



REPUBLIC
M I S S O U R I

AGENDA

Planning and Zoning Meeting
Municipal Court Building, 540 Civic Blvd
February 13, 2023 at 6:00 PM

Call Meeting to Order

Approve Agenda

Approve Minutes

1. Possible Vote to Approve Minutes from Previous Planning and Zoning Commission Meeting held October 3, 2022.

Meeting Procedures

Public Hearings

2. **ORD 22-004.** Public Hearing and Possible Vote to Recommend the Approval of Amendments to Chapter 405 Zoning Regulations as it relates to Accessory Structures, Accessory Dwelling Units and Decks.
3. **ORD 23-001.** Public Hearing and Possible Vote to Recommend the Approval of Amendments to Chapter 405 Zoning Regulations as it relates to recreational marijuana.
4. **VACA 23-001.** Public Hearing and Possible Vote to Recommend the Approval an Application to Vacate a Portion of N Turner Avenue ROW.

Other Business

Citizen Participation

BUILDS Department Update

Adjournment

Individuals addressing the Board are asked to step to the microphone and clearly state their name and address before speaking. In accordance with ADA guidelines, if you need special accommodations to attend any city meeting, please notify the City Clerk's Office at 417-732-3101 at least three days prior to the scheduled meeting. **All meetings are tape recorded for public viewing.**



MINUTES

**Planning and Zoning Commission Meeting
Municipal Court Building, 540 Civic Blvd
October 03, 2022 at 6:00 PM**

Call Meeting to Order

PRESENT

Chairman Ransom Ellis
Commissioner John Alexander
Commissioner Darran Campbell
Commissioner Brian Doubrava
Commissioner William Pinnell
Council Liaison Garry Wilson

ABSENT

Commissioner Cynthia Hyder
Commissioner Mike Mann

Amend Agenda

Staff requested that ORD 22-004 be removed from the agenda.

Motion made by Commissioner Doubrava, Seconded by Commissioner Alexander.

Voting Yea: Chairman Ellis, Commissioner Alexander, Commissioner Campbell, Commissioner Doubrava, Commissioner Pinnell

Approve Agenda

Motion made by Commissioner Doubrava, Seconded by Commissioner Alexander.

Voting Yea: Chairman Ellis, Commissioner Alexander, Commissioner Campbell, Commissioner Doubrava, Commissioner Pinnell

Approve Minutes

1. Possible Vote to Approval the Meeting Minutes from the Meeting of the Planning and Zoning Commission held on September 12, 2022

Motion made by Commissioner Pinnell, Seconded by Commissioner Doubrava.

Voting Yea: Chairman Ellis, Commissioner Alexander, Commissioner Campbell, Commissioner Doubrava, Commissioner Pinnell

Public Hearings

2. **REZN 22-008.** Public Hearing and Possible Vote to Recommend the Approval of An Application to Change the Zoning Classification of Approximately Ten Point Forty-Four (10.44) Acres, Located at 688 South Kansas Avenue from Agricultural (AG) and Medium-Density Single Family Residential (R1-M) to Multi-Family (R-3)

Motion made by Commissioner Campbell, Seconded by Commissioner Doubrava.

Voting Yea: Commissioner Campbell



Voting Nay: Chairman Ellis, Commissioner Alexander, Commissioner Doubrava, Commissioner Pinnell

Speakers in Support: Todd Wright, Shawn Barry

Speakers in Opposition: Susan Banasik, Richard Neal, Steven Greenhall, Aaron Klusmeyer, David McFarland, Kelly Rathke, William Hillhouse, Betty North

3. ORD 22-004. Public Hearing and Possible Vote to Recommend the Approval of Amendments to Chapter 405 Zoning Regulations

[Removed from Agenda]

Other Business

Citizen Participation

Adjournment

Motion made by Commissioner Alexander, Seconded by Commissioner Pinnell.

Voting Yea: Chairman Ellis, Commissioner Alexander, Commissioner Campbell, Commissioner Doubrava, Commissioner Pinnell

Karen Haynes, Planning Manager

Ransom Ellis, Chairman

405.020 Definitions

1. For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. For the purpose of this Chapter, certain terms and words are to be used and interpreted as defined below:

AFFIDAVIT

A legal binding written statement, by oath, that the statements are true to the best of the signee's knowledge.

ACCESSORY DWELLING UNIT (ADU)

A habitable structure or unit incidental to and detached from a single-family home located on the same lot.

AGRICULTURAL PROCESSING The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

AGRICULTURAL SALES AND SERVICE A use primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

AGRICULTURE, GENERAL The use of land for the production of livestock, dairy products, poultry or poultry products.

AGRICULTURE, LIMITED The use of land for the production of row crops, field crops, tree crops or timber.

ALLEY All property dedicated or intended for public or private street purposes or subject to public easements therefore, and less than sixteen (16) feet in width from property line to property line.

BAR OR TAVERN A building or structure devoted primarily to the selling, serving or dispensing for consumption of malt, vinous, or other alcoholic beverages in which the incidental selling or serving of food may also occur. This definition includes any building or structure in which include the brewing, distilling, or vintning of alcoholic beverages is performed therein, so long as such beverages are sold, served, and/or dispensed for retail sale directly to the consumer, and not intended for or put to any wholesale use.

BASEMENT ~~That~~ **The** enclosed part of a building ~~having~~ **where the finished floor has** at least two (2) feet ~~of its height~~ below the average grade of the adjoining ground.

BERM An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BOARDING HOUSE or LODGING HOUSE A building, other than a hotel or apartment hotel, where, for compensation and by pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20)

persons.

BUFFER Land area typically containing trees, shrubs and other plants, berms, fences or walls and used to visibly separate one (1) use from another or to block noise, lights or other nuisances.

BUILDING Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

BUILDING, HEIGHT OF The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BULK PLANE A theoretical plane beginning at a lot line, or other locations as set forth in the Code and rising over an acute slope determined by an acute angle measured up from the horizontal point. The bulk plane defines the relationship between the height of a structure and the structure's setback from the lot line.

CARPORT A structure open on at least two (2) sides used for the purpose of providing vehicular protection. Carports shall not be located within ~~side or~~ front yard setbacks.

CLINIC An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

CO-LOCATION Locating wireless communications equipment for more than one (1) provider at a single communications facility.

CONIFER Evergreen trees and shrubs that bear both seeds and pollen on dry scales arranged as a cone.

CONVENIENCE STORE Any building or structure used for the dispensing, sale or offering for sale at retail of any automobile fuels, which may include retail sales, not to include any type of automobile related service or repair.

CULTIVATED LANDSCAPE AREA Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

DAY CARE

1. **FAMILY DAY CARE HOME:** A family home, occupied by the day care provider, in which family-like care is given to six (6) children or less, not related to the provider, for any part of the twenty-four (24) hour day. The maximum number of children under two (2) years of age shall be three (3).
2. **GROUP DAY CARE HOME:** A family home, occupied by the day care provider, in which family-like care is given to seven (7) but not more than ten (10) children, not related to the provider, for any part of the twenty-four (24) hour day. The maximum number of children under two (2) years of age shall be two (2) unless there is a full-time adult assistant, in which case the maximum number of children under two (2) years shall be four (4).

DAY CARE CENTER

Is either:

3. A family home where more than ten (10) children are cared for, not related to the provider, for any part of the twenty-four (24) hour day, or
4. A building other than a family home in which more than four (4) children are cared for, not related to the provider, for any part of the twenty-four (24) hour day.

DECIDUOUS

A plant with foliage that is shed annually.

DECK

A structure that provides an outdoor floor and is supported by a frame, posts, and footings.

DECK, ELEVATED

Any deck that measures two (2) feet or more from grade to the top finish floor of the decking.

DISTRICT

A section or sections in the City of Republic within which the zoning regulations are uniform.

DROPLINE

A vertical line extending from the outermost branches of a tree to the ground.

DWELLING

A building or portion thereof designed or used exclusively for residential occupancy, but not including home trailers, mobile homes, hotels, motels, boarding houses and lodging houses, tourist courts or tourist homes.

DWELLING, MULTIPLE

A building designed for or occupied exclusively by more than two (2) families.

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two (2) families.

ECOSYSTEM

A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

ENTITY

A natural person, corporation, professional corporation, non-profit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

[Ord. No. 19-28, 12-10-2019]

EVERGREEN

A plant with foliage that persists and remains green year-round.

EXTERIOR STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders that is visible from the exterior of a building or structure or

any substantial change in the roof or in exterior walls of a building or structure.

FAMILY

The following living arrangements shall constitute a family for the purposes of this Chapter:

5. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or
6. Three (3) or less unrelated persons living as a single housekeeping unit; or
7. Two (2) unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

FILLING STATION

Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels. The sale of oils or accessories, including lubrication of automobiles and replacement and installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or painting.

FLOOR AREA

The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building. ~~It does not~~ include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

FRONTAGE

The distance along a street line from one (1) intersecting street to another or from one (1) intersecting street to the end of a dead-end street.

FURNISH

To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

GARAGE, PRIVATE

A detached building or portion of a main building housing the automobiles of the occupants of the premises.

GARAGE, PUBLIC

A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "repairing" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE

A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE

The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street, an average sidewalk

elevation is to be used. If there is no sidewalk, the ~~City Engineer~~ **Administrator of the BUILDS Department or their designee** shall establish the sidewalk grade.

GROUND COVER

Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

GROUP HOME

Any home in which eight (8) or fewer unrelated mentally or physically handicapped person reside and may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

GUYED TOWERS

A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HEDGE

A landscape barrier consisting of a continuous, dense planting of shrubs.

HOME OCCUPATION

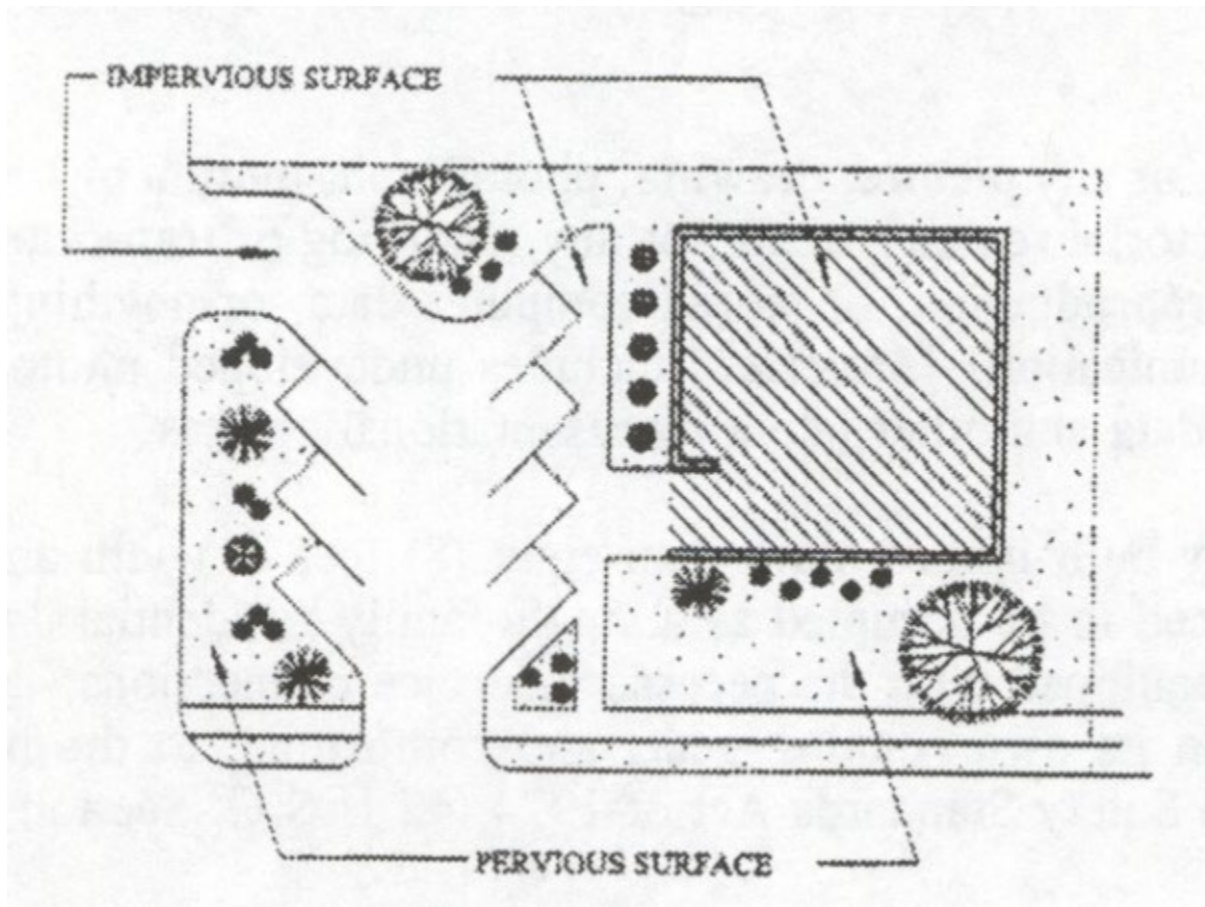
Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member(s) of a family residing on the premises.

HOTEL

A building in which lodging, or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding house, lodging house, or an apartment house which are herein separately defined.

IMPERVIOUS, PERVIOUS SURFACE

Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of stormwater, likewise, a pervious surface is any surface that allows for the absorption of stormwater.



INSTITUTION

A non-profit establishment for public use.

IRRIGATION SYSTEM

A permanent, artificial watering system designed to transport and distribute water to plants.

LATTICE TOWER

A guyed or self-supporting three (3) or four (4) sided, open, steel frame structure used to support telecommunications equipment.

LOADING SPACE

A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

LODGING HOUSE or ROOMING HOUSE

Same as "Boarding House."

LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by the ordinance, and having its principal frontage upon a street or upon an officially approved place.

LOT OF RECORD

A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of the County of Greene, Missouri, or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to the adoption of this Chapter.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

MANUFACTURED HOMES

Factory-built structures; transportable in one (1) or more sections which are twenty-four (24) feet or more in width and forty-two (42) feet or more in length when assembled; designed to be occupied as a permanent single-family residential dwelling; not constructed or equipped with a permanent hitch or other device intended for the purpose of moving the structure from one place to another, other than for moving to a permanent site from the factory or distributor; has no permanently attached wheels or axles; installed on a permanent foundation; equipped with the necessary service connections; designed, manufactured, and certified to conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401).

MARIJUANA or MARIHUANA

Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (3/10 of 1%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

[Ord. No. 19-28, 12-10-2019]

MARIJUANA-INFUSED PRODUCTS

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

[Ord. No. 19-28, 12-10-2019]

MATERIAL

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

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the Department of Health and Senior Services or its successor agency to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

[Ord. No. 19-28, 12-10-2019]

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the Department of Health and Senior Services, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in the Article XIV Missouri Constitution to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

[Ord. No. 19-28, 12-10-2019]

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the Department of Health and Senior Services, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

[Ord. No. 19-28, 12-10-2019]

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the Department of Health and Senior Services, to acquire, test, certify, and transport marijuana.

[Ord. No. 19-28, 12-10-2019]

MEDICAL USE

The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

[Ord. No. 19-28, 12-10-2019]

MOBILE HOME

Transportable, factory-built homes more than eight (8) feet in width and more than thirty-six (36) feet in length; designed to be occupied as a single-family residential dwelling; not placed on a permanent foundation; equipped with the necessary service connections; designed and manufactured to be transportable on its own running gear; and conforming to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401).

MODULAR HOME

Factory-built, transportable dwelling unit designed to be used by itself or to be incorporated with similar units at a point of use into a modular structure to be used for single-family housing, bearing the seal of the Missouri Public Service Commission indicating compliance with the State of Missouri Standards and Regulations for Modular Homes.

MONOPOLE TOWER

A communication tower constructed without the use of guy wires and ground anchors and consisting of only a single pole (also known as self-supporting tower).

MOTEL

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, a lodging house or an apartment house which are herein separately defined.

MULCH

Non-living organic and synthetic materials customarily used in landscaping design to retard erosion and retain moisture.

NON-CONFORMING USE

The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

OPEN SPACE

Open space shall be interpreted to mean:

8. All areas of natural plant communities or area replanted with vegetation after construction, such as revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns; and
9. Other areas allowed to be counted as open space as per the City of Republic Zoning and Design Code.

ORNAMENTAL TREE A deciduous tree planted primarily for its ornamental value or for screening purposes.

OVERNIGHT SHELTER

A facility providing temporary lodging on a daily basis, with or without meals, for primarily indigent, needy, homeless or transient persons.

PARKING AREA

That portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

PARKING SPACE

A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PERFORMANCE

Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PERGOLA An outdoor accessory structure consisting of vertical posts or pillars and supporting cross-beams and without walls, forming a shaded walkway, passageway, or sitting area, not attached to another structure.

PERIMETER, LANDSCAPING

A six (6) foot greenspace strip which surrounds the entire premise, not including where a landscaped street buffer is required.

PERVIOUS SURFACE

See "Impervious Surface."

PLANT COMMUNITY

A natural association of plants that are dominated by one (1) or more prominent species, or a characteristic physical attribute.

PLANT SPECIES – PROHIBITED

Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

PORTABLE BUILDING

A subordinate building less than two hundred (200) square feet, the use of which is incidental to that of the main building, dwelling or premises, which is not erected on a permanent foundation. Portable buildings shall be constructed, erected and located in a manner that provides a convenient means of relocation.

PREMISE

Any land, consisting of one (1) or more lots or tracts of land, under single or multiple ownership, which operates as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:

10. Shared parking.
11. Common management.
12. Common identification.
13. Common access.
14. Shared circulation.

PRESERVE AREAS

Vegetative areas required to be preserved by law.

PRINCIPAL STRUCTURE

The structure constructed on the lot intended for the purpose of the main use and conforms to the designated zoning district's regulations.

PROMOTE

To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer.

SCREEN

A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

SETBACK

The minimum distance required between the property line and a point of the structure nearest the property line.

SETBACK, SIDE STREET

The minimum distance required between a point of the structure nearest the right-of-way line of a

street located on the side of the structure.

SEXUALLY ORIENTED BUSINESS

An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a seminude model studio, or a sexual encounter center as further defined by reference to the definition of those terms as now or hereafter defined in Section 573.528, RSMo., or as may be adopted in the City Code in a manner not inconsistent with Section 573.528, RSMo.

SHADE TREE

A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

SHRUB

A self-supporting woody perennial plant of low-level woody, perennials plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at its maturity.

SIGHT (VISIBILITY) TRIANGLE

Areas at the corners of road and driveway intersections where views of approaching traffic should not be obstructed.

STORAGE, PERSONAL OR SELF STORAGE

A building or group of buildings, commonly referred to as mini-storage, consisting of individual, small, self-contained units that are available on a rental basis for the storage of business and household goods or contractor's supplies.

STORY

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

STREET

All property dedicated or intended for public or private street purposes or subject to public easements therefore and more than sixteen (16) feet in width from property line to property line.

STREET LINE

A dividing line between a lot and a contiguous street.

STRUCTURAL ALTERATIONS

Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

STRUCTURE

Anything constructed or erected, the use of which requires more or less ground.

STRUCTURES, ACCESSORY

A structure that:

15. Is subordinate to and serves a principal structure,
16. Is subordinate in area, extent or purpose to the principal structure,
17. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure,
18. Is located on the same lot as the structure.

TOWER or COMMUNICATION TOWER

Any structure that is designed and constructed for the purpose of supporting one (1) or more antennas; including lattice towers, guy towers or monopole towers. This definition also includes any structure in which supporting the antenna array is not the primary purpose of the structure such as a water tower or utility pole. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one (1) or more antennas, despite the fact that such structure may currently, or in the future, actually support one (1) or more antennas, not to exceed ten (10) feet above the apex of the roof in residentially zoned districts such as: satellite dishes, television antennas and radio antennas.

TRAILER OR MOBILE HOME

A vehicle used for living purposes and standing or designed to stand on wheels or rigid supports.

TRAILER PARK

An area where one (1) or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one (1) or more families.

TREE

Any self-supporting woody perennial plant which has a trunk diameter of two (2) inches or more and which normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

UNDERSTORY

Assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of trees.

USE

The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

VEGETATION, NATIVE

Any plant species with a geographic distribution indigenous to all or part of the State of Missouri. Plant species which have been introduced by man are not native vegetation.

VEHICLE ACCOMMODATION AREA

A lot that is used by vehicles for access, circulation, parking, loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas.

VIABLE

When referring to a tree, shrub, or other type of plant, is a plant that, in the judgment of the City Planner, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

WHOLESALE PROMOTE

To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.

WOODLANDS, EXISTING

Existing trees and shrubs of a number, size and species that accomplish the same general function as new plantings.

XERISCAPE

Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

YARD

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT

A yard extending across the front of a lot and being the minimum horizontal distance between the right-of-way or property line and the main building or any projections thereof ~~other than the projections of the usual uncovered steps, unenclosed balconies or unenclosed porches.~~ On corner lots, ~~double multi-~~frontage lots, or where the front yard is otherwise unclear, the determination of the location of the front yard shall be made by the Administrator of the BUILDS Department ~~Director of Community Development~~ or their designee.

YARD, REAR

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.

YARD, SIDE

A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

[CC 1999 §§26-2 — 26-3, 26-132; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 03-80 §1, 11-24-2003; Ord. No. 05-82 §1, 10-10-2005; Ord. No. 05-83 §1, 11-14-2005; Ord. No. 05-96 §1, App. A §1, 12-12-2005; Ord. No. 11-20 §1, 8-8-2011; Ord. No. 19-21, 11-5-2019]

HISTORY

Amended by Ord. 21-13 on 4/6/2021

Amended by Ord. 22-15 on 4/5/2022

405.640 Accessory Structures

- A. *Permitted Accessory Structures.* Any structure or use that meets the definition in Section **405.020** may be allowed as an accessory structure.
1. Accessory structures shall include, but are not limited to, the following permitted structures:
 - a. Structures incidental to a principal structure, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
 - b. Barn.
 - c. Playhouse.
 - d. Greenhouse.
 - e. Pool and bathhouses.
- B. *Use Limitations.* All accessory structures shall comply with the use limitations applicable in the zoning district in which they are located and with the following additional use limitations:
1. Accessory structures shall not be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory ~~to.~~ **unless the property is within the Agricultural Zoning District (AG).**
 2. Accessory structures shall not be permitted in any required front yard.
 3. No accessory structure allowed under this Section shall be used as a residence unless a certificate of occupancy is issued for residential use of that structure **and complies with the regulations stipulated in 405.648 Accessory Dwelling Units.** [Ord. No. 19-25, 12-10-2019]
 4. **Accessory structures shall not be placed or constructed in any easement without the permission of the Administrator of the BUILDS Department or their designee.**
 5. **Accessory Structures constructed in an Agricultural (AG) Zoning District.**
 - a. **May be constructed on a lot not occupied by a principal structure.**
 - b. **May be located in the required front yard as long as the accessory structure is agriculture in nature. Accessory structures located in the front yard shall abide by the zoning district's setback requirements as set forth in Article 405-V Height and Area Regulations of this chapter.**
- C. *Bulk, Setback And Spacing Regulations.* All accessory structures shall comply with the bulk, setback and spacing regulations applicable in the zoning district in which they are located and with the following additional regulations: [Ord. No. 19-25, 12-10-2019]
1. Accessory structures shall be set back a minimum of three (3) feet from the rear property lines.
 2. Accessory structures shall be set back a minimum of three (3) feet from the side property lines.
 - ~~3. Accessory structures shall otherwise comply with the bulk regulations applicable in the zoning district in which they are located.~~
 - ~~4. Accessory structures which include habitable spaces shall maintain the same setbacks as is required for the principal structure located on the lot. This only applies to accessory structures in the following zoning districts: Single Family Low Density ("R1-L"), Single Family Medium Density ("R1-M"), Single Family High Density ("R2-H"), and Two-Family Residential ("R-2"). Habitable spaces, as used in this Section, refers to any building space that is used for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closet, halls, storage or utility spaces and similar areas are not considered habitable spaces.~~
 3. Excepting swimming pools, spas, ~~pergolas, and unwallled carports,~~ **and** accessory structures **not enclosed by walls (i.e., but not limited to, pergolas and unwallled**

- carports) shall not be constructed closer than ten (10) feet of the principal structure on the lot.
4. Swimming pools shall not be constructed closer than five (5) feet of the principal structure on the lot.
 5. On a corner lot, accessory structures shall ~~not project beyond the front yard setback line on the adjacent lots.~~ abide by the principal structure's zoning district side street setback requirements set forth in Article 405-V Height and Area Regulations of this chapter.
 6. An accessory structure may not obstruct any site sight triangle. The definition and validity of a given site sight triangle shall be determined by the Administrator of the BUILDS Department or their designee ~~City Engineer.~~
 7. The maximum building structure height of accessory ~~buildings structures:~~
 - a. The maximum height of the tallest sidewall or post of accessory ~~buildings structures~~ shall not exceed fifteen (15) feet in height when located at least six (6) feet from the nearest property line.
 - b. Accessory ~~buildings structures~~ located less than six (6) feet from any property line shall not have the tallest sidewall or post exceeding a height determined according to the table below based upon the distance from the building structure to the nearest property line.
 - c. The maximum building structure height of accessory ~~buildings structures~~ shall be determined by measuring the height of the tallest sidewall or post of the building structure from the finished floor to the top plate, truss, or girder beam of the wall or post.

| GRADUATED INCREASE IN ACCESSORY STRUCTURE <u>SIDEWALL</u> HEIGHT | |
|---|--------------------------------|
| Distance From Nearest Property Line | Maximum Sidewall Height |
| = 3 feet and < 4 feet | = 12 feet |
| = 4 feet and < 5 feet | = 13 feet |
| = 5 feet and < 6 feet | = 14 feet |
| = 6 feet | = 15 feet |

8. Accessory structures to a residence on a single property shall not singularly or in total exceed seven percent (7%) of the total area of the lot. No accessory structure may exceed an area of six thousand (6,000) square feet for each five (5) acres of property owned.
 9. All accessory structures shall comply with the percentage of required landscaped area in the applicable zoning district in Section 405.770.
- D. Additional Regulations For Accessory Structures. [Ord. No. 17-20 § 2, 6-6-2017]
1. Accessory structures may require a driveway as determined by the Administrator of the BUILDS Department or their designee.
 2. All driveways accessing accessory structures from a public right-of-way or alley shall obtain approval from the City of Republic prior to installation of the driveway.
 3. All driveways accessing an accessory structure shall be constructed of a concrete or asphalt surface to the limits of the front of the accessory structure. Driveways accessing accessory

buildings within the Agricultural (AG) zoning district shall be exempt from the requirement of this Subsection **(D)(2)**.

[CC 1999 §26-50; Ord. No. 03-80 §1, 11-24-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 05-82 §1, 10-10-2005; Ord. No. 05-96 App. A §2, 12-12-2005; Ord. No. 07-38 §1, 5-29-2007; Ord. No. 10-24 §1, 6-14-2010]

HISTORY

Amended by Ord. [21-41](#) on 6/1/2021

405.643 Decks

- A. Purpose. The purpose of this section is to regulate Decks that:
1. Maintains enough open space between adjacent properties to reduce the number of nuisances and hazards.
- B. Limitations. All Decks shall comply with the following use limitations:
1. The provisions within this section are limited to residential zoning districts with a single-family dwelling and two-family dwelling as the principal structure.
 2. Shall not be permitted in the front yard unless it meets the principal structure's front yard setbacks requirements set forth in Article 405-V Height and Area Regulations of this chapter.
 3. Shall not be placed or constructed in any easement without the permission of the Administrator of the BUILDS Department or their designee.
 4. Decks that are enclosed or covered by a roof, awning, or portico and/or attached to the principal structure must abide by the principal structure's setbacks requirements set forth in Article 405-V Height and Area Regulations of this chapter.
- C. Development Standards.
1. Attachment to the Principal Structure.
 - a. Decks elevated more than (2) feet must be attached to the principal structure unless the freestanding deck is structurally supported with diagonal bracing to resist lateral loading and horizontal movement.
 2. Setbacks. All Decks Shall abide by the following setback requirements.
 - a. On a corner lot, decks shall abide by the principal structure's zoning district side street setback requirements set forth in Article 405-V Height and Area Regulations of this chapter.
 - b. A Deck may not obstruct any sight triangle. The definition and validity of a given sight triangle shall be determined by the Administrator of the BUILDS Department or their designee.
 3. Setbacks for Freestanding Decks. Freestanding decks shall abide by the following setback requirements.
 - a. Shall be setback a minimum of 10 feet from the rear property line.
 - b. Shall be setback a minimum of 6 feet from the side property line.
 - c. Decks that are elevated more than 10 feet shall be setback from the rear property line at the same distance as the elevation of the deck.
 4. Height of a Deck.

- a. To determine the height of a deck it shall be measured from grade to the top of the decking.
5. Bulk. Shall abide by the following bulk requirements.
- a. Not exceed seven percent (7%) of the total area of the lot in combination with other accessory structures.

405.648 Accessory Dwelling Units (ADUs)

A. Purpose. The purpose of this section is to regulate habitable accessory structures that:

- 1. Provide more housing options in an appropriate fashion with existing housing stock while efficiently using existing infrastructure.**
- 2. Maintain the character and scale of single-family residences and dwellings.**
- 3. Remain subordinate to the principal structure.**

B. Limitations. All ADUs shall comply with the following use limitations:

- 1. No lot may have more than one ADU.**
- 2. The provisions within this section are limited to zoning districts with a legal conforming single-family dwelling as the principal structure.**
- 3. This section regulates ADUs as defined in Article 405-I In General.**
- 4. The ADU must be subordinate in height and area to the principal structure on the same lot.**
- 5. The ADU will be limited to one bedroom.**

C. General Provisions. The following provisions will apply to any ADU permitted in the City of Republic.

- 1. Must be constructed on a permanent foundation.**
- 2. The applicant must obtain any required building permits deemed by the Administrator of the BUILDS Department or their designee prior to the issuance of a Certificate of Occupancy. The structure may not be occupied until a Certificate of Occupancy has been issued.**
- 3. The applicant shall provide an affidavit stating the following:**
 - a. The owner of the subject property intends to reside either in the principal structure or ADU.**
 - b. That the ADU or principal structure will only be rented or leased to a family member.**

D. Development Standards

- 1. Setbacks. Shall abide by the principal structure's zoning district setback requirements set forth in Article 405-V Height and Area Regulations of this chapter and with the following additional setback requirements.**
 - a. Shall not be located in any front yard.**
 - b. Shall not be constructed closer than ten (10) feet to the principal structure**

or any other accessory structure on the lot.

2. Bulk. The maximum square footage of an ADU shall:
 - a. Not exceed fifty percent (50%) of the principal structure.
 - b. Not exceed seven percent (7%) of the total area of the lot in combination with other accessory structures.
3. Parking. At least one additional off-street parking space, constructed of concrete or asphalt surfaces, will be required.
 - a. This requirement may be exempted if the existing off-street parking of the lot has more than the required minimums as outlined in Article 405-VI Off-Street Parking and Loading Requirements.
 - b. If additional construction of parking is required, it must meet the dimensions set forth in Article 405-VI Off-Street Parking and Loading Requirements.
 - c. All driveways accessing ADUs from a public right-of-way shall obtain approval from the BUILDS Department prior to construction of the driveway.
4. Access. If the appropriate fire services cannot be served by the placement of the ADU fire access shall be constructed.



EXHIBIT A

Project/Issue Name: ORD 22-004. Public Hearing and Possible Vote to Recommend the Approval of Amendments and Addition of Sections to Chapter 405 Zoning Regulations

Submitted By: BUILDS Department

Presented By: Patrick Ruiz, Associate Planner

Date: February 13, 2023

ISSUE IDENTIFICATION

Consideration to approve Amendments and Addition of Sections to Chapter 405 Zoning Regulations

DISCUSSION AND ANALYSIS

The City of Republic is requesting Amendments to Chapter 405 Zoning Regulations— specifically to Sections 405.020 Definitions and 405.640 Accessory Structures; plus, the Additions of Sections that will be referenced as 405.643 Decks and 405.648 Accessory Dwelling Units. In general, all amendments and additions revised the current ordinance as necessary to ensure clarity and concision on constructing an Accessory Structure, Accessory Dwelling Unit, or Deck for residential lots.

Together the amendments of 405.020 Definitions served three purposes. The following definitions were added to enhance current and future sections:

- *Affidavit* - A Legal binding written statement, by oath, that the statements are true to the best of the signee's knowledge.
- *Accessory Dwelling Unit (ADU)* - A habitable structure or unit incidental to and detached from a single-family home located on the same lot.
- *Deck* - A structure that provides an outdoor floor and is supported by a frame, posts, and footings.
- *Deck, Elevated* - Any deck that measures two (2) feet or more from grade to the top finish floor of the decking.
- *Principal Structure* - The structure constructed on the lot intended for the purpose of the main use and conforms to the designated zoning district's regulations.



EXHIBIT A

- *Sight visibility triangle* - Areas at the corners of road and driveway intersections where views of approaching traffic should not be obstructed.

The following definitions were amended for content:

- *Carport* – A structure open on at least two (2) sides used for the purpose of providing vehicular protection. Carports shall not be located within ~~side or~~ front yard setbacks.
 - Currently the definition does not allow carports to be in the side yard. The amendment will allow residents to place a carport in the side yard so long as they meet all the required setbacks.
- *Yard, Front* – A yard extending across the front of a lot and being the minimum horizontal distance between the right-of-way or property line and the main building or any projections thereof ~~other than the projections of the usual uncovered steps, unenclosed balconies or unenclosed porches.~~ On corner lots, ~~double multi-~~frontage lots, or where the front yard is otherwise unclear, the determination of the location of the front yard shall be made by the Administrator of the BUILDS Department ~~Director of Community Development~~ or their designee.
 - The definition of a Front Yard Setback allows for the exclusion of projecting uncovered steps, unenclosed balconies, or unenclosed porches. This contradicts the overall definition of a setback which is - The minimum distance required between the property line and a point of the structure nearest the property line. Thus, the amendment will remove the exclusions currently allowed.

The following definitions were amended to provide clarification on grammar errors or streamlining previous terminology used for past Department names and titles:

- *Basement*
- *Floor Area*
- *Grade*

The amendments in section 405.640 Accessory Structures addressed the following purposes:

- Redact any redundant language that would be addressed in the two new added sections or add language that would refer to those sections.
- Provides for more flexibility of constructing Accessory Structures within an agriculturally zoned parcel of land.
- Redact the language of “not project beyond the front yard setback line on the adjacent lots” and change it to “abide by the principal structure’s zoning district side street setback requirements” for corner lots. This revision will allow for more freedom of buildable space for accessory



EXHIBIT A

structures, while still ensuring there is enough space to allow visibility for adjacent properties and public right-of-way.

- Restructuring the height regulations to add building language that will work for accessory structures that do not have any walls.
- Adding language that allowed city staff to require driveways to Accessory Structures to ensure the integrity of City infrastructure.
- Provide clarification on grammar errors or streamlining previous terminology used for past Department names and titles.

The addition of Section 405.643 Decks:

This section was added due to the character of decks having features that both resembles accessory structures and additions to a home. The verbiage in this section clarifies when a deck will be deemed an addition or an accessory structure to a principal structure, and which setback regulations a deck must adhere to.

The purpose of adding a separate section for decks is to facilitate spacing of structures in order to prevent related nuisances and hazards. It also allows staff to appropriately permit decks that have unique features in comparison to other accessory structures and home additions.

The addition of Section 405.648 Accessory Dwelling Units (ADUs):

The purpose of this section is to provide more housing options in an appropriate fashion with existing housing stock while efficiently using existing infrastructure. Due to the rise of housing prices, there has been a small rise in interest for ADUs. However, the current Zoning Chapter lacks a sufficient guidance for staff to help residents develop such units.

This section provides regulations that maintain the character and scale of single-family residences and dwellings while ensuring ADUs are subordinate to the principal structure. The following areas were addressed during the writing of such section:

- Limit the number of ADUs on a lot to one.
- The height and area of an ADU shall be subordinate to the principal structure.
- Maintain existing density standards of the zoning district by requiring ADUs to adhere to the same setback regulations as the principal structure.
- Prior to occupation a Certificate of Occupancy must be obtained.
- An affidavit will be required to ensure that the owner of the property will reside in either the ADU or principal structure, and that neither one will be rented or leased to a non-family member.



EXHIBIT A

In addition, the amendment addresses parking and access for fire services to ensure sufficient flow of traffic will not be impeded to adjacent properties.

STAFF RECOMMENDATION

Staff recommends the approval of the referenced Amendments and Addition of Sections.



EXHIBIT B

Project/Issue Name: **ORD 23-001.** Public Hearing and Possible Vote to Recommend the Approval of Amendments to Chapter 405 Zoning Regulations Relating to Recreational Marijuana

Submitted By: BUILDS Department

Presented By: Chris Tabor, Principal Planner

Date: February 13, 2023

ISSUE IDENTIFICATION

Consideration to approve Amendments to Chapter 405 Zoning Regulations, specifically 405.020, 405.150, 405.165, 405.170, and 405.180.

DISCUSSION AND ANALYSIS

The City of Republic is requesting Amendments to Chapter 405 Zoning Regulations– specifically to Sections 405.020 Definitions, 405.150 “C-1” Local Commercial District Regulations, 405.165 “C-3” General Commercial District, 405.170 “M-1” Light Industrial District Regulations, and 405.180 “M-2” Heavy Industrial District Regulations.

Following the legalization of medical marijuana by Missouri voters, City Staff presented code amendments, recommended by the Planning and Zoning Commission and adopted by City Council, providing for the sale and use of marijuana for strictly medical purposes. Last November, Missouri voters opted to amend the Article XIV of the Missouri Constitution by adding provisions for recreational marijuana use by members of the general public aged twenty-one years or older. These changes have ramifications for City law by mandating new uses to be reflected in local zoning ordinances.

The amendments serve the purpose of aligning the City of Republic Municipal Code with the changes to Article XIV of the Missouri State Constitution, by assigning zoning districts for these new uses.

The amendments to Chapter 405 reflect two elements of the changes made to Article XIV of the Missouri Constitution. First, they update the existing definitions relating to medical marijuana. Second, they add the new terms relating to recreational marijuana and integrate the associated uses with appropriate zoning districts. All of the definitions put forth utilize the language of Article XIV of the Missouri Constitution.

**EXHIBIT B**

The changes to existing medical marijuana definitions are mostly clarifications of language. Of note, are the following items:

- Definitions are now included for “prerolls”, or marijuana cigarettes, which may be produced and sold at “medical marijuana cultivation facilities” and ‘medical marijuana dispensary facilities.”
- Activities for “medical marijuana cultivation facilities” and ‘medical marijuana dispensary facilities” now include not only marijuana but marijuana seeds and marijuana vegetative cuttings, as well.
- A “medical marijuana dispensary facility” may conduct their business anywhere on the licensed property or to any legally allowable address provided by the patient or primary caregiver.

New elements appearing in the code concern the addition of facilities where marijuana may be cultivated, infused, or dispensed for both medical and recreational purposes. There are two new facility-types being introduced – comprehensive facilities and microbusiness facilities. Comprehensive facilities are further broken down into three sub-types:

1. “Comprehensive Marijuana Cultivation Facility” – These facilities are licensed to grow for wholesale marijuana and to produce prerolls for both medical and recreational purposes.
2. “Comprehensive Marijuana Dispensary Facility” – These facilities are licensed for retail sale of marijuana, marijuana-infused products, and prerolls for both medical and recreational purposes.
3. “Comprehensive Marijuana-Infused Products Manufacturing Facility” – These facilities are licensed to manufacture and wholesale marijuana-infused products such as edibles, concentrates, oils, or other forms of marijuana extract for both medical and recreational purposes.

Microbusiness facilities are a separate category of licensing intended to bring social equity to provisioners of marijuana in Missouri. These licenses are assigned to members of an applicant pool who meet certain criteria related to income, marijuana incarceration, disabilities, education, or who reside in a Census Tract exhibiting hardships of a similar nature. Microbusiness facilities are of two sub-types:

1. “Microbusiness Dispensary Facility” – These facilities are licensed for retail sale of marijuana, marijuana-infused products, and prerolls for both medical and recreational purposes.
2. “Microbusiness Wholesale Facility – These facilities are licensed to cultivate up to 250 flowering marijuana plants at any given time, as well to manufacture and wholesale marijuana and marijuana-infused products such as edibles, concentrates, oils, or other forms of marijuana extract for both medical and recreational purposes.

The aforementioned facility types have been assigned to the zoning districts in accordance with the category of activities in which those facilities engage. This amendment proposes the addition of the following uses to the City’s zoning districts:

- Retail Commercial (C-1)



EXHIBIT B

- Comprehensive Marijuana Dispensary Facility
 - Microbusiness Dispensary Facility
- General Commercial District (C-3)
 - Comprehensive Marijuana Dispensary Facility
 - Microbusiness Dispensary Facility
- Light Industrial (M-1)
 - Comprehensive Marijuana-Infused Products Manufacturing Facility
- Heavy Industrial (M-2)
 - Comprehensive Marijuana Cultivation Facility
 - Microbusiness Wholesale Facility

These assignments mirror those previously made for medical marijuana facilities.

STAFF RECOMMENDATION

Staff recommends the approval of the referenced Amendment.

405.020 Definitions

1. For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. For the purpose of this Chapter, certain terms and words are to be used and interpreted as defined below:

AGRICULTURAL PROCESSING The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

AGRICULTURAL SALES AND SERVICE A use primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

AGRICULTURE, GENERAL The use of land for the production of livestock, dairy products, poultry or poultry products.

AGRICULTURE, LIMITED The use of land for the production of row crops, field crops, tree crops or timber.

ALLEY All property dedicated or intended for public or private street purposes or subject to public easements therefore, and less than sixteen (16) feet in width from property line to property line.

BAR OR TAVERN A building or structure devoted primarily to the selling, serving or dispensing for consumption of malt, vinous, or other alcoholic beverages in which the incidental selling or serving of food may also occur. This definition includes any building or structure in which include the brewing, distilling, or vintning of alcoholic beverages is performed therein, so long as such beverages are sold, served, and/or dispensed for retail sale directly to the consumer, and not intended for or put to any wholesale use.

BASEMENT That enclosed part of a building having at least two (2) feet of its height below the average grade of the adjoining ground.

BERM An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BOARDING HOUSE or LODGING HOUSE A building, other than a hotel or apartment

hotel, where, for compensation and by pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUFFER Land area typically containing trees, shrubs and other plants, berms, fences or walls and used to visibly separate one (1) use from another or to block noise, lights or other nuisances.

BUILDING Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

BUILDING, HEIGHT OF The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BULK PLANE A theoretical plane beginning at a lot line, or other locations as set forth in the Code and rising over an acute slope determined by an acute angle measured up from the horizontal point. The bulk plane defines the relationship between the height of a structure and the structure's setback from the lot line.

CARPORT A structure open on at least two (2) sides used for the purpose of providing vehicular protection. Carports shall not be located within side or front yard setbacks.

CLINIC An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

CO-LOCATION Locating wireless communications equipment for more than one (1) provider at a single communications facility.

COMPREHENSIVE FACILITY

A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

A facility licensed by the Missouri Department of Health and Senior Services or its successor agency to acquire, cultivate, process, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority

to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by the Missouri Department of Health and Senior Services or its successor agency to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient or primary caregiver, as defined by Article XIV of the Missouri Constitution, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of Article XIV of the Missouri Constitution and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, in accordance with Missouri law and with general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the Missouri Department of Health and Senior Services or its successor agency to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

CONIFER Evergreen trees and shrubs that bear both seeds and pollen on dry scales arranged as a cone.

CONVENIENCE STORE Any building or structure used for the dispensing, sale or offering for sale at retail of any automobile fuels, which may include retail sales, not to include any type of automobile related service or repair.

CULTIVATED LANDSCAPE AREA Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

DAY CARE

1. **FAMILY DAY CARE HOME:** A family home, occupied by the day care provider, in which family-like care is given to six (6) children or less, not related to the provider, for any part of the twenty-four (24) hour day. The maximum number of children under two (2) years of age shall be three (3).
2. **GROUP DAY CARE HOME:** A family home, occupied by the day care provider, in which family-like care is given to seven (7) but not more than ten (10) children, not related to the provider, for any part of the twenty-four (24) hour day. The maximum number of children under two (2) years of age shall be two (2) unless there is a full-time adult assistant, in which case the maximum number of children under two (2) years shall be four (4).

DAY CARE CENTER

Is either:

3. A family home where more than ten (10) children are cared for, not related to the provider, for any part of the twenty-four (24) hour day, or
4. A building other than a family home in which more than four (4) children are cared for, not related to the provider, for any part of the twenty-four (24) hour day.

DECIDUOUS

A plant with foliage that is shed annually.

DISTRICT

A section or sections in the City of Republic within which the zoning regulations are uniform.

DROPLINE

A vertical line extending from the outermost branches of a tree to the ground.

DWELLING

A building or portion thereof designed or used exclusively for residential occupancy, but not including home trailers, mobile homes, hotels, motels, boarding houses and lodging houses, tourist courts or tourist homes.

DWELLING, MULTIPLE

A building designed for or occupied exclusively by more than two (2) families.

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two (2) families.

ECOSYSTEM

A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

ENTITY

A natural person, corporation, professional corporation, non-profit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

[Ord. No. 19-28, 12-10-2019]

EVERGREEN

A plant with foliage that persists and remains green year-round.

EXTERIOR STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders that is visible from the exterior of a building or structure or any substantial change in the roof or in exterior walls of a building or structure.

FAMILY

The following living arrangements shall constitute a family for the purposes of this Chapter:

5. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or
6. Three (3) or less unrelated persons living as a single housekeeping unit; or
7. Two (2) unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

FILLING STATION

Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels. The sale of oils or accessories, including lubrication of automobiles and replacement and installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or painting.

FLOOR AREA

The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building. It does include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

FRONTAGE

The distance along a street line from one (1) intersecting street to another or from one (1) intersecting street to the end of a dead-end street.

FURNISH

To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

GARAGE, PRIVATE

A detached building or portion of a main building housing the automobiles of the occupants of the premises.

GARAGE, PUBLIC

A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "repairing" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE

A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE

The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street, an average sidewalk elevation is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.

GROUND COVER

Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

GROUP HOME

Any home in which eight (8) or fewer unrelated mentally or physically handicapped person reside and may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the

mentally or physically handicapped persons residing in the home.

GUYED TOWERS

A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HEDGE

A landscape barrier consisting of a continuous, dense planting of shrubs.

HOME OCCUPATION

Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member(s) of a family residing on the premises.

HOTEL

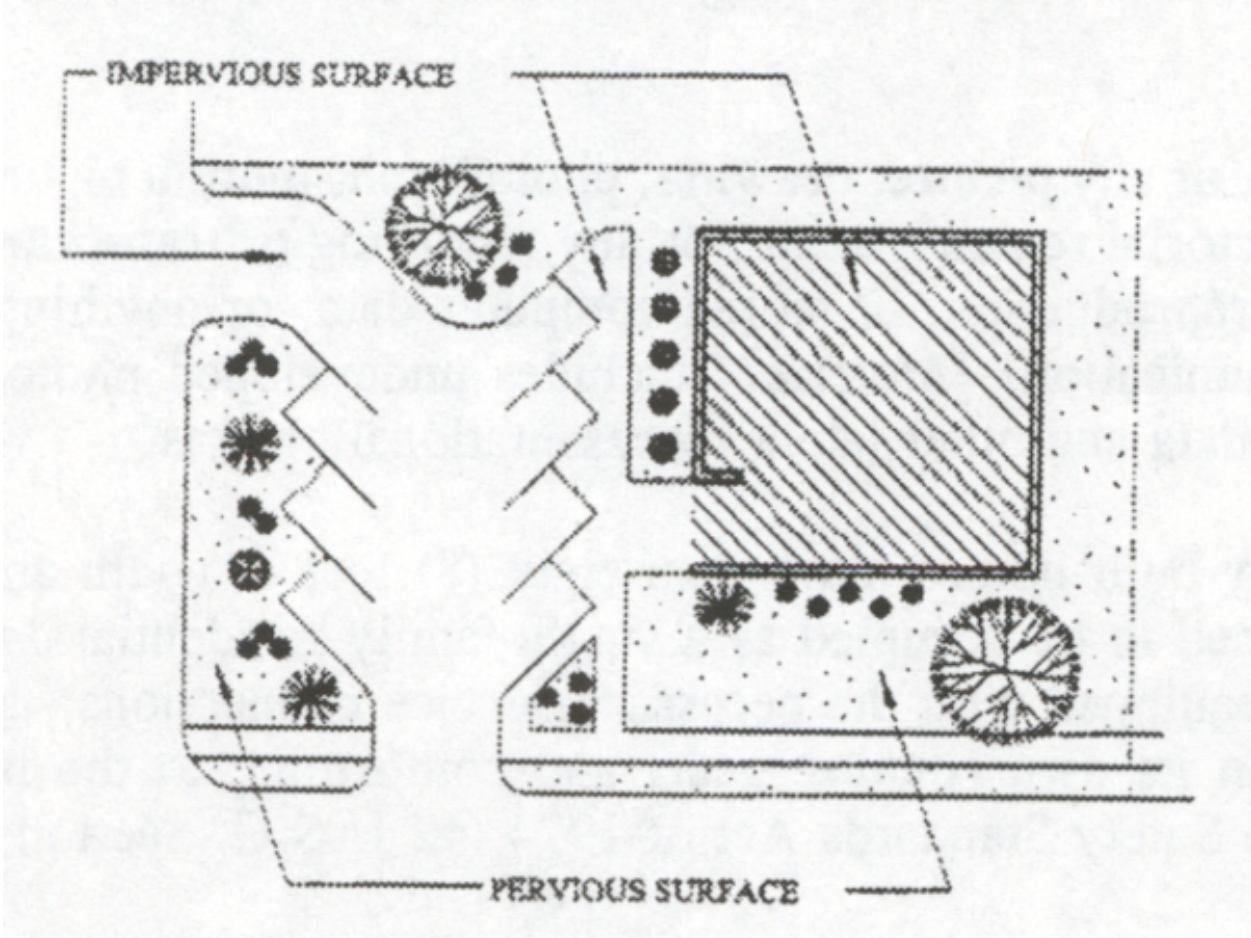
A building in which lodging, or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding house, lodging house, or an apartment house which are herein separately defined.

INFUSED PREROLL

A consumable or smokable marijuana product, generally consisting of: (1) a wrap of paper, (2) a dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

IMPERVIOUS, PERVIOUS SURFACE

Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of stormwater, likewise, a pervious surface is any surface that allows for the absorption of stormwater.



INSTITUTION

A non-profit establishment for public use.

IRRIGATION SYSTEM

A permanent, artificial watering system designed to transport and distribute water to plants.

LATTICE TOWER

A guyed or self-supporting three (3) or four (4) sided, open, steel frame structure used to support telecommunications equipment.

LOADING SPACE

A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

LODGING HOUSE or ROOMING HOUSE

Same as "Boarding House."

LOT

A

parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by the ordinance, and having its principal frontage upon a street or upon an officially approved place.

LOT OF RECORD

A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of the County of Greene, Missouri, or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to the adoption of this Chapter.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

MANUFACTURED HOMES

Factory-built structures; transportable in one (1) or more sections which are twenty-four (24) feet or more in width and forty-two (42) feet or more in length when assembled; designed to be occupied as a permanent single-family residential dwelling; not constructed or equipped with a permanent hitch or other device intended for the purpose of moving the structure from one place to another, other than for moving to a permanent site from the factory or distributor; has no permanently attached wheels or axles; installed on a permanent foundation; equipped with the necessary service connections; designed, manufactured, and certified to conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401).

MARIJUANA or MARIHUANA

Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp ~~containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (3/10 of 1%) on a dry weight basis, as defined by Article XIV of the Missouri Constitution,~~ or commodities or products manufactured from industrial hemp.

[Ord. No. 19-28, 12-10-2019]

MARIJUANA-INFUSED PRODUCTS

Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an e

xtract thereof ~~and are intended for use or consumption other than by smoking~~, including, but not limited to, ~~edible products, ointments, tinctures and concentrates~~ **products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.**

[Ord. No. 19-28, 12-10-2019]

MARIJUANA MICROBUSINESS FACILITY

A facility licensed by the Missouri Department of Health and Senior Services or its successor agency as a microbusiness dispensary facility or a microbusiness wholesale facility, as defined in Article XIV of the Missouri Constitution.

MATERIAL

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

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the Department of Health and Senior Services or its successor agency to acquire, cultivate, process, **package**, store **on site or off site**, transport **to or from**, and sell marijuana, **marijuana seeds, and marijuana vegetative cuttings (also known as clones)** to a medical marijuana dispensary facility, medical marijuana testing facility, **medical marijuana cultivation facility**, or to a medical marijuana-infused products manufacturing facility. **A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.**

[Ord. No. 19-28, 12-10-2019]

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the Department of Health and Senior Services **or its successor agency**; to acquire, **process, package**, store **on site or off site**, sell, transport **to or from**, and deliver marijuana, **marijuana seeds, and marijuana vegetative cuttings (also known as clones)**, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in ~~the~~ Article XIV **of the** Missouri Constitution to a qualifying patient, a primary caregiver, **anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana,** another medical marijuana dispensary facility, a medical marijuana testing facility, **a medical marijuana cultivation facility**, or a medical marijuana-infused products m

manufacturing facility. **Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.**

[Ord. No. 19-28, 12-10-2019]

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the Department of Health and Senior Services, to acquire, **process, package, store on site or off site, manufacture, transport to and from, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, a medical marijuana cultivation facility,** or to another medical marijuana-infused products manufacturing facility.

[Ord. No. 19-28, 12-10-2019]

~~MEDICAL~~ MARIJUANA TESTING FACILITY

A facility certified by the Department of Health and Senior Services, to acquire, test, certify, and transport marijuana, **including those originally certified as a medical marijuana testing facility.**

[Ord. No. 19-28, 12-10-2019]

MEDICAL USE

The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

[Ord. No. 19-28, 12-10-2019]

MICROBUSINESS DISPENSARY FACILITY

A facility licensed by the Missouri Department of Health and Senior Services or successor agency to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for by Article XIV of the Missouri Constitution to a consumer, qualifying patient, as that term is defined by Article XIV of the Missouri Constitution, or primary caregiver, as that term is defined by Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of Article XIV of the M

Missouri Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

MICROBUSINESS WHOLESALE FACILITY

A facility licensed by the Missouri Department of Health and Senior Services or successor agency to acquire, cultivate, process, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

MOBILE HOME

Transportable, factory-built homes more than eight (8) feet in width and more than thirty-six (36) feet in length; designed to be occupied as a single-family residential dwelling; not placed on a permanent foundation; equipped with the necessary service connections; designed and manufactured to be transportable on its own running gear; and conforming to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401).

MODULAR HOME

Factory-built, transportable dwelling unit designed to be used by itself or to be incorporated with similar units at a point of use into a modular structure to be used for single-family housing, bearing the seal of the Missouri Public Service Commission indicating compliance with the State of Missouri Standards and Regulations for Modular Homes.

MONOPOLE TOWER

A communication tower constructed without the use of guy wires and ground anchors and consisting of only a single pole (also known as self-supporting tower).

MOTEL

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, a lodging house or an apartment house which are herein separately defined.

MULCH

N

on-living organic and synthetic materials customarily used in landscaping design to retard erosion and retain moisture.

NON-CONFORMING USE

The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

OPEN SPACE

Open space shall be interpreted to mean:

8. All areas of natural plant communities or area replanted with vegetation after construction, such as revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns; and
9. Other areas allowed to be counted as open space as per the City of Republic Zoning and Design Code.

ORNAMENTAL TREE A deciduous tree planted primarily for its ornamental value or for screening purposes.

OVERNIGHT SHELTER

A facility providing temporary lodging on a daily basis, with or without meals, for primarily indigent, needy, homeless or transient persons.

PARKING AREA

That portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

PARKING SPACE

A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PERFORMANCE

Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PERGOLA An outdoor accessory structure consisting of vertical posts or pillars and supporting cross-beams and without walls, forming a shaded walkway, passageway, or sitting area, not attached to another structure.

PERIMETER, LANDSCAPING

A six (6) foot greenspace strip which surrounds the entire premise, not including

where a landscaped street buffer is required.

PERVIOUS SURFACE

See "Impervious Surface."

PLANT COMMUNITY

A natural association of plants that are dominated by one (1) or more prominent species, or a characteristic physical attribute.

PLANT SPECIES – PROHIBITED

Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

PORTABLE BUILDING

A subordinate building less than two hundred (200) square feet, the use of which is incidental to that of the main building, dwelling or premises, which is not erected on a permanent foundation. Portable buildings shall be constructed, erected and located in a manner that provides a convenient means of relocation.

PREMISE

Any land, consisting of one (1) or more lots or tracts of land, under single or multiple ownership, which operates as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:

10. Shared parking.
11. Common management.
12. Common identification.
13. Common access.
14. Shared circulation.

PREROLL

A consumable or smokable marijuana product, generally consisting of: (1) a wrap of paper and (2) a dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

PRESERVE AREAS

Vegetative areas required to be preserved by law.

PROMOTE

To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer.

SCREEN

A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

SETBACK

The minimum distance required between the property line and a point of the structure nearest the property line.

SETBACK, SIDE STREET

The minimum distance required between a point of the structure nearest the right-of-way line of a street located on the side of the structure.

SEXUALLY ORIENTED BUSINESS

An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual encounter center as further defined by reference to the definition of those terms as now or hereafter defined in Section 573.528, RSMo., or as may be adopted in the City Code in a manner not inconsistent with Section 573.528, RSMo.

SHADE TREE

A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

SHRUB

A self-supporting woody perennial plant of low-level woody, perennials plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at its maturity.

STORAGE, PERSONAL OR SELF STORAGE

A building or group of buildings, commonly referred to as mini-storage, consisting of individual, small, self-contained units that are available on a rental basis for the storage of business and household goods or contractor's supplies.

STORY

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story

containing independent apartments or living quarters shall be counted as a full story.

STREET

All property dedicated or intended for public or private street purposes or subject to public easements therefore and more than sixteen (16) feet in width from property line to property line.

STREET LINE

A dividing line between a lot and a contiguous street.

STRUCTURAL ALTERATIONS

Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

STRUCTURE

Anything constructed or erected, the use of which requires more or less ground.

STRUCTURES, ACCESSORY

A structure that:

15. Is subordinate to and serves a principal structure,
16. Is subordinate in area, extent or purpose to the principal structure,
17. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure,
18. Is located on the same lot as the structure.

TOWER or COMMUNICATION TOWER

Any structure that is designed and constructed for the purpose of supporting one (1) or more antennas; including lattice towers, guy towers or monopole towers. This definition also includes any structure in which supporting the antenna array is not the primary purpose of the structure such as a water tower or utility pole. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one (1) or more antennas, despite the fact that such structure may currently, or in the future, actually support one (1) or more antennas, not to exceed ten (10) feet above the apex of the roof in residentially zoned districts such as: satellite dishes, television antennas and radio antennas.

TRAILER OR MOBILE HOME

A vehicle used for living purposes and standing or designed to stand on wheels or rigid supports.

TRAILER PARK

An area where one (1) or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one (1) or more families.

TREE

Any self-supporting woody perennial plant which has a trunk diameter of two (2) inches or more and which normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

UNDERSTORY

Assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of trees.

USE

The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

VEGETATION, NATIVE

Any plant species with a geographic distribution indigenous to all or part of the State of Missouri. Plant species which have been introduced by man are not native vegetation.

VEHICLE ACCOMMODATION AREA

A lot that is used by vehicles for access, circulation, parking, loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas.

VIABLE

When referring to a tree, shrub, or other type of plant, is a plant that, in the judgment of the City Planner, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

WHOLESALE PROMOTE

To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.

WOODLANDS, EXISTING

Existing trees and shrubs of a number, size and species that accomplish the same

general function as new plantings.

XERISCAPE

Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

YARD

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT

A yard extending across the front of a lot and being the minimum horizontal distance between the right-of-way or property line and the main building or any projections thereof other than the projections of the usual uncovered steps, unenclosed balconies or unenclosed porches. On corner lots, multi-frontage lots, or where the front yard is otherwise unclear, the determination of the location of the front yard shall be made by the Director of Community Development or their designee.

YARD, REAR

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.

YARD, SIDE

A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

[CC 1999 §§26-2 — 26-3, 26-132; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 03-80 §1, 11-24-2003; Ord. No. 05-82 §1, 10-10-2005; Ord. No. 05-83 §1, 11-14-2005; Ord. No. 05-96 §1, App. A §1, 12-12-2005; Ord. No. 11-20 §1, 8-8-2011; Ord. No. 19-21, 11-5-2019]

HISTORY

Amended by Ord. [21-13](#) on 4/6/2021

Amended by Ord. [22-15](#) on 4/5/2022

405.150 "C-1" Local Commercial District Regulations

- A. *Purpose.* The intent of the "C-1" Commercial District is to permit retail and service related business with a compatible location adjacent to similar uses.
- B. *Uses Permitted.*
1. Automobile parts and accessory stores when entirely enclosed within the building.
 2. Accessory building or use.
 3. Bar or tavern
 4. Bowling alley; dance halls; video game arcades; billiard parlors; roller-skating; ice-skating; or movie theaters, excluding drive-in theaters.
 5. Churches or other places of worship, including parish houses, Sunday schools and temporary outdoor revivals, on a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, bufferyards and proper site design to lessen impact on adjoining residential neighborhoods. The requirements of Article VI and X regarding parking, loading, landscaping, and open space shall be required. Overnight shelters shall not be permitted.
 6. **Comprehensive marijuana dispensary facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
 7. Convenience store.
 8. Day-care center.
 9. General retail businesses including pawn shops and second-hand stores; pet stores; print shops and photocopying establishments; restaurants including drive-in, pick-up, and drive-up facilities; doughnut shops; package liquor; book; tobacco; furniture; appliance; drug; grocery; flower; jewelry; clothing.
 10. Government buildings and associated uses.
 11. Medical marijuana dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances. [Ord. No. 19-28, 12-10-2019]
 12. **Microbusiness dispensary facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
 13. Motel, Hotel, Inn or related place of lodging.

14. Off-street parking lot.
 15. Office or office buildings including health clinics, medical doctors and dental offices; hospitals; banks; financial institutions including automatic teller machines and drive-thru facilities; accountants; real-estate; engineering; architecture and other professional service offices.
 16. Personal service establishments including beauty parlors; barbershops; custom tailoring; dry cleaning and laundry pick-up; shoe repair; self-service laundromats; express or mailing offices; hearing aid and eye glass shops.
 17. Private schools and studios for art, dance, drama, music or photography and private and publicly funded schools, preschools and daycare facilities.
 18. Residential uses provided such uses are located above the first floor or behind non-residential uses in a single attached mixed-use building, so as to create a continuous non-residential facade, on the first-floor level along all street frontages.
 19. Temporary or seasonal tents or trailers pertaining to the sale of Christmas trees, pumpkins, plants, flowers, fruits and vegetables. The sale of merchandise from traveling vendors under tents or other temporary facilities are not permitted except by issuance of a special use permit.
Temporary facilities shall not be permitted beyond a three (3) month period per year, unless permitted as a permanent structure.
 20. Temporary, portable food and drink carts or stands, etc. not to include the use of tables or dining areas for the public. Temporary facilities shall not be permitted beyond a three (3) month period per year and shall further be subject to the issuance of a building permit for such uses.
 21. Undertaking establishments.
 22. Veterinarian, dog grooming, boarding, pet daycare, or similar place of animal care, provided that only treatment or care be given to animals kept within the building. No outside cages, kennels, fences, equipment, materials, or accessories to the business shall be stored outside or used on the premises.
- C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
- D. *Design Standards.*
1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.
 2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.
 3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
 4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.

- 5. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004]

HISTORY

Amended by Ord. [21-13](#) on 4/6/2021
Amended by Ord. [22-15](#) on 4/5/2022

405.165 "C-3" General Commercial District

- A. *Intent.* The zoning of property as "C-3" is intended to provide for retail and wholesale sales and services with only minor restrictions.
- B. *Uses Permitted.*
1. Residential building construction.
 2. Heavy and civil engineering construction.
 3. Specialty trade contractors.
 4. Merchant wholesalers, durable goods.
 5. Merchant wholesalers non-durable goods.
 6. Motor vehicle and parts dealers.
 7. Furniture and home furnishings stores.
 8. Electronics and appliance stores.
 9. Building material and garden equipment and supplies dealers.
 10. Food and beverage stores.
 11. Health and personal care stores.
 12. Gasoline stations.
 13. Clothing and clothing accessories stores.
 14. Sporting goods, hobby and music stores.
 15. General merchandise stores.
 16. Miscellaneous store retailers such as florists, office supplies, stationery, gift stores, novelty and souvenir stores, used merchandise stores, pet and pet supplies stores, art dealers, manufactured home dealers, tobacco stores.
 17. Non-store retailers.
 18. Truck transportation.
 19. Transit and ground passenger transportation.
 20. Support activities for transportation.
 21. Postal service.
 22. Couriers and messengers.
 23. Publishing industries.
 24. Motion picture and sound recording industries.
 25. Broadcasting.
 26. Internet publishing and broadcasting.
 27. Telecommunications.
 28. Internet service providers.
 29. Finance and insurance offices.
 30. Real estate, rental and leasing.
 31. Professional, scientific and technical services.
 32. Management of companies and enterprises.
 33. Administrative and support services.
 34. Educational services.
 35. Health care and social assistance.
 36. Arts, entertainment and recreation.
 37. Accommodation and food services.

38. Repair and maintenance.
 39. Personal and laundry services.
 40. Religious, grantmaking, civic, professional and similar organizations.
 41. Executive, legislative and other general government services.
 42. Medical marijuana dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances. [Ord. No. 19-28, 12-10-2019]
 43. **Comprehensive marijuana dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
 44. **Microbusiness dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
 45. General retail businesses including pawn shops and second-hand stores; pet stores; print shops and photocopying establishments; restaurants including drive-in, pick-up, and drive-up facilities; doughnut shops; package liquor; book; tobacco; furniture; appliance; drug; grocery; flower; jewelry; clothing.
 46. Bar or tavern
- C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
- D. *Design Standards.*
1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.
 2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.
 3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
 4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.
 5. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.

E. *Site Plan Review*. Development in the "C-3" District shall be subject to site plan review requirements and procedures.

[Ord. No. 06-58 §1, 8-14-2006]

HISTORY

Amended by Ord. [22-15](#) on 4/5/2022

405.170 "M-1" Light Industrial District Regulations

A. *Purpose.* The intent of the "M-1" Light Industrial District is to provide a designated location for restricted manufacturing and related uses which are separated from dissimilar uses.

B. *Uses Permitted.*

1. Any use permitted in a "C-2" Zoning District.
2. Industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, odor, gas, smoke or noise is emitted and not more than fifty percent (50%) of the lot is used for the open storage of products, materials or equipment.
3. Any establishment which provides for the manufacture and/or shipping of products or goods relating to the manufacturing of brooms; candles; carpet; clothing; creamery or dairy products; bottling plant, furniture; ice; insulation; various machines; mattresses; pharmaceuticals; paper; textiles; or similar manufacturing of preassembled parts.
4. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service.
5. Agriculture implements sales and service, excluding the storage of scrap or wrecked tractors; parts; and associated agriculture implements.
6. Auto or vehicle racing tracks, including go-carts, motorcycle or relating events or attractions given that such use is located not less, than two thousand (2,000) feet from any residential district.
7. Mobile home, manufactured or modular homes sales, excluding the manufacturing of the same.
8. *Communication towers.* Communication towers shall be located in accordance with the following restrictions:
 - a) *Setbacks.* The following setbacks shall apply to all communication towers:
 - (1) The minimum setback from all property lines shall equal to fifty percent (50%) of the height of the tower.
 - (2) The minimum setback from the edge of any existing or planned right-of-way shall be eighty (80) feet.
 - (3) The minimum setback from any residential district shall be two hundred (200) feet.
 - (4) Peripheral supports and guy anchors for towers may be located within required setbacks, provided that they shall be entirely within the boundaries of the property on which the tower is located and shall be no closer than fifty (50) feet from any residential district.
 - b) *Height.* The principal support structure for communication towers shall be permitted to exceed the height limit of the zoning district in

which it is located, provided that setback standards of this section shall apply.

- c) A security fence or wall of not less than seven (7) feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:
 - (1) Access to the tower shall be through a locked gate in the required fence or wall.
 - (2) If the communication tower is adjacent to a residential district or a lot occupied by a residential dwelling unit, the required fencing shall consist of a masonry wall or solid fence with trees and shrubs planted along the exterior of the fence or wall. At least one (1) tree and two (2) shrubs shall be required for each thirty linear feet of wall or fencing.
 - (3) If high voltage is necessary for the operation of the communication tower and it is present in ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE — DANGER"
- d) *Airport approach paths.* Communication towers shall not encroach into or through any public or private airport approach path as established by the Federal Aviation Administration (FAA).
- e) *Removal of obsolete towers.* All obsolete or unused communication towers shall be removed within twelve (12) months of cessation of use by the legal owner of the tower, at the expense of the owner.
- f) *Electromagnetic radiation.* Communication towers shall comply with all applicable Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NIER).
- g) *Locating on existing towers.* Telecommunication equipment shall be permitted to be located on top of existing towers, such as water, radio, television or other communication towers. Minimum setbacks shall only apply to additional peripheral support structures.
- h) *Monopole telecommunication towers.* In an effort to reduce the visual blight and wasteful use of land, applicants requesting zoning approval to construct telecommunication towers shall provide justification to the City for the construction of a guyed or lattice tower instead of installing a monopole tower. Property not already zoned for telecommunications towers shall be evaluated for such a use based upon the composition and use of the land intended for the location of the tower. Guyed or lattice tower construction may be grounds for denial of a zoning change or special use permit.
- i) *Co-location.* Co-location potentially reduces visual blight and the wasteful use of land by reducing the number of telecommunication towers. Co-location of wireless communications equipment for more

than one (1) provider at a single communications facility shall be provided upon application for a change in zoning classification for the construction of a telecommunication tower. Failure to provide for co-location on towers may be grounds for denial of a zoning change or special use permit.

9. Medical marijuana-infused products manufacturing facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances. [Ord. No. 19-28, 12-10-2019]
 10. ~~Medical~~ marijuana testing facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances. [Ord. No. 19-28, 12-10-2019]
 11. Comprehensive marijuana-infused products manufacturing facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.
- C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
- D. *Design Standards.*
1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.
 2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.
 3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
 4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.
 5. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.

[CC 1999 §§26-27 — 26-30]

405.180 "M-2" Heavy Industrial District Regulations

- A. *Purpose.* The intent of the "M-2" Heavy Industrial District is to provide a designated location for manufacturing and industrial related uses which shall be separated from dissimilar uses, where the potentially damaging aspects of such are less likely.
- B. *Uses Permitted.*
1. Any use permitted in a "M-1" Zoning district.
 2. The manufacturing of industrial supplies or materials associated with acid manufacturing; batteries; steel; tin; copper; zinc; cement; lime; gypsum; explosives; fertilizer; lumber; asphalt shingles; alcohol; ammonia; chemicals; glue; paint; automobiles; motors; tires; belts; rubber; plastics; soap; tar; or associated manufacturing facilities.
 3. Any industrial or storage operation pertaining to the manufacturing of cement; lime; gypsum; plaster; asphalt; concrete; aggregate; masonry supply; sand; brick; tile; block; or the production of products from similar materials.
 4. Auto wrecking lots; junk yards; landfills; tank manufacturing and storage yards; and scrap iron yards.
 5. Uses relating to the rendering of fat; feed grinding and processing; livestock auction sales; poultry raising, processing, packing or dressing; stockyards; or slaughter houses.
 6. Medical marijuana cultivation facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances. [Ord. No. 19-28, 12-10-2019]
 7. **Comprehensive marijuana cultivation facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
 8. **Microbusiness wholesale facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
- C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
- D. *Design Standards.*

1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.
2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.
3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.
5. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.



EXHIBIT C

Project/Issue Name: VACA 23-001. Recommending the Approval of An Application to Vacate a Portion of ROW along N Turner Ave

Submitted By: BUILDS Department

Presented By: Chris Tabor, Principal Planner

Date: February 13, 2023

ISSUE IDENTIFICATION

The BUILDS Department is requesting the vacation of approximately (10,550) square feet of Right-of-Way along North Turner Avenue.

DISCUSSION AND ANALYSIS

The BUILDS Department is requesting the vacation of approximately (10,550) square feet of North Turner Avenue. The resulting ROW will match the existing portion along the developed portion of N Turner Ave.

The vacated portion of the road will be returned to the adjacent property owner and is anticipated to be incorporated into their planned development, Oakwood Heights 2nd Addition.

North Turner Avenue will maintain current functionality.

The following contains brief analyses of present site conditions as well as the proposal's relationship to adopted plans of the City:

Transportation: The proposal will reduce ROW maintenance by approximately (10,550) feet.

Land Use: The proposal has positive development impact to adjacent properties.

Municipal Utilities: The proposal has no anticipated adverse impact on the City's water, wastewater, or stormwater systems currently in place.

Other Public Services: The proposal is not anticipated to have any impact on any other public services.

Emergency Services: The proposal has no anticipated impact on emergency services.

STAFF RECOMMENDATION

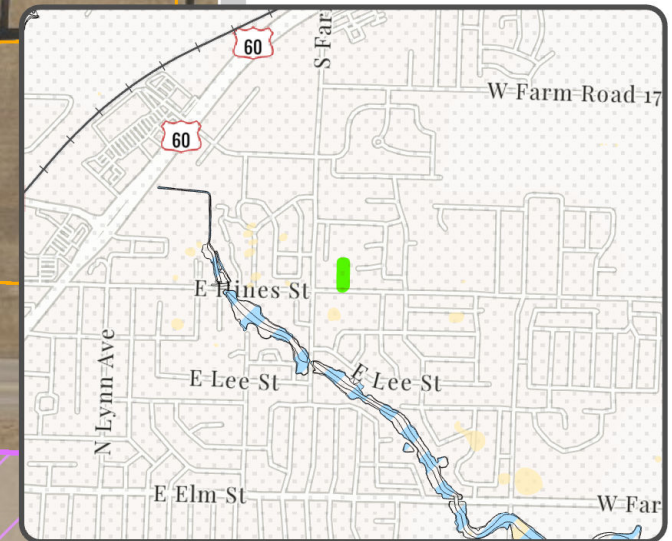
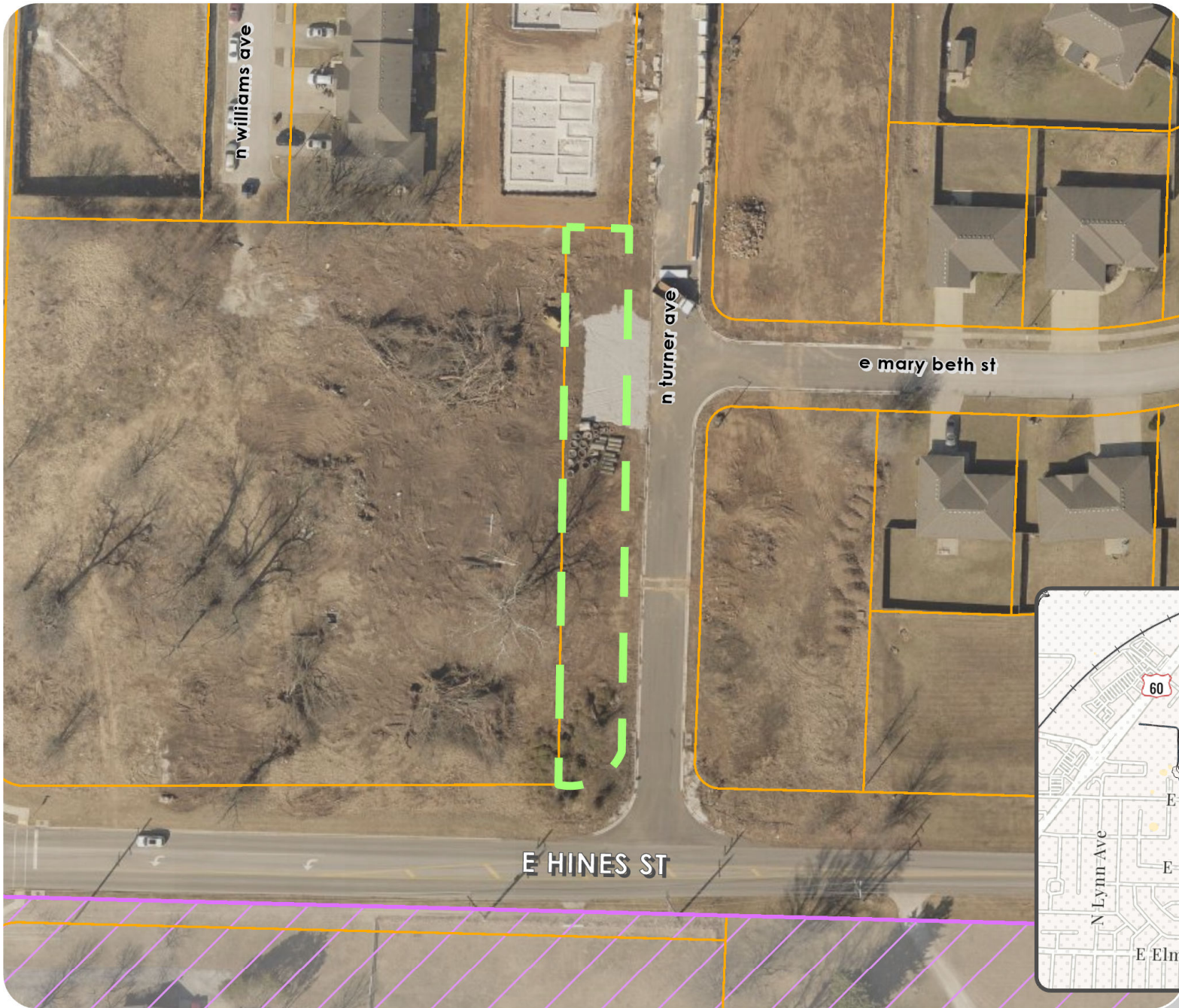
The BUILDS Department recommends approval of the requested Street Vacation.

Project
 Vacation of N
 Turner Ave

Zoning
 R-3

Acresage
 0.2422

Ward
 2



VACA 23-001

