square feet, and may include kiosks, wagons, carts, tents, food trucks, booths, or machines. Applicable licenses and permits must be displayed in sales receptacles, and



merchandise must be secured so that it does not fall or endanger passersby or protrude into the public right-of-way.

3. Sales receptables shall not park in any one location for longer than the legally allowed parking time, and in no event for more than 48 hours. A food vendor shall not park on any public property except legal parking spaces, unless permitted to do so by a written agreement with the City. A vendor shall comply with all laws and ordinances relative to parking. A vendor shall not park on any private property except with the written permission of the property owner.
  4. Vendors selling food or beverage for immediate consumption must provide trash and/or recycling, located to minimize impacts of trash, odor, or other visual impacts on adjacent property or businesses. The vending area shall be cleaned once a day to minimize litter.
  5. Approved sanitary facilities shall be provided on-site.
  6. No storage of items other than those available for sale shall be stored on the premises, unless confined within an approved, screened storage area.
  7. A sales receptacle shall be enclosed except for doors and windows, shall be constructed of durable materials, and shall be kept clean and in good repair.
- B. **Holiday Tree Sales.** Holiday tree sales are permitted in any business or industrial district for a period not to exceed 60 days. No trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.
- C. **Contractors' Office and Equipment Sheds.** Contractors' offices and equipment sheds accessory to a construction project are permitted and may continue only during the duration of such project. Such uses may not include sleeping or cooking accommodations.
- D. **Real Estate Offices.** Real estate offices are permitted where they are located on-site and are incidental to a new housing development, provided that such uses continue only until the sale or lease of all dwelling units in the development. Such uses may not include sleeping or cooking accommodations unless located in a model dwelling unit.
- E. **Seasonal Farm-Oriented Sales.** Seasonal sales of farm produce grown on the premises are permitted in an "A-1" district. Front yard requirements are not applicable to structures incidental to such sales if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. Accessory structures shall comply with the standards of the underlying zoning district.
- F. **Carnivals and Circuses.** Carnivals or circuses are permitted in "C-1", "C-2", and "M-1" Districts for a period that does not exceed 21 days. Front yard requirements are not applicable, provided that the location of structures or equipment shall conform to the requirements of the sight triangle as defined by these regulations.
- G. **Garage, Porch, or Yard Sales.** The sale of used or second-hand merchandise shall be permitted in any residential district or by non-profit organizations, provided that such use shall not exceed 4 consecutive days in duration nor shall it occur more than 4 times in a consecutive 1-year period at any particular location. Such sales shall be only for the purpose of disposing of personal property.
- H. **Fireworks Sales.** The sale of fireworks shall be permitted in C-1, and M-1 districts, only for the period in Chapter 20, Article III of the City Code.
- I. **Open Storage.** The storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or supplies for more than 9 consecutive days shall not be allowed in any residential district unless such items are stored in a completely enclosed building and are clearly secondary to the primary use of the property.





## 4.06 USE DEFINITIONS

### RESIDENTIAL DWELLINGS

The Residential Dwelling category is the principal use of land and buildings for dwelling units. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following types:

*Housing Types.* Allowed housing types, and their associated development standards, are defined and applied to specific zoning districts in Article 5. Residential Development Standards:

*Detached House.* A residential building designed for one primary dwelling unit in a suburban or traditional neighborhood setting. Variants of this type are based primarily on lot size and context, as defined in Article 5: Residential Development Standards.

*Accessory Dwelling.* A dwelling unit, either in a detached accessory structure, or included within a principal structure, that is located on the same lot as a detached house and is incidental to the principal use of the lot for a principal dwelling. Examples include a garage apartment, basement apartment or second level / attic apartment.

*Duplex/Multi Unit House.* A residential building designed to accommodate two primary dwelling units in an urban neighborhood or suburban setting. Unit configurations include “up/down,” “side-by-side,” or “front/back.” Variants of this type are primarily based on context and the frontage design. Duplex - Suburban, typically has the scale and massing of two attached houses, while the Duplex / Multi-unit House has the scale and massing of a single detached house divided into multiple units, typically 2 to 4.

*Row House.* A residential building type designed to accommodate 3 to 8 dwelling units in a walkable neighborhood or mixed-use setting. Each unit is separated by a common sidewall with a side-by-side configuration, and each has its own private entrance.

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

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

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

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

*Mixed-Use Building– Small.* A small-footprint building designed to accommodate a ground floor non-residential uses and residential on the upper-level. This building type is similar in scale to the small or medium apartment,



and is appropriate in limited locations at the transition between neighborhood and commercial areas or at a key intersection or node within urban and mixed-density neighborhoods.

**Mixed-Use Building– General.** A large-scale building designed to accommodate ground floor non-residential uses and residential on the upper-level and/or behind the non-residential uses. This building type is similar in scale to the large apartment, and is appropriately integrated into heavy commercial and town center formats.

**Live/Work.** A building designed for a primary dwelling unit but has a secondary component typically at the building frontage designed for commercial and occupational use by the resident.

**Congregate Living.** Congregate Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of “one household,” but often share a common situation or facilities. Congregate living does not include residential care facilities or correctional facilities, but may include dormitories, monasteries, or convents.

**Home Occupation.** A business, profession, service, or trade conducted for gain or support entirely within an owner-occupied residential dwelling and/or its accessory structures, when such activities are clearly incidental or subordinate in use to the dwelling and may involve limited on premise interaction with customers.

**Manufactured / Small Format Home Community.** a parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile, or other small homes, and used for the principal dwelling of households for long-term residency. Home sites may either be located on a single lot, owned through appropriate condominium procedures, or platted for individual ownership of each site under certain conditions.

**Mixed Use.** Residential use or occupancy of one or more dwelling units in a structure designed or used *for other principle non-residential uses*.

**Multi-unit Household Living.** *Buildings with two or more dwelling units, dependent on specific building types permitted in each district, where each is designed for occupancy by one household.*

**Residential Care – Group Home.** A residential building operated as a single primary dwelling which provides residency, supervision, and other services for up to 8 mentally or physically handicapped persons.

**Residential Care– Independent Living.** A facility providing residential living, social programs, and limited health care services for residents, where the social and healthcare services are accessory to the building(s) and site design emphasizing household living, where the social programs and health care services are limited accessory elements in terms of the function and extent, and where dedicated staff are present primarily during normal business hours. Examples include retirement villages or independent living communities.

**Residential Care– Assisted Living.** A residential building or planned community operated as the primary residence for persons who do not have an illness, injury or condition that requires 24-hour care or supervisions, but who need social, physical, and therapeutic and recreation support for daily living. Support services are accessory to the residential use and character of the buildings and area, and do not require 24-hour staffing, other than security. Typical examples include assisted living facilities, group homes larger than 8 individuals, and retirement communities.

**Residential Care– Institutional.** A facility offering long-term care for individuals residing on the site that need a high degree of services or monitoring, and where full-time staff are always present on the premises, and where the building(s) and site design emphasize the institutional function, secondary to the residential accommodations. Examples include treatment centers, hospice centers, domestic violence shelters, homeless shelters, or other facilities with a high intensity of care or supervision.



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## CIVIC / INSTITUTIONAL

The Civic / Institutional category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation need for residents and neighborhoods, whether by way of open and public citizenship, by property ownership or residency, or by membership affiliation. It includes the following types:

*Assembly– Small.* Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s) with regular or periodic organized services or events, and typically designed for no more than 250 people at maximum occupancy, based on the occupancy permit of the property. Examples include a neighborhood association, club houses, meeting hall, or small religious facility.

*Assembly– General.* Places of public assembly designed and located to serve community or civic needs of a broad vicinity with regular or periodic organized services or events, and typically designed for more than 250-1,000 people, based on the occupancy permit of the property. Examples include a community center, small event hall or large religious facility.

*Assembly– Regional.* Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for 1,000 or more, based on the occupancy permit of the property. Examples include an auditorium, large event hall or major worship hall.

*Cemetery / Mausoleum.* Land or building used for the burial of the deceased and dedicated for interment purposes, including both human and animals.

*Cultural and Public Service.* A civic use offering education, arts and cultural materials or attractions for the general public, including exhibits and events; or offering administrative, social, tourism, or charitable services to the general public. Examples include museums, libraries, charitable or philanthropic centers, tourist information centers, and similar uses.

*Open / Civic Space.* Areas preserved as primarily open land, except for accessory structures, and designed to serve a specific urban design function for natural, ecological, aesthetic, recreational or formal gathering purposes.

*School– Neighborhood.* A small public or private institution for primary or secondary education, typically serving up to 600 students and not exceeding one acre in size, primarily targeted to neighborhoods within 1 mile. Special purpose schools that have a larger target area but are designed and scaled to perform similarly to a neighborhood school may be included in this type.

*School– Community.* A large public or private institution for primary or secondary education, typically serving more than 600 students and not exceeding five acres in size, and targeted to the broad vicinity, including neighborhoods beyond 1 mile.

*School– Regional.* A public or private institution for post-secondary education, skills and trade instruction or job training, targeted to the region. Sites are typically between five and 15 acres in size. Examples include colleges, universities, and vocational/technical schools.

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

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



**Utilities– Limited.** Any aboveground structure or facility, excluding buildings, which is owned by a governmental entity, or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with delivery of utility services to nearby lots and other areas, with maximum heights of towers and accessory structures under those permitted by the zoning district. Examples include accessory utility structures that served customary needs of the uses in the zoning district.

**Utilities– General.** Any aboveground structure or facility, which is owned by a governmental entity, or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with delivery of utility services to nearby lots and other areas, with maximum heights of towers and accessory structures above those permitted by the zoning district. Examples include substations or other facilities that support the storage and generation of facilities.

**Utilities– Major.** Any utility that utilizes overhead lines that transmit above 33 kilo volt amperes.

**Utilities– Power Plants.** A facility which is owned by a governmental entity, or any entity defined as a public utility for any purpose by the state public utilities commission and used for generating of power for distribution to sub-stations or other general accessory distribution facilities.

## COMMERCIAL USES

The Commercial category is the use of land and buildings engaged in the exchange of professional and individual services and/or the sale, lease, or rental of products to the general public with frequent interaction of patrons or consumers on premises. It includes the following types:

**Adult Businesses.** An establishment used for presenting, selling, or featuring material or entertainment that is characterized by an emphasis on displaying, depicting, describing, or relating to specified content that is sexual in nature and which excludes minors by their age.

**Animal Care.** A service use offering professional medical care or boarding, grooming, and training for animals. This use type is further categorized by the following formats.

**Animal Care– Limited–** A service use for the care of animals in an indoor setting, where boarding is related to medical care or retail use only. Examples include a small-scale veterinary office, pet store, or grooming service.

**Animal Care– General.** A service use offering basic care for and boarding of animals in hybrid of indoor and limited outdoor setting, and which may include services offered outside of normal business hours. Examples include a veterinary office, dog daycare animal urgent care, or boarding service.

**Animal Care– Large.** A service use offering full care for animals with activities taking place in large scale indoor and/or outdoor facilities, and which may include services offered outside of normal business hours. Examples include large animal hospitals, kennels, animal adoption agencies or other similar facilities.

**Day Care.** A service use engages in the business of providing daily care for individuals unable to care for themselves, including recreation, education, and supervisory services. This use type is further categorized by the following formats:

**Day Care– Home.** A day care use for up to 10 non-resident children, in a residential building and as an accessory use.

**Day Care– Center.** A day care use for greater than 10 individuals in a commercial or civic building.



**Food & Beverage.** A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. Food and beverage uses are further refined by scale, format and intensity based on the following:

**Food & Beverage– Bar Limited (Under 3K SF; under 100 seats).** A food & beverage use where a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink for consumption on premises, and food services is secondary or accessory. The limited use requires under 3,000 square feet and under 100 seats to ensure compatibility with other neighborhood-serving or small-scale uses in terms of intensity of activity and hours of operation. Examples include tasting rooms, pubs, taverns, and wine bars.

**Food & Beverage– Cider Mill / Winery.** A processing plant used for the commercial purpose of processing grapes, other fruit products or vegetables to produce wine, cider, or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales, tasting and a restaurant may be permitted as part of a winery function.

**Food & Beverage– Restaurant Limited (under 5K SF; under 100 seats).** A small-scale restaurant under 5,000 square feet and under 100 seats at full capacity.

**Food & Beverage– Restaurant General (5K+ SF).** A large-scale restaurant with over 5,000 square feet of commercial area or over 100 seats.

**Food and Beverage– Accessory Drive-Thru.** A portion of a facility that relates to dispensing products or services to patrons who remain in vehicles. May include a window, driving lane, outside menu boards, and other interior or exterior features and equipment dedicated for this purpose.

**Grocery– Market.** A retail use selling food and produce or specialty food products for household consumption in a small-scale format under 10,000 square feet. Examples include a corner market, butcher shop, produce stand or similar food store.

**Grocery– Small (10K - 45K SF).** A retail use selling food, produce and other household products for household consumption in a small-scale format at least 10,000 but less than 45,000 square feet. Examples include a small grocery store that may serve as the anchor to a small-scale walkable center.

**Grocery– General (45K+ SF).** A retail use selling food, produce and household products for household consumption in a large-scale format, at least 45,000 square feet. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

**Lodging.** A service use by a licensed (where applicable) business providing accommodations for short-term overnight occupancy.

**Lodging– Inn (6-20 rooms).** A small commercial or large residential building used for lodging, meals, and shared living space between the primary occupants and patrons and includes at least 6 but no more than 20 rooms.

**Lodging– Hotel / Motel Small (21-100 rooms).** A moderate to large commercial providing lodging and includes at least 21 but no more than 100 rooms.

**Lodging– Hotel / Motel Large (101+ rooms).** A large commercial building providing lodging and includes 100 or more rooms.

**Medical Care.**

**Medical Care– Small (under 5K SF).** A medical care use offering routine outpatient services, that occupies less than 5,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in



normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

**Medical Care– General (5K-20K SF).** A medical care use offering routine outpatient services, that occupies between 5,000 and 20,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

**Medical Care– Large (20K+ SF).** A medical care use offering a full range of services that occupies over 20,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include small hospital, remote surgical centers, or large clinic or analytical labs.

**Mortuaries & Funeral Homes.** A service use accommodating preparation and ceremony for the burial of the deceased.

**Office.** A commercial use focused on employment and engaged in the administrative, professional, clerical or management aspect of business or professional services that typically do not have frequent or unscheduled on premise interaction with the public or clients. For the purposes of this ordinance, Gross Leasable Area shall be defined as the total floor space that could be leased within a building before any common areas (e.g. entryways, lobbies, shared restrooms, etc.) are built in. Office uses are further refined by the scale and format of buildings based on the following:

**Office– Small.** An office use where the total gross leasable area is less than 10,000 square feet.

**Office– General.** An office use where the total gross leasable area is at least 10,000 but less than 50,000 square feet, and may include more than one building.

**Office– Large / Campus.** An office use where the total gross leasable area is at least 50,000 square feet, or involves more than one building in a complex.

**Pawnshops & Short-Term Loan Establishments.** A commercial use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

**Personal Services.** A service use providing professional or individual services and where frequent interaction with the public, consumers or patrons occurs on the premises. This use type is broken into the following sub-classes based on scale and intensity:

**Personal Service– Limited.** An employment use or personal service where the gross leasable area is under 3,000 square-feet. Examples include a neighborhood barber shop or hair salon, a small professional office (lawyer, accountant, architect, or travel agent), a small medical service such as a dentist, a small bank, dry cleaners or tailor.

**Personal Service– General.** A service use where the gross leasable area is at least 3,000 and less than 10,000 square feet. Examples include a large spa or beauty complex, tattoo shop, a copy center, large post office or mail center, or laundry mat.

**Personal Service– Heavy.** A service use where the gross leasable area is 10,000 square feet or more. Examples include a large bank, equipment repair shop, or other service for consumers or other businesses that requires larger spaces.

**Personal Service– Household Industrial.** A service use involving the management of household waste and other environmental or performance impacts. Examples include exterminating and disinfecting services, cleaning and repair of household items, and linen supply and industrial laundry services.



**Personal Storage– Indoor.** A service use where individual units accessed from inside of a building are offered for rent or lease for the storage of personal property.

**Personal Storage– Outdoor.** A service use where individual units accessed from outside of a building are offered for rent or lease for the storage of personal property.

**Recreation/Entertainment– Indoor.** A service use providing daily or regularly scheduled activities for entertainment, instruction or exercise inside a building and open to the general public or through membership. This use type is broken into the following sub-classes based on scale and intensity:

**Recreation/Entertainment– Indoor, Minor (less than 10K).** Indoor recreation that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, martial arts centers, yoga studio, or dance studio.

**Recreation/Entertainment– Indoor, Major (10K or more).** Indoor recreation that involves a building 10,000 square feet or more. Examples include a large bowling alley, sports and recreation center, theater complex, large health club, or shooting range.

**Recreation/Entertainment– Outdoor.** A service use providing daily or regularly scheduled activities for entertainment, recreation, or exercise outside and open to the general public or through membership. This use includes accessory buildings for the transaction of business and accessory indoor services. This type is broken in to Major and Minor based on the scale and intensity of the use.

**Recreation/Entertainment– Outdoor, Minor** –Examples include driving range, miniature golf, golf course, swimming pool, tennis, batting cage, small band shell or amphitheater.

**Recreation/Entertainment– Outdoor, Major** –Examples include theme park, water park, fairground, zoo, drive-in theater, shooting range, skeet and trap range, racetrack.

**Recreation– Outdoor, Campground.** A service use providing overnight accommodations within a large open area for recreational purposes. For the purposes of this ordinance, a recreational vehicle park or travel trailer park is provided to offer temporary residential opportunities in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the park.

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

**Retail– Light.** A small-scale retail use less than 6,000 square feet.

**Retail– General.** A retail use at least 6,000 but less than 20,000 square feet.

**Retail– Heavy.** A large-scale retail use at least 20,000 but less than 100,000 square feet.

**Retail– Outdoor Sales, Limited.** The limited accessory display of merchandise on a sidewalk or an exterior private area of a site associated with the otherwise permitted non-residential use. The display is further limited by the following: (1) it only occurs during business hours; (2) all components of the sale are removed from the site and brought indoors during non-business hours; and (3) is limited to sales or events lasting no more than 7 days with at least 30 days between consecutive events. Examples include a sidewalk sale or farm truck / produce stand.

**Retail– Outdoor Sales, Seasonal.** The accessory display and sale of merchandise on a sidewalk or exterior private area of a site associated with an otherwise permitted non-residential use, where merchandise may be kept outdoors or where a portion of the site or area is designed and dedicated to facilities to support the display and sale.



**Retail– Outdoor Sales, General.** A retail use where the primary business is associated with merchandise that can only be displayed permanently and year-round out of doors. Examples include a small-scale nursery, a lumber yard, or a small machine or equipment sales.

**Retail– Outdoor Sales, Heavy.** A retail use where the primary business is associated with large-scale equipment and merchandise that can only be displayed permanently and year-round out of doors. Examples include a motor vehicle sales lot, equipment sales lot, boat or recreational vehicle sales lot, large nursery, large machine, or farm implement sales yard.

**Vehicle– Gas Station.** A specific retail use engaged in the sale of fuel to the general public, and may involve limited accessory sales of convenience goods. This use may be combined with accessory vehicle service and repair uses, subject to the service bay limitations stated below. Vehicle. Gas Station uses are further refined by the scale, format and intensity as follows.

**Vehicle– Gas Station, Small (up to 8 pumps).** A vehicle gas station limited to no more than 8 fueling stations, no more than 2 service islands, no more than 2 accessory vehicle service bays and no more than 1,500 square feet of accessory retail or service areas. Examples include small, neighborhood service stations.

**Vehicle– Gas Station, General (up to 16 pumps).** A vehicle gas station up to 16 fueling stations, no more than 5 service islands, no more than 3 accessory vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include general stores and gas stations.

**Vehicle– Gas Station, Large (up to 24 pumps).** A vehicle gas station that contains up to 24 fueling stations, more than 5 islands, and up to 4 accessory vehicle service bays and no more than 7,500 square feet of accessory retail or service areas. Examples include general convenience centers and gas stations.

**Vehicle– Gas Station, Truck Stop (24+ pumps).** A vehicle gas station that contains more than 24 fueling stations, more than 5 islands, and up to 4 accessory vehicle service bays and no more than 20,000 square feet of accessory retail or service areas. Examples include large convenience centers/gas stations, truck stops, and travel centers.

**Vehicle– Service & Repair.** A specific service use engaged in motor vehicle and mechanical equipment maintenance and repair services, and accessory retail sale of supplies and accessories. Vehicle. Service & Repair is further refined by scale, format and intensity as follows:

**Vehicle– Service & Repair, Limited.** A service use engaged in motor vehicle maintenance and repair services, and accessory retail sale of supplies and accessories, but limited to small scale operations that involve no more than 3 vehicle service bays, and where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited to no more than 8 cars on the lot. Examples include a small neighborhood mechanic shop, lubricant center, tire store, auto glass installation or audio or alarm installation.

**Vehicle– Service & Repair, General.** A service use engaged in equipment and motor vehicle maintenance and repair services, and accessory retail sale of supplies and accessories, that involves 4 or more vehicle service bays, where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may involve 9 or more cars on the lot. Examples include large mechanic shop, lubricant center, tire store, auto glass installation or audio or alarm installation or an auto body shop where the likelihood of overnight storage, outdoor storage and over-night or multi-day drop off is more likely.

**Vehicle– Service & Repair, Major.** A service use engaged in the maintenance and repair of motor vehicles, commercial vehicles or heavy equipment, and accessory retail sale of supplies and accessories, that is likely to involve larger outdoor storage areas for vehicles and supplies, and where larger multi-bay garages or warehouses are needed to conduct services.



*Temporary Use.* A use established for a limited and fixed period of time, and upon its discontinuance no structures, facilities or other impacts on the site remain and the site is otherwise restored to its pre-use condition. Examples include short-term events such as festivals, carnivals, or art exhibits; seasonal sales such as farm produce, holiday tree stands, or pumpkin sales; general merchandise outdoor sales stands such as flower stands, arts and crafts sales, or other general merchandise.

## INDUSTRIAL

The Industrial category is the use of land and buildings engaged in the production, processing, storage or distribution of goods with potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations, and which in typical formats and operations may not be compatible with other business uses. It includes the following types:

*Freight and Distribution– Light.* An industrial logistics use involved in the storage, order processing and distribution of consumer products where all operations occur indoors, and where delivery and distribution occur through commercial truck access. Examples include distribution center, warehouses, moving and storage operations, cold storage, parcel services and similar uses.

*Freight and Distribution– Heavy.* An industrial logistics use involved in the storage, order processing and distribution of business products or raw materials where operations may involve outdoor activities, and where delivery and distribution occur through large truck, freight, or heavy equipment access. Examples include freight terminals, fleet vehicle terminals, bulk material storage and distribution, cargo container facilities, and similar uses.

*Manufacturing– Artisan/Limited.* A small-scale Industrial use where activities produce little or no byproducts such as smoke, odor, dust or noised discernable from outside of the building, where deliveries and distribution are made by general consumer delivery services requiring no special large truck access, and where products are made available to the public. Uses typically occupy buildings or spaces under 10,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, craft manufacturing, small bakery or micro-brewery, or other similar small-scale assembly of finished products.

*Manufacturing– Light.* An industrial use where little or no byproducts such as smoke, odor, dust, or noise are discernable from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, non-retail laundry services, or similar businesses that provide products for support of other businesses.

*Manufacturing– General.* An industrial use where byproducts such as noise, dust, smoke, or odor are produced, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large scale manufacturing or fabrication plants, food production and manufacturing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

*Manufacturing– Heavy.* An industrial use capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used, or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal storage and production, pressing and dyeing plants, asphalt or cement production, animal processing or other heavy or hazardous manufacturing operations.



**Natural Resource Extraction and Processing.** The growth, harvesting, and preparation of byproducts of land (other than agriculture) for distribution and sale as a raw material in some other manufacturing process, where the growth and harvesting involves outdoor machinery operation or outdoor storage. Examples include a quarry, mining operation, oil or gas well, or wood storage yard.

**Storage and Warehousing– Commercial, Indoor.** Storage of consumer products or small-scale commercial products inside a building. Examples include mini warehouses where all storage areas including those leased or rented to individual customers are accessed from inside the principal building.

**Storage and Warehousing– Outdoor, Minor.** Storage of consumer products or small-scale commercial products on an outdoor lot. Examples include contractor's yard, or similar facility where products used in other small business operations are stored for distribution.

**Storage and Warehousing– Outdoor, Major.** Storage of commercial products or large-scale machinery on an outdoor lot. Examples include boat or RV storage, towing service storage yard, or similar large-scale storage lots and facilities.

**Waste Processing–** An area dedicated to the storage, processing, treatment, and distribution of waste products. Examples include scrap or salvage yards, transfer stations, and other similar uses.

## AGRICULTURE

The Agriculture category is for the use of land and buildings in the production of food, fiber or raw materials raised and harvested on large land areas in a rural or open setting.

**Agriculture– Light Processing.** Light Processing. The storage, processing and distribution of farm products produced on-site where only small-scale facilities are necessary.

**Agriculture– Heavy Processing.** The aggregation, storage, processing, and distribution of farm products. Examples include grain elevators, livestock auction yard, stockyard or rendering plant.

**Agricultural Retail–** Outdoor Farmers Market, Flea Market, or Swap Shop. A retail use where many vendors will display merchandise indoors or outdoors on a short term or interim basis.

**Agricultural Retail–** Roadside Stand/Pop-Up. A retail use where a less than three vendors display merchandise indoors or outdoors on a short term or interim basis. See: *Retail. Outdoor Sales. Limited*

**Farming– Homestead.** The accessory use of residential property to produce crops or horticulture for food, and which may include the limited keeping of animals, where the principal residence of the owner or operator is on the premises and where activities and equipment used result in impacts similar to typical residential activities.

**Farming– Small/Limited.** The primary use of land for small scale production of field crops or horticulture for food, where only small-scale accessory storage facilities and light machinery is necessary. Examples include a community garden, greenhouse, or other small productive edible landscape area.

**Farming– Commercial.** The primary use of land for commercial production of field crops for food or raw materials in other agriculture operations; the raising or breeding of livestock, poultry, fish or other animals for food or use of their byproduct's agriculture operations; plant production such as nursery, orchard, vineyard.



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## COMMUNICATIONS AND UTILITIES

The communications and utilities category are for buildings, structures, or other infrastructure improvements that provide essential public services.

*Wireless Communication Antenna.* Any structure or device used to collect or transmit electromagnetic waves for the provision of commercial wireless communications, including all accessory equipment.



## ARTICLE 5. RESIDENTIAL DEVELOPMENT STANDARDS

- 5.01 INTENT AND APPLICABILITY
- 5.02 RESIDENTIAL BUILDING TYPES & DEVELOPMENT STANDARDS
- 5.03 RESIDENTIAL FRONTAGE STANDARDS
- 5.04 EXCEPTIONS & SUPPLEMENTARY DEVELOPMENT STANDARDS

### 5.01 INTENT & APPLICABILITY

- A. **Intent.** The Residential Development Standards are designed to allow flexibility in design, and the limitations and allowances are largely dependent on zoning classification, building type, and lot size. Once a particular building type (Table 5-1) is decided, Table 5-2 provides specific standards based on zoning classification to determine the lot widths, lot sizes, and setbacks allowed. These standards have the following intent.
1. Establish distinct standards that support the objectives and goals of the Comprehensive Plan, and make distinctions between neighborhood patterns as defined in the Future Land Use Map.
  2. Promote lasting and sustained investment in neighborhoods with quality design.
  3. Enable a mix of housing types that strengthen the City's overall housing options for residents as their needs change over time.
  4. Relate all buildings and lot frontages to the streetscape and open spaces, while still promoting effective transitions from public spaces to private spaces on the lot.
  5. Manage the extent and frequency of garages and driveways through alternative parking arrangements to protect the character of neighborhoods and use of streets as a community social space.
  6. Promote compatibility where there are transitions between scales of buildings, and changes in context.
  7. Enable compatible infill development in existing neighborhoods of the City.
- B. **Applicability.** The standards in this Article shall generally apply to:
1. All residential development, except where stated that sections only apply to specific building types, specific districts or specific scales of projects.
  2. Modification or additions to buildings or sites shall meet these standards to the extent of the modification or addition, except that the Community Development Director may waive any requirement applied to modifications or additions that conflict with the intent of this Article.
  3. The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building may not occur in a manner that brings the building or site to a greater degree of non-conformance with these standards.



4. All officially designated historic districts and buildings shall comply with the procedures and standards of Article 10 and follow any applicable standards set forth by the Secretary of the Interior. If provisions of this Article are inconsistent with a Historic Overlay District, then the provisions of the Historic Overlay District shall apply. A letter from the Historic Preservation Commission is required at the time of any application submittal to ensure the building meets Secretary of Interior standards.



## 5.02 RESIDENTIAL BUILDING TYPES & DEVELOPMENT STANDARDS

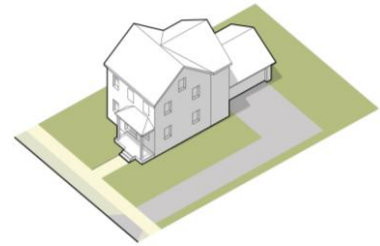
- A. **Definition of Types.** The following building types are established to allow a range of residential buildings and create effective transitions within and between neighborhoods. The building types provide distinctions based on lot sizes, unit configuration, building footprints and massing, building placement, and frontage designs (Table 5-2).

**Table 5-1: Definitions of Residential Building Types**

### ***Detached House***

A residential building designed for one primary dwelling unit in a suburban or traditional neighborhood setting. Variants of this type are based primarily on lot size and context.

- Detached House – Estate
- Detached House – Suburban
- Detached House – Neighborhood
- Detached House – Compact



### ***Accessory Dwelling.***

A dwelling unit, either in a detached accessory structure, or included within a principal structure, that is located on the same lot as a detached house and is incidental to the principal use of the lot for a principal dwelling. Examples include a garage apartment, basement apartment or second level / attic apartment.



### ***Duplex/Multi-unit House (2-4 units)***

A residential building designed to accommodate two primary dwelling units in an urban neighborhood or suburban setting. Unit configurations include “up/down,” “side-by-side,” or “front/back.” Variants of this type are primarily based on context and the frontage design. Duplex – Suburban, typically has the scale and massing of two attached houses, while the Duplex / Multi-unit House has the scale and massing of a single detached house divided into multiple units – typically 2 to 4.

- Duplex – Suburban
- Duplex / Multi-unit House



### ***Row House (3-8 units)***

A residential building type designed to accommodate 3 to 8 dwelling units in a walkable neighborhood or mixed-use setting. Each unit is separated by a common sidewall with a side-by-side configuration, and each has its own private entrance.

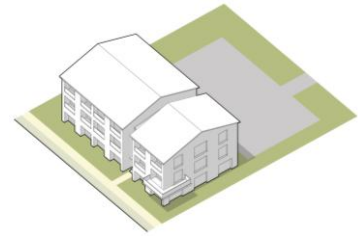




**Table 5-1: Definitions of Residential Building Types**

***Small Apartment/Mixed-Use (3-12 units)***

A small-scale, multi-unit residential building designed on a small or moderate-sized lot in an urban neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage and arranged to integrate into the block structure of a neighborhood with a variety of other small-scale residential building types. This building type may include secondary commercial uses or live/work arrangements on the first floor of the building not exceeding 3,000 square feet.



***Medium Apartment/Mixed-Use (13-40 units)***

A moderate-scale, multi-unit residential building on a moderate-sized lot in high-density areas, corridors, or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage and arranged to integrate into the block structure of a neighborhood, typically as a transition to small-scale residential building types. This building type may include secondary commercial uses on the first floor of the building not exceeding 6,000 square feet.



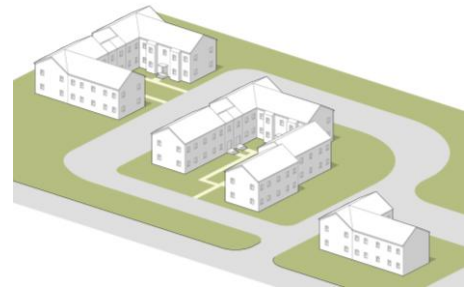
***Large Apartment/Mixed-Use (>40 units)***

A predominately residential multi-unit building on a moderate- to large-sized lot in high-density areas, corridors, or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage, and may include secondary commercial uses on the first floor of the building. It is appropriate in limited contexts where greater density or intensity supports broader planning goals for the area, commercial center, or neighborhood.



***Garden Apartment***

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





- B. **Lot & Building Standards.** The development standards for residential districts shall be based on the different building types permitted in each district, as specified in Table 5-2, Residential District Building Type & Development Standards. The design standards in other sections of this Article may further specify the design and location of each building type in a specific context.

**Table 5-2: Residential District Building Type & Development Standards**

| Zoning Districts |     |      |     |     | Building Types                           |  | Lot Standards             |                  |                    | Minimum Setbacks |               |                 |      | Building Height   |
|------------------|-----|------|-----|-----|------------------------------------------|--|---------------------------|------------------|--------------------|------------------|---------------|-----------------|------|-------------------|
| A                | R-1 | R-1D | R-2 | R-3 |                                          |  | Lot Size                  | Lot Width [1]    | Minimum Open Space | Frontage [3]     | Interior Side | Corner Side [1] | Rear |                   |
| ■                |     |      |     |     | Detached House – Estate                  |  | 10 acres min.             | 100+             | 75%                | RF               | 15'           | 30'             | 30'  | 35' / 2.5 stories |
|                  | ■   | C    |     |     | Detached House – Suburban                |  | 10K s.f.min.              | 70-100'          | 60%                | SF               | 15'           | 30'             | 25'  | 35' / 2.5 stories |
|                  | ■   | ■    | ■   | ■   | Detached House – Neighborhood            |  | 6K s.f.min.               | 50-70'           | 1,200 s.f.         | TNF              | 7.5'          | 15'             | 25'  | 35' / 2.5 stories |
|                  |     | ■    | ■   | ■   | Detached House – Compact                 |  | 3K s.f.min.               | 35-50'           | 600 s.f.           | TF               | 7.5'          | 8'              | 25'  | 35' / 2.5 stories |
| ■                | C   | ■    | C   | C   | Accessory Dwelling                       |  | N/A                       | Sec. 4.03 – B    |                    | N/A              | Sec. 4.03 – B |                 |      |                   |
|                  |     |      | ■   | ■   | Duplex – Suburban                        |  | 10K s.f. min.             | 70' +            | 1,200 s.f.         | SF               | 7.5'          | 20'             | 25'  | 35' / 2.5 stories |
|                  | □   |      | ■   | ■   | Duplex / Multi-unit House                |  | 6K s.f. min.              | 50' +            | 800 s.f.           | TNF              | 7.5'          | 10'             | 25'  | 35' / 2.5 stories |
|                  |     | □    | □   | ■   | Row House (3-8 units)                    |  | 1.8K s.f. (per unit) min. | 18'-36' per unit | 200 s.f./unit      | TF               | 7.5' [2]      | 10'             | 15'  | 45' / 3 stories   |
|                  | P   | P    |     | ■   | Small Apartment/Mixed-Use (3-12 units)   |  | 6 – 10K s.f.              | 50' - 100'       | 200 s.f./unit      | TF               | 7.5' [2]      | 10'             | 15'  | 45' / 3 stories   |
|                  |     |      |     | ■   | Medium Apartment/Mixed-Use (13-40 units) |  | 10 – 25K s.f.             | 80' - 200'       | 150 s.f./unit      | TF               | 7.5' [2]      | 10'             | 20'  | 60' / 5 stories   |
|                  |     |      |     | P   | Large Apartment/Mixed-Use (>40 units)    |  | 25 – 80K s.f.             | 150' - 300'      | 150 s.f./unit      | SF               | 10' [2]       | 10'             | 20'  | 110' / 10 stories |
|                  |     |      |     | P   | Garden Apartment                         |  | 2K s.f. (per unit)        | 100' +           | 300 s.f./unit      | SF               | 20'           | 25'             | 20'  | 45' / 3.5 stories |

■ Building types allowed.

□ Building types allowed subject to the location criteria in Section 5.02-C.

C Building type allowed only by Conditional Use Permit according to the procedures in Article 2.

P Building type allowed only by Planned Zoning District according to the procedures in Article 2.

[1] Corner lots shall add 10' to the required lot width.

[2] Row Houses, Small, Medium Apartments shall have a 10' side setback when abutting lots with a detached house; 20' for Large Apartments.

[3] See Table 5-3

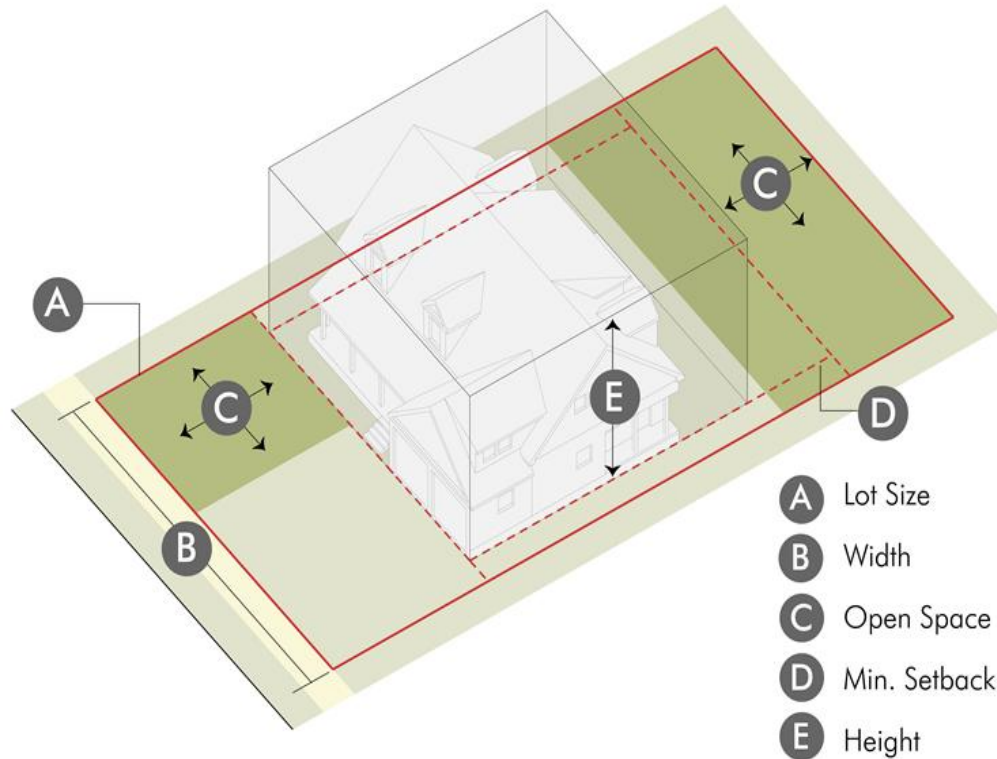
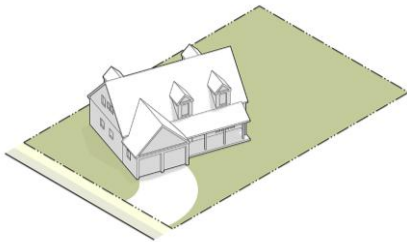


Figure 5-1 Lot Dimensions.

- C. **Location Criteria for Limited Building Types.** Buildings indicated as limited by location criteria (□) in Table 5-2 are intended to permit a mix of housing options within neighborhoods. The location of these building types should be based on patterns in the area and proximity to other neighborhood amenities. Unless otherwise located according to an approved subdivision plan, these types shall only be permitted according to the following locations:
1. *Corners.* Any corner lot.
  2. *Major Corridors.* Lots fronting on a MO-7 or MO-58.
  3. *Public Parks.* Lots fronting directly on or on block faces opposite and fronting on a public park.
  4. *Transitions.* Lots directly adjacent to a non-residential zoning district that creates a transition in building type, scale, and intensity of uses.

### 5.03 RESIDENTIAL FRONTAGE STANDARDS

- A. **Applicability.** The Residential Frontage Standards shall apply to the residential zoning districts, and to any residential building type permitted in non-residential zoning districts.
- B. **Frontage Types & Standards.** The design of lot frontages establishes the relationship of buildings and lots to the streetscape, including building placement, lot access, garage extent and location, and entry features. Frontage Types designed according to the standards and design objectives of this sub-section may be used to modify the front setback established in Table 5-3. For the purpose of this ordinance, the frontage types are designed with the following intent:



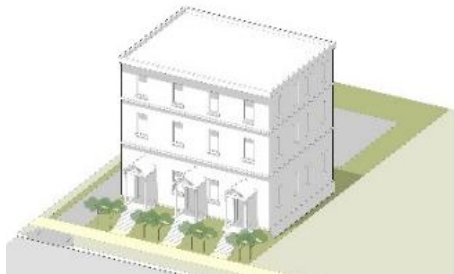
**Rural Frontage ("RF"):** Rural frontage standards are intended to accommodate residential development on large lots, where the relationship between buildings and the public realm have a minimal impact to neighborhood streetscapes and other public spaces.



**Suburban Frontage ("SF"):** Suburban frontage standards are intended to accommodate residential development in a conventional neighborhood setting while also minimizing the aesthetic and safety impacts of driveways and garages located in and oriented towards the front yard. These standards provide moderate limits to garages and driveway access in order to emphasize building entry features.



**Traditional Neighborhood Frontage ("TNF"):** Traditional neighborhood frontage standards are intended to reinforce the existing character of Pleasant Hill's oldest neighborhoods, while enabling the development of new neighborhoods in a traditional neighborhood development ("TND") format, as promoted by the Comprehensive Plan. These standards provide stronger limits to garages and driveway access in order to emphasize building entry features.



**Terrace Frontage ("TF"):** Terrace frontage standards are intended to reinforce the existing character of Pleasant Hill's oldest neighborhoods and downtown transitional areas. These standards provide the greatest limits to garages and driveway access in order to emphasize building entry features.



**Table 5-3: Residential Frontage Design Standards**

| Frontage Element           | Frontage Type            |                                                                        |                                                                            |                                                                            |
|----------------------------|--------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------|
|                            | Rural Frontage<br>("RF") | Suburban<br>Frontage<br>("SF")                                         | Traditional Neighborhood Frontage<br>("TNF")                               | Terrace Frontage<br>("TF")                                                 |
| Front Setback Line (FSL)   | >50 feet                 | 30-50 feet                                                             | 15-30 feet                                                                 | 8-15 feet                                                                  |
| Entry Features             | N/A                      | Required, See Table 5-4                                                |                                                                            |                                                                            |
| Driveway Width             | 27' maximum              | 50% of lot width,<br>up to 27'<br>maximum                              | 25% of lot width, up to 20' maximum<br>Prohibited if alley is present      | 15% of lot width, up to 20' maximum<br>Prohibited if alley is present      |
| Garage Limits              | N/A                      | 60% of façade<br>width maximum<br>no more than 12'<br>in front of FBL* | 30% of façade width maximum<br>Up to 45% if stepped back 12'+ from<br>FBL* | 20% of façade width maximum<br>Up to 35% if stepped back 12'+ from<br>FBL* |
| *FBL = Front Building Line |                          |                                                                        |                                                                            |                                                                            |

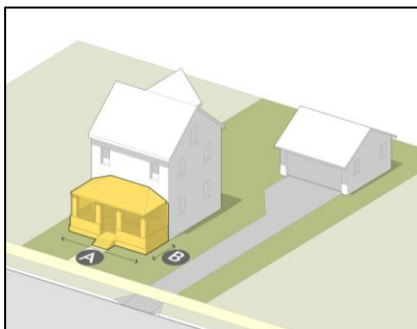
- C. **Front Entry Feature.** Where entry features are required by Table 5-3, the standards and design techniques in Table 5-4 shall be applied.

**Table 5-4: Front Entry Features**

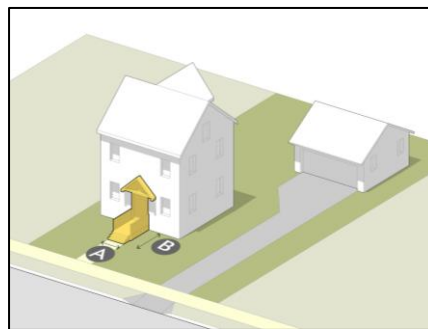
| <b>Design Element</b> | <b>Requirements</b> <i>(Illustrated below)</i>                                                |
|-----------------------|-----------------------------------------------------------------------------------------------|
| <i>Porch</i>          | A. Width: 12' minimum<br>B. Depth: 8'-12'<br>Suburban Frontage may reduce minimum depth to 6' |
| <i>Stoop</i>          | A. Width: 6'-12'<br>B. Depth: 6'-8'                                                           |
| <i>Entry Court</i>    | A. Width: 12'+, but never more than 50% of façade<br>B. Depth: 10' - 24'                      |

*General Design –*

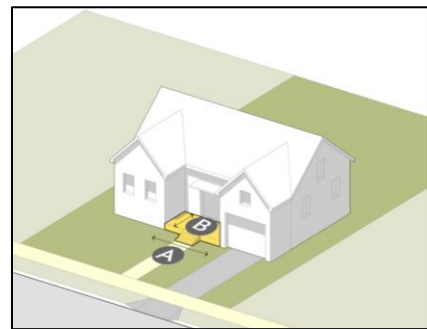
- All entry features shall have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk or street. For Suburban Frontage, this can connect via the driveway.
- All entry features shall be integrated into the overall building design including compatible materials, roof forms, and architectural style and details.
- Entry features shall be single-story, so that any roof structure and any ornamentation occur between 8' and 14' above the floor-level of the entry feature.
- Entry features meeting these standards may encroach up to 10 feet in front of the front setback line, but never closer than 5 feet to a public or common property line, provided they are unenclosed with at least 65% open and unobstructed on all sides that project into the setback.
- Any building with more than 150 feet of front facade, or any side greater than 200 feet and permitted within 20 feet of the street, shall have 1 entry feature for every 100 linear feet of building frontage on the street.



Porch

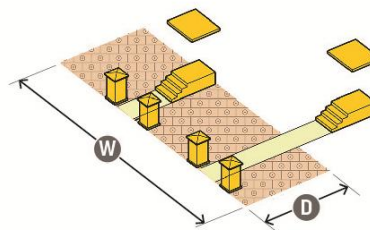
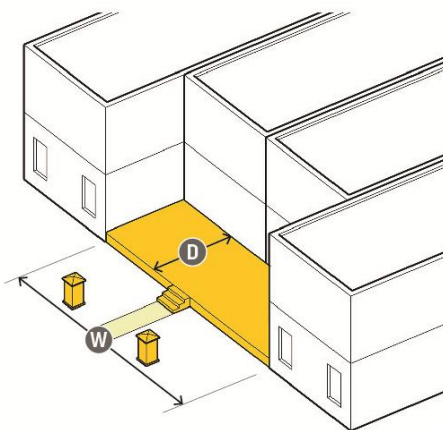
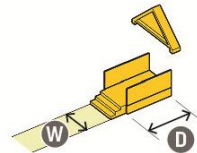
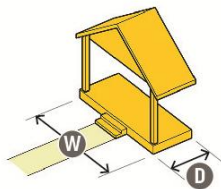


Stoop



Entry Court

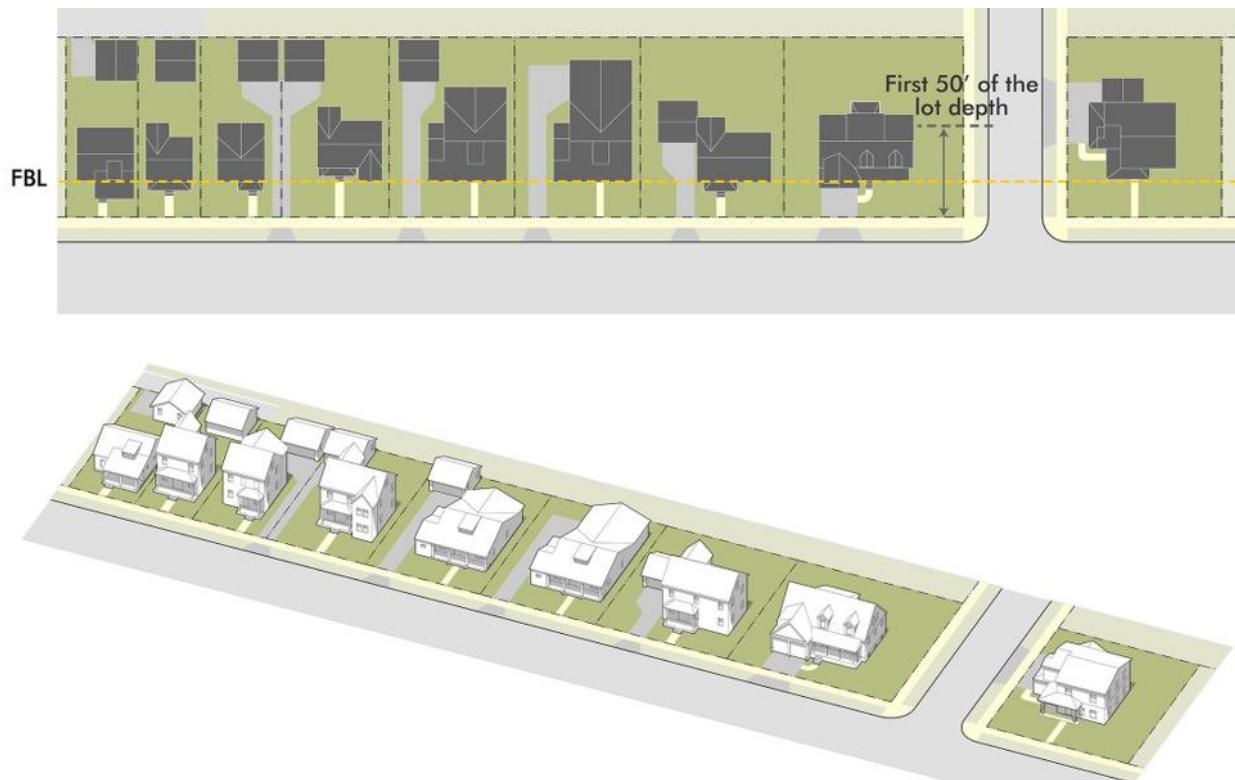
- D. *Variations of Buildings.* All projects involving three or more buildings shall provide variations in the elevation from the two buildings on each adjacent side, and the three nearest buildings on the opposite side of a facing block, with at least two of the following:
1. Variations in the front entry features as indicated in Table 5-4: Front Entry Features. Variations should include combinations of at least two of the following changes:
    - a. Different types of entry features: such as porch, stoop, or entry court;
    - b. Different roof styles associated with the entry feature: such as gable, hip, shed, flat, arched, or no roof;
    - c. Different locations and extent of the same entry feature: such as centered, shifted left or right, or wrapped; projecting or embedded; and half or full lengths; and/or
    - d. Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.
  2. Variations in the facade composition, including massing, modulation, window types and placement, materials, and details and ornamentation, to the extent that the buildings have a distinct appearance;
  3. Variations of the roof forms considering the type of roof, orientation of gables, or use and placement of dormers; or





- 
4. Variations of the building type or models of the same type with distinctively different floor plans that lead to different massing. Mirror images of the same model and floor plan shall not be used to meet the variation requirement.
  5. In the case of multi-unit buildings:
    - a. For duplexes / multi-unit houses that are intended to mimic the scale and form of detached houses, a hierarchy of doors and entrances shall be used to create the appearance of a single building, and the variation shall apply between buildings.
    - b. For row houses and similar buildings that are clearly designed for multiple units, subtle variations in the materials and entry features shall apply to emphasize different units, and the variation shall apply between units in the building.
- E. **Driveway & Access.** Driveway limits maintain green space in neighborhoods, preserve the character of the streetscape, and reduce curb cut width protecting sidewalks and curbside parking. The following standards apply to the driveway limits in Table 5-3: Residential Frontage Design Standards:
1. Driveway width limits apply to the first 50' of the lot depth, or up to the Front Setback Line, whichever is less.
  2. On-site parking is prohibited within the frontage area, except detached houses or multi-unit houses may allow the required parking spaces per unit in the driveway, provided each space is at least 7 feet wide by 18 feet deep, entirely outside of the right of way, and does not interfere with any pedestrian area.
  3. In cases where driveway width and garage standards prohibit front-loaded garages and driveways on a particular lot, alternative access patterns and garage location/orientation are encouraged, including alley or side access.

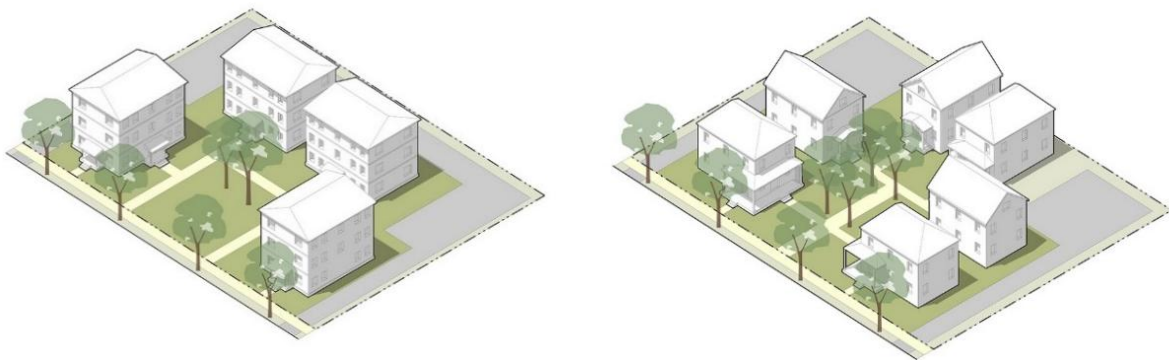
- F. **Garage Design.** Garage design reduces the extent, massing, and proximity of front-loaded garages relative to the streetscape which promotes more human-scale building elements and active living areas along the frontage. The following standards apply to the garage limits in Table 5-3: Residential Frontage Design Standards:
1. Garage limits apply to front-loaded garages. Alternatives are not subject to limits, such as detached garages, side, or rear-loaded garages, or attached garages that are accessed from the front but located on the rear of buildings.
  2. Garage limits shall be measured by the exterior walls of the floor plan or other clearly distinguished massing element on the front façade.



**Figure 5-3 Driveway & Garage Options.** Frontage type standards are based on lot widths to recognize both the proportionate and cumulative effect that frontage design elements have on the streetscape, and narrower or compact lots may be more limited. In these situations, options that reduce the car-orientation yet accommodate the convenience of access of vehicles should be used. Options include narrower entries, side entries, shared drives, common lanes, or internal block alleys.

G. **Courtyard Pattern.** Residential buildings and lots may be designed to front on a courtyard based on the following design standards.

1. **Eligible Building Types.** Residential buildings eligible for a courtyard pattern include:
  - a. Multi-unit House or Detached House, up to 12 buildings.
  - b. Row Houses, up to 4 buildings or 24 units, whichever is less.
  - c. Small Apartments, up to 5 buildings or 36 units, whichever is less.
2. **Design Standards & Exceptions.**
  - a. Lots and buildings may front on the courtyard, rather than along a street, provided they otherwise meet the design standards applicable to the front of buildings. In which case, the front setback may be reduced to 5 feet front the courtyard space. The minimum lot size per unit may be reduced by 20%.
  - b. Vehicle access and parking for each lot shall be coordinated for all lots and buildings, and designed in a way that minimizes the impact on the public street and the courtyard. Access shall meet all frontage standards applied to the project as a whole.
  - c. The courtyard area shall be owned in common by all lots or otherwise established as a shared-space amenity.
  - d. Any buildings fronting the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section. Corner buildings may need to meet the front building design standards on both the street front and the courtyard.
  - e. The courtyard shall be at least 1,000 square feet and not exceed 5,000 square feet. The space shall be designed in accordance with the guidelines of Table 3-6D: Small Open Spaces – Square, Courtyard, Pocket Park. The courtyard shall be accessible from a public street.



**Figure 5-4 Courtyard Pattern.** Courtyard patterns allow multiple buildings to front on common open spaces with reduced lot sizes and setbacks, provided all open space design standards are met, provided the courtyard and buildings maintain frontage design and streetscape standards on a public street.



- 
- H. *Exceptions.* The Community Development Director may approve exceptions to the frontage type standards based on the following criteria:
1. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner;
  2. An alternative design equally or better meets the design objectives of this section outlined in 5.01-A; or
  3. In instances of infill development, where clear pattern of existing buildings and lots on the same block and opposite block face present a different arrangement in terms of the front setback line, driveway access patterns, and extent and placement of garages.
  4. In all cases, the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.



## 5.04 EXCEPTIONS & SUPPLEMENTARY DEVELOPMENT STANDARDS

A. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-2: Residential District Building Type & Development Standards.

1. *Lot and Building Configurations.*
  - a. Row Houses and side-by-side Multi-unit Houses (i.e. duplexes) may be configured as a single project, provided the lot and building cumulatively meet any per lot standards; or as individual lots with a 0-foot interior side setback, provided the building includes a party wall meeting building code standards. Individual ownership of units on a commonly owned lot are subject to the platting requirements in Article 2.
  - b. The front setbacks for each building may be modified according to the frontage types and Frontage Standards in Section 5.03-B.
  - c. Lots may be configured in a Courtyard Pattern as provided in Section 5.03-F.
2. *Setback Encroachments.* The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
  - a. Primary entrance features may encroach beyond the required front setback line, as specified in Table 5-3 Residential Frontage Design Standards and 5.03-C: Front Entry Features
  - b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 5 feet from any lot line. This exception shall be limited to no more than 20% of the total area of a building elevation.
  - c. Unenclosed decks or patios at or below the first-floor elevation may extend into the rear or side setback but no closer than 5 feet to any lot line. Where a roof is provided, it shall only be single story and shall remain unenclosed with at least 65% open and unobstructed on 3 sides.
  - d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located in easements or rights-of-way, subject to the design standards of those specific authorizations.
  - e. Any other accessory use or structure within the setback not specified in Section 5.02-E shall have a setback of at least 1/3 its height from the property line.
3. *Height Exceptions.* The following are exceptions to the height limits in Table 5-2:
  - a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.



- b. Architectural features such as chimneys, ornamental towers or spires, and similar accessory features that are cumulatively less than 20% of the building footprint may extend up to 50% above the actual building height.
- c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents or other equipment may be built up to their necessary height in accordance with building codes, provided they are screened according to the standards of this code.

**B. Residential Accessory Structures.** Accessory buildings shall be permitted in association with and on the same lot as, a principal building or use, subject to the following standards:

1. All accessory buildings shall be at least 6 feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
2. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location, and orientation.
3. Minor accessory structures 120 square feet or less, and not on a foundation or slab do not have a required side or rear setback, but should be movable and are otherwise placed “at risk” by the owner with regard to any easements, fence, or screening requirements.
4. Secondary Buildings shall be compatible with the principal building considering materials, architectural elements, window and door details, and meet any applicable design standards.
5. Standards for quantity, size, height, and setbacks of residential accessory structures shall be determined by Table 5-7: Residential Accessory Structures:

**Table 5-7: Residential Accessory Structures**

| Type                                                                             | Quantity                                                                                                                        | Size                                                                                                                  | Height                                                                                           | Setbacks                                                                                                                                                                                 |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minor Structure<br>(Small shed, and similar structures)                          | <ul style="list-style-type: none"><li>1 / lot;</li><li>+ 1 / each 10k s.f;</li><li>Maximum of 2</li></ul>                       | <ul style="list-style-type: none"><li>200 s.f. max. / building</li></ul>                                              | <ul style="list-style-type: none"><li>12' max</li></ul>                                          | <ul style="list-style-type: none"><li>7.5' side or rear; and</li><li>Behind the rear building line of the principal structure</li></ul>                                                  |
| Secondary Building<br>(detached garages, accessory dwellings, pool house, etc.)) | <ul style="list-style-type: none"><li>1 / lot</li><li>2 / lot, over 1 ac.</li><li>1 / principal building (apartments)</li></ul> | <ul style="list-style-type: none"><li>50% of principal building footprint, up to 1,000 s.f. max. / building</li></ul> | <ul style="list-style-type: none"><li>25' max, but no higher than principal structure.</li></ul> | <ul style="list-style-type: none"><li>7.5' from side and rear.</li><li>20' from street side; and</li><li>At least 12' behind the front setback line of the principal structure</li></ul> |
| See Sec. 4.03-B for additional standards for Accessory Dwelling Units.           |                                                                                                                                 |                                                                                                                       |                                                                                                  |                                                                                                                                                                                          |
| Out-building<br>(Large storage building, barns, etc.)                            | <ul style="list-style-type: none"><li>1 / lot over 25K s.f.</li><li>+ 1 / each 3 ac.</li><li>Maximum of 4</li></ul>             | <ul style="list-style-type: none"><li>10% of lot size maximum max in A cumulatively</li></ul>                         | <ul style="list-style-type: none"><li>25' max</li><li>60' max in A</li></ul>                     | <ul style="list-style-type: none"><li>10' from side and rear.</li><li>30' from any street side; and</li><li>Behind the rear building line of the principal structure</li></ul>           |
| Applies to detached houses and civic / institutional uses only                   |                                                                                                                                 |                                                                                                                       |                                                                                                  |                                                                                                                                                                                          |



- C. **Building Design Variety.** All projects involving three or more buildings shall provide variations in the elevations from the two buildings on each adjacent side, and the three nearest buildings on the opposite side of a facing block, with at least two of the following:
1. Variations in the front entry features as indicated in Section 5.03. Variations should include combinations of at least two of the following changes:
    - a. Different types of entry features: such as porch, stoop, or entry court;
    - b. Different roof styles associated with the entry feature: such as gable, hip, shed, flat, arched, or no roof;
    - c. Different locations and extent of the same entry feature: such as centered, shifted left or right, or wrapped; projecting or embedded; and half or full lengths; and/or
    - d. Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.
  2. Variations in the facade composition, including massing, modulation, window types and placement, materials, and details and ornamentation, to the extent that the buildings have a distinct appearance.
  3. Variations of the roof forms considering the type of roof, orientation of gables, or use and placement of dormers.
  4. Variations of the building type or models of the same type with distinctively different floor plans that lead to different massing. Mirror images of the same model and floor plan shall not be used to meet the variation requirement.
  5. In the case of multi-unit buildings:
    - a. For duplexes / multi-unit houses that are intended to mimic the scale and form of detached houses, a hierarchy of doors and entrances shall be used to create the appearance of a single building, and the variation shall apply between buildings.
    - b. For row houses and similar buildings that are clearly designed for multiple units, subtle variations in the materials and entry features shall apply to emphasize different units, and the variation shall apply between units in the building.
- D. **Housing Type Variety.** Projects with over 50 residential units shall provide a mix of housing types according to Table 5-8 and Table 5-9. This requirement may be adjusted or waived by the Community Development Director based on the following criteria:
1. The proposed project is in a context with a sufficient variety of housing types within  $\frac{1}{4}$  mile.
  2. The proposed project does not offer appropriate locational benefits for establishing a variety of housing types, such as proximity to goods and services, civic or institutional destinations, or connectivity to trails and recreational assets.
  3. The applicant submits evidence that achieving the housing variety targets is unreasonable based on industry data and conditions beyond the applicant's marketing information.



**Table 5-8: Housing Categories & Building Types**

| <b>Category I: Detached Houses</b>                                                                                                                    | <b>Category II: Middle Housing</b>                                                                                                                                                       | <b>Category III: Multi-family/ Mixed Use</b>                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>▪ Detached House – Estate</li><li>▪ Detached House – Suburban</li><li>▪ Detached House – Neighborhood</li></ul> | <ul style="list-style-type: none"><li>▪ Duplex – Suburban</li><li>▪ Duplex / Multi-unit House</li><li>▪ Row House (3-8 units)</li><li>▪ Small Apartment/Mixed-Use (3-12 units)</li></ul> | <ul style="list-style-type: none"><li>▪ Medium Apartment/Mixed-Use (13-40 units)</li><li>▪ Large Apartment/Mixed-Use (&gt;40 units)</li></ul> |

**Table 5-9: Housing Diversity**

| <b>Project Scale</b> | <b>Required Mix</b>                                                                             |
|----------------------|-------------------------------------------------------------------------------------------------|
| < 50 Units           | no requirement                                                                                  |
| 50 - 150 Units       | At least 2 building types<br>No more than 80% of one unit type                                  |
| 151 - 300 Units      | At least 3 building types<br>No more than 50% of one unit type<br>At least 20% Category II      |
| 301+ Units           | At least 4 building types<br>No more than 50% of one unit type<br>At least 30% from Category II |



## ARTICLE 6. NONRESIDENTIAL DEVELOPMENT STANDARDS

- 6.01 INTENT AND APPLICABILITY
- 6.02 NONRESIDENTIAL DEVELOPMENT & DESIGN STANDARDS
- 6.03 EXCEPTIONS & SUPPLEMENTARY DEVELOPMENT STANDARDS

### 6.01 INTENT & APPLICABILITY

- A. **Intent.** The Nonresidential Development Standards have the following intent:
  - 1. Promote good civic design and improve the appearance and vibrancy of commercial districts, employment centers, civic spaces, and other public places.
  - 2. Design and locate open spaces as an extension of the public realm and emphasize the different contexts of places throughout the City.
  - 3. Improve the accessibility of centers and districts throughout the City by arranging development within multi-modal networks, and coordinating site access and internal circulation systems with these networks.
  - 4. Use buildings to shape streetscapes and public spaces, and design building facades and lot frontages to relate to these spaces.
  - 5. Refine the design, scale, and details of buildings based on the relationship to the public realm and make distinctions in design based on the context of development.
  - 6. Improve the value of places, strengthen the economic potential of commercial districts and employment centers, and promote lasting and sustained investment in nonresidential development through good design.
- B. **Applicability.** The standards in this article shall apply to all nonresidential development in the City and to development in the C-1, C-2, M-1, and M-2 districts, except where stated that sections only apply to specific districts or situations.
  - 1. All officially designated historic districts and buildings shall comply with the procedures of Article 10-X and follow any applicable standards set forth by the Secretary of the Interior. If provisions of this Article are inconsistent with a Historic Overlay District, then the provisions of the Historic Overlay District shall apply. A letter from the Historic Preservation Commission is required at the time of any application submittal to ensure the building meets Secretary of Interior standards.



## 6.02 NONRESIDENTIAL DEVELOPMENT & DESIGN STANDARDS

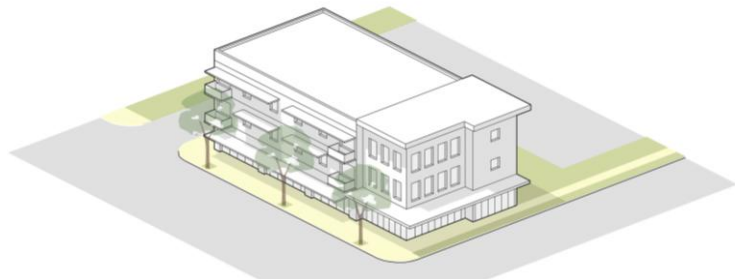
- A. **Zoning District Lot and Building Standards.** The lot and building standards for nonresidential districts are specified in Table 6-1: Non-Residential District Lot & Building Standards.

| Table 6-1: Non-Residential District Lot & Building Standards                                                                                                                                                                                       |               |              |                |            |                          |                      |                 |          |                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|----------------|------------|--------------------------|----------------------|-----------------|----------|-------------------------|
| Zoning District                                                                                                                                                                                                                                    | Lot Standards |              |                |            | Minimum Setbacks         |                      |                 |          | Maximum Building Height |
|                                                                                                                                                                                                                                                    | Maximum Size  | Minimum Size | Frontage Width | Open Space | Front [1]                | Interior Side [2]    | Corner Side [1] | Rear [2] |                         |
| C1                                                                                                                                                                                                                                                 | 2 acres       | 10K s.f.     | 25'+           | 10%        | Section 6.02-B: Frontage |                      | 15'             | 10'      | 50' / 3 stories         |
| C2                                                                                                                                                                                                                                                 | 20Ks.f.       | n/a          | 25' – 100'     | 0%         |                          | 0'                   | 0' – 10'        | 0'       | 50' / 3 stories         |
| M1                                                                                                                                                                                                                                                 | n/a           | 5K s.f.      | 200' – 300'    | 50%        | 40'                      | 5'; 0' if party wall | 40'             | 20'      | 75' / 3 stories         |
| M2                                                                                                                                                                                                                                                 | n/a           | 10K s.f.     | 200' +         | 50%        | 40'                      | 5'; 0' if party wall | 40'             | 20'      | 75' / 3 stories         |
| [1] Front setbacks may be modified by specific frontage types based on context, or as specified in an adopted street or frontage plan for a particular area.                                                                                       |               |              |                |            |                          |                      |                 |          |                         |
| [2] Non-street setbacks shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular use or building. |               |              |                |            |                          |                      |                 |          |                         |
| [3] Residential buildings permitted in "C" or "M" districts shall follow the standards of Article 5 – Residential Development Standards.                                                                                                           |               |              |                |            |                          |                      |                 |          |                         |

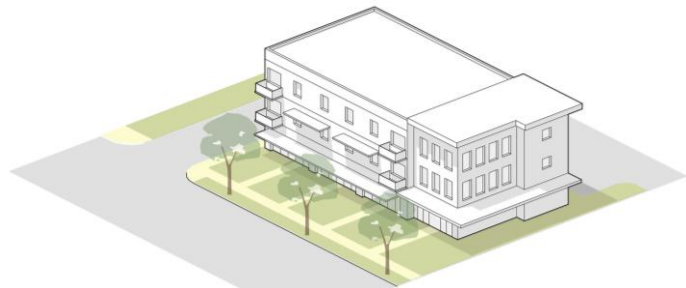


- B. **Frontage Design.** Frontage types shall be designed according to the standards in Table 6-2: Nonresidential Frontage Design Standards. Sub-sections following the table provide specific design strategies and techniques to be used to meet these standards and the design objectives of this sub-section.

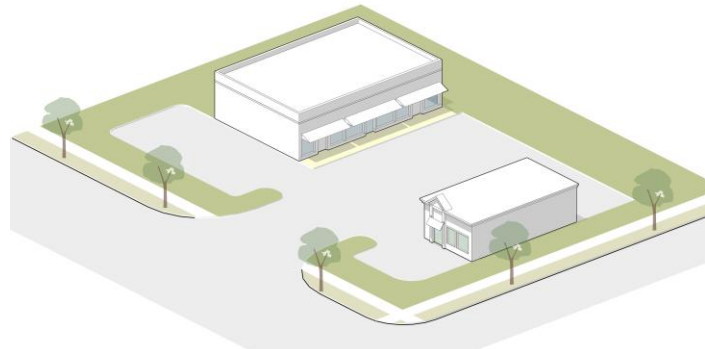
**Walkable Commercial.** The Walkable Commercial Frontage is intended to activate public streetscapes with direct access to buildings from the sidewalk. This frontage type is most appropriate for the Downtown but can also be applied in other contexts to support walkability in a Town Center, Civic Center, or Traditional Neighborhood Development ("TND") context.



**Suburban Corridor.** The Suburban Corridor Frontage is an alternative to the conventional Suburban Frontage by including a front setback area that incorporates elements such as landscaping, terraces, lawns, and pedestrian access to the building entries, instead of paved parking. This frontage type is common for civic or institutional buildings but is also an ideal option for commercial destination where higher quality site design and walkability are intended.



**Suburban Center.** The Suburban Commercial Frontage is intended to accommodate commercial formats where truck and vehicle access and circulation are the most important priorities for the site. Generally, this format should be limited to nonresidential development fronting on MO-7 and should not be incorporated into contexts where neighborhood walkability and recreational facilities are more important priorities.





**Table 6-2: Nonresidential Frontage Design Standards**

|                                                                                                                                                              |     | <i>Frontage Type</i>                                                   |                                                             |                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------|
|                                                                                                                                                              |     | <b>Walkable Commercial</b>                                             | <b>Suburban Corridor</b>                                    | <b>Suburban Center</b>                                          |
| <i>Zoning District</i>                                                                                                                                       | C-1 | □                                                                      | ■                                                           | □                                                               |
|                                                                                                                                                              | C-2 | ■                                                                      | □                                                           | Prohibited                                                      |
| ■ Required, default standard.<br>□ Optional, alternative standard to be applied based on context and permitted at the discretion of the Planning Commission. |     |                                                                        |                                                             |                                                                 |
| <b>Site Design Standards</b>                                                                                                                                 |     |                                                                        |                                                             |                                                                 |
| Minimum frontage landscape buffer                                                                                                                            |     | n/a                                                                    | 10-30'                                                      | 10' minimum                                                     |
| Front Building Setback (FBS)                                                                                                                                 |     | 0' – 10' [1]                                                           | 10' – 30'                                                   | 30' – 80' [2]                                                   |
| Required Building Frontage (minimum)                                                                                                                         |     | 90% of width                                                           | 50% of width                                                | 30% of width                                                    |
| Frontage Access Width Maximum                                                                                                                                |     | Prohibited, unless shared block access, then 12' per access point max. | 20% max. of lot width, cumulative 24' per access point max. | 30% max. of lot width, cumulative [2] 36' per access point max. |
| <b>Façade Design Standards</b>                                                                                                                               |     |                                                                        |                                                             |                                                                 |
| Entry Feature Maximum Spacing                                                                                                                                |     | 30'                                                                    | 75'                                                         | 200'                                                            |
| Street-Level Transparency                                                                                                                                    |     | 60-90%                                                                 | 40-90%                                                      | 20-90%                                                          |
| Upper-Level Transparency                                                                                                                                     |     | 25-50%                                                                 | 15-40%                                                      | 15-40%                                                          |
| Blank Wall Limits                                                                                                                                            |     | 30'/300s.f.                                                            | 50'/500s.f.                                                 | 150'/2,000s.f.                                                  |
| [1] If the lot is in the HPD Overlay, setbacks shall not exceed 15 feet.                                                                                     |     |                                                                        |                                                             |                                                                 |
| [2] exception to frontage >80 with additional buffer.                                                                                                        |     |                                                                        |                                                             |                                                                 |



1. **Streetfront Open Space.** The minimum building frontage and setbacks specified in Table 6-2 Nonresidential Frontage Design Standards may be modified to accommodate usable open space, including patios, courtyards, outdoor recreational areas, and outdoor entertainment venues. Usable open spaces shall conform to the following standards:
  - a. *Location.* Open space must directly abut the streetscape.
  - b. *Frontage Extent Allowance.*
  - c. *Size.* Open space shall not exceed 20,000 square feet.
  - d. *Roofs.* Open space may be roofed with a permanent structure attached to the principal structure.
  - e. *Enclosure.* Open space may be enclosed with a permanent rail or wall constructed of metal, masonry, or wood, and not exceeding 36 inches in height. Enclosed usable open spaces may include an entry along the perimeter to accommodate public access of at least 36 inches wide.
  - f. *Interpretation.* For the purposes of this Code, open space shall not be interpreted as vehicular use areas such as parking or loading facilities or required landscape areas.
2. **Façade Design.** Façade design and composition establishes the relationship of buildings to the spaces around it.
  - a. *Primary Entrance.* Primary public entrances shall be clearly defined on all front façades with at least two of the following elements and be located at intervals no greater than specified in Table 6-2 Nonresidential Frontage Design Standards:
    - i. A single-story architectural emphasis such as canopies, awning, porticos, pediments, arches, or arcades.
    - ii. Architectural details such as transom or display windows, ornamental tile accents, columns, moldings or other similar accents and material changes.
    - iii. Railings, wing walls or plantings integral to the entry structure that incorporate landscaping and/or places for sitting.
    - iv. Recesses of the building mass of at least three feet deep.
  - b. *Transparency.* Buildings shall have the percentage of openings on street-facing façades specified in Table 6-2 Nonresidential Frontage Design Standards (*Street Level and Upper Level Transparency*), based on the following:
    - i. First-floor windows shall be measured between 2 feet and 8 feet above the sidewalk, and allow clear views of indoor space or product display areas.
    - ii. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
    - iii. All street level windows required shall have transparent glazing and provide direct views to the building's interior or to a lit display area extending a minimum of 3 feet behind the window.



- c. **Massing & Modulation.** Larger façades shall be broken into smaller components by one or a combination of the following techniques at intervals specified in Table 6-2 Nonresidential Frontage Design Standards (*Blank Wall Limits*):
- i. Use structural bays that emphasize vertical breaks in interior components of the building, with visible features such as columns, pillars, or pilasters, and material, color changes or other details and accents associated with the massing element that project between four inches and 12 inches off the façade.
  - ii. Differentiate massing with projections, balconies, cantilevers, or step backs from the main mass associated with different stories. Massing shall create deviations in the wall plane of at least two feet if projecting from the façade and at least 4 feet if recessed from the façade.
  - iii. Horizontal differentiation of a base, body and top of all buildings. For buildings less than three stories, this can be a distinct foundation, a main façade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs. For buildings three stories or more, the first floor should be clearly differentiated from upper stories to establish the base.
  - iv. Any other blank wall areas in excess of the requirements of Table 6-2 Nonresidential Frontage Design Standards shall be broken up by ornamental architectural details complimentary to the materials and architectural style of the building.



### 6.03 EXCEPTIONS & SUPPLEMENTARY DEVELOPMENT STANDARDS

- A. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 6-1: Non-Residential District Lot & Building Standards:
1. **Setback Encroachments.** The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
    - a. Any projections over public rights of way, or any similar area designed for pedestrian circulation, shall be at least 8 feet above the grade, and in no case within 5 feet of any curb for a street, through access drive or other area designed for vehicles.
    - b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 3 feet from any side lot line. This exception shall be limited to no more than 20% of a building elevation.
    - c. Ground-mounted mechanical equipment accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
    - d. A lot may have more than one building, provided any accessory or secondary building shall be located at least 10 feet from any other building on the same or adjacent lots, or be joined by a party wall meeting all aspects of the building code.
  2. **Height Exceptions.** The following are exceptions to the height limits in Table 6-1: Non-Residential District Lot & Building Standards:
    - a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.
    - b. Architectural features such as chimneys, ornamental towers or spires, and similar accessory features that are less than 20% of the building footprint may extend up to 50% above the actual building height.
    - c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents or other equipment may be built up to their necessary height in accordance with building codes.
    - d. Accessory site structures such as flag poles, monuments, water towers, may have a height limit of the zoning district, and must be set back at least 1/3 its height from the property line.
- B. **Accessory Buildings – Nonresidential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 6-3: Nonresidential Accessory Structures, and to the following additional limitations.



1. **Generally.**
  - a. All accessory buildings shall be at least 10 feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
  - b. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location, and orientation.
  - c. Minor accessory structures of 120 square feet or less, and not on a slab or similar foundation do not have a required interior side or rear setback, but should be movable and are otherwise placed “at risk” by the owner with regard to any easements, fence, or screening requirements.
2. **Secondary Building Standards.** In any nonresidential district, secondary buildings over 250 square feet footprint or 12 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
  - a. Any portion of the building or structure potentially visible from the street or other public areas shall use materials, colors, scale, and forms (roofs and massing), and architectural details that are compatible with the principal structure, or otherwise be screened according to Article 7 – Landscape Standards.
  - b. Any building or structure exceeding the limits in Table 6-3: Nonresidential Accessory Structures shall be treated as a second principal building and shall meet all lot and building design standards applicable to principal buildings.

**Table 6-3: Nonresidential Accessory Structures**

| Type                                                                                                       | Quantity                                                                                                                | Maximum Size                                         | Maximum Height                              | Setbacks                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minor Structure<br>(Small shed, and similar structures)                                                    | <ul style="list-style-type: none"><li>▪ 1 / lot</li><li>▪ + 1 / each additional 10Ks.f</li><li>▪ Maximum of 3</li></ul> | 120s.f.                                              | 12'                                         | <ul style="list-style-type: none"><li>▪ 7.5' side or rear; and</li><li>▪ 25' on any street side lot line</li><li>▪ Behind the rear building line of the principal structure</li></ul>           |
| Secondary Building<br>(Detached accessory building)                                                        | <ul style="list-style-type: none"><li>▪ 1 / principal building</li></ul>                                                | 25% of principal building footprint, up to 1,200s.f. | 25', but no higher than principal structure | <ul style="list-style-type: none"><li>▪ 7.5' from side and rear.</li><li>▪ 25' from street side; and</li><li>▪ At least 12' behind the front building line of the principal structure</li></ul> |
| Any building over 12' high or more than 250s.f. footprint shall meet the design standards in Section 6.03. |                                                                                                                         |                                                      |                                             |                                                                                                                                                                                                 |

**C Historic Downtown C2 Building Materials.** Buildings in the downtown C2 district shall comply with Table 6-5: Historic Downtown Building Materials.

1. **Primary and Secondary Materials.** Materials identified with a “PM” are Primary Materials and allowed on all stories of a structure. Materials identified with a “SM” are Secondary Materials and allowed on the second story and above of a structure or for the required building elements. Permitted secondary materials may be used as an accent material on the first story and shall not encompass more than 20% of the first story façade.
2. **Prohibited Materials.** Materials identified with an “-” are expressly prohibited.



3. **Windows.** For the purposes of this Code, first-floor and upper-floor windows complying with the transparency requirements of Table 6-2 are exempt from the maximum façade coverage area for secondary materials.
4. **Preservation of Materials.** Preservation or restoration of original facade materials is desired in existing structures. Applied 'faux' facades or other not permitted non-original materials should generally not be used.
5. **Determination of Similar Materials.** When a specific material cannot be readily classified, the Community Development Director is authorized to determine the most similar, thus most appropriate, material based on the appearance, durability, location, and method of installing the material, as well as relevant information provided by the International Building Code. Areas located within the H overlay are subject to a Certificate of Appropriateness (COA) and are not required to comply with Table 6-5 Downtown Building Materials.

**Table 6-5: Historic Downtown Building Materials**

| <i>Material</i>                                   | <i>Front and Street-side</i> | <i>Side and Rear</i> |
|---------------------------------------------------|------------------------------|----------------------|
| <b>Brick</b>                                      | PM                           | PM                   |
| <b>Stone</b>                                      | PM                           | PM                   |
| <b>Cast stone</b>                                 | PM                           | PM                   |
| <b>Glass</b>                                      | -                            | -                    |
| <b>Terra cotta</b>                                | PM                           | PM                   |
| <b>Tile</b>                                       | SM                           | PM                   |
| <b>Concrete</b>                                   |                              |                      |
| >> Cast-in-place concrete – smooth/no texture     | -                            | SM                   |
| >> Cast-in-place concrete – textured or patterned | -                            | SM                   |
| >> Pre-cast concrete                              | -                            | SM                   |
| <b>Stucco</b>                                     | PM                           | SM                   |
| <b>Metal</b>                                      | -                            | -                    |
| <b>Wood</b>                                       | SM                           | SM                   |
| <b>Fiber cement</b>                               |                              |                      |
| >> Fiber cement panels                            | -                            | SM                   |
| >> Fiber cement clapboard siding                  | -                            | SM                   |
| <b>Fiberglass replication</b>                     | SM                           | PM                   |
| <b>Concrete masonry unit</b>                      | -                            | SM                   |
| <b>Split faced block</b>                          | -                            | SM                   |
| <b>Glass block</b>                                | SM                           | SM                   |
| <b>EIFS</b>                                       | -                            | PM                   |



## ARTICLE 7. ACCESS & PARKING

|      |                          |
|------|--------------------------|
| 7.01 | INTENT AND APPLICABILITY |
| 7.02 | ACCESS & CIRCULATION     |
| 7.03 | REQUIRED PARKING         |
| 7.04 | PARKING DESIGN           |
| 7.05 | LOADING AREAS            |

### 7.01 INTENT & APPLICABILITY

- A. **Intent.** The intent of this Section is to:
1. Emphasize the importance of site access for a variety of modes of transportation.
  2. Preserve streetscapes and street functions by coordinating access along and internal to blocks.
  3. Create access and parking standards appropriate to the context of the project, considering street designs and surrounding development patterns.
  4. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
  5. Ensure appropriate site and design features that mitigate the impact of parking on surrounding sites, including visual impacts on streetscape, physical impacts on adjacent property and proper stormwater management.
  6. Reduce the need to dedicate areas of individual, adjacent sites to underutilized or redundant surface parking.
- B. **Applicability.** An Access & Parking Plan is required in association with a site plan, according to the application requirements in Article 2. Specifically, it is required for:
1. All new development of a site.
  2. A change of use for an existing site or building, but only where the new use would require 125% or more parking than exists.
  3. A one-time expansion of a building or use of a site by more than 20%. Multiple expansions under a cumulative 20% of the original site will be at the discretion of the Community Development Director.
  4. Where additional parking is required for an existing site or building, the landscape and design standards shall only apply to the newly constructed parking, except when more than 50% of a parking area is added to, resurfaced, or otherwise impacted, all parking and access shall comply with this section.



## 7.02 ACCESS & CIRCULATION

### A. Driveways.

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

**Table 7-1: Access Location and Spacing**

| <i>Functional Class</i>   |                                |                               |                                                                        |
|---------------------------|--------------------------------|-------------------------------|------------------------------------------------------------------------|
|                           | <i>Arterial*</i>               | <i>Collector</i>              | <i>Local</i>                                                           |
| <i>Residential***</i>     | 100' min. separation           | 75' min. separation           | No min. separation except as controlled by Frontage Types in Article 5 |
|                           | 200'+ corner                   | 125'+ corner                  | 65'+ corner                                                            |
|                           | 250'+ signalized intersection  | 250'+ signalized intersection | 250'+ signalized intersection                                          |
| <i>Non-Residential***</i> | 200' min. separation           | 125' min. separation          | 100' min. separations                                                  |
|                           | 200'+ corner                   | 125'+ corner                  | 75'+ from lot corner                                                   |
|                           | 250' + signalized intersection | 250'+ signalized intersection | 150'+ signalized intersection                                          |

\* Direct access to an Arterial Street shall be permitted only when the subject property has no other reasonable access to the street system, and only if the Director of Public Works determines that the proposed access point is safe and is subject to the limits of this table.

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

\*\*\* No more than 35% of the front yard may be covered with driveways or as otherwise controlled by Frontage Types for any particular building in Article 5 and Article 6. No parking area other than driveways shall be allowed in the front yard of any lot located in a residential district.

2. **Width.** Driveway widths shall be limited based on Articles 5 and 6 in Table 5-5: Residential Frontage Design Standards and Table 6-3 Nonresidential Frontage Design Standards. Where application of the width limits or these spacing standards appears to constrain access, different driveway configurations identified in Section 7.02B shall be used.
3. **Setbacks.** Except for where shared or common access is permitted and executed through easements, driveways shall be set back from all lot lines based on Table 7-3: Driveway Side Setbacks:



**Table 7-3: Driveway Side Setbacks**

| Access Type                                                        | Side Setback |
|--------------------------------------------------------------------|--------------|
| Residential Access: <6 dwelling units                              | 3' minimum   |
| Residential Access: 6-12 dwelling units                            | 6' minimum   |
| Nonresidential access or Residential access for 13+ dwelling units | 10' minimum  |

\* Driveways may encroach into the setback for lots fronting cul-de-sac curves, provided they meet the setback and driveway width at the front building line and continue straight to the street edge.

4. **Sight Distances.** All driveways and parking entrances to public streets or internal access streets shall meet sight distance requirements as measured by Section 3.01.D.

B. **Internal Access Streets.** Any single block, lot, or site greater than 5 acres shall provide a system of internal access streets that establish access and circulation within the site. Internal access streets:

1. Shall be laid out to organize the site into smaller internal blocks between 1-4 acres.
2. Shall be designed to mimic public street cross sections in Article 3, including sidewalks, landscape amenities, on-street parking, and travel lanes.
3. May be treated as public streets for the purpose of determining the proper location, orientation, and design of sites and buildings within the project.



*NOT This*



*THIS*



C. **Sidewalks.**

1. **Generally.** Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided by vehicles. Sidewalks connect public entrances and sites, in the most direct manner possible, with the following:
  - a. Sidewalks in the public streetscape or along internal access streets.
  - b. Parking areas, and any walkways or crosswalks within the parking areas.
  - c. Any civic open space designed for active use.
  - d. Adjacent sites, where pedestrian connections through public streetscapes or internal access are remote.
2. **Sidewalk Width.** Internal sidewalks shall meet the following requirements:

**Table 7-4: Internal Sidewalk Widths**

| <b>Location</b>                                                                                                                                                                                                                               | <b>Minimum Width</b>                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Generally                                                                                                                                                                                                                                     | 5'                                                                                           |
| <ul style="list-style-type: none"><li>Along any building façade abutting a parking area;</li><li>Along any parking with vehicle overhangs; OR</li><li>A primary route between the street or parking area and the building entrance.</li></ul> | 8'                                                                                           |
| Along any building façade with a primary entrance                                                                                                                                                                                             | 10'                                                                                          |
| Along any internal access street                                                                                                                                                                                                              | Width based on the specifications for the most applicable street cross-section in Article 3. |

3. **Pedestrian Amenities.** Site plans shall include amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies, and benches. Sidewalks and internal circulation shall be separated from moving vehicles to the extent feasible with curbs, landscape buffers, curbside parking, and limited crosswalks.
4. **Crossings.** All driveways and alleys shall generally intersect with sidewalks on the perimeter of the block at the sidewalk grade, and the material and construction of the sidewalk shall continue across the drive. For drive aisles and internal access streets, the vehicle grade may interrupt the sidewalk. Where the pedestrian crossing exceeds 24 feet, crosswalks, or other features to identify pedestrian crossings may be required. Design features such as bump outs, raised crossings, medians or other landscape and urban design amenities that emphasize the pedestrian crossing and shorten the distance pedestrians cross dedicated vehicle ways may be considered, as determined by the director.

- D. **Traffic Impacts.** Wherever the Director of Public Works determines that the above requirements will adversely impact the function of the transportation network in the vicinity of the site, either due to traffic impacts of the proposed use, or the design of the access in relation to the streetscape,



alternative access standards may be required to better meet the intent of this section. In addition, any specific access management study or plan for a portion of the city may alter the application of these standards and guidelines.

- E. **Alternative Compliance.** Alternative compliance to the access and circulation standards in this Section may be authorized by the Public Works Director, based on the intent and design objectives of this Article, and with the following additional applicable criteria:
1. The standards, when applied to a particular project or street, will adversely impact the function of the transportation network in the vicinity of the site.
  2. A specific access management study or plan has altered the application of these standards for the particular street segment, or the guidance for traffic control in the Standards and Specifications manual lead to a different result.
  3. The project warrants a different access design when considering the functional class of the street, the streetscape design on the particular block, and the existing and anticipated adjacent land uses.
  4. In all cases, the alternatives shall be evaluated balancing the streetscape design objectives of the specific street type, traffic conditions of a particular street segment, and bicycle and pedestrian needs.

### 7.03 REQUIRED PARKING

- A. **Vehicle Parking Rates.** Table 7-5: Required Parking provides general requirements and applies for rates of all similar uses. Where the classification of the use is not determinable from the table, the Community Development Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, function, and operation. The following criteria shall be used in interpreting the table:
1. A rate based on employees shall consider maximum number of employees likely to be on-site at one time.
  2. A rate based on square footage shall consider the service area open to the public or patrons, or leasable floor area. Where this number is not easily or readily determined, 85% of gross floor area may be used.
  3. A rate based on seating shall consider total number of seats. Where this number is not easily or readily determined, or is otherwise flexible it may be based on capacity of common formats and layouts of buildings based on industry standards.
  4. A rate based on capacity shall be the maximum permitted under public safety and building codes
  5. Where a rate results in a fraction, round up to highest whole number.
  6. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under each applicable rate.
  7. Required parking shall be provided on the subject property, outside of the right-of-way, unless alternatives are permitted.



**Table 7-5: Required Parking**

| Residential                                                                                              |                                            |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Detached Homes                                                                                           | 2 per unit minimum                         |
| Multi-Unit Residential                                                                                   | 1.5 per 1 bedroom dwelling unit minimum    |
|                                                                                                          | 2 per 2–3-bedroom dwelling unit minimum    |
|                                                                                                          | 3 per 4+ bedroom dwelling unit minimum     |
| Boarding or Rooming House                                                                                | 0.5 per bedroom minimum                    |
| Mobile Home Parks                                                                                        | 2 per unit minimum                         |
| Nursing Homes, Rest Homes                                                                                | 1 per 3 beds minimum                       |
| Hotel or Motel                                                                                           | 1.1 per unit minimum                       |
| Civic / Institutional                                                                                    |                                            |
| Religious Institutions                                                                                   | 1 per every 6 seats minimum                |
| Elementary, Junior High and Equivalent Parochial and Private Schools                                     | 2 per classroom minimum                    |
| High Schools, Colleges, Universities and Other Similar Public or Private Institutions of Higher Learning | 8 per classroom minimum                    |
| Hospitals                                                                                                | 1 per every 1.5 beds minimum               |
| Nursery Schools and Day Care Centers, Public or Private                                                  | 1 per employee; AND                        |
|                                                                                                          | 1 per 500 sq. ft. floor area minimum       |
| Fraternal Associations                                                                                   | 1 per every 4 seats minimum                |
| Commercial / Industrial                                                                                  |                                            |
| Automobile, Truck, Recreational Vehicle and Mobile Home Sales and Rental Lot                             | 1 per 3,000 sq. ft. lot minimum            |
| Automobile Salvage Yards                                                                                 | 1 per employee; AND                        |
|                                                                                                          | 10,000 sq. ft. storage area minimum        |
| Laundromats                                                                                              | 1 per every 2 machines minimum             |
| Financial, Business, and Professional                                                                    | 1 per 300 sq. ft. gross floor area minimum |
| Bowling Alleys                                                                                           | 4 per bowling lane minimum                 |
| Cartage, Express, Parcel Delivery and Freight Terminal Establishments                                    | 1 per 2 employees; AND                     |
|                                                                                                          | Vehicles maintained minimum                |
| Automobile Wash                                                                                          | 3 per washing stall minimum                |
| Funeral Homes and Mortuaries                                                                             | 1 per 4 seats minimum                      |
| Furniture and Appliance Stores, Household Equipment or Furniture Repair Shop                             | 1 per 400 sq. ft. floor area minimum       |
| Adult Entertainment Uses                                                                                 | 1 per every 2 occupants minimum            |



**Table 7-5: Required Parking**

|                                                                                                                                          |                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Manufacturing, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing or Repairing of Goods, Materials, or Products | 1 per 2 employees minimum                                                |
| Medical and Dental Clinics or Offices                                                                                                    | 1 per 100 sq. ft. floor area minimum                                     |
| Restaurants, Private Clubs and Taverns                                                                                                   | 1 per 2.5 seats minimum                                                  |
| Retail Stores and Shops                                                                                                                  | 1 per 300 sq. ft. floor area minimum                                     |
| Service Stations                                                                                                                         | 1 per employee; AND<br>2 per service bay or duel fueling station minimum |
| Theaters, Auditoriums, and Places of Assembly with Fixed Seats                                                                           | 1 per 4 seats minimum                                                    |
| Warehouse, Storage and Wholesale Establishments                                                                                          | 1 per 2 employees minimum                                                |
| All Other Business and Commercial Establishments Not Specified Above                                                                     | 1 per 300 sq. ft. floor area minimum                                     |

B. **Maximum Parking.** No use shall provide more than 50% more than the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 50% shall require mitigating potential impacts of more parking through one or more of the following strategies:

1. Provide shared parking for other uses on the block or adjacent blocks according to Section 7.03.D.
2. Design all parking areas over the minimum as dual-purpose space, such as plazas, playgrounds, event areas for regular use of the space during non-peak times.
3. Use alternative surface areas designed to infiltrate stormwater.
4. Provide additional buffers and site open spaces to screen parking and provide more active usable outdoor spaces for people in relation to the streetscape, of at least a 10% increase in the open space or buffers and at least a 25% increase in the amount of landscape material required for the parking.

C. **Parking Reductions.** The parking required by Table 7-5 may be reduced depending on context, and according to the following strategies:

1. **Historic Preservation Overlay.** Areas that have been designated as HPD shall be exempt from providing new off-street parking.
2. **Downtown Exemption.** In the C2 zoning district, any use under 4,000 square feet is exempt from providing on-site parking, and all other uses may reduce the required on-site parking by 30%.
3. **Mixed-Use Parking Credit.** The Director may authorize a reduction in the total parking requirement for separate uses located on the same site or adjoining sites which are served by a common parking facility. Reductions pursuant to this section shall not be granted for facilities using off-site or remote parking. In determining whether to approve



an adjustment for mixed use developments, the Director shall consider all relevant factors, including:

- a. The characteristics of each use and the differences in projected peak parking demand, including days and hours of operation.
  - b. The potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers or residents of the uses served.
4. ***On-street Parking Credit.*** At the discretion of the Director, all on-street parking within 300 feet of any lot frontage may count towards the parking requirement at a rate of one space for every three on-street spaces. However, any on-street parking in front of residential lots may not count for non-residential uses in the area.
  5. ***Bicycle Parking Credit.*** All on-site bicycle parking designed and located according to Section 7.03.E may reduce the required vehicle parking at a rate of one space for every four bicycle parking spaces up to a maximum of 15% of the required vehicle parking.
  6. ***Deferral of Parking Space Requirements.*** A portion of the required parking may remain unconstructed until the Community Development Director deems it necessary to adequately serve parking demand. The Community Development Director shall determine that the initial occupancy of the premises will be adequately served by the lesser number of spaces, and a site plan shall indicate the location, pattern and circulation to and from the deferred parking spaces. Any approval shall specifically indicate what event will trigger the construction of any deferred parking. The area reserved for future parking shall be brought to finished grade and shall be landscaped, and it shall not be used for any permanent purpose or structure unless a revised site plan and parking plan is approved.



- D. **Shared Parking.** Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-6. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues. A reduction program that differs from Table 7-6 may also be approved in association with the agreement upon preparation of the joint parking study for the sites and uses.

| Table 7-6: Shared Parking  |                                               |              |              |              |             |
|----------------------------|-----------------------------------------------|--------------|--------------|--------------|-------------|
| Use                        | Percentage of Required Parking by Time Period |              |              |              |             |
|                            | Weekday                                       |              | Weekend      |              | All         |
|                            | 6 AM to 5 PM                                  | 5 PM to 1 AM | 6 AM to 5 PM | 5 PM to 1 AM | 1 AM to 6AM |
| Employment                 | 100 %                                         | 10 %         | 5 %          | 5 %          | 5 %         |
| Retail or Service          | 75 %                                          | 75 %         | 100 %        | 90 %         | 5 %         |
| Restaurant                 | 50 %                                          | 100 %        | 75 %         | 100 %        | 25 %        |
| Entertainment & Recreation | 30%                                           | 100 %        | 75 %         | 100 %        | 5 %         |
| Church                     | 5 %                                           | 25 %         | 100 %        | 50 %         | 5 %         |
| School                     | 100 %                                         | 10 %         | 10 %         | 10 %         | 5 %         |
| Dwellings                  | 25 %                                          | 90 %         | 50 %         | 90 %         | 100 %       |
| Lodging                    | 50 %                                          | 90 %         | 75 %         | 100 %        | 100 %       |

- E. **Bicycle Parking.** All non-residential or multifamily uses within 1,000 feet of any existing or planned bike infrastructure, according to the adopted comprehensive plan, shall provide bicycle parking spaces according to Table 7-7. For convenience and security, bicycle parking facilities shall be located near building entrances, shall be visible from the land uses they serve, and shall not be in remote automobile parking areas.

| Table 7-7: Bicycle Parking                |                                                              |
|-------------------------------------------|--------------------------------------------------------------|
| Activity                                  | Required Spaces                                              |
| Primary or secondary School               | 10% of the number of students; AND 5% of number of employees |
| Retail or office uses                     | 5% of the required vehicle spaces.                           |
| Other Institutional or Entertainment uses | 5% of the required vehicle spaces.                           |
| Industrial Uses                           | 3% of the number of employees.                               |
| Residential greater than 12 units         | 1 per dwelling unit                                          |



- 
- F. **Off-Site Parking.** The Director may approve locating the required parking for a use on another site when:
1. Both the primary use and the off-site parking are located in an area zoned for the primary use served by the off-site parking;
  2. The off-site parking is located within 300 feet of the primary use it serves;
  3. The applicant has provided written documentation of the continued availability of the proposed off-street parking facilities; and
  4. Adequate ADA parking is provided as required by the Americans with Disabilities Act (ADA) standards.



## 7.04 PARKING LOT DESIGN

### A. General Standards.

1. All minimum required parking shall be reserved and used for that purpose except for what may be permitted through a Conditional Use Permit or Temporary Use Permit.
2. All required parking shall be on-site except as specifically provided in Credits or Shared parking sections. Additionally, the Planning & Zoning Commission may allow for a portion of required parking to be located off site through a site plan review, provided it is within 300 feet of the subject site, it is in a comparable zoning district, and an agreement demonstrating rights and control of the off-site property is provided.
3. All on-site parking lots shall provide a sufficient amount of barrier free accessible spaces, meeting the Americans with Disabilities Act (ADA) guidelines for quantity, design and location.
4. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters and inlets, or any other drainage strategy approved by the Director of Public Works to support best management practices to minimize runoff and encourage infiltration of storm water.
5. All parking and access lighting shall meet the site design standards in Article 7.
6. All parking areas and driveways shall be surfaced with a permanent bituminous or portland cement concrete pavement meeting the standards and specifications of the City of Pleasant Hill, except that the Director of Public Works may approve alternate surfaces that demonstrate superior stormwater management performance and sufficient durability, and long-term maintenance is demonstrated.

- B. **Location.** On-site parking shall be designed and located in a manner that mitigates negative impacts on streetscapes and adjacent property. Table 7-8 provides general location, size and landscape requirements. These requirements may be modified by specific standards applicable to specific zoning districts in Article 5 and Article 6.



**Table 7-8: Parking Location, Size, and Landscape Requirements**

| <b>Spaces per Block</b> | <b>Front</b>                                                                            | <b>Side</b>                                                  | <b>Rear</b>                                                  |
|-------------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------|
| <b>200 or more</b>      | * Must be broken into smaller parking blocks.                                           | * Must be broken into smaller parking blocks.                | 10% Internal Landscape Islands; AND<br>12' Perimeter Buffer. |
| <b>150 - 199</b>        | * Must be broken into smaller parking blocks                                            | 10% Internal Landscape Islands; AND<br>12' Perimeter Buffer. | 8% Internal Landscape Islands; AND<br>10' Perimeter Buffer.  |
| <b>100 - 199</b>        | 8% Internal Landscape Islands;<br>10' Perimeter Buffer; AND<br>20' Front Setback Buffer | 8% Internal Landscape Islands; AND<br>10' Perimeter Buffer.  | 5% Internal Landscape Islands; AND<br>8' Perimeter Buffer    |
| <b>50-99</b>            | 8% Internal Landscape Islands;<br>10' Perimeter Buffer; AND<br>20' Front Setback Buffer | 5% Internal Landscape Islands; AND<br>8' Perimeter Buffer    | 8' perimeter buffer                                          |
| <b>20-49</b>            | 5% Internal Landscape Islands; AND<br>8' Perimeter buffer;                              | 5% Internal Landscape Islands; OR<br>8' Perimeter Buffer     | No requirement other than 6' setback                         |
| <b>Under 20</b>         | 5% Internal Landscape Islands; OR<br>8' Perimeter Buffer                                | No requirement other than 6' setback                         | No requirement other than 6' setback                         |

\* Where individual sites require or provide parking requirements larger than the maximum size, parking lots shall be broken into "parking blocks" meeting the size, location, and landscape requirements of this table. These "parking blocks" shall be arranged around Internal Access Streets meeting the standards of Section 7.02.B.

Independent of any landscape buffer required by Table 7-8, the following parking front setbacks apply to specific districts:

**Table 7-9: Parking Lot Front Setback**

|                        | <b>Front Setback</b>                                                                                                     |
|------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>Residential</b>     | 25', except parking permitted in driveways of detached houses, duplexes or town houses shall not count as a parking lot. |
| <b>Non-residential</b> | 20'                                                                                                                      |
| <b>Downtown</b>        | Parking in Downtown shall be behind the front building line if applicable; or at least 30' back for all others           |



- C. **Landscape & Buffers.** Landscape areas required by Table 7-8 shall be arranged to achieve the following results:
1. Parking pods shall not exceed more than 40 spaces without landscape islands either through end caps or center strips.
  2. No landscape island shall be less than 8 feet in any dimension and no smaller than 150 square feet.
  3. The maximum distance in any direction between landscape areas and surrounding parking block edges or buffers shall be 180 feet.
  4. All buffers and islands shall have the property allocation of landscape materials required by Article 8, and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement and screen parking from adjacent streets and property.
  5. Any parking otherwise permitted within 15 feet of any right of way or district shall be screened with a continuous hedge, or decorative wall or fence compatible with the design of buildings, or a combination of both. The hedge, wall, or fence shall provide a continuous screen between two and one-half and four feet high, except at access points or pedestrian entrances.
  6. Any non-residential parking permitted within 30 feet of a residential lot, or any parking area greater than 10 spaces located within 30 feet of property zoned R-3 or a lesser district shall be screened with a combination of a landscape buffer and 6-foot-high solid fence or decorative wall.
- D. **Specifications.** Parking areas shall be designed to meet the following specifications:
1. *Dimensions.* Parking areas shall be designed to meet the specifications in Table 7-10: Parking Dimensions.

**Table 7-10: Parking Dimensions**

| <i><b>Parking Angle</b></i> | <i><b>Width</b></i> | <i><b>Length</b></i> | <i><b>Depth to Curb</b></i> | <i><b>Curb Width</b></i> | <i><b>Aisle Width – One-way</b></i> | <i><b>Aisle Width – Two-way</b></i> | <i><b>Bumper Overhang*</b></i> |
|-----------------------------|---------------------|----------------------|-----------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| 0°                          | 8.0'                | 22'                  | 8.0'                        | 22'                      | 12'                                 | 20'                                 | n/a                            |
| 30°                         | 8.5'                | 20'                  | 18'                         | 17'                      | 15'                                 | 20'                                 | 1.5'                           |
| 45°                         | 8.5'                | 20'                  | 20'                         | 12'                      | 15'                                 | 20'                                 | 1.5'                           |
| 60°                         | 9.0'                | 19'                  | 21'                         | 10.5'                    | 18'                                 | 24'                                 | 2.0'                           |
| 90°                         | 9.0'                | 19'                  | 19'                         | 9.0'                     | 20'                                 | 24'                                 | 2.0'                           |

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



4. **Pavement.** Generally, paved surfaces should be designed to withstand anticipated traffic loads and shall be surfaced and maintained using asphaltic concrete or other surfacing material approved by the Director. The director may authorize the use of pervious materials, provided that the applicant documents that the proposed design and construction will be durable under anticipated traffic demands. All parking areas shall meet the following minimum paving standards:

| Table 7-11: Parking Surface |                  |                    |                          |                    |
|-----------------------------|------------------|--------------------|--------------------------|--------------------|
| Within the Right of Way     |                  |                    | Outside the Right of Way |                    |
| Zoning District             | Driveway Surface | Pavement Thickness | Driveway Surface         | Pavement Thickness |
| A                           | Asphalt          | 6 inches           | Dust Free*               | 4 inches           |
| R1, R2                      | Concrete         | 6 inches           | Dust Free*               | 4 inches           |
| R3, C1, C2, M1, M2, UG      | Concrete         | 8 inches           | Dust Free*               | 4 inches           |

*\*Dust free surface: Surface constructed of either concrete, asphalt, pavers or brick. It shall not include any surface composed of loose aggregate or other fill, not permanently bonded together.*



## 7.05 LOADING

### A. General Standards.

1. *Location.* Loading and unloading space shall be provided off-street, unless the principal building is located within a zoning district designed to promote pedestrian activity. The loading and unloading space or spaces shall be located to avoid undue interference with public use of streets, alleys and walkways.
2. *Mixed-Use Buildings or Districts.* In any area, project or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted, which may include sharing of loading spaces among multiple smaller tenants, using side streets or alleys – particularly during off hours for loading or deliveries, or other similar strategies that avoid designing sites simply for large vehicle access.
3. *Loading, Storage and Service Areas.* No off-street loading, storage or service areas shall be provided adjacent to the same wall containing the main building entrance. In cases where a building abuts multiple public streets and contains entrances on two sides, off street loading, storage or service areas may be located between the building and the secondary abutting street.

- B. **Loading Requirements.** Off-street loading spaces shall be provided according to Table 7-12. The total number of loading spaces provided shall be limited to not more than 10% above that which is required, without exhausting all opportunities to share loading areas or otherwise configure sites in efficient ways. For buildings in compact, walkable formats or on Activity Streets per Article 3, at least two loading areas may be accounted for through on-street parking or other similar access, where uses demonstrate the ability to manage loading for low-peak times.



**Table 7-12: Off-Street Loading**

| <i>Use or Use Category</i>                                                                   | <i>Floor Area</i>              | <i>Required Loading Spaces</i> |
|----------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|
| Retail, restaurant, wholesale, warehouse, general service, manufacturing, or industrial uses | 5,000 – 20,000 s.f.            | 1                              |
|                                                                                              | 20,000 – 40,000 s.f.           | 3                              |
|                                                                                              | 40,000 – 60,000 s.f.           | 4                              |
|                                                                                              | Each 50,000 over 60,000 s.f.   | 1 additional                   |
| Apartment, hotel, office, institution and public assembly                                    | 5,000 – 10,000 s.f.            | 1                              |
|                                                                                              | 10,000 – 100,000 s.f.          | 2                              |
|                                                                                              | 100,000 – 200,000 s.f.         | 3                              |
|                                                                                              | Each 100,000 over 200,000 s.f. | 1 additional                   |
| Funeral home or mortuary                                                                     | 2,500 – 4,000 s.f.             | 1                              |
|                                                                                              | 4,000 – 6,000 s.f.             | 2                              |
|                                                                                              | Each 10,000 over 6,000 s.f.    | 1 additional                   |

- C. **Design Standards.** Loading areas shall be at least 12 feet by 35 feet with vertical clearance of at least 14 feet, except that loading spaces for funeral homes may be reduced to 10 feet by 25 feet with eight feet vertical clearance.



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## ARTICLE 8. LANDSCAPE STANDARDS

8.01 INTENT AND APPLICABILITY

8.02 LANDSCAPE DESIGN

8.03 PERIMETER LANDSCAPING & SCREENING

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### 8.01 INTENT & APPLICABILITY

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

1. Improve City's image and build value with a well-designed public realm, coordinating landscape design for streetscapes, open spaces, civic places.
3. Promote quality private investment that corresponds with investments in the public realm, and emphasize distinct areas throughout the City with natural landscape materials.
4. Coordinate landscape and design amenities across multiple sites with special attention to the relationship of public and private frontages.
5. Encourage site and landscape design that allows spaces to serve multiple aesthetic, screening, environmental, recreational, or social functions.
6. Provide comfort, spatial definition, and visual interest to active spaces including streetscapes, walkways, civic spaces, parks, trails, or other similar outdoor gathering places.
7. Conserve energy and limited resources through landscape design, and protect and integrate established natural amenities rather than plant or design new ones.
8. Screen and mitigate the visual, noise, or other impacts of high-intensity areas of sites and buildings, or where the scale and pattern of development changes.
9. Promote environmental components of the adopted Missouri 7 Highway Corridor Commercial Design Guidelines.

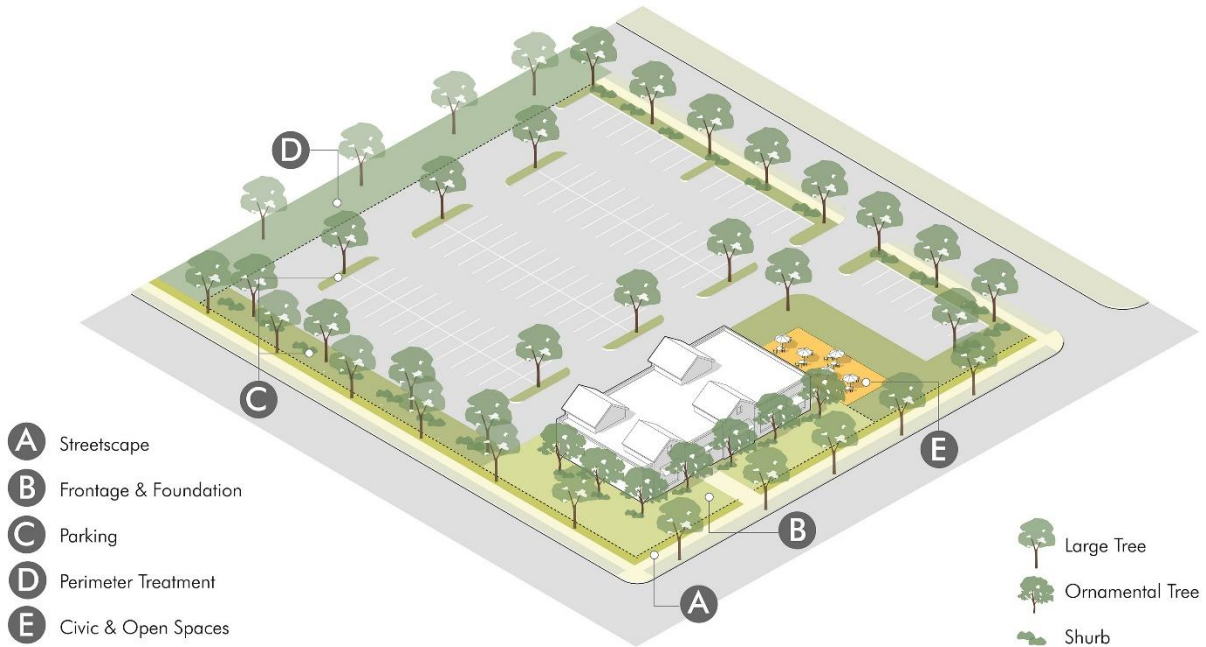
B. **Applicability.** The standards apply to the following conditions:

1. New uses and buildings in any zoning district except district A-1.
2. Any addition to an existing building, structure, or site where site grading occurs, but the requirements of this section shall be pro-rated to that portion of the site affected by development.
3. Where a Site Plan is required, an associated Landscape Plan shall be included demonstrating compliance with this section. A registered landscape architect may be required for nonresidential, mixed-use, and multifamily project sites greater than 10,000 square feet.

C. **Enforcement.** All elements of an approved landscape plan, including plant materials shall be considered elements of the project in the same manner as parking, buildings, or other details. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season. The applicant and future successors or owners are responsible for the continued maintenance of these features. Failure to maintain these features is a violation of the terms of approvals or subsequent permits, is a public nuisance, and shall carry with it the same notification and violation penalty established for a public nuisance.

## 8.02 LANDSCAPE DESIGN

- A. **Site Elements and Planting.** The required landscape shall be based on different elements of the site, according to Table 8-1.



**Table 8-1: Plant Requirements**

| Site Element                                                                                                                                                                                 | Shade Trees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Evergreen Trees                                                                                                        | Shrubs                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A – Streetscape &amp; Internal Streets.</b> <i>The landscape area along public streets and internal accessways.</i>                                                                       | 1 shade tree per 60' of street or accessway length<br><br>Constrained planting areas along public rights-of-way may substitute 1 ornamental tree per 30' in place of the shade tree requirement.                                                                                                                                                                                                                                                                                                             | n/a                                                                                                                    | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>B – Frontage &amp; Foundation.</b> <i>The landscape area between the building line and public right-of-way, including sides of corner lots.</i>                                           | 1 per residential lot<br>1 per 60' of non-residential or multi-family lot frontage*<br>*No planting requirement for buildings setback 0'-10'.                                                                                                                                                                                                                                                                                                                                                                | Evergreen trees may be substituted for shade trees at a rate of 1 for 1 for up to 50% of the requirement.              | 4 shrubs per 25' of building foundation. 3 ornamental grasses or large perennials may be substituted for each shrub up to 50% of the requirement. Seasonal planting beds or pots associated with the streetscape and entrance may substitute for any building located closer than 10' to the front lot line, or where existing site conditions make constructing landscape beds a significant barrier, as determined by the Director. |
| <b>C – Parking.</b> <i>The landscape area(s) on the exterior edge or interior of parking where plants are used to soften the appearance, mitigate heat gain, and infiltrate stormwater.</i>  | 1 shade tree per 5 parking spaces<br><br>Ornamental trees may be substituted for shade trees at a rate of 2 for 1 for up to 50% of the requirement. No more than 50% of the total required trees for parking areas may be ornamental.                                                                                                                                                                                                                                                                        | Evergreen trees may be substituted for shade trees at a rate of 2 for 1, for up to 50% of the parking lot requirement. | 4 shrubs per 25' of parking lot exterior edge.<br>8 shrubs per 25' for any exterior edge within 20' of the right-of-way or a sidewalk.<br>3 ornamental grasses or large perennials may be substituted for each shrub up to 50% of the requirement                                                                                                                                                                                     |
| <b>D – Perimeter Treatment.</b> <i>The landscape areas of a site that require additional plants to create transitions or mitigate potential impacts on streetscape or adjacent property.</i> | See Section 8.03 Perimeter Landscape & Screening<br>Table 8-4: Perimeter Planting Requirements                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>E – Open Spaces.</b> <i>Areas of the site or area designed as part of a broader system of formal parks, civic, or other open spaces.</i>                                                  | See Section 3.02 Parks & Trails                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Other.</b> <i>All other unbuilt or unpaved areas of a site.</i>                                                                                                                           | All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch, or other natural and permeable surfaces. Artificial turf is only acceptable as ground cover for areas not visible from public rights of way and streets, and may be subject to other engineering specifications subject to grading or drainage plans. Native grass or native grass seed shall be planted in detention and retention ponds and areas not highly trafficked by pedestrian activity. |                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                       |



- B. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and of a desirable species may count towards these requirements provided measures are taken to ensure the survival of the vegetation through construction and all other location and design standards are met. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 4-inch caliper to count. Landscape material that is of exceptional quality due to size, maturity and health may be credited on a 2 for 1 basis. Trees or other existing landscape that contribute to the standard shall be protected by a construction fence installed for the entirety of construction and at least 15 feet from the trunk of any tree.
- C. **Location.** Required plantings shall be planted in the following specific locations and open spaces on the lot.
1. **Street Trees & Frontage Trees.** The placement location of Street Trees and Frontage Trees shall be determined by the Director during the pre-application meeting. In the absence of a clearly established line along the block, trees may be planted at the following locations, where applicable and in order of priority.
    - a. On center between the sidewalk and curb where at least 6 feet of landscape area exists;
    - b. 4 feet from the back of curb where no sidewalk exists; or
    - c. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
    - d. Between the front building line and the street, where the depth of the frontage between the building and streetscape requires additional trees per Table 8-1.
    - e. Ornamental trees may be substituted for street trees only in situations where no other alternative is available due to constraints of the site and right-of-way conditions.
    - f. Visibility shall be in compliance with Article 3.01-D.3.
  2. **Foundation Trees & Shrubs.** Foundation plantings shall be located in open spaces within 20' of the building, or within planting beds at least 8' deep and along at least 50% of the building.
  3. **Parking Perimeter & Island Planting.** Parking lot perimeters shall be permeable vegetated ground cover meeting the following size and dimension requirements.
    - a. Parking lot perimeters shall be at least 8 feet wide except for locations where walkways are necessary to provide access to the building or to a public sidewalk in the streetscape. Any parking located in front of the front-building line shall have a 15 feet wide buffer along the lot frontage.
    - b. Parking lot islands shall be at least 120 square feet and at least 8 feet wide in all directions. Parking lots under 80 spaces shall not require islands; parking lots 80 spaces or more shall require at least 1 island per 40 spaces. Islands may stand alone within the parking lot or may project into the parking area from the perimeter buffer, but should generally be spaced equally throughout the parking lot.



- D. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

| Table 8-2: Tree Diversity |                                                                                                     |
|---------------------------|-----------------------------------------------------------------------------------------------------|
| Required Trees            | Diversity                                                                                           |
| 1 - 4                     | No specific requirement, but trees should be diversified from those existing trees in the vicinity. |
| 5 - 10                    | At least 2 genus<br>No more than 50% of any one species                                             |
| 11 - 20                   | At least 3 genus; AND<br>At least 5 species<br>No more than 33% of any one species                  |
| 21 or 50                  | At least 3 genus; AND<br>At least 5 species<br>No more than 20% of any one species                  |

- E. **Plant Specifications.** All landscape materials shall meet the American Standards for Nursery Stock, published by the American Nurserymen's Association, and be selected for its native characteristics or survival in the climate for the Kansas City region, and be planted and maintained to ASNS specifications. All trees shall be selected using [Great Trees for the Kansas City Region](#), or an updated version of this list, or a similar regionally appropriate list approved by the Community Development Director or Director of Parks & Recreation. Required planting shall meet the following specifications at planting.

| Table 8-3: Plant Specifications |                                                                     |
|---------------------------------|---------------------------------------------------------------------|
| Type                            | Specification                                                       |
| Large or Medium Tree            | 2.5" caliper                                                        |
| Small Tree                      | 1.5" caliper                                                        |
| Evergreen                       | 5' minimum height                                                   |
| Shrub                           | 18" minimum height                                                  |
| Ground Cover                    | 50% coverage at planting;<br>Full coverage within 2 growing seasons |
| Turf                            | All proposed or required turf areas shall be sodded.                |

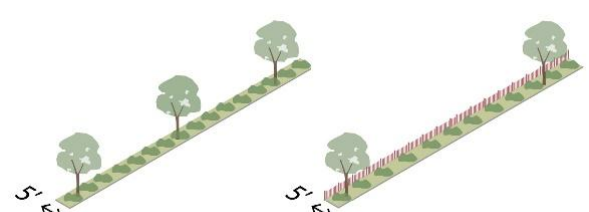
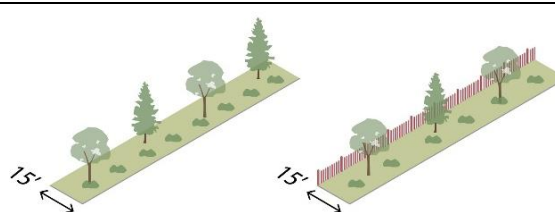
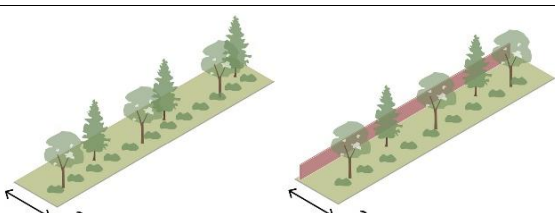


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### 8.03 PERIMETER LANDSCAPE & SCREENING

- A. **Design Objectives.** Intense land uses, or site elements shall be buffered or screened from streetscapes and adjacent property using the following strategies and techniques, which may require additional landscape materials beyond what is required in Table 8-1.
1. Areas of parking or circulation near streets or property lines may require physical barriers or landscape transitions to soften impacts, and low-level headlight screening.
  2. Commercial uses or parking service areas of other allowed uses abutting residential property may require a screen and buffer combination, using a combination of dense vegetation, or fences and walls compatible with the buildings on the site.
  3. Areas along streetscapes or that transition to different uses or building scale, or areas where building or site elements may not relate well to the street frontage may require landscape areas to soften transitions.
  4. Areas designed as gathering places, for social function or as civic amenities to support the site or area may require enhanced landscape to create appropriate transitions to adjacent areas or less intense uses.
  5. Electrical and mechanical equipment such as transformers, generators, air conditioners, or communication equipment and antennas, whether ground, wall or roof mounted shall be screened with architectural features, fences, or landscape to limit visibility or noise from adjacent property or streetscapes.
  6. Delivery and vehicle service bays, trash enclosures; permanent or temporary outdoor storage areas or other site utility areas shall be located on remote areas of sites and shall be screened or buffered from any adjacent property with less intense zoning.
- B. **Perimeter Planting.** The following planting requirements shall be used to buffer and screen more intense uses and to design effective transitions according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer or other open space requirement with efficient site design. The plant requirement is in addition to plants required by Table 8-1.

**Table 8-4: Perimeter Planting Requirements**

| Type and Applicability                                                                                                                                                                                                                                                                                                               | Planting Requirement                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p style="text-align: center;"><b>TYPE I</b></p> <p><b>Type I</b> – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements or parking areas along pedestrian-oriented streetscapes.</p> | <p>Width: 5' min.</p> <p>Planting: 1 large tree per 40' or 1 ornamental per 20' linear perimeter length</p> <p>1 shrub per 2.5 feet or a combination of shrubs and a 2.5' to 4' decorative wall or fence that provides low screening and physical separation.</p> |
|  <p><b>Type II</b> – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.</p>      | <p>Width: 15' min.</p> <p>Planting: 1 large tree per 40' or 1 ornamental per 20' linear perimeter length</p> <p>1 shrub per 5'</p> <p>1 evergreen per 30'</p>                                                                                                     |
|  <p><b>Type III</b> – A densely planted area intended to mitigate noise and create a visual barrier between intense site conditions or potentially incompatible land use adjacencies.</p>                                                         | <p>Width: 20' min.</p> <p>Planting: 1 large tree per 60' and 1 ornamental per 30' linear perimeter length</p> <p>Any combination of shrubs, evergreens, understory plantings, berms or fences or walls that provide a visual barrier.</p>                         |



C. **Fencing.** All fencing for screening, security, or privacy shall meet the following standards.

1. *Front and Street-side Fencing.* All fencing in front of the front building lines shall:
  - a. Be limited to no higher than 4 feet.
  - b. Have a void of at least 33% up to 4 feet (for example, wrought iron, a solid wall or fence of 2.7 feet high, or a 4-foot-high picket fence with picket to void ratio of 2:1).
  - c. Be set back at least 6 feet from any perimeter public sidewalk and such area shall be landscaped with a mix of turf, shrubs and/or trees as deemed acceptable by the Planning and Zoning Commission.
  - d. If on corner lot, street-side fencing more than 6 feet from a pedestrian facility in the public right-of-way and behind the front building line may meet the standards for rear and side fencing in Sub-Section 2 below.
2. *Rear and Side Fencing.* All rear fencing located behind the front building line shall:
  - a. Be generally limited to no higher than 6 feet, or up to 8 feet in all non-residential districts.
  - b. Where adjacent to public streets, any fence within 5 feet of the public right-of-way shall be limited to 4 feet.
  - c. Rear and side fencing may have a solid screen.
3. *Other Fencing Design Standards.*
  - a. Walls or fences shall be consistent in architectural character, materials and appearance with the architecture of the building(s). Walls and fences should be architecturally compatible with the style, materials and colors of the principal building on the same lot.
  - b. Any fencing that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances for the vehicle.
  - c. All fencing located along adjacent lot lines shall be constructed so that either:
    - (1) The face of the fence is on the property line; or
    - (2) The face of the fence is at least three feet from the property line. Any areas set back three feet or more from the property line, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment.
  - d. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.
  - e. Fences shall be constructed out of any of the following materials:
    - (1) Wood or vinyl simulating wood;
    - (2) Wrought iron or aluminum simulating wrought iron;
    - (3) Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
    - (4) Chain link or vinyl clad chain link:



- 
- (a) In all residential districts, in the rear or side yard only with a maximum height of six feet;
    - (b) In the M-1 and M-2 districts, in the rear and side only, but no closer than 30 feet from any public street;
    - (c) Prohibited in all commercial districts
  - D. **Visibility at Intersections.** Screens and buffers shall be located and designed to maintain proper lines of sight at all intersections of streets, streets with alleys or driveways, and internal access streets as provided in Article 3.01-D.3.



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## ARTICLE 9. SIGNS

|      |                                             |
|------|---------------------------------------------|
| 9.01 | INTENT & APPLICABILITY                      |
| 9.02 | EXEMPT SIGNS                                |
| 9.03 | SIGN TYPES & ALLOWANCES                     |
| 9.04 | STANDARDS APPLICABLE TO ALL SIGNS           |
| 9.05 | STANDARDS APPLICABLE TO SPECIFIC SIGN TYPES |
| 9.06 | PLANNED DISTRICTS                           |
| 9.07 | INTERPRETATION OF MEASUREMENTS              |
| 9.08 | SIGN DEFINITIONS                            |

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### 9.01 INTENT & APPLICABILITY

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

1. Enhance the visual quality of the community reflected in the visual priority of buildings, open spaces, streetscapes, and the landscape and preventing unsightly and chaotic signage.
2. Preserve the unique character of the City by ensuring signs contribute to an appropriate sense of place and the goals of the Comprehensive Plan for distinct areas and districts.
3. Ensure safety of pedestrians, motorists, or other users of the public rights-of-way and open spaces by ensuring signs are maintained and structurally safe, and do not distract or reduce the effectiveness of public safety signs.
4. Promote economic viability by assuring that the city will be a visually pleasant place to visit, conduct business, and live.
5. Provide effective and efficient identification, wayfinding, and communication for businesses without excessive competition for visual attention.
6. Protect property values by minimizing adverse effects of signs on adjacent property, which can occur from conditions such as light trespass, obstructing the views and access, or visual blight.

B. **Applicability.** The provisions in this article apply to all signs within the City. All new signs and replacement of signs existing at the time of the adoption of this ordinance which are visible to the public shall require a sign permit demonstrating compliance with these sign standards, unless specifically exempted by Section 9.02. Ordinary maintenance and care or repair of existing signs without altering the essential construction elements of an existing sign shall not require a permit for zoning and design standards, provided the sign was issued a valid permit or is otherwise determined to be legally established. Electrical or building code permits may still be required under the standards and procedures of those codes. No signs are allowed in any district except in accordance with the provisions of this article, and signs not explicitly addressed in this Article are prohibited.



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## 9.02 EXEMPT SIGNS

The following signs are exempt from the permit process provided they meet all other applicable requirements of this Code, and unless specifically noted do not count towards the size allocation standards in this ordinance.

- A. **Property Identification Signs.** Signs indicating the property address, and/or dates of assembly and/or professional name plate, are encouraged to enhance the ability of public safety and emergency services personnel to locate the property. Address or memorial signs are permitted without a permit, provided the following standards are met:
  - 1. *Address Signs.* Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be between 4 feet and 12 feet high. Ground-mounted address signs shall be no more than 36 inches high.
  - 2. *Building Name Plate.* Each building or site may have one name plate sign per street front, up to 20 square feet. Building name plate signs shall be associated with the permanence or significance of the building or site, rather than a particular tenant, and include designs such as engraved stone, bronze plates or similar ornamental detail integrated with the architecture of the building or landscape of the site.
- B. **Public Safety or Traffic Control.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to the Manual of Uniform Traffic Control Devices standards, or otherwise required to support any official action of a federal, state or local government.
- C. **Flags.** Up to three flags per lot, mounted to the building and below the building height or mounted on a permanent pole subject to the height restrictions of the zoning district and setback from the property line a distance equal to the height. Total flag area per property for "C", "M", "A", or "SC" zoning districts shall not exceed 200 square feet. and no more than 100 square feet per flag. Total flag area per property for "R" zoning districts shall not exceed 40 square feet and be no more than 20 square feet per flag. Flags exceeding these standards shall be subject to sign standards and permits.
- D. **Incidental Signs.** Incidental signs for nonresidential uses or multi-family complexes, which are intended to convey messages to guests, patrons, or other users of the property, such as parking instructions, internal directions, security warnings, or other similar minor accessory signs are limited to:
  - 1. No single sign may be more than 4 square feet, or 12 square feet for lots more than 1 acre.
  - 2. Signs shall be no more than 4 feet high if ground mounted or 10 feet high if mounted on a building.
  - 3. Signs shall be setback at least 5 feet from all property lines.
  - 4. Grouping or arranging incidental signs to have the effect of a larger permitted sign or and increase visibility from rights-of-way or other publicly accessible common areas makes all signs in the grouping ineligible for this exemption.
- E. **Temporary Signs.** Temporary signs are exempt from the sign permit process, provided they are within the allowances specified for the zoning district standards of this Article. Temporary signs shall comply with Section 9.05E.



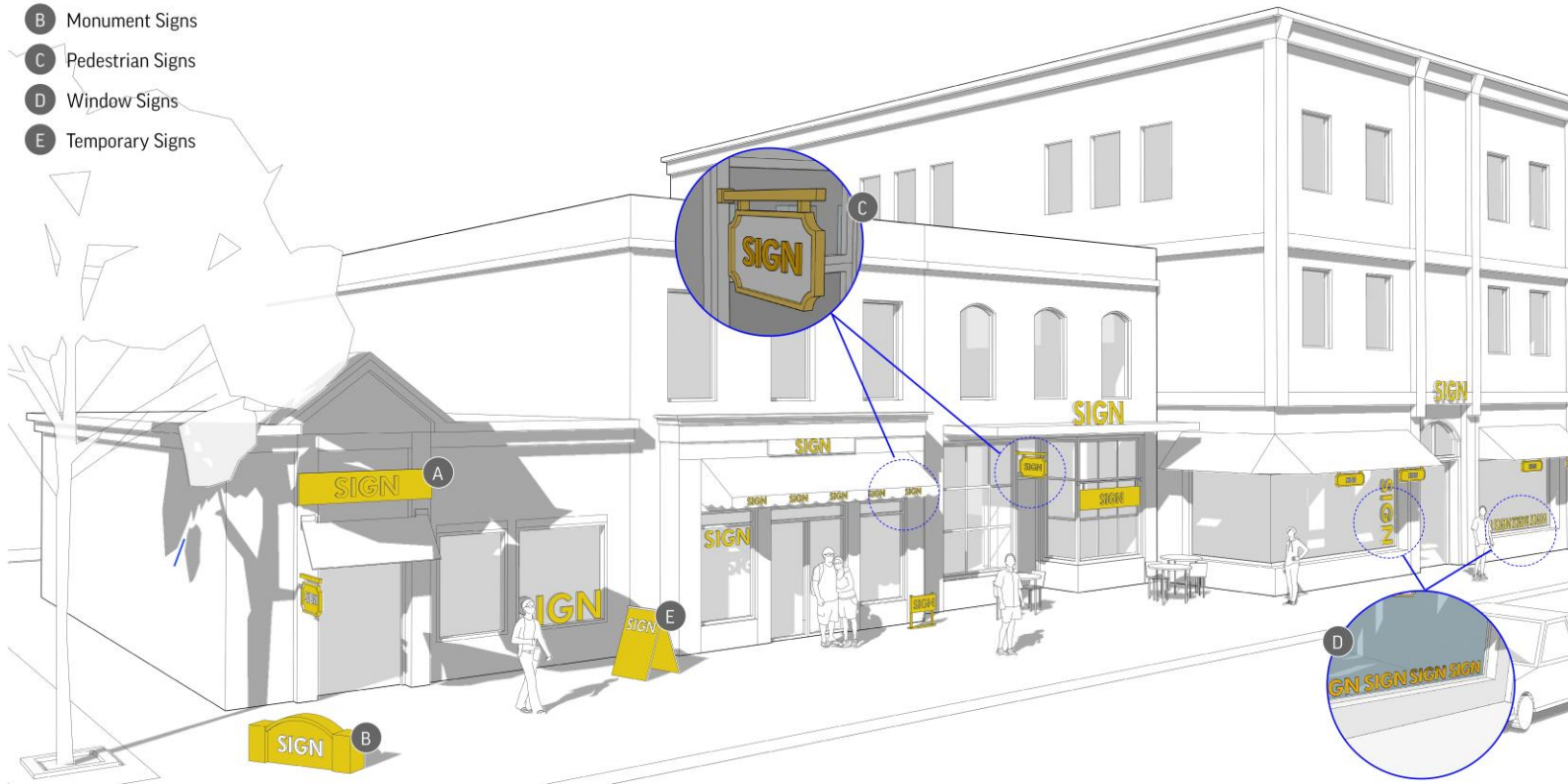
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- F. **Minor Signs.** Signs less than 2 square feet in area, and less than 6 feet in height, intended to convey messages to internal users of the site, and generally not visible from or intended to convey messages to people in the right-of-way, such as parking instructions, security warnings, or other similar minor signs that are accessory to the use of the site and building. Such signs shall not be allowed with 10 feet of the front and side yard setbacks. Grouping or arranging minor signs to have the effect of a larger permitted sign makes these signs ineligible for this exemption.
- G. **Home Occupation Signs.** Wall signs on residential dwellings, not exceeding 6 square feet pertaining to business uses in a residential district. Home occupations signs shall not be illuminated.
- H. **Construction Signs.** Signs associated with a temporary nonresidential or multi-family construction project and erected to promote public safety or public information regarding the scope and nature of the project may be exempt from these standards if limited to:
1. 3 signs per public street frontage;
  2. No more than 100 square feet total sign area per street frontage;
  3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall include a lattice or similar base material to give the appearance of a monument base and limited to no more than 10 feet high;
  4. The duration shall only be during a valid permit associated with the project.
- I. **Grand Opening Signs.** Temporary signs associated with the opening of a new business are exempt from the sign permit for up to 30 days from issuance of certificate of occupancy and do not count toward the total size allocation per lot for all signs.
- J. **Municipal Event/Seasonal Signage.** Signage, such as banners on public utility poles, pertaining to seasonal or special events placed by the City of Pleasant Hill.
- K. **Scoreboards.** Scoreboards accessory to athletic fields are exempt from the permits and standards provided they are approved as part of a site improvement plan for the facility, are oriented to convey messages only to patrons of the facility and meet all other applicable accessory structure standards.

### 9.03 SIGN TYPES & ALLOWANCES

The following sign types are distinguished for the purposes of the sign requirements in this Section. The following sign allowances apply to zoning districts or groups of zoning districts as the basic standard. Other restrictions in this Section, or other regulations may operate to further reduce the basic sign allowances within each zoning district.

#### A. Sign Types – Downtown/Urban Context

- A Building Signs
- B Monument Signs
- C Pedestrian Signs
- D Window Signs
- E Temporary Signs



**B. Sign Types – Suburban Context**





### C. Sign Allowances by Type

#### Sign Allowances: Building Signs

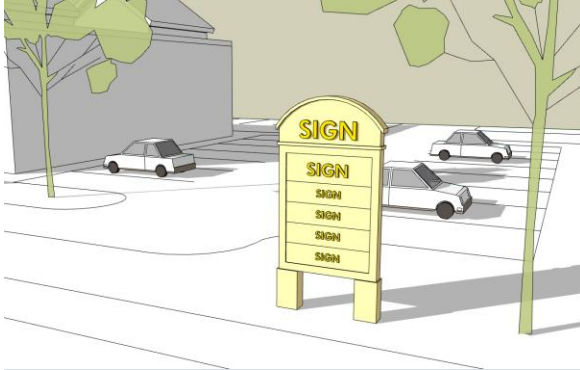


A sign painted, printed or attached to the exterior surface of a building, awning, canopy, roofline, or other fixed building surface in a permanent manner with a scale and design legible to vehicles in the public right-of-way or pedestrians at a distance from the building.

Example: Tenant Signage

| Zoning Districts | Number                                                                                                  | Size                                                         |
|------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| A*               | 1 per façade*                                                                                           | Maximum 5% of total façade area*<br>Maximum 32s.f. per sign* |
| R2*, R3*         | 2 per façade*                                                                                           | Maximum 5% of total façade area*<br>Maximum 24s.f. per sign* |
| C2               | 1 sign per tenant with exterior entrance (multi-tenant building) – otherwise 3 signs per façade maximum | 5% of façade area maximum                                    |
| C1, M1, M2, SC   | 2 signs per tenant with exterior entrance (multi-tenant building) – otherwise 3 per façade maximum      | 10% of façade area maximum                                   |

\* For allowed nonresidential uses or multifamily uses only

**Sign Allowances: Monument Signs**

A detached sign that is mounted to the ground independent from any building and mounted on an enclosed, solid base or ornamental surface structure.

Example: Subdivision Entrance Sign or Multiple Tenant Entry Signage

| Zoning Districts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Number                                                                                                 | Size                                                                                                                                                    | Height                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>A</b> (for allowed nonresidential uses only)                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1 per lot                                                                                              | 32s.f. maximum                                                                                                                                          | 20'                                                                                                                                |
| <b>R1, R2, R3</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1 per street frontage for non-residential uses OR per entrance for residential projects over 5 acres   | Maximum 25s.f. per sign, when 10' or less from property line<br>Additional 8s.f. allowed per each additional 10' setback, to maximum of 48s.f. per sign | 6' high maximum                                                                                                                    |
| <b>Additional Standards &amp; Exemptions:</b> <ul style="list-style-type: none"><li>Above applies to permitted non-residential uses, or any residential project over 5 acres.</li><li>Exception: any residential project more than 10 acres may allocate this allowance into multiple signs, 8s.f. or less, provided it is part of streetscape plan/public amenity program with signs integrated into streetscape structures in common areas at intersections throughout neighborhoods.</li></ul> |                                                                                                        |                                                                                                                                                         |                                                                                                                                    |
| <b>C2</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1 per lot                                                                                              | 40s.f. maximum                                                                                                                                          | 5' high maximum                                                                                                                    |
| <b>Additional Standards &amp; Exemptions:</b> <ul style="list-style-type: none"><li>10' minimum setback from all right-of-way and lot lines.</li></ul>                                                                                                                                                                                                                                                                                                                                            |                                                                                                        |                                                                                                                                                         |                                                                                                                                    |
| <b>C1, M1, M2, SC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1 sign per each 100' of street frontage; maximum of 3 on any lot; 50' minimum separation between signs | 1s.f. for each 2 linear feet of street frontage maximum<br><br>Max. 50s.f. for single-tenant signs, and 100s.f. for multi-tenant signs.                 | Monument design required; 6' high maximum; and an additional 2' in height for each additional 5' setback up to 15' maximum height. |
| <b>Additional Standards &amp; Exemptions:</b> <ul style="list-style-type: none"><li>10' minimum setback from all right-of-way and lot lines.</li></ul>                                                                                                                                                                                                                                                                                                                                            |                                                                                                        |                                                                                                                                                         |                                                                                                                                    |



### Sign Allowances: Pedestrian Signs



A sign with a design and scale to be legible to pedestrians in front of or immediately adjacent to the building, or to be legible to individuals internal to a site containing multiple buildings. Pedestrian signs may be located in a permanent manner hanging below a canopy or awning, projecting from a wall, mounted on a wall, door or window, or free-standing. Example: Entry Feature Signage

| Zoning Districts   | Number                                                         | Size                                                        | Height                                                                |
|--------------------|----------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------|
| A*, R1*, R2*, R3*  | Up to 3 per primary entrance                                   | 6s.f.* maximum per sign*                                    | 6' high maximum and within 30' of entrance, if mounted on the ground* |
| C2, C1, M1, M2, SC | 1 sign per 25 feet of building frontage, plus one per entrance | 6s.f. maximum per sign; 8s.f. within 10 feet of an entrance | N/A                                                                   |

#### Additional Standards & Exemptions:

- The sign must be located within 15 feet of the tenant entrance. Limit 1 sign for each 25 linear feet of building frontage.
- Placement of pedestrian signs shall not exceed 10 feet above grade.

\* For allowed nonresidential uses or multifamily uses only



**Sign Allowances: Window Signs**



Permanent signs mounted, affixed, or otherwise placed within any windows.

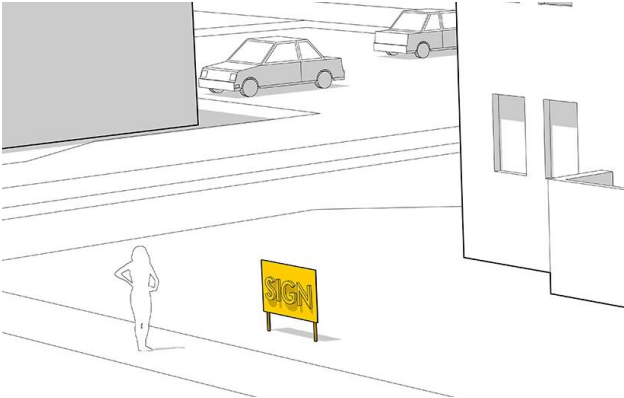
Example: Tenant Branding Signage

| Zoning Districts | Number        | Size                                        |
|------------------|---------------|---------------------------------------------|
| A*, R3*          | 1 per façade* | Maximum 5% of total window area per façade* |
| C2               | N/A           | Maximum 30% of window area per façade       |
| C1, M1, M2, SC   | N/A           | Maximum 75% of window area per façade       |

*\* For allowed nonresidential uses or multifamily uses only*



### Sign Allowances: Temporary Signs



A portable sign which is not permanently embedded in the ground or permanently affixed to a building or structure, and designed or intended to be used for a brief period of time. Does not include permanent signs with temporary or changeable messages. Example: Sandwich Board

| Zoning Districts                  | Number         | Size                                                                                                                                                           | Height |
|-----------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| A, R1, R2, R3, C2, C1, M1, M2, SC | 2 per property | Signs fronting on Local Streets: 8s.f. maximum.<br>Signs fronting on Collector Streets: 16s.f. maximum.<br>Signs fronting on Arterial Streets: 32s.f. maximum. | N/A    |

#### Additional Standards & Exemptions:

- See Section 9.05-E



#### 9.04 STANDARDS APPLICABLE TO ALL SIGNS

- A. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the applicable road authority or where specifically exempt from the right-of-way prohibition in this Article.
- B. No sign shall be erected without the property owner's permission.
- C. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
- D. All signs shall be kept in good repair and in proper state of preservation. The Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings. Additionally, all signs shall comply with the following engineering/design standards:
  - 1. Wind pressure. All signs over 6 feet high or over 24 square feet which require a building permit in addition to a sign permit will require engineered drawings.
  - 2. No sign which obstructs sightlines at elevations between 2-8 feet above the curb or pavement surface shall be located within the sight distance triangle applicable to any street, internal access street, driveway, or intersection according to Section 3.01.D.3.
  - 3. Letters, figures, characters, or representations in cutout or irregular form shall be safely and securely built and attached.
- E. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the primary purpose of the sign is to deviate from the standards or criteria of this Section. Factors to determine whether a vehicle is being used primarily as a sign include, but are not limited to the following:
  - 1. The vehicle is parked at a prominent location.
  - 2. The sign is clearly visible from the public right-of-way and can be easily read by people driving by the sign.
  - 3. The vehicle is parked at the same or similar locations for several hours during the same day or several days during the same week.
  - 4. There are no stated or apparent reasons, other than signage purposes, that justify the vehicle being at the location.
- F. Signage shall not obstruct any fire escape, window, door, or other building openings. Signs shall not be attached to any fire escape or placed in a manner which would interfere with openings required for legal ventilation.
- G. Signs attached to a building shall not project more than 12 inches off the surface, except projecting signs meeting the following additional limitations:



- 
1. Projecting wall signs may extend from and be perpendicular to the wall or surface they are mounted on up to 6 feet, but no closer than 5 feet to the back of the curb and shall not extend above the top of the roof line of the building.
  2. Projecting signs shall be at least 8 feet above grade.
  3. Only one projecting sign is permitted per tenant.
  4. Projecting signs shall not exceed 50 square feet in size.
  5. Projecting signs shall be supported by strong steel brackets attached to buildings through bolts, expansion bolts, or equally secure methods.
- H. Any sign projecting over a walkway or other active area in front of a building or other active area where people may walk shall maintain a vertical clearance of at least 8 feet.
- I. No sign shall include balloons, streamers, pennants, or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means, except as authorized through any temporary use or special event permit. This limit shall not apply to pedestrian signs, provided any animated element shall apply to the overall pedestrian sign allowances.
- J. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The light from an illuminated sign shall not flash or oscillate or create a negative impact on residential uses in direct line-of-sight to the sign.
- K. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
- L. Any sign with a commercial message shall be located on the site of the business activity.
- M. Any sign shall be removed within 90 days following the closing of the associated business or permitted use associated with the signage. If the sign is not removed or reasonably maintained for a period of 3 months, the Building Official shall proceed against the property owner by appropriate legal remedy to obtain compliance with the requirements of this Section.
- N. Off-premise signs are prohibited, except as follows:
1. Temporary real estate signs which are located on a common area outlot, approved by the property owner's association;



## 9.05 STANDARDS APPLICABLE TO SPECIFIC SIGN TYPES

- A. **Monument Signs.** Monument signs are subject to the following additional limitations:
1. Monument signs shall be located within a landscape area as required by the site design standards of this code or shall include at least 3 feet of landscape area on all sides of the sign base.
  2. Monument signs shall have a base at least 75% of the width of the widest part of the sign.
  3. All monument signs and bases shall be constructed with durable, quality materials that complement the building and other site elements in terms of material, colors, and ornamentation.
  4. Monument Signs shall be separated by at least 50 feet from any other permitted monument sign.
- B. **Portable Pedestrian Signs.** Portable pedestrian signs ("A frame", "sandwich board" or "T-frame") may be placed in the public right-of-way for retail and service uses in the C1 and C2 districts, provided:
1. The sign is placed within 15 feet of the main entrance of the building.
  2. The sign is no larger than 8s.f. and no taller than 4 feet high.
  3. The sign is placed on or near a sidewalk and maintains at least a 6 feet clear passage for pedestrians on the sidewalk and is otherwise not put in any location that creates visual obstructions or safety hazards for users of the right-of-way.
  4. The sign is removed and brought inside during non-business hours.
  5. The sign is designed with durable materials, quality aesthetics, and a permanent structure or frame for use on a recurring basis despite being portable. Other signs of a non-permanent or temporary design are not eligible as a portable pedestrian sign, and the allowance for portable pedestrian signs in the right-of-way specifically does not apply to any other temporary sign.
- C. **Electronic Message Boards.** Electronic message boards are subject to the following additional limitations:
1. Electronic Message Boards are limited to C1, M1, and M2 districts. Electronic messages may be considered through a special use permit for allowed non-residential uses in other districts, provided it is limited to being an accessory component of an otherwise permitted sign.
  2. Limited to one per lot.
  3. The visible sign face shall be setback at least 250 feet from any adjacent residentially zoned property.
  4. The electronic portion shall be limited to no more than 50% of the allowable sign area.



- 
5. Automatic dimming controls shall limit the illumination to no more than 500 nits at the sign surface at night or during low light times, and no more than 5,000 nits at the brightest daylight period.
  6. Only static display is permitted with at least 8 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur.
  7. Monument signs with electronic message boards shall have a sign base consisting of masonry or concrete substructure with an exterior base consisting of durable masonry materials and include brick, split, or scored concrete masonry units, natural or synthetic stone, or other architectural materials that meet the intent of this section according to the Director. Painted surfaces and wood shall be prohibited.
  8. Prior to permitting, the applicant shall submit a signed letter from the manufacturer stating the sign is equipped with the ability to comply with all applicable regulations of this section. The applicant shall also submit a letter from the sign owner/operator stating they have read and understand the applicable regulations pertaining to their sign and that they will not violate the ordinance.
- D. **Changeable Message.** Any sign may be designed with a manual changeable message portion, provided the changeable portion is limited to no more than 50% of the sign area.
- E. **Temporary Signs.** Temporary signs are subject to the following limitations in addition to the temporary sign allowances in Section 9.03.C
1. The display time for temporary signs shall be 120 days per sign per calendar year, regardless of size or number of signs displayed.
  2. It shall be the property owner's responsibility to see that the temporary sign is removed when the display time has exceeded the applicable regulatory time limit.
  3. There shall be at least 25 feet between other temporary signs.
  4. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
  5. Temporary signs shall be constructed of rigid material, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) which are secured by a support or frame to avoid distraction of flapping may be used as a freestanding temporary sign if set back at least 30 feet from the pavement edge of the fronting roadway.
  6. The Community Development Director or Code Enforcement Officer shall be authorized to extend the duration of display time for temporary signage pertaining to the sale of that property once per calendar year, until such time as the property is sold.
  7. The Community Development Director or Code Enforcement Officer shall be authorized to require the removal of any temporary sign that has exceeded its display time.
  8. **Election Signs.** In addition to or as an exception to the temporary sign standards of 9.05-E, temporary signs pertaining to an election season, the period beginning 60 days prior to an election and ending 15 days after an election, shall comply with the following:



- i. During an election season, a property owner may place a temporary sign no larger than 6 square feet in residentially-zoned areas or 32 square feet for all other zoning classifications for races on the ballot.
  - ii. The successful candidate for a primary election is not required to collect signs until the end of the general election in accordance with the parameters outlined.
- F. **Pole Signs.** Pole signs are not permitted in Pleasant Hill.
- G. **Roofline Signs.** Signage secured to a roofline shall comply with the following additional standards:
  - 1. Roofline signs shall be secured by or bear upon masonry bearing walls, columns, girders, or roof joists.
  - 2. Roofline signs located on flat roofs shall allow a minimum clear open space of 6 feet from the roof to the lowest point at the bottom of the face; of the sign and there shall be a minimum of 5 feet between adjacent vertical supports.
  - 3. Signs shall be securely fastened by means of anchors or bolts, and the sign structure will require engineered drawings.
- H. **Signs in Historic Districts.** Signage in historic districts is subject to the approval of the Historic Preservation Commission and shall comply with the guidance of Article 10.01.
- I. **Drive Through Service Signs.** Signs for permitted drive-through services shall be reviewed in coordination with the accessory use standards for drive throughs in Section 4.04. Drive through accessory uses shall generally permit the following signs:
  - 1. 1 menu board per drive through service station, up to 32 square feet and no more than 8 feet high.
  - 2. Signs shall be set back at least 20 feet from any adjacent property, and incorporated into the building, circulation plans to otherwise minimize impacts on the streetscape or adjacent property.
  - 3. Menu board signs shall meet all other monument sign design standards.
  - 4. Deviations from these standards may only be approved in association with the site plan review or any conditional review required according to Section 4.03.E, and provided they equally or better meet the review criteria associated with the site plan or permit review.

## 9.06 PLANNED DISTRICTS

Projects proposed and approved through the planned district process may propose a specific sign package. The sign package shall be based on the intent, types of signs, and standards of this Article, but the City may approve deviations to these standards through the review process and criteria of planned districts. Any planned district not proposed and approved with a sign plan noting specific deviation shall be subject to these standards.

## 9.07 INTERPRETATION OF MEASUREMENTS

1. **Signs.** The following shall be used in interpreting dimensional standards for signs:

- a. **General Area Calculation.** Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.



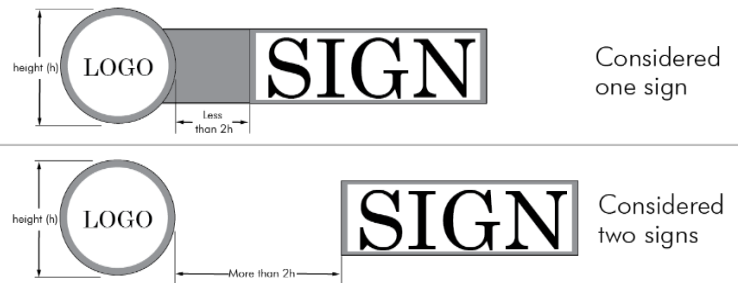
- b. **Detached Signs.** The area of the sign shall be computed by the entire area of the face of the structure, cabinet or module enclosed by the border of the frame.



**Figure 9-1 General Area Calculations**

Typical method for measuring typical sign shapes; irregular signs are measured within the smallest area of up to two geometric shape that contains the entire sign.

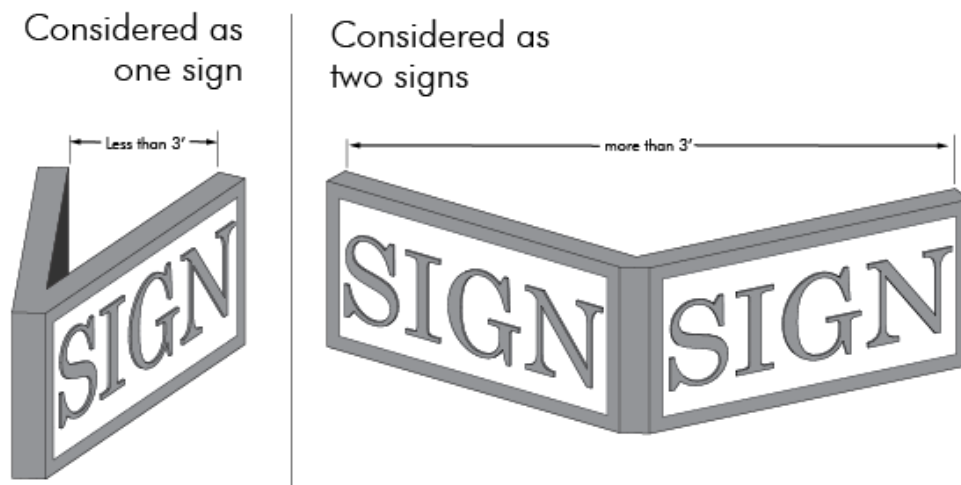
- c. **Wall, window or other building-mounted signs.** Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem or other display. Gaps in writing, emblems or other display which are greater than two times the height of the sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the sign area but shall be interpreted as two signs. The area of the wall or window area for the purposes of determining an allowed percentage shall be the total surface of the wall or window visible in an elevation view.



**Figure 9-2 Gaps Between Signs**

Larger gaps may be subtracted from sign area calculations but is considered two separate signs.

- d. Decorative Elements. Embellishments such as framing, decorative roofing, and support structures shall not be included in the area of the measurement if they contain no writing, emblem or other display.
- e. Double-faced Signs. Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.
- f. Height. Sign height is measured from the finished lowest grade directly below the sign to the highest point on the sign or sign structure.
- g. Clearance. Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.



**Figure 9-3 Double-face Signs**

*When opposing faces are within three feet, a double-faced sign is considered one sign and the area of one-face is the size; when separated by more than three feet, each profile is considered a sign and counts to the total sign area.*



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## 9.08 SIGN DEFINITIONS

*Sign:* Any device displaying or including any letter, word, model, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business.

**Building Signs.** A sign painted, printed, or attached to the exterior surface of a building, awning, canopy, roofline, or other fixed building surface in a permanent manner with a scale and design legible to vehicles in the public right-of-way or pedestrians at a distance from the building

**Changeable Message Signs.** Signs designed with a manual changeable message portion.

**Construction Signs.** Signs associated with a temporary construction project and erected to promote public safety or public information regarding the scope and nature of the project.

**Flag Banners / Feather Flags.** A banner in the shape of a feather, quill, sail, blade, or teardrop, and mounted on a solid flexible pole or cord.

**Flags.** A piece of fabric or other flexible material, usually rectangular and of distinctive design which is used as a symbol, such as for a nation, state, locality, or corporation.

**Freestanding Signs.** A detached sign that is mounted to the ground independent from any building with a scale and design legible primarily to vehicles in the public right-of-way.

**Grand Opening Signs.** Temporary signs associated with the opening of a new business.

**Home Occupation Signs.** Wall signs pertaining to permitted business use in a residential district.

**Incidental Signs.** Signs for nonresidential uses or multi-family complexes, which are intended to convey messages to guests, patrons, or other users of the property, such as parking instructions, internal directions, security warnings, or other similar minor accessory signs.

**Minor Signs.** Signs intended to convey messages to internal users of the site, and generally not visible from or intended to convey messages to people in the right-of-way, such as parking instructions, security warnings, or other similar minor signs that are accessory to the use of the site and building.

**Monument Signs.** A type of freestanding sign mounted on an enclosed, solid base or ornamental surface structure.

**Municipal Event / Seasonal Signage.** Signage, such as banners on public utility poles, pertaining to seasonal or special events placed by the City of Pleasant Hill.

**Off-Premise Signs.** Off-premise sign means a sign identifying or advertising a business, person, activity, goods, products or service, which is not related to, or available at the premises where the sign is located.



**On-Premise Signs.** On-premise sign means a sign relating in its copy to the premises on which it is located.

**Pedestrian Signs.** A sign with a design and scale legible to pedestrians in front of or immediately adjacent to the building, or legible to individuals internal to a site containing multiple buildings and located in a permanent manner hanging below a canopy or awning, projecting from a wall, mounted on a wall, door or window, or free-standing.

**Pole Signs.** A type of freestanding sign constructed on one or more columns, poles, or similar structures so the bottom edge of the sign surface is elevated above the ground. Pole signs are not permitted in Pleasant Hill.

**Portable Signs.** Signs placed in the public right-of-way for retail and service uses, and which is removed and brought inside during non-business hours.

**Property Identification Signs.** Signs clearly indicating the property address, and/or dates of assembly and/or professional name plate.

**Public Safety or Traffic Control Signs.** Signs designed and located to control internal traffic movement and safety of vehicles and pedestrians according to the Manual of Uniform Traffic Control Devices standards, or otherwise required to support any official action of a federal, state or local government.

**Temporary Signs.** Portable signs which are not permanently embedded in the ground or permanently affixed to a building or structure, and which are designed or intended to be used for a brief period of time.

**Window Signs.** Signs mounted, affixed, or otherwise placed to the interior of any windows in non-residential districts.



## ARTICLE 10. SPECIAL DISTRICTS

- 10.01 HISTORIC PRESERVATION OVERLAY DISTRICT
- 10.02 FLOODPLAIN OVERLAY DISTRICTS
- 10.03 UNDERGROUND SPACE OVERLAY DISTRICT

### 10.01 HISTORIC PRESERVATION OVERLAY DISTRICT

- A. **Intent.** The Historic Preservation Overlay District (HPD) is established for the following purposes:
1. Providing a mechanism to identify and preserve the distinctive historic, archaeological, and architectural characteristics of the city which represent elements of the city's cultural, social, economic, political, and architectural history.
  2. Conserving and improving the value of property designated as landmarks or within historic districts.
  3. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce, and industry, and providing economic benefit to the city.
  4. Fostering and encouraging preservation, restoration, and rehabilitation of the historic Structures, areas and neighborhoods, and thereby preventing future urban blight.
  5. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the city.
  6. Promoting the identification, evaluation, protection, and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the city.
- B. **Applicability.** The Historic Preservation Overlay District applies to any property designated as a historic district, landmark, or resource.
- C. **Historic Preservation Commission.** Information regarding the Historic Preservation Commission, including terms and responsibilities, can be referenced in Article 1, Section 1.04-D.
- D. **Surveys and Research.** The HPC shall undertake an ongoing survey and research effort in the city to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural, or aesthetic importance, interest or value, and shall maintain an inventory of that information. Before the HPC shall on its own initiative nominate any landmark or district for designation, it shall develop a plan and schedule for conducting a comprehensive survey of the city to identify significant resources. As part of the survey, the HPC shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The HPC shall systematically identify potential landmarks and historic districts and adopt procedures to nominate them based upon the following criteria:
1. *Characteristic Significance.* The potential landmarks and historic districts in one identifiable neighborhood or distinct geographical area of the city;



2. *Historical Significance.* The potential landmarks and historic districts associated with a particular person, event, or historical period;
  3. *Architectural Significance.* The potential landmarks and historic districts of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman.
  4. *Archeological Significance.* The potential landmarks and historic districts containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures;
  5. Such other criteria as may be adopted by the HPC to assure systematic survey and nomination of all potential landmarks and historic districts within the city.
- E. **Nomination.** Nominations for landmarks or districts shall be made to the HPC on a form provided by the city. Nominations may be submitted by a member of the HPC, owner of record of the nominated property or structure, or the City Council. Nominations shall be provided to the City Clerk, who will within 7 days of receipt mail a notification of intent to nominate to the owner of record of the nominated property.
1. *Criteria for Consideration of Nomination.* The HPC shall make a determination as to whether a nominated property, structure, site, area, or district meets one or more of the criteria for evaluation for the National Register of Historic Places:
    - i. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state or country.
    - ii. Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit.
    - iii. Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible.
    - iv. Its location as a site of a significant local, county, state, or national event.
    - v. Its identification with a person who significantly contributed to the development of the community, county, state, or country.
    - vi. Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials.
    - vii. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country.
    - viii. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
    - ix. Its embodiment of design elements that make it structurally or architecturally innovative.
    - x. Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community, or city.



- x. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance.
  - xii. Its suitability for preservation or restoration.
  - xiii. Its potential to yield information important to history and prehistory.
- 2. *Public Hearing on Landmarks for Historic Districts.* The HPC shall schedule a public hearing to solicit input and comment on the proposed nomination and guidelines for certificates of appropriateness.
- 3. *Report and Recommendation of HPC.* Within 45 calendar days from receipt of a completed nomination, the HPC shall adopt by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in this section. The recommendations and report of the HPC shall be sent to the Planning and Zoning Commission within 7 days following the vote and shall be available to the public in the office of the City Clerk. The resolution shall be accompanied by a report to the Planning and Zoning Commission containing the following information:
  - i. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation.
  - ii. Explanation of the integrity or lack of integrity of the nominated landmark or historic district.
- 4. *Landmarks Meeting Criteria.* In the case of a nominated landmark found to meet the criteria for designation, the following information shall be included in the HPC report to the Planning Commission:
  - i. Any significant exterior architectural features of the nominated landmark which should be protected.
  - ii. Any types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of this division.
  - iii. Any archaeological significance, and recommendations for interpretation and protection.
- 5. *Districts Meeting Criteria.* In the case of a nominated historic district found to meet the criteria for designation, the following information shall be included in the HPC report to the Planning Commission:
  - i. The types of significant exterior architectural features of the structures within the nominated historic district to be protected.
  - ii. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of this division.
  - iii. The type and significance of historic and prehistoric archaeological sites within the nominated historic district.



- iv. Proposals for design guidelines of HPC review of certificates of appropriateness within the nominated landmark or historic district.
  - v. The relationship of the nominated landmark or historic district to the ongoing effort of the HPC to identify and nominate all potential cultural resources that meet the criteria for designation.
  - vi. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district, including recommendations for buffer zones to protect and preserve visual integrity.
  - vii. A map showing the location of the nominated landmark and/or the boundaries of the nominated historic district.
6. ***Notification of Nomination.*** The Planning and Zoning Commission shall schedule and hold a hearing on the nomination following receipt of a report and recommendation from the HPC. The meeting shall be scheduled, held, and conducted in the same manner as other meetings to consider applications for Text Amendments provided in Table 2-1 Procedures Summary. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner of record and to the nominators.
  7. ***Public Hearing.*** Oral or written testimony concerning the significance of the nominated landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The HPC may present expert testimony or present its own evidence regarding the compliance of the nominated landmark or historic district with the criteria for consideration of a nomination set forth in this section. The owner of any nominated landmark or of any property within a nominated historic district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross examine expert witnesses. The hearing shall be closed upon completion of testimony.
  8. ***Determination By Planning and Zoning Commission.*** Within 60 calendar days following the close of the public hearing, the Planning and Zoning Commission shall make a determination upon the evidence whether the nominated landmark or historic district does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the Planning and Zoning Commission and shall be accompanied by a report stating the findings of the Planning and Zoning Commission concerning the relationship between the criteria for designation and the nominated landmark or historic district.
  9. ***Notification Of Determination.*** Notice of the determination of the Planning and Zoning Commission, including a copy of the report, shall be sent by regular mail to the owner of record of a nominated landmark and of all property within a nominated historic district and to the nominator within 7 days following adoption of the resolution. Within 7 days following a determination, a copy of the resolution and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the City Council. Determination by the Planning and Zoning Commission shall be a final



administrative decision reviewable under the Missouri Administrative Procedure and Review Act.

10. *Appeals.* The nominator, or any owner of the nominated landmark or of property within the nominated historic district, may file an appeal to the City Council with the City Clerk within 30 days after the postmarked date of the notice of the determination by the Planning and Zoning Commission.
11. *Action By City Council.* The City Council shall, within 60 calendar days after receiving the recommendation by the Planning and Zoning Commission, and any associated appeals, either reject the recommendation or appeal by formal resolution or designate the landmark or historic district by an ordinance. The City Council shall hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in this section. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action of the City Council. The City Clerk shall provide written notification of the action of the City Council by regular mail to the nominator, the appellant, and the owner of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the City Council and shall be sent within seven days of the City Council action. A copy of each designation ordinance shall be sent to the HPC, Planning and Zoning Commission and Building Inspector.
12. *Designation Ordinance.* Upon designation, the official zoning map of the city shall be amended to show the landmark or historic district reclassified as an historic overlay district. The designating ordinance shall prescribe the significant features including:
  - i. The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness.
  - ii. The design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation.
  - iii. Minimum dwelling size; floor area; lot size; sign regulation; and parking regulations.
13. *Interim Control.* No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated historic district from the date of the meeting of the HPC at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.
14. *Amendment And Rescission of Designation.* Designation may be amended or rescinded upon petition to the HPC and compliance with the same procedure and according to the same criteria set forth herein for designation.

**F. Applications For Certificates of Appropriateness.**



1. **Applicability.** A certificate of appropriateness shall be required for all real property, structures, or landmarks within a historic overlay district prior to the following actions being taken:
  - i. Any construction, alteration, or removal requiring a building permit from the city.
  - ii. Any demolition in whole or in part requiring a demolition permit from the city.
  - iii. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the landmark or historic district.
  - iv. Any construction, alteration or removal involving earth disturbing activities that might affect archaeological resources.
  - v. Any actions to correct a violation of a minimum maintenance standard.
2. **Applications for a Certificate of Appropriateness.** Applications for a certificate of appropriateness shall include accompanying plans and specifications affecting the significance of a designated landmark or of a property within a designated historic district; and applications for demolition permits shall include plans and specifications for the contemplated use of the property. Applications for building and demolition permits shall be forwarded by the Building Inspector to the HPC within 7 days following receipt of the application. A building or demolition permit shall not be issued until a certificate of appropriateness has been issued by the HPC. Any applicant may request a meeting with the HPC before the application is reviewed by the HPC or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the HPC and available at the office of the City Clerk. The HPC shall consider the completed application at its next regular meeting.
3. **Stop Work Order.** Whenever the HPC has reason to believe that an action for which a certificate of appropriateness is required has been initiated, or is about to be initiated, or that a violation of the conditions of a permit has occurred, it shall request that the Building Inspector make every reasonable effort to contact the owners, occupants, contractors or subcontractors and inform them of proper procedures. If the HPC determines that a stop work order is necessary to halt an action, it shall request the Building Inspector to send a copy of the stop work order by certified mail return receipt requested to the owners, occupants, contractors and subcontractors, and notify them of the process of applying for a certificate of appropriateness. A copy of the proper application form shall be included in the notice. If necessary, a second or subsequent stop work order may be issued for the same project.

**G. Determination By the Historic Preservation Commission.**

1. **Review.** The HPC shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the permit within 14 days of receipt of the application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant and the Building Inspector within 7 days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.



2. **Expiration.** A certificate of appropriateness shall become void unless construction is commenced within 6 months of date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable. If the project is not completed according to the guidelines provided in the certificate of appropriateness, the project shall be deemed in violation of this division.
3. **Denial.** A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The HPC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the HPC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the HPC. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the HPC.

#### H. **Fees and Penalties.**

1. The board shall establish an appropriate system of processing fees for the review of nominations and certificates of appropriateness.
2. It shall be unlawful for any person to undertake or cause an alteration, construction, demolition or removal of any nominated or designated landmark or structure within a nominated or designated historic district without a certificate of appropriateness.
3. It shall be unlawful to not maintain designated landmarks or structures within designated historic districts within the minimum maintenance requirements of the Uniform Housing Code, Issue 1997, published by the International Conference of Building Officials.

#### I. **Public Improvement and Land Acquisition Projects.** Public improvement and land acquisition projects by the city or any of its departments or agencies shall be reviewed by the HPC in the following manner:

1. The HPC shall review and comment upon any public improvement project proposed by the city or any of its agencies or departments within any historic district, on the site of or within 200 feet of any landmarks, or within 200 feet of any boundary of a historic district. The department of public works shall send a completed preliminary design for a public improvement project to the HPC simultaneously with its submission to the City Council for approval. The HPC shall have at least 30 days to complete its review and report to the City Council, except when the department of public works, if necessary to accelerate the design review process, may specify a time less than 30 days within which the HPC shall complete its review and report to the City Council.
2. The HPC shall review and comment upon any proposed acquisition of a landmark or of land or buildings within a historic district by the city or any of its agencies or departments. The City Council or the department of public works shall, at the earliest possible date that will not interfere with acquisition negotiations, send the HPC information concerning the location, size, purchase price, current use, and proposed use of the land or building to be acquired, and specify the date by which the HPC shall report to the City Council.
3. The HPC shall review the public improvement or land acquisition projects to determine its effect upon the historic, archaeological or architectural character of the landmark or historic district and report to the City Council within any time specified by the City Council or planning department but not to exceed 45 days. The report by the HPC shall include



any recommendations for changes to the preliminary design or land acquisition that will lessen or alleviate any adverse effect of the proposed project upon the historic, archaeological or architectural character of the landmark or historic district. The City Council shall take no final action on the preliminary design or land acquisition until it has received and reviewed the report of the HPC.

- J. **Standards For Review.** In considering an application for a building or demolition permit or for a certificate of appropriateness, the HPC shall be guided in principle by the Secretary of the Interior's Standards, in addition to any design guidelines in the designation's ordinance. Applications, standards for review and design guidelines shall be available in the office of the City Clerk for distribution to the public.
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  2. The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  3. Most properties change over time; those changes that have acquired historic significance shall be retained and preserved.
  4. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
  5. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  6. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  7. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  8. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  9. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- K. **Design Guidelines.** Design guidelines for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:



1. *Height.* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.
  2. *Proportions Of Windows and Doors.* The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.
  3. *Relationship Of Building Masses and Spaces.* The set back and relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.
  4. *Roof Shape.* The design of the roof should be compatible with the architectural style and character of the landmark, and with surrounding structures in a historic district.
  5. *Landscaping.* Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.
  6. *Scale.* The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.
  7. *Directional Expression.* Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
  8. *Architectural Details.* Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.
  9. *Signage.* The character of signs should be in keeping with the historic architectural character of a landmark or historic district. Character of a sign includes the number, size, area, scale, location, type (e.g., off-site advertising signs and on-site business signs), letter size or style, and intensity and type of illumination. Deviations from the sign requirements for size of sign may be considered by the Planning and Zoning Commission.
  10. *Minimum Maintenance.* Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration or damage to significant features, or otherwise adversely affect the historic or architectural character of structures within a historic district.
- L. **Certificate Of Economic Hardship.** Application for a certificate of economic hardship shall be made on a form prepared by the City only after a certificate of appropriateness has been denied. The HPC shall schedule a public hearing concerning the application and provide public notice and individual notice to the applicant, owners of record, and owners adjacent to the property, and any person may testify at the hearing concerning economic hardship. The HPC may solicit expert



testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all the following information before it decides on the application:

1. *Professional Judgement.* A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.
2. *Cost Estimates.* Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the HPC for changes necessary for the issuance of a certificate of appropriateness.
3. *Market Value Estimates.* Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the HPC, and, in the case of a proposed demolition, after renovation of the existing property for continued use.

M. **Maintenance Of Historic Properties.** If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified by the Building Inspector. The notice shall be by certified mail and shall specify each item in the property or landmark that fails to meet minimum maintenance requirements. The owner or other person having legal custody of the property shall have 30 days from the receipt of notice to comply with the minimum maintenance requirements. The HPC, for good cause shown, may extend the 30-day period. If after the original 30-day period or any extension granted by the Building Inspector the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property shall be in violation of this section and punished in accordance with section 52-9.

1. Ordinary maintenance exclusion. Nothing in the section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.
2. Definition of ordinary maintenance. Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.
3. Minimum maintenance requirement. All buildings and structures designated by city ordinance as Historic or "H" shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person who may have the legal custody and control thereof shall repair such building if it is found to have any of the following defects:
  - i. The deterioration of exterior walls or other vertical supports;
  - ii. The deterioration of roofs or other horizontal members;
  - iii. The deterioration of external chimneys;



- iv. The deterioration or crumbling of plasters or mortar;
- v. The deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- vi. The peeling of paint, rotting, holes, and other forms of decay;
- vii. The lack of maintenance of surrounding environment (e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping);
- viii. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition.

- N. **Zoning Amendments, Special Use Permits, and Variances.** Applications for zoning amendments, special use permits, or variances for a landmark or structures within a historic district shall be referred to the HPC by the planning department at least 30 days prior to the date of the public hearing set by the Planning and Zoning Commission or the board of adjustment. The HPC may review these applications using any format which it deems appropriate provided, however, that the applicant shall be notified of the time and place of such review and shall be given the opportunity to appear and be heard. Within 15 days after receipt of said application, the HPC shall forward its comments to the planning department for presentation to the Planning and Zoning Commission for their consideration in reviewing the application.
- O. **Appeals.** If the HPC denies an application for a certificate of appropriateness, the HPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within six months, the applicant may file with the City Clerk a written appeal to the board of adjustment. In acting upon the appeal, the board may grant a variance from the strict interpretation of this division when such will not materially affect the health or safety of the applicant and general public.



## 10.02 FLOODPLAIN OVERLAY DISTRICTS

- A. **Intent.** The purpose of floodplain overlay districts includes:
1. To establish local regulations designed to protect the health, safety, and general welfare of property owners in floodplains, as delegated by the State of Missouri via RSMo 89—110.
  2. Restrict prohibited uses which are dangerous to health, safety, or property in times of flood or cause increased flood heights or velocities.
  3. Require that uses vulnerable to floods, including public facilities that serve those uses, be provided with flood protection at the time of initial construction.
  4. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.
  5. Ensure that eligibility is maintained for property owners in the community to purchase flood insurance in the federal flood insurance program.
- B. **Applicability.** The flood insurance study (FIS) that is the basis of this section uses standard engineering methods of analyzing flood hazards which consist of a series of interrelated steps.
1. Findings of fact. Flood losses resulting from periodic inundation. The flood hazard areas of the city are subject to inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  2. General causes of flood losses. Flood losses are caused by (1) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities, and (2) the occupancy of flood hazard by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise protected from flood damages.
  3. Selection of a regulatory flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the federal insurance administration's flood insurance study (FIS), and illustrative flood insurance rate maps (FIRM) of Pleasant Hill, Missouri as amended, and any future revisions thereto.
  4. Calculation of water surface profiles based upon hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
  5. Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point.
  6. Delineation of the floodway encroachment lines within which no obstruction is permitted that would cause any increases in flood height.



7. Delineation of the floodway fringes, i.e., that area outside the floodway encroachment lines, but that still is subject to inundation by the regulatory flood.
- C. **Floodway Overlay District (FW).** The areas designated in the floodway overlay district (FW) consist of land in drainageway channels where the construction of buildings would create obstructions to drainage or hazard to life or property. The FW district includes land in the floodway as defined by FEMA. It is intended that areas located in the FW district primarily will be used for private or public open space.
1. Allowed uses of the underlying zoning district are permitted if none of these uses, when acting alone or in combination with other uses, will increase the regulatory flood elevation or in any way affect the free flow of floodwater. This effect of any allowed use must be documented by appropriate engineering studies if required by the Director.
  2. The boundary limits of the FW district shall be identified and determined by the flood insurance rate maps (FIRM) for the incorporated area of Pleasant Hill, Missouri published by the Federal Emergency Management Agency.
  3. No filling or dumping shall be allowed which will increase flood hazard heights beyond existing limits or adversely affect the hydraulic efficiency or capacity of the floodway unless that filling or dumping is compensated by excavation in, or contiguous to, the filled area and does not adversely affect the hydraulic characteristics of the floodway. The term filling as used in this section shall mean the placement of structures, whether temporary or permanent, materials or other matter in which would obstruct the floodway or decrease its capacity.
- D. **Floodway Fringe Overlay District (FF).** The areas designated in the floodway fringe overlay district (FF) consist of land outside the floodway but located where there is a one percent or greater chance of inundation in any given year. It is intended that areas located in the FF district primarily will be used for private or public open space.
1. In the FF district, any use allowed in the underlying zoning district is permitted if none of these uses will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.
  2. The boundary limits of FF district shall be identified and determined by the flood insurance rate maps (FIRM) for the incorporated area of Pleasant Hill, Missouri published by the Federal Emergency Management Agency.
  3. Construction of structures. All residential and non-residential structures shall be constructed on fill so that the first floor and basement floor are one foot above the regulatory flood protection elevation.
  4. Fill. The fill shall at no point be lower than one foot above the regulatory flood protection elevation for the particular area and shall extend at that elevation at least 15 feet beyond the limits of any structure erected on the fill.
  5. Certification of elevation. When elevation is used as a measure of flood protection, certification as to the elevation of the lowest floor of a structure after its completion shall be provided to the director by a qualified individual as defined by FEMA.
  6. Nonresidential structures. Nonresidential structures may be floodproofed to or above the regulatory flood elevation. When floodproofing is utilized for nonresidential structures, the



director shall be presented certification of the floodproofing measures from a qualified individual as defined by FEMA.

7. Residences. All residences permitted in the FF district, whether site built or manufactured, shall be permanently anchored to permanent foundation.
8. Utility and sanitary facilities. All utility and sanitary facilities shall be elevated or floodproofed up to regulatory flood protection elevation so that those facilities below the regulatory flood protection elevation are watertight with walls substantially impermeable to water.
9. Structural components. The structural components of the utility and sanitary facilities shall have the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.
10. Certification. Utilities and pipelines will be permitted on submission to the director a letter certifying that all facilities will be below grade and that they will in no way affect the free flow of floodwater.
11. Changes in topography. No changes in topography, such as by filling or excavation, will be allowed if these changes will result in a concentration of the natural flow of water to cause or increase drainage problems. The grading of any area shall be done in a manner to maintain proper drainage.
12. Water supply systems. All water supply systems must be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
13. On-site waste disposal systems. All on-site waste disposal systems must be located or designed to eliminate contamination during or subsequent to flooding.



### 10.03 UNDERGROUND SPACE OVERLAY DISTRICT

- A. **Intent.** The purpose of the Underground Space Overlay District includes:
1. To accommodate and permit the reasonable utilization of underground space.
  2. To protect any other properties and persons from adverse effects caused by activities in underground space.
  3. To protect the health, safety, and welfare of persons in or around underground facilities.
- B. **Uses.** Any use permitted, by right or permit, in the surface area zoning district in addition to Underground storage facilities, offices, manufacturing, and testing laboratories. Underground mineral extraction is authorized as a conditional use, subject to the procedures of Article 2.
- C. **Development Standards.**
1. The UG overlay district may be established if usable underground space exists; or a subsurface material is intended to be extracted, and either adjoins an existing UG overlay district or the surface land at the entrance has been designated M1 or M2.
  2. UG overlay districts shall apply only to subsurface area, and shall not affect surface area zoning districts.
  3. Access to underground space shall be located on surface area property properly zoned to permit the uses applicable to the underground space.
  4. The designation, modification, change or amendment of an UG overlay district may be approved upon application by the property owner to the planning commission, accompanied by a registered survey indicating the extent of existing and proposed underground mining, and indicating all points of access to the surface, including vehicle entrances, ventilation or utility entrances, or other entrances as applicable.
  5. UG overlay districts shall be designated pursuant to periodic amendments of the zoning map.
  6. Ingress/egress to all underground space shall be through surface area property owned or controlled by the owners or operators of the subsurface area. Such surface area property must be adjacent to and have direct access to public right-of-way.
  7. Surface and special easements. Penetrations from the subsurface area to the surface area property are permitted, provided that such penetrations are for the purpose of connecting utilities, safety, or life-support systems to the subsurface area. All penetrations must be contained within a special easement, to provide and assure perpetuity and continuity of service for the subsurface area.
  8. Surface area zoning exclusion. With the exceptions as noted herein, all UG overlay districts are separate from the provisions of surface area zoning districts.
- D. **Safety Standards.**
1. All applicants for underground space uses, pursuant to a building permit, shall be required to submit a geo-technical engineering study, conducted by a registered engineer, reviewing the structural integrity of the subsurface area; surface and



subsurface surveys of all subsurface areas to be utilized, conducted by a registered surveyor, with contours at two-foot intervals; and a geologic survey, conducted by a registered engineer.

2. All underground space owners engaged in expansion of facilities shall be required to submit an annual geo-technical study conducted by a registered engineer trained in the field of geotechnical engineering, certifying the structural integrity of the subsurface area and diagramming the mined areas. Such certificate may provide for exceptions or conditions which must be adhered to as a condition of approval, and may be valid for additions or mined-out areas completed within six months of the certification date of the geo-technical study, if it is so described in the certificate.
3. Use or storage of hazardous or flammable materials, excluding materials used in conjunction with subsurface mining, shall only be permitted by the director, subject to the director finding that such use or storage does not compromise the use of the underground space or above-ground development.