

Title IV Notes

Notes and Appendixes

Appendix IV-A, Fee/Fine/Forfeiture, is included as an attachment to this Title.

Attachments:

[Title IV - Appendix IV-A](#)

Chapter 400

Comprehensive Plan and City Planning and Zoning Commission

Section 400.010 Created — Composition — Appointment — Qualifications.
[CC 1999 §2-110; Ord. No. 00-38 §1, 11-27-2000; Ord. No. 04-71 §1, 12-27-2004]

The Planning and Zoning Commission of the City of Republic shall consist of seven (7) citizens appointed by the Mayor with the approval of a majority of the members of the City Council. The Mayor, or Mayor Pro Tempore, as designated by the Mayor; a member of the City Council, selected by the City Council; the Planning and Development Director, or his/her designee, shall attend all meetings of the Planning and Zoning Commission for the purpose of providing such assistance and advice as may be needed; provided however, such persons shall not be members of the Planning and Zoning Commission and shall not be entitled to vote upon any issue which may come before the Planning and Zoning Commission. All members of the Commission shall serve without compensation.

Section 400.020 Term of Office.
[CC 1999 §2-111; Ord. No. 00-38 §1, 11-27-2000]

Members of the Planning and Zoning Commission shall be appointed for terms of four (4) years each. All members of the Commission shall be residents of the City, and the membership of the Commission shall consist of at least one (1) representative from each ward within the City. Any vacancy in the membership of the Commission shall be filled for the unexpired term thereof by appointment and approval as provided in Section **400.010**. The Mayor, with the consent of the majority of the City Council, may remove any member of the Commission for cause stated in writing and after a public hearing.

Section 400.030 Organization — Election of Officers, Etc.
[CC 1999 §2-112]

Immediately after the appointment and qualification of the City Planning and Zoning Commission, the members shall meet and elect one (1) of their number Chairman and one (1) of their number Secretary, which officers shall be elected from among the citizen members and shall hold office for one (1) year or until their successors are elected and qualified.

Section 400.040 Power To Prescribe Rules of Procedure — Meetings.
[CC 1999 §2-113; Ord. No. 3007 §4]

The City Planning and Zoning Commission shall prescribe rules of procedure governing the transactions of business before it. Meetings shall be held at least once each month on such day as shall be prescribed in the rules of procedure adopted. Special meetings may be called at any time by the Chairman of the Commission.

Section 400.050 Duties Generally.
[CC 1999 §2-114; Ord. No. 3007 §5]

- A. The City Planning and Zoning Commission shall have power and shall be required to:
 - 1. Make, amend, extend and add to the Comprehensive Plan for the physical development of the City as defined in this Chapter.
 - 2. Exercise control over platting or subdividing land within the City as set forth in this Chapter.
 - 3. Make and adopt a zoning plan and recommend or disapprove proposed changes in such plan.
 - 4. Promote public interest in and understanding of the Comprehensive Plan and of zoning and planning.

Section 400.060 Powers.
[CC 1999 §2-115; Ord. No. 3007 §6]

- A. The City Planning and Zoning Commission shall have power to:
 - 1. Require information which shall be furnished within a reasonable time from other departments of the City Government in relation to its work.
 - 2. Within its budget appropriation, contract with City planners and other consultants for such services as it may require.
 - 3. In the performance of its functions, enter upon any land and make examinations and surveys.

Section 400.070 Comprehensive City Plan — Contents Generally.
[CC 1999 §2-116]

- A. The City Planning and Zoning Commission shall make and adopt a Comprehensive City Plan for the physical development of the City. In preparing the City plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the City. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the City which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development.
- B. The Comprehensive Plan for the physical development of the City, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the Commission's recommendations for the development of City territory and may include, among other things:
 - 1. The general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds and spaces;
 - 2. The general location of public buildings and other public property;
 - 3. The general location and extent of public utilities, whether publicly or privately owned;
 - 4. The removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of such existing or future public ways, grounds, spaces, building, property or utilities;
 - 5. The general location, character and extent of residential, commercial, industrial and other uses of land;

6. The extent and layout of the planning of blighted districts and slum areas.
7. The regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density, but the adoption, enforcement and administration of the zoning plan shall conform to the provisions of Sections 89.010 to 89.250, RSMo.

Section 400.080 Comprehensive City Plan — Adoption.

The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole City plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the plan or portion thereof the commission shall hold at least one public hearing thereon. Fifteen (15) days notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the municipality. The hearing may be adjourned from time to time. The adoption of the plan requires a majority vote of the full membership of the planning commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan. Action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission and filed in the office of the commission, identified properly by file number. A copy of the plan or part thereof shall be certified to the City Council and the City Clerk. It shall be available in the office of the County Recorder of Deeds and at the City Clerk's office for public inspection during normal office hours.

Section 400.090 Commission To Approve Improvements — Disapproval, Overruled, How.

No street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the municipality until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval the Commission shall communicate its reasons to the City Council, and the City Council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the City Council or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the City Council, then the submission to the Planning Commission shall be by the board having jurisdiction, and the Planning Commission's disapproval may be overruled by that board by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval.

Section 400.100 Functions As To Zoning.
[CC 1999 §2-122; Ord. No. 3007 §13]

The Planning and Zoning Commission shall exercise the authority vested in a zoning commission by the State zoning enabling acts. It shall prepare and recommend to the City Council a comprehensive zoning ordinance, or propose amendments or revisions thereof, with such provisions as the Commission shall deem necessary or desirable for the promotion of the health, safety, and general welfare of the inhabitants of the City. Such provisions may include regulations as to the location, width, height and bulk of buildings and other structure; the size of the yards, courts and other open spaces surrounding buildings and structures; the use of buildings and structures and land. The Commission shall hear applications for amendments, modifications or revision of the zoning ordinance and shall forward such applications to the City Council with its recommendations thereon. The recommendations of the Commission shall not be binding on the City

Council, which may approve or disapprove the Commission's findings; however, no general City plan, or zoning ordinance, or any modification, amendment or revision thereof, shall be considered by the City Council unless the same shall have been first submitted to the Commission for its examination and recommendation.

Section 400.110 Subdivisions — Generally.
[CC 1999 §2-119; Ord. No. 3007 §10]

The Planning and Zoning Commission shall be the platting commission of the City and, as such, shall have the control of the platting or subdivision of land within the City and within three (3) miles thereof when permitted by State enabling legislation; provided however, that such control shall not apply to land outside of the City over which platting or subdivision control is reposed by law in some authority other than this City or any of its officers or departments.

Section 400.120 Subdivisions — Regulations.

The regulations or practice of the City Council may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the City Council may accept a bond or escrow in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the City Council and expressed in the bond; provided that, the release of such escrow by the City, shall be as specified in this Section. The City Council may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the City Council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

Chapter 405

Zoning Regulations

Cross References — As to sign regulations, see ch. **415**; as to adoption the international building and other technical codes, see ch. **500**, art. i.

Article I

In General

Section 405.010 Title.
[CC 1999 §26-1]

This Chapter shall be known, referred to and recited as the Zoning Code of the City of Republic, Missouri.

Section 405.020 Definitions.

[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]

A. 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.

B. 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.

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.

[\[Image\]](#)

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.

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:

1. 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
2. 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:

1. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or
2. Three (3) or less unrelated persons living as a single housekeeping unit; or
3. 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, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray 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.

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.

[\[Image\]](#)

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:

1. 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
2. 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.

PERIMETER, LANDSCAPING

A five (5) foot greenspace strip which surrounds the entire property, 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 tract of land, consisting of one (1) or more lots, 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:

1. Shared parking.
2. Common management.
3. Common identification.

4. Common access.
5. Shared circulation.

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:

1. Is subordinate to and serves a principal structure,
2. Is subordinate in area, extent or purpose to the principal structure,
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure,
4. 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.

Section 405.025 Violations — Penalties.

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made pursuant to the authority of Sections 89.010 to 89.140, RSMo.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine ~~of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00)~~ for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine ~~of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00)~~ for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty: ~~of two hundred fifty dollars (\$250.00).~~

Section 405.027 Stop Work.

- A. *Authority.* Whenever the Community Development Director or his/her designee finds any work regulated by this Code or the associated regulations being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order.
- B. *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property

involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will permitted to resume.

- C. *Unlawful Continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Article II Destination of Districts and General District Regulations

Section 405.030 **Districts Enumerated.**

[CC 1999 §26-4; Ord. No. 5008; Ord. No. 03-56 §1, 8-25-2003]

In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specified uses, to regulate and limit the heights and bulk of buildings erected or structurally altered to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards and other open spaces within the surrounding such buildings, the City of Republic, Missouri, is hereby divided into districts, of which there shall be thirteen (13) in number, known as:

"AG"	Agricultural District
"R1-L"	Low Density Single-Family Residential District
"R1-M"	Medium Density Single-Family Residential District
"R1-H"	High Density Single-Family Residential District
"R1-MH"	Manufactured, Modular, and Mobile Home Residential District
"R1-Z"	Zero Lot Line Residential District
"R-2"	Two-Family Residential District
"R-3"	Multi-Family Residential District
"C-1"	Local Commercial District
"C-2"	General Commercial District
"M-1"	Light Industrial District
"M-2"	Heavy Industrial District
"PDD"	Planned Development District

Section 405.040 **Official Zoning Map.**

[CC 1999 §26-5]

- A. Boundaries of the districts are shown upon the map which is made a part of this Chapter, which map is designated as the "District Map". The District Map and all notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were fully set forth or described herein, and the original of said District Map is properly attested and is on file with the Clerk of the City of Republic, Missouri.
- B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Chapter, the following rules apply:
1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by street or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by lot lines, said lines shall be construed to be the boundaries of the districts unless the boundaries are otherwise indicated on the map.
- C. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Chapter shall be determined by use of the scale appearing on the map.

Section 405.050 through Section 405.055. (Reserved)

Section 405.060 Regulations Generally.

[CC 1999 §26-7; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 05-23 §1, 3-28-2005]

- A. Except as hereinafter specifically provided:
 1. No land shall be used except for a purpose permitted in the district in which it is located.
 2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
 3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulation of the district in which such building is located.
 4. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
 5. The minimum yards, parking spaces and open spaces, including lot area per family, required by this Chapter for each and every building existing at the time of passage of this Chapter or for any building hereafter erected shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Chapter for the district in which such lot is located.
 6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter.
 7. A shipping container, cargo container, tractor trailer or other like item is prohibited upon a lot within a residential district and upon a vacant commercial or industrial lot, except where the container, trailer or other like item provides necessary storage for an active construction project for which a valid building permit has been issued.
 8. No fence shall be located in the front yard of any property, unless it is less than four (4) feet in height. The requirements established by Section 405.910 shall further regulate the location of fences and landscaping in site triangles.

Section 405.070 "AG", "R1-L", "R1-M", "R1-H", "R1-MH", "R1-Z", "R-2", "R-3" Residential Districts — Purpose For Establishment.

- A. Each of the districts are designed and intended to secure for the persons who reside there a comfortable, healthy, safe and pleasant environment in which to live, sheltered from incompatible and disruptive

activities that properly belong in non-residential districts. Other objectives of some of these districts are explained in the remainder of this Section.

B. The following residential districts are hereby established:

"AG"	Agricultural District
"R1-L"	Low Density Single-Family Residential District
"R1-M"	Medium Density Single-Family Residential District
"R1-H"	High Density Single-Family Residential District
"R1-MH"	Manufactured, Modular, and Mobile Home Residential District
"R1-Z"	Zero Lot Line Residential District
"R-2"	Two-Family Residential District
"R-3"	Multi-Family Residential District

Article III

Zoning Districts — Use and Regulations

Section 405.075 "AG" Agricultural District.

- A. *Purpose.* The intent of the Agriculture District is established to accommodate single family residential development in the City Limits that are not yet served by public water or sewer facilities and that are not yet appropriate for development at higher densities. The Agriculture District is also established to accommodate agriculture uses, equestrian uses, vocational schools, and other uses appropriate for rural areas at much lower densities than are otherwise not permitted elsewhere in the City. Upon a zoning change to a higher density residential district, and the installation of public water and sewer facilities, such districts can be redeveloped at the allowable density in that district. The regulations set forth in this Section or set forth elsewhere in this Chapter shall be referred to as the regulations of the "AG" Agriculture District.
- B. *Uses Permitted.* A building or premises shall be used only for the following purposes:
1. Single-family dwelling.
 2. Agricultural processing.
 3. Agriculture, general.
 4. Agriculture, limited.
 5. Publicly owned or operated park, playground or community building, museum, library or art gallery.
 6. Church or other place 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.
 7. Public school, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools, 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.

8. Golf club or grounds.
 9. Home occupation in accordance with the Section **405.630**.
 10. Subject to the provisions of this Republic City Code accessory building or use, including a private garage customarily incident to the above uses, but not involving the conduct of a business.
 11. Group homes. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations*. Property and buildings in the "AG" district shall be subject to the following regulations:
1. *Street frontage*. Each lot shall have a clear, direct frontage on a dedicated City street.
 2. *Miscellaneous requirements*. Each dwelling or use shall be located on its own individual tract of land, the existence of which shall be an approved legal tract of land or lot on file with the County Recorder.
 3. *Permitting*. All new construction or additions of residential structures or accessory structures shall be permitted in accordance with the latest adopted building code and all applicants for such shall be required to submit an application, floor plan and site plan indicating the following:
 - a. Structure dimensions, in relation to the lot dimensions and setbacks.
 - b. Address, lot or parcel number and subdivision, in which the lot is platted.
 - c. Driveway and front door location, with respect to the street.
 - d. The location of all existing utilities present at grade.
- D. *Height And Area Regulations*. The height and area regulations shall be provided in accordance with the requirements set forth in Article **V** of this Chapter.

Section 405.080 "R1-L" Low Density Single-Family Residential District.
[Ord. No. 04-19 §1, 3-8-2004]

- A. *Purposes*. The intent of the "R1-L" Low Density Single-Family Residential District is designed for twelve thousand (12,000) square foot single-family detached residential uses at low densities of approximately four (4) dwelling units per acre. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district which is intended for areas that have access for vehicular traffic from collector or higher classification streets without crossing minor streets in adjoining neighborhoods.
- B. *Uses Permitted*.
1. Model homes in accordance with Section **410.190**.

2. Single-family dwellings.
 3. Accessory buildings customary, incidental and subordinate to the main building.
 4. Churches or other places of worship, including parish houses and Sunday schools, but excluding overnight shelters 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.
 5. Golf courses and country clubs.
 6. Home occupations in accordance with Section **405.630**.
 7. Public parks and playgrounds.
 8. Public school, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools, 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.
 9. Any use conforming at the time the district is mapped.
 10. *Group homes*. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations*. Property and buildings in the "R1-L" District shall be subject to the following regulations:
1. *Street frontage*. Each lot shall have clear and direct frontage on a dedicated City street.
 2. *Platting requirements*. Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities, whether in the form of a neighborhood association or public dedication. The plat shall indicate the easements and covenants appurtenant thereto.
 3. *Off-street parking*. As required by Article **VI** of this Chapter.
 4. *Accessory buildings and structures*. As required by Section **405.640** of this Chapter.
 5. *Trees*. There shall be a requirement of at least one (1) tree for each platted lot in order to enhance private space. The tree shall be of a variety that provides shade and screening and shall be at least six (6) feet in height at the time of planting.
- D. *Height And Area Regulations*. The height and area regulations shall be provided in accordance with the requirements set forth in Article **V**.

Section 405.090 "**R1-M**" Medium Density Single-Family Residential District.

- A. *Purpose.* The intent of the "R1-M" Medium Density Single-Family Residential District is designed for nine thousand (9,000) square foot single-family detached residential uses at moderate densities of approximately five (5) dwelling units per acre. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without crossing minor streets in adjoining neighborhoods.
- B. *Uses Permitted.*
1. Model homes in accordance with Section **410.190**.
 2. Single-family dwellings.
 3. Accessory buildings customary, incidental and subordinate to the main building.
 4. Churches or other places of worship, including parish houses and Sunday Schools, but excluding overnight shelters 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.
 5. Golf courses and country clubs.
 6. Home occupations in accordance with Section **405.630**.
 7. Public parks and playgrounds.
 8. Public school, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools, 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.
 9. Any use conforming at the time the district is mapped.
 10. *Group homes.* The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations.* Property and buildings in the "R1-M" District shall be subject to the following area regulations:
1. *Street frontage.* Each lot shall have a clear, direct frontage on a dedicated City street.
 2. *Platting requirements.* Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities, whether in the form of a

neighborhood association or public dedication. The plat shall indicate the any easements and covenants appurtenant thereto.

3. *Off-street parking.* As required by Article **VI** of this Chapter.
 4. *Accessory buildings and structures.* As required by Section **405.640** of this Chapter.
 5. *Trees.* There shall be a requirement of at least one (1) tree for each platted lot in order to enhance private space. The tree shall be of a variety that provides shade and screening and shall be at least six (6) feet in height at the time of planting.
- D. *Height And Area Regulations.* The height and area regulations shall be provided in accordance with the requirements set forth in Article **V**.

Section 405.100 "R1-H" High Density Single-Family Residential District.
[CC 1999 §26-18]

- A. *Purposes.* The intent of the "R1-H" High Density Single-Family Residential District is designed for seven thousand (7,000) square foot single-family detached residential uses at higher densities of approximately six (6) dwelling units per acre. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without crossing minor streets in adjoining neighborhoods.
- B. *Uses Permitted.*
1. Model homes in accordance with Section **410.190**.
 2. Single-family dwellings.
 3. Accessory buildings customary, incidental and subordinate to the main building.
 4. Churches or other places of worship, including parish houses and Sunday Schools, but excluding overnight shelters 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.
 5. Home occupations in accordance with Section **405.630**.
 6. Public school, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools, 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.
 7. Golf courses and country clubs.
 8. Any use conforming at the time the district is mapped.

9. *Group homes.* The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations.* Property and buildings in the "R1-H" District shall be subject to the following regulations:
 1. *Street frontage.* Each lot shall have a clear, direct frontage on a dedicated City street.
 2. *Platting requirements.* Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities, whether in the form of a neighborhood association or public dedication. The plat shall indicate the easements and covenants appurtenant thereto.
 3. *Off-street parking.* As required by Article **VI** of this Chapter.
 4. *Accessory buildings and structures.* As required by Section **405.640** of this Chapter.
 5. *Trees.* There shall be a requirement of at least one (1) tree for each platted lot in order to enhance private space. The tree shall be of a variety that provides shade and screening and shall be at least six (6) feet in height at the time of planting.
- D. *Height And Area Regulations.* The height and area regulations shall be provided in accordance with the requirements set forth in Article **V**.

**Section 405.110 "R1-MH" Single-Family Manufactured, Modular and Mobile Home District.
[CC 1999 §26-18; Ord. No. 03-56 §1, 8-25-2003]**

- A. *Purposes.* The intent of the "R1-MH" Single-Family Manufactured, Modular and Mobile Home District is designed to provide a location for manufactured and modular homes in manufactured and modular home communities and subdivisions. The "R1-MH" Single-Family Manufactured, Modular and Mobile Home District permits single-family dwellings at a density of approximately six (6) dwelling units per acre. The district provisions provide for a minimum of seven thousand (7,000) square foot single-family detached residential uses. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without crossing minor streets in adjoining neighborhoods.
- B. *Uses Permitted.*
 1. Model homes in accordance with Section **410.190**.
 2. Single-family dwellings, the use of which shall comply with the area requirements of the "R1-H" High Density Single-Family Residential District regulations.
 3. Manufactured, Modular and Mobile Homes under the following conditions:
 - a. Each modular home placed on an individual lot shall:
 - i. Bear the seal of the Missouri Public Service Commission indicating compliance with the State of Missouri Standards and Regulations for Modular Homes.

- ii. Roof must be gable or hip of at least 3:12 pitch, covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, tin, fiberglass or metal. Except for permitted deck areas, all roof structures shall provide a minimum eave projection of six (6) inches and a maximum of thirty (30) inches.
- b. Each manufactured home placed on an individual lot shall:
 - i. Have a minimum width of not less than twenty-four (24) feet measured at the foundation and a minimum length of not less than forty-two (42) feet measured at the foundation. This standard is intended to restrict units to the type that are transported to the site in parts, typically two halves, and a minimum of one thousand eight (1,008) square feet.
 - ii. Roof must be gable or hip of at least 3:12 pitch, covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, tin, fiberglass or metal. Except for permitted deck areas, all roof structures shall provide a minimum eave projection of six (6) inches and a maximum of thirty (30) inches.
- c. Each mobile home placed on an individual lot shall:
 - i. Have a minimum width of not less than eight (8) feet measured at the foundation and a minimum length of not less than thirty-six (36) feet measured at the foundation.
 - ii. Roof must be gable or hip of at least 3:12 pitch, covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, tin, fiberglass or metal. Except for permitted deck areas, all roof structures shall provide a minimum eave projection of six (6) inches and a maximum of thirty (30) inches.
- d. Manufactured, Modular and Mobile homes shall not be placed or occupied on an individual lot without first obtaining a building permit by the City of Republic, all permit, inspection and other standard procedures and submittals shall apply, furthermore each modular, manufactured or mobile home shall:
 - i. Have been manufactured after June 15, 1976.
 - ii. Have the main entry door facing the street on which it is located.
 - iii. Have exterior surface and window treatments that, to the maximum extent possible, are architecturally compatible with those of neighboring properties, excluding smooth or ribbed corrugated metal.
 - iv. Be placed on a parcel according to a site plan submitted at the time of application for a building permit. An illustration of elevation, indicating the finished appearance of the unit, shall be provided.
 - v. Be installed on a permanent footing and foundation system, which is designed and constructed to sustain the stress limitations and all loads specified in the building code. The installation instructions provided by the manufacturer of the unit shall be used to determine permissible points of support for vertical loads and points of attachment for anchorage systems used to resist horizontal and uplift forces. Where manufacturers specifications permit crawl space foundations, minimum of eighteen (18) inches of clearance shall be maintained. Footings and foundations, unless otherwise specifically provided, shall be constructed of materials specified by the building code for the intended use and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations

supporting untreated wood shall extend at least 8 inches (203 mm) above the adjacent finish grade. Footings shall have a minimum depth below finished grade of 18 inches unless a greater depth is recommended by a foundation investigation.

- vi. Piers and bearing walls shall be supported on masonry or concrete foundations or piles, or other approved foundation systems, which shall be of sufficient capacity to support all loads. Under-floor spaces shall be ventilated with openings as specified in the existing building code. If combustion air for one or more heat-producing appliances is taken from within the under-floor spaces, ventilation shall be adequate for proper appliance operation. Under-floor access openings shall be provided. Such openings shall be not less than 18 inches in any dimension and not less than 3 square feet in area and shall be located so that any water supply and sewer drain connections located under the unit are accessible.
 - vii. Have tongue and running gear, including axles, removed.
 - viii. Have permanent steps at all exits. All means of egress shall meet the existing building code.
4. Accessory buildings customary, incidental and subordinate to the main building.
 5. Churches or other places of worship, including parish houses and Sunday Schools, but excluding overnight shelters 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.
 6. Home occupations in accordance with Section **405.630**.
 7. 7 Golf courses and country clubs.
 8. Any use conforming at the time the district is mapped.
 9. *Group homes*. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations*. Property and buildings in the "R1-MH" District shall be subject to the following regulations:
1. *Street frontage*. Each lot shall have a clear, direct frontage on a dedicated City street.
 2. *Platting requirements*. Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities, whether in the form of a neighborhood association or public dedication. The plat shall indicate the easements and covenants appurtenant thereto.
 3. *Off-street parking*. As required by Article **VI** of this Chapter.
 4. *Accessory buildings and structures*. As required by Section **405.640** of this Chapter.
 5. *Trees*. There shall be a requirement of at least one (1) tree for each platted lot in order to enhance private

space. The tree shall be of a variety that provides shade and screening and shall be at least six (6) feet in height at the time of planting.

- D. *Height And Area Regulations.* The height and area regulations shall be provided in accordance with the requirements set forth in Article V.

**Section 405.120 "R1-Z" Zero Lot Line Residential District.
[CC 1999 §§26-104 — 26-108; Ord. No. 03-56 §1, 8-25-2003]**

- A. *Purpose.* The intent of the "R1-Z" Zero Lot Line Residential District is to permit and establish regulations for comprehensively planned single-family tracts with zero (0) side yard building setbacks. The principal purposes of the zero lot line concept are:
1. The more efficient use of land, as compared with the typical single-family development, making available needed housing at an affordable cost;
 2. The design of dwellings to integrate and relate internal/external living areas resulting in more pleasant and enjoyable living facilities; and
 3. By placing the dwelling against one of the property line, permitting the outdoor space to be grouped and utilized to its maximum benefit.
- B. *Uses Permitted.*
1. Model homes in accordance with Section **410.190**.
 2. Single-family dwellings, the use of which shall comply with the area requirements of the "R1-H" High Density Single-Family Residential District regulations.
 3. Reserved.
 4. Infill housing with a minimum of two (2) side-by-side lots provided that the Zero Lot Line side is not facing the adjacent non-Zero Lot Line property.
 5. *Group homes.* The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations.* Property and buildings in the "R1-Z" District shall be subject to the following regulations:
1. *Street frontage.* Each lot shall have a clear, direct frontage on a dedicated City street.
 2. *Platting requirements.* Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities, whether in the form of a neighborhood association or public dedication. The plat shall indicate the zero (0) lot lines and easements appurtenant thereto.
 3. *Zero lot line wall (common party wall).* The wall of the dwelling located on the lot line must be

constructed of masonry and have no openings. The wall must also meet the latest adopted building code of the City of Republic for fire walls and party walls.

4. No portion of the dwelling or architectural features shall project over any property line.
 5. *Off-street parking.* As required by Article **VI** of this Chapter.
 6. *Accessory buildings and structures.* As required by Section **405.640** of this Chapter.
 7. *Trees.* There shall be a requirement of one (1) tree for each platted lot in order to enhance private space. The trees shall be of a variety that provides shade and screening and shall be at least six (6) feet in height at the time of planting.
- D. *Height And Area Regulations.* The height and area regulations set forth in Article **V** shall be observed.

Section 405.130 "R-2" Two-Family Residential District Regulations.

[CC 1999 §§26-104 — 26-108; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-64 §1, 10-11-2004]

- A. *Purposes.* The intent of the "R-2" Two-Family Residential District is to permit and establish regulations for two-family residential dwellings at a density of approximately 6.7 units per acre. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without crossing minor streets in adjoining neighborhoods.
- B. *Uses Permitted.*
1. Model homes in accordance with Section **410.190**.
 2. Single-family dwellings, the use of which shall comply with the area requirements of the "R1-H" High Density Single-Family Residential District regulations.
 3. Zero lot line dwellings, the use of which shall comply with the area regulations of the "R1-Z" district regulations.
 4. Two (2) family dwelling.
 5. *Accessory buildings and structures.* As required by Section **405.640** of this Chapter.
 6. *Group homes.* The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations.* Property and buildings in the "R-2" District shall be subject to the following regulations:
1. *Street frontage.* Each lot shall have a clear, direct frontage on a dedicated City street.
 2. *Platting requirements.* Each two-family dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements

shall be made for the maintenance of the common open space and facilities, whether in the form of a neighborhood association or public dedication.

3. *Off-street parking.* As required by Article **VI** of this Chapter.
 4. *Accessory buildings and structures.* As required by Section **405.640** of this Chapter.
 5. *Trees.* There shall be a requirement of one (1) tree for each dwelling unit in order to enhance private space. The trees shall be of a variety that provides shade and screening and shall be at least six (6) feet in height at the time of planting.
- D. *Height And Area Regulations.* The height and area regulations set forth in Article **V** shall be observed.

Section 405.140 "**R-3**" Multi-Family Residential District Regulations.

[CC 1999 §§26-23 — 26-26; Ord. No. 99-4 §1, 1-25-1999; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004]

- A. *Purpose.* The intent of the "R-3" Multi-Family Residential District is designed primarily to accommodate high density residential development on properties with direct access to arterial or collector streets.
- B. *Uses Permitted.*
 1. Model homes in accordance with Section **410.190**.
 2. Multi-family dwellings and apartment houses.
 3. Zero lot line dwellings and townhouses, the use of which shall comply with the area requirements of the "R-3" Multi-Family Residential District regulations.
 4. Two-family residential dwellings, the use of which shall comply with the area requirements of the "R-3" Multi-Family Residential District regulations.
 5. Single-family dwellings, the use of which shall comply with the area requirements of the "R1-H" High Density Single-Family Residential District regulations.
 6. Boarding, rooming and lodging houses.
 7. 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.
 8. Convalescent homes, nursing homes and residential care facilities.
 9. Public parking areas, except parking designed or used for parking of trucks having a capacity in excess of one (1) ton.
 10. Home occupations in accordance with Section **405.630**.

11. Private, non-commercial recreation buildings, community buildings and athletic fields which are supplemental to residential development.
 12. Public facilities and parks.
 13. *Group homes.* The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home.
- C. *General Regulations.* Each site or lot in the "R-3" District shall observe the following design standards:
1. *Off-street parking.* As required by Article VI of this Chapter.
 2. *Accessory buildings and structures.* As required by Section **405.640** of this Chapter.
 3. *Landscaping, screening and bufferyard requirements.* As required by Articles X and XI of this Chapter, with exception to Section **405.860** in which case a minimum of twenty percent (20%) of the entire lot shall be dedicated open space in accordance with the general provisions thereof.
 4. *Street frontage.* Each multi-family structure or complex of structures shall have a clear, direct ingress and egress to a dedicated City street. Parking areas shall not be permitted so as to allow the entire length of a parking area to access a dedicated City street or public right-of-way.
 5. *Plan submittals.* Projects with three (3) or more units and/or are more than two stories in height shall be required to submit architecturally sealed construction plans, in accordance with the latest adopted building codes or as required by the Building Inspector.
- D. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
- E. *Request For An Increase In Density.* A request for an increase in density may be made to the Planning and Zoning Commission upon submission of a formal request and plan for improvements. A request for an increase in density may be considered but not to exceed thirty-five percent (35%) (twenty-four (24) dwelling units per acre) of the otherwise permitted density established in Section **405.540: Height and Area Regulations.** Requests for an increase in density may be considered by the Planning and Zoning Commission for reasons including, but not limited to the following:
1. Off-site improvements, improved street intersections and widening, utility upgrades, in excess of what is otherwise warranted by the development or required.
 2. Emergency service facilities, i.e., storm sirens and substations, etc.
 3. Open space improvements, i.e., trails, sidewalks, greenways in excess of what is otherwise required.
 4. Creative development design, i.e., improved streetscapes, lighting, landscaped areas and greenspace, mixed use facilities, urban design elements, etc.
 5. Dedication of land for public use, i.e., parks, buildings, etc.

- A. The zoning of property as "C-O" Commercial Office District is intended to provide for restricted commercial development limited to office uses and certain service and retail uses compatible with offices.
1. *Intent.* The intent of this district is to provide a zone which will accommodate a broad range of office uses, along with a narrow range of retail shopping activities that are normally found in the core area of a City and where development is allowed based upon a site plan with off-street parking facilities required of the private development.
 2. *Uses permitted.* Offices for the administrative and management functions only of businesses and civic organizations.
 - a. Finance and insurance offices.
 - b. Real estate, rental and leasing offices.
 - c. Professional, scientific and technical services offices.
 - d. Management of companies and enterprises offices.
 - e. Administrative and support services offices.
 - f. Health care and social assistance offices.
 - g. Personal and laundry services.
 - h. Religious, grantmaking, civic, professional and similar organizations.
 - i. Executive, legislative and other general government services.
 - j. Postal services.
 3. *Height and area regulations.* The height and area regulations set forth in Article V shall be observed.
 4. *Design standards.*
 - a. *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.
 - b. *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.
 - c. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
 - d. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.
 - e. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.

5. *Use limitations.* No outdoor storage or sale of merchandise or material is allowed in this district.
6. *Site plan review.* Development in the "C-O" District shall be subject to site plan review requirements and procedures.

Section 405.148 "MSD" Main Street District.

[Ord. No. 06-58 §1, 8-14-2006]

- A. *Intent.* The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities, office and residential uses that are normally found in the core area of a City and where development is allowed up to the property lot line with no off-street parking facilities required of the private development. The zoning of property to the "MSD" Main Street District is intended to provide development opportunities consistent with the existing character within the core of downtown Republic. Downtown Republic is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed close to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. This district provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and is intended to allow multi-story buildings with office and residential uses above the ground floor level. In addition, the district is intended to allow flexibility from the conventional development standards found elsewhere in the City.
- B. *Uses Permitted.*
 1. Furniture and home furnishings stores.
 2. Electronics and appliance stores.
 3. Food and beverage stores.
 4. Health and personal care stores.
 5. Clothing and clothing accessories stores.
 6. Sporting goods, hobby and music stores.
 7. General merchandise stores.
 8. Miscellaneous store retailers such as florists, office supplies, stationery stores and gift stores, novelty stores, souvenir stores, used merchandise stores, pet and pet supply stores, art dealers.
 9. Publishing industries.
 10. Motion picture theaters.
 11. Broadcasting stations.
 12. Finance and insurance offices.
 13. Real estate, rental and leasing services.

14. Professional, scientific and technical services.
 15. Administrative and support services.
 16. Educational services.
 17. Health care and social assistance.
 18. Performing arts.
 19. Museums, historical sites and similar institutions.
 20. Food services and drinking places.
 21. Personal and laundry services.
 22. Religious, grantmaking, civic, professional and similar organizations.
 23. Executive, legislative and other general government support.
 24. Postal services.
 25. Public parks and playgrounds, including public recreation or service buildings and publicly-owned swimming pools.
- 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. *Use Limitations.* No outdoor storage or sale of merchandise or material is allowed in this district.
- F. *Site Plan Review.* Development in the Main Street District shall be subject to site plan review requirements and procedures. Building materials will be reviewed with respect to the design guidelines in the Main Street District. Facades and outdoor seating will be reviewed according to the facade design guidelines and to ensure that safety and efficient pedestrian movement on City sidewalks is maintained.

Section 405.150 "C-1" Local Commercial District Regulations.
[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004]

- 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, provided that the premises of which is located not less than five hundred from the boundary of any R district, a church or similar place of worship or a public school.
 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. Convenience store, filling stations.
 7. Day-care center.
 8. 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.
 9. Government buildings and associated uses.
 10. 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]
 11. Motel, Hotel, Inn or related place of lodging.
 12. Off-street parking lot.
 13. 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.
 14. 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.

15. Private schools and studios for art, dance, drama, music or photography and private and publicly funded schools, preschools and daycare facilities.
16. Residential uses provided such uses are located above the first floor or behind non-residential uses so as to create a continuous non-residential facade, on the first-floor level along all street frontages.
17. 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.

18. 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.
19. Undertaking establishments.
20. Veterinarian, dog grooming, boarding or similar place of animal care, provided that only treatment be given to animals kept within the building or office. No outside cages, kennels, fences, equipment, materials, etc. associated with livestock or other large animals shall be stored 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.

Section 405.160 "C-2" General Commercial District Regulations.

[CC 1999 §§26-27 — 26-30; Ord. No. 04-19 §1, 3-8-2004]

- A. *Purpose.* The intent of the "C-2" Commercial District is to permit less restrictive commercial and service related business with a compatible location adjacent to similar uses, which are separated from residential uses restricted.

B. *Uses Permitted.*

1. Any use permitted in the "C-1" Commercial District, without restriction as to number of employees or location.
2. Automotive sales and service including body work; painting; frame alignment; restoration or reconstruction, excluding the storage of wrecked or scrap vehicles; parts and other partially dismantled cars and trucks.
3. Automotive, moving and equipment rental.
4. Boat and marine sales and service.
5. Lumberyard, building and construction material sales, hardware and home improvement stores.
6. Camper trailers, recreation vehicles sales, rental and service.
7. Campgrounds and recreational vehicle parks.
8. 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.
9. Commercial amusement centers including drive-in theaters; baseball, softball and soccer fields or complexes; miniature golf; archery ranges; batting cages; driving ranges; but not including go-cart or other motorized vehicle tracks.
10. Recycling collection centers.
11. Landscaping, plant nurseries, lawn and garden equipment sales and service.
12. Boat, vehicle or self-storage facilities.
13. Swimming pool sales and displays.
14. Truck stops including fueling; sales; and service of commercial freight hauling vehicles.
15. Commercial contracting offices including plumbing; electrical; heating and air conditioning; general carpentry; cabinetry; siding and soffit; guttering; roofing; concrete finishing and forming; general masonry; except uses which require the outside storage of materials associated with manufacturing related uses.
16. Radio; cable; television; or other broadcasting studios.
17. Rental and service of commercial moving vehicles; including trailers, towing equipment, construction and landscaping equipment.
18. Car wash, quick lube or place of express auto service.

19. General automotive repair establishments, excluding auto-body and painting establishments.
 20. Hardware and home improvement stores, excluding the outside storage of lumber, block and associated aggregate products.
 21. Farm equipment and supplies, implement sales and service, livestock and animal feed.
 22. Pre-manufactured storage buildings and accessory structures display and sales.
- 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.

Section 405.165 "C-3" General Commercial District.
[Ord. No. 06-58 §1, 8-14-2006]

- 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]**
- 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.

Section 405.170 "M-1" Light Industrial District Regulations.
[CC 1999 §§26-27 — 26-30]

- 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:
 - i. The minimum setback from all property lines shall equal to fifty percent (50%) of the height of the tower.
 - ii. The minimum setback from the edge of any existing or planned right-of-way shall be eighty (80) feet.
 - iii. The minimum setback from any residential district shall be two hundred (200) feet.
 - iv. 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:
 - i. Access to the tower shall be through a locked gate in the required fence or wall.
 - ii. 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.

- iii. 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]**
- 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**.

Section 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]**
- 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.

Section 405.185 **(Reserved)**

Article IV A Planned Development District

Section 405.190 **Authority.**
[Ord. No. 18-10, 2-13-2018]

Upon enactment of an ordinance by the City Council repealing and replacing the prior Planned Development District procedures, a development plan for a Planned Development District may be approved in any district in the City of Republic, subject to the procedures and standards in this Article.

Section 405.200 **Application And Review Of Existing Planned Development District.**
[Ord. No. 18-10, 2-13-2018]

Those Planned Development Districts that are under development at the time of enactment of this ordinance may continue to operate and develop under the processes in place immediately prior to enactment of this ordinance. The legal owner(s) of the real property or a duly authorized representative of such owner or an individual or organization with a legitimate contractual interest in the purchase of the subject real property may submit an application to the Community Development Department seeking approval to proceed with future development of the Planned Development District under the new procedures and processes contained in this Article. The request may be approved, approved with conditions or disapproved. General guidance in making a determination is to assure that a change will not negatively impact the development as initially proposed; it shall not negatively impact adjacent property; the change will comply generally with the conditions in this Article; and the proposal will be of benefit and be in line with development within the City. The procedure for amendment of a plan set forth in Section 405.270(C) may be used in making a decision on the application.

Section 405.210 **Purpose And Intent.**
[Ord. No. 18-10, 2-13-2018]

The purpose of the planned development regulations is to allow for unconventional and innovative arrangements of land uses and public facilities that, but for the provisions of these regulations, would otherwise be difficult to develop under the conventional land use and development regulations of the City. It is not the intent of these regulations to provide for or facilitate the circumvention of the conventional regulations for development for the sake of mere convenience or in any other way that does not provide for a demonstrable public benefit based on the findings of the City's Planning and Zoning Commission and City Council.

Section 405.220 **Applicability.**

[Ord. No. 18-10, 2-13-2018]

- A. Eligibility To Submit An Application For A Planned Development. An application for a Planned Development shall be submitted by the legal owner(s) of the real property subject to the application, or by a duly authorized representative of such owner, or by an individual or organization with a legitimate contractual interest in the purchase of the subject real property.

- B. Eligibility Requirements For Planned Developments — Generally. A proposal for a Planned Development shall demonstrate substantial congruence with each of the following conditions in order to be considered eligible for approval.
 - 1. The proposed development plan shall involve a diverse mixture or variation of land uses or densities which cannot be accomplished by following the requirements set forth for conventional development and which contains aspects of development beyond mere convenience that necessitate use of a planned development.
 - 2. The proposed development plan shall involve the provision of all infrastructure deemed necessary to adequately serve the potential development.
 - 3. The proposed development plan shall involve design elements that promote the City of Republic's Comprehensive Plan.
 - 4. The proposed development plan shall involve design elements intended to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Section 405.230 **Procedure.**

[Ord. No. 18-10, 2-13-2018]

- A. Planned Developments shall proceed toward the planned improvements, subdivision, and/or marketing according to the following process:
 - 1. Procedure For Rezoning. The applicant shall apply to have the property rezoned in accordance with the hearing process set forth in Section **405.980** of this Chapter. In addition to the legal description of the property to be rezoned, the development plan shall be submitted with the rezoning request and shall be subject to review, modification and approval by the Planning and Zoning Commission and Council as allowed in this Chapter.
 - 2. Development Plan Review. Upon application for a rezone to Planned Development District, the Community Development Department shall arrange for the review of the development plan submitted in accordance with the requirements and provisions of Section **405.240**. The Community Development Department staff shall communicate, in writing, any known deficiencies relative to the requirements contained herein as well as a determination of eligibility. Upon the satisfactory completion of that review, the Community Development Department shall arrange for all necessary legal notices and forward the application and development plan to the Planning and Zoning Commission for hearing and consideration. A fee ~~in the amount of five hundred dollars (\$500.00)~~ shall be paid to the City at the

time of submittal, to defray the cost of review.

3. **Planning And Zoning Commission Consideration.** The City's Planning and Zoning Commission will hold a public hearing concerning the application to rezone and the development plan, such hearing having been properly publicized as required for zoning amendments. The purpose of the hearing is for the Commission to find certain facts pertaining to the development plans conformity to the requirements of this Article as well the adopted plans of the City. Upon the closing of the public hearing, the Commission shall render their findings and vote to make a recommendation to the City Council concerning the approval of the proposed Planned Development District rezone and the approval of the development plan.
4. **City Council Consideration.** The City Council shall receive the findings of facts and recommendation of the Planning and Zoning Commission and will consider whether to approve the proposed Planned Development District rezone by ordinance. If the Planning and Zoning Commission has not recommended approval of the proposed Planned Development District rezone, the ordinance approving the rezone shall not pass except upon the affirmative votes of at least three-quarters (3/4) of the total membership of the City Council.
5. **Rezoning And Development Plan Approval.** Upon approval of the rezoning to Planned Development District, the development plan submitted with the rezoning request shall become the general guiding document for the uses to be established in the Planned Development District. The final plat shall be in substantial conformance with the development plan.
6. **Infrastructure Design And Construction.** Approved Planned Developments shall be allowed to proceed toward the design and engineering of all necessary public improvements in accordance with the adopted standards and specifications of the City of Republic. All designs shall be reviewed and approved by the Community Development Department and Public Works Department prior to permitting and construction. No construction shall commence except upon the issuance of a permit for the work to be performed.
7. **Platting.** Upon the acceptance of the construction of all permitted infrastructure, the Planned Development District may be subdivided by the approval and recording of a final plat pursuant to the requirements and procedures of Chapter **410** of the City of Republic's Municipal Code of Ordinances.
8. **Building Permits.** Upon the approval and recording of a final plat or else upon the securing of all necessary public infrastructure by an appropriate financial surety, permits may be issued for the construction of buildings within the Planned Development District, provided that conditions pertaining to protection of life and safety sufficiently present as determined by the various code officials of the City, including the Building Code and Fire Code officials.

Section 405.240 Development Plans.
[Ord. No. 18-10, 2-13-2018]

- A. **Minimum Requirements.** Development plans accompanying an application for a new Planned Development District will be reviewed by City staff in order to verify satisfaction of the following minimum requirements prior to being forwarded to the Planning and Zoning Commission for consideration:
 1. **Identification Of Permitted Land Uses.** All land uses to be permitted within the Planned Development

shall be identified in sufficient detail with regard to density, intensity and location of the use. In this context, "sufficient detail" means a description of the permitted land use so as to explicitly limit the use of land in a way that is meaningful for the purposes of making determinations as to whether the particular land in question may be used for a specific purpose. Overly vague or ambiguous land use descriptions that evade predictability and certainty as to what sorts of land uses may be permitted shall not be allowed.

2. Identification Of Circulation Elements. The proposed development plan shall articulate a plan for the circulation of vehicle and pedestrian traffic throughout the development. The circulation plan shall include sufficient detail with regard to the general location of these elements as well as their capacities and connections to existing facilities of the same or similar purpose.
 3. Identification Of Utility Sources. The proposed development plan shall accurately identify the location of proposed sources and any necessary extension or expansion of utilities to serve the identified land uses. It is not the intent of this provision to require the specific design or engineering of the extension or expansion of these utilities, rather it is merely to ensure that the necessary services are available and of adequate capacity, either presently or as a result of planned expansion, to serve the proposed development.
 4. Identification Of Transitional Elements. The proposed development plan shall identify the general location and type of transitional elements between dissimilar or normally incompatible land uses. These transitional elements may include screens, bufferyards, or other architectural features that serve to lessen the visual, auditory, and olfactory impacts of land uses having significant differences in intensity.
 5. Identification Of Other Amenities. The proposed development plan shall identify the general location and type of other planned amenities intended to serve the public interest, a sense of community, and/or the purpose of this Article.
- B. Evaluation Criteria. The development plans proposed for any Planned Development shall be evaluated by the City staff, the Planning and Zoning Commission, and the City Council with regard to the following criteria:
1. Satisfaction of the purpose and intent of this Article.
 2. Promotion of the public interest and a sense of community.
 3. Conformity with the adopted Comprehensive Plan of the City of Republic.
 4. The ability of the available or planned infrastructure to provide adequate service to the proposed development.
 5. The estimated impact of the proposed development on surrounding properties based on facts found pertaining to the purpose and intent of this Article.
 6. A reliable and valid estimate of the costs and benefits of the proposed development upon the community.
 7. The duly authorized partnership of the public and private sectors for mutual benefit.

- C. Rights/Privileges Conferred Upon Development Plan Approval. The approval of a Planned Development District by ordinance of the City Council of the City of Republic shall confer upon the applicant and any successive owners of the real property the conditional right to develop the land in accordance with the approved development plan.

Section 405.250 Infrastructure Design And Construction.
[Ord. No. 18-10, 2-13-2018]

- A. Procedure. The design, review and permitting of the construction of the infrastructure planned for the development shall proceed according to the provisions of Chapter **410** of the City of Republic's Municipal Code of Ordinances.
- B. Evaluation Criteria. Permits for land disturbance or construction of any improvements to the real property shall be not be issued except upon a determination by the Community Development Department that the designs are in substantial conformity to the approved development plan. Substantial conformity shall be determined according to the following criteria:
1. Conformity to the arrangement and type of land uses articulated by the approved development plan.
 2. Conformity to the circulation plan articulated by the approved development plan.
 3. Conformity to the Standards and Specifications for Public Improvements.
 4. Conformity to the transitional elements articulated by the approved development plan.
 5. Conformity to the applicable minimum requirements of the City of Republic's Municipal Code of Ordinances or other adopted codes or laws of the City, State, or Federal governments.
 6. Conformity to any other amenities or design elements articulated by the approved development plan.

If the Community Development Department determines the design of the development to not be in substantial conformity, the Community Development Director and/or their designee shall transmit such findings, in writing, to the applicant along with a statement of the specific areas found to be in non-conformity. A determination of non-conformity may be appealed to the Board of Adjustment pursuant to the provisions of Article **XII** of Chapter **405** of the City of Republic's Municipal Code of Ordinances.

- C. Amendments To The Plan. Minor amendments to the development plan shall be submitted for staff review and approval. If staff determines that the changes are a substantial change to the development plan then the matter may be referred to Council to approve, amend or deny the proposed changes. Amendments to the approved development plan may be forward to the Planning and Zoning Commission and City Council according to the same procedure for original adoption.

Section 405.260 Platting.
[Ord. No. 18-10, 2-13-2018]

- A. Tentative Plat Approval. The Development Plan approved by the Planning and Zoning Commission may serve as a preliminary plat. If a more specific and detailed preliminary plat is required by either the Community Development Director or the applicant, such preliminary plat shall conform to the requirements of Article **III** of Chapter **410** and shall be reviewed and approved by the Planning and Zoning Commission.

- B. Final Plat Approval. Upon the satisfactory completion of the construction of all required infrastructure and other site elements or amenities, or else by the security of the same by an appropriate financial surety, the applicant may submit a final plat document in accordance with the provisions of Chapter **410** of the City of Republic's Municipal Code of Ordinances.

Section 405.270 through Section 405.530. (Reserved)

Article V

Height and Area Requirements, Exceptions and Modifications

Section 405.540 **Height and Area Regulations Established — Chart.**

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 04-64 §1, 10-11-2004; Ord. No. 07-38 §1, 5-29-2007]

The required height and area regulations are established and shown on the following chart which is part of Article V.

Section 405.545 **Height and Area Exceptions and Conditions.**

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 07-38 §1, 5-29-2007]

- (1) The minimum front yard setback established in Section **405.540** shall apply except:
 - a. Where a structure or dwelling is to be constructed on a lot or parcel of land that is within one hundred (100) feet of an existing structure or dwelling unit on both sides, the minimum front yard setback shall be an average of the two (2) closest front corners of the adjacent structures; or
 - b. Where a structure or dwelling is to be constructed on a lot or parcel of land that is within one hundred (100) feet of an existing building on one (1) side only, such dwelling or structure may be constructed as close to the street as the existing adjacent building, with exception to a corner lot, in which the exception shall not apply.
- (2) (Reserved)
- (3) The front yard and side street setback can be reduced to fifteen (15) feet when off street parking is provided in the rear of the main structure or dwelling unit(s).
- (4) The dwelling unit shall be placed on one (1) interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet, excluding the connecting elements such as fences, walls and trellises, but including covered porches, patios and storage spaces which are part of the principal structure. Non-zero lot line dwelling units shall comply with the interior side yard setbacks of the appropriate single-family residential district.
- (5) No building shall exceed three (3) stories above grade. Upper story (third (3rd) story) windows shall not face onto an adjacent property owner's private space if within a less intensive zoning district, unless a setback of fifty (50) feet is provided and a vegetative buffer is provided in accordance with Section 405.900(C) Option 4.
- (6) The minimum interior side or rear yard setback shall be as established in Section **405.540** unless:
 - a. The structure is part of a planned commercial complex or center, in which case the setback shall not apply; or

- b. The premises is located adjacent to a residential zoning district, in which case the minimum side yard setback shall be twenty-five (25) feet.
- (7) The minimum interior side or rear yard setback shall be as established in Section **405.540** unless the premises is located adjacent to a residential zoning district, in which case the minimum side yard setback shall be thirty-five (35) feet in a "M-1" District; and fifty (50) feet in a "M-2" District.
- (8) No maximum building height unless the structure is adjacent to a single-family residential district, in which case the height of the structure shall remain below a forty-five degree (45°) bulk plane as measured from the boundary of the adjacent residential district.
- (9) The minimum interior side yard setback shall not apply to parcel combinations or parcels where residential structures are constructed across a common property line, in which ownership of both lots are the same and the possibility of future subdivision is eliminated. Parcels in which residential structures are proposed for construction across common property lines must comply with the City's Subdivision Regulations.
- (10) The minimum lot width on a cul-de-sac shall be measured across the front of the lot at the radius of the twenty-five (25) feet setback.
- (11) The maximum density allowable may be increased in accordance with Section **405.140(E)**—Request for an increase in density.
- (12) For corner lots at the intersection of two local class thoroughfares, the side street setback shall be fifteen (15) feet. For corner lots at the intersection of a local class thoroughfare with a collector class thoroughfare, the side street setback shall be twenty (20) feet. For all other intersections, the side street setback shall be twenty-five (25) feet. [**Ord. No. 17-06 § 1, 1-17-2017**]

Section 405.550 **Generally.**

- A. Where a lot of record at the time of the effective date of this ordinance has less area or width than herewith required in the district in which it is located, said lot may nonetheless be used for a single-family dwelling use permitted in the district in which it is located.
- B. Where a use is permitted in a less restrictive district in which the property is zoned, the use shall be subject to the area regulations of similar and appropriate districts. Determination of which shall be based on use and the closest lot size, without exceeding the minimum requirements for that district. When single-family is permitted, the area regulations for the "R1-M" shall be apply.
- C. Minimum lot width on a cul-de-sac shall be measured at the building setback as established in Section **405.540**.

Section 405.560 **Height Limitations.**

[**CC 1999 §26-44**]

- A. The height limitations of this Chapter shall not apply to:
 1. Church spires.
 2. Belfries.

3. Monuments.
 4. Water towers.
 5. Tanks.
 6. Fire towers.
 7. Stage towers
 8. Cooling towers.
 9. Ornamental towers and spires below fifty (50) feet in height.
 10. Radio and television towers, antennae or aerials below fifty (50) feet in height.
 11. Chimneys.
 12. Elevator bulkheads.
 13. Smoke stacks.
 14. Conveyors.
 15. Flagpoles.
 16. Communication towers shall comply with the regulations set forth in Section **405.170(B)(8)**.
- B. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height limit otherwise provided in the district in which the building is located.
- C. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such district.

Article VI **Off-Street Parking and Loading Requirements**

Section 405.570 **Generally.**

[CC 1999 §26-51; Ord. No. 04-19 §1, 3-8-2004]

- A. At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any district in the City, the minimum off-street parking or loading spaces shall be provided as established below:
1. *Automotive sales and service; new and used motor vehicles, mobile homes, trailers, and rental establishments.* One (1) parking space for each four hundred (400) square feet of enclosed total building floor area, plus one (1) parking space for each three thousand (3,000) square feet of open sales or lot

area.

2. *Automotive washing establishments and car washes.* Queuing spaces for waiting automobiles equal to two (2) times the maximum capacity for each wash rack, measured by the greatest number of automobiles undergoing some phase of laundering at the same time plus one (1) parking space for each two (2) employees.
3. *Bowling alley.* Five (5) parking spaces for each alley.
4. *Business, professional or public office building, studio, bank, medical or dental clinic.* Three (3) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
5. *Church or temple.* One (1) parking space for each eight (8) seats in the main auditorium.
6. *Commercial or light manufacturing office/warehouse space, or self-storage for purposes solely related to dispatching work, clerical work or personal storage not related to retail sales or other uses indicated elsewhere.* Three (3) parking spaces plus one (1) parking space for each employee employed therein.
7. *Community center, library, museum or art gallery.* Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) feet.
8. *Dance or gymnastics studio, dance hall, assembly or exhibition hall without fixed seats.* One (1) parking space for each five (5) persons based upon designed maximum occupancy.
9. *Dance or gymnastics studio, dance hall, assembly or exhibition hall with fixed seats.* One (1) parking space for each five (5) seats.
10. *Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop.* Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) feet.
11. *Gas station, convenience stores or similar retail/service establishment.* One (1) parking space for each three hundred fifty (350) square feet of total building floor area plus one (1) parking space for each three (3) seats of on-site seating, but not less than ten (10) parking spaces shall be provided. Service area at gas pumps shall not be counted as parking spaces.
12. *Golf club.* One (1) parking space for each five (5) members.
13. *High schools, colleges, universities or trade schools.* One (1) parking space for each employee, plus two (2) parking spaces for each three (3) commuting students during the greatest attendance period. All parking for additional uses shall be calculated separately.
14. *Hospital.* One (1) parking space for each four (4) beds.
15. *Hotel.* One (1) parking space for each three (3) sleeping rooms or suites plus one (1) parking space for each two hundred (200) square feet of commercial floor area contained therein.
16. *Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment.* One (1) parking space for every two (2) employees on the

maximum working shift plus parking space to accommodate all trucks and other vehicles used in connection therewith.

17. *Mortuary or funeral home.* One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
18. *Printing or plumbing shop or similar service establishment.* One (1) parking space for each three (3) persons employed therein.
19. *Private club or lodge.* One (1) parking space for every ten (10) members.
20. *Restaurant, nightclub, cafe or similar recreation or amusement establishment.* One (1) parking space for each one hundred (100) square feet of floor area.
21. *Retail store or personal service establishment, except as otherwise specified herein.* One (1) parking space for each two hundred (200) square feet of floor area.
22. *Rooming house or boarding house.* One (1) parking space for each two (2) sleeping rooms.
23. *Sanatorium, convalescent home, nursing home or assisted care facility, not including retirement communities.* One (1) parking space for each three (3) beds, plus one (1) for each two (2) employees on the longest shift.
24. *School (except high school or college).* One (1) parking space for each ten (10) seats in the auditorium or main assembly room, or one (1) parking space for each classroom, whichever is greater.
25. *Sports arena, stadium or gymnasium (except school).* One (1) parking space for each five (5) seats or seating spaces.
26. *Theater or auditorium (except school).* One (1) parking space for each five (5) seats or bench seating spaces.
27. *Tourist home or motel.* One (1) parking space for each sleeping room or suite.

Section 405.580 Computing Parking Spaces.
[CC 1999 §26-52]

- A. In computing the number of such parking spaces required, the following rules shall govern:
 1. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
 2. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning and Zoning Commission.
 3. Whenever a building or use constructed or established after the effective date of this Chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and

thereafter comply with the parking requirements set forth herein.

4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Section 405.590 Location.

[CC 1999 §26-53]

- A. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
 1. Up to fifty percent (50%) of the parking spaces required for:
 - a. Theaters, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by
 - b. Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a) above provided however, that written agreement thereto is properly executed and filed as specified below.
 2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the City Attorney, and shall be filed with the application for a building permit.
 3. Off-street parking space may be located within the required front yard of any "C" or "M" District, but no off-street parking shall be permitted in the required front yard of any "R" District except upon a driveway providing access to a garage, carport, or parking area for a dwelling.

Section 405.600 General Access, Design, Surfacing and Loading Standards.

[CC 1999 §26-54; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 04-64 §1, 10-11-2004; Ord. No. 05-23 §1, 3-28-2005; Ord. No. 19-21, 11-5-2019]

- A. Access. Each required off-street parking space shall open directly upon an isle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking spaces.
- B. Design. Off-street parking and accessible parking facilities shall comply with such design standards relating to curb length, stall depth, aisle width and angle as established in Table 405.600(B)(1). Turnarounds shall be provided in multi-family and non-residential parking lots to allow vehicles to enter or exit the parking lot without backing from or onto a street. In addition, parking lots shall be designed to accommodate access off adjoining off-street parking areas.
 1. Computing Parking Spaces.

COMPUTING PARKING SPACES

	A	B	C	D	E	F	G	H
	Curb	Curb length	Curb length	Stall to	Stall to	Aisle	Back to	Total
	length per	short dimension	long dimension	back	curb	width	back	width
	car			rows			rows	
Parking	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
angle degrees								
0	23.0	0.0	23.0	9.0	9.0	12.0	30.0	30.0
45	12.7	6.4	13.4	19.8	16.6	13.0	46.2	52.6
60	10.4	7.8	9.5	21.0	18.8	18.0	55.5	60.0
90	9.0	9.0	0.0	19.0	17.0	23.0	61.0	61.0

[\[Image\]](#)

- C. Surfacing. All off-street parking areas, ingress and egress and circulation areas shall be composed of an asphaltic or concrete surface. All off-street parking areas shall include concrete curb and gutter surrounding the entire parking area and around all landscaped islands within the parking lot.
 - 1. Gravel or crushed stone parking areas may be permitted in "C-2," "M-1" or "M-2" Districts, but only in combination with automotive, recreational, boat storage facilities or other related storage facilities. Gravel or crushed stone parking areas shall not be permitted to be installed for automotive, boat, marine, recreational camper or related equipment sales or service.
 - 2. Uses located in the General Commercial ("C-3") Zoning District or a less restrictive zone may utilize gravel or crushed stone for the storage of materials, equipment, or tractor trailers. All such areas of gravel or crushed stone surface shall be prohibited in the required front yard.
 - 3. Automotive repair or similar uses located in the General Commercial ("C-2") or a less restrictive zoning district may utilize gravel or crushed stone for the parking of wrecked or inoperable vehicles awaiting repair. Such parking areas are prohibited when located within the required front or side yard adjacent to a public street or adjoining a more restrictive zone. Regardless of location, such parking areas shall be screened according to the requirements of Section **405.855**.
- D. Site Distance. Site triangles shall be preserved in accordance with the requirements of Section 405.910, Site Distance and Visibility.
- E. Loading Design Standards.
 - 1. All loading areas shall be accessed without requiring any backing from or onto a public street and without any portion of a vehicle projecting onto a public street while being loaded.
 - 2. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the premises off-street loading space in the amount of one (1) loading space for each ten thousand (10,000) square feet or fraction thereof of floor area.
- F. Drive-Through And Queuing Standards. Banks, car washes, express automotive service, restaurants and fast-food establishments and similar places of business which provide drive-through service shall

provide six (6) queuing spaces and one (1) space at each service window.

Section 405.610 Driveways and Off-Street Parking in Residential Districts.

A. Driveways. [Ord. No. 17-20 § 1, 6-6-2017]

1. All residential dwelling driveways and off-street areas used for standing and maneuvering of vehicles shall be constructed of concrete or asphalt surface driveways and shall be designed to drain and avoid flow of water across sidewalks. Driveways in the Agricultural (AG) zoning district may be composed of gravel or crushed stone.
2. All residential dwelling driveways shall be at least sixteen (16) feet wide from the street or curb to the garage or dwelling unit. Driveways in the Agricultural (AG) zoning district may vary from the minimum width requirement of this Section so long as requisite off-street parking is available pursuant to the requirements of Section **405.610(B)(1)**.
3. All residential dwellings located on a street classified as a collector or greater shall provide an internal vehicle turn-around or a circle driveway, so as to provide an alternative to backing out onto the street.
4. All new driveways, curb cuts and driveway expansions shall be reviewed for drainage impacts, grade changes, and potential access restrictions by the City.

B. Off-Street Parking.

1. All residential dwelling units are to provide a minimum of two parking spaces for each dwelling unit constructed. Driveways constructed for single-family and two-family uses shall reserve parking area for a minimum of two vehicles, in addition to garages or carports.
2. All multi-family dwelling units shall provide parking spaces and handicap parking design shall comply with the latest adopted building codes and shall furthermore comply with the standards elsewhere in Article VI.
3. Parking areas reserved for private homeowners association playgrounds, pools, parks, etc. shall provide one parking space for each ten dwelling units serviced by the common area. Parking design shall comply with the latest adopted building codes.

Article VII

Additional District Provisions

Section 405.620 Exterior Lighting Standards.

- A. To reduce the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. This section is not intended to apply to public street lighting, signs, seasonal displays or emergency warning lights.
 1. The following exterior lighting standards shall apply specifically to:
 - a. *Outdoor recreational uses.* Ball Diamonds, Playing Fields and Tennis Courts lights shall have limited hours of operation and the lights for said use shall not remain on continuously at all times.
 - b. *Private outdoor lights.* Private outdoor lights installed by a public utility on private property for security purposes, provided the installation of is approved by all property owners of residential property from the

light source can be viewed directly.

- c. "R-3", "C-1", "C-2", "M-1" and "M-2" zoning districts. Exterior lighting for multi-family, commercial or industrial uses are permitted provided that direct illumination from any light source does not cause illumination in excess of one-half (0.5) lumens per square foot in any adjacent residential district.
2. The following exterior lighting standards are required of all exterior lighting.
 - a. The light source or luminaire for all exterior lighting shall have a cutoff so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer at ground level at a property line adjacent to a public right-of-way or property zoned residential or, if a bufferyard is required, at the interior bufferyard line.
 - b. No flickering or flashing lights shall be permitted.
 - c. Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

Section 405.630 **Home Occupations.**

- A. *Designation.* The regulations set forth in this Section or set forth elsewhere in this Chapter shall be referred to as the regulations for home occupations. A home occupation is an accessory use of a dwelling unit that shall constitute either in whole or partly the livelihood of a person living in the dwelling, subject to the following:
 - B. *General Regulations.* No home occupation shall be permitted that:
 1. Changes the outwardly appearance of the dwelling or property, either in part or whole;
 2. Generates traffic, parking, sewerage or water use in excess of what is normal for surrounding residential uses;
 3. Creates a hazard to person or property, results in electrical interference or becomes a nuisance;
 4. Results in outside storage or display of anything associated with the home occupation.
 - C. *Permitted Home Occupations.* The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph.
 1. Barber shops and beauty parlors with only one chair.
 2. Dressmaking, sewing and tailoring.
 3. Direct sale product distribution (Amway, Avon, Tupperware, etc.) provided parties for the purpose of selling merchandise or taking orders shall not be held more than once a month, shall be limited to ten (10 customers) and shall be held between the hours of 9:00 A.M. and 10:00 P.M.
 4. *Family day care home.* Compliance with State law required. As a further condition for receipt of a City business license, the provider shall satisfy the City that he/she has complied with all licensing regulations, health and safety regulations, and all other provisions of Missouri State law regulating child day care facilities.

5. Home crafts, such as model making, rug weaving, lapidary work and cabinet making.
 6. Home offices for architects, engineers, lawyers, realtors, insurance agents, brokers, ministers, rabbis, priests, salesman, sales representatives, manufactures representatives, home builders, home repair contractors and similar occupations.
 7. Music and art teachers or other tutoring services limited to four students at a time.
 8. Office uses, such as computer programming, data processing, telemarketing, desktop publishing.
 9. Painting, sculpturing or writing.
 10. Telephone answering.
- D. Any proposed home occupation that is neither specifically permitted by Subsection (C) shall be considered a special use and be granted or denied by the Planning and Zoning Commission and the City Council, based upon consideration of the general regulations listed in Subsection (B) and issued in accordance with Article **VIII**, Section **405.670**.

Section 405.640 Accessory Structures.

[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]

- 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 structure 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, 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. **[Ord. No. 19-25, 12-10-2019]**

- 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.
 5. Excepting swimming pools, accessory structures shall not be constructed closer than ten (10) feet of the principal structure on the lot.
 6. Swimming pools shall not be constructed closer than five (5) feet of the principal structure on the lot.
 7. On a corner lot, accessory structure shall not project beyond the front yard setback line on the adjacent lots.
 8. The maximum building height of accessory buildings shall be determined by measuring the height of the tallest sidewall of the building from the finished floor to the top plate of the wall. The maximum height of the tallest sidewall of accessory buildings shall not exceed fifteen (15) feet in height when located at least six (6) feet from the nearest property line. Accessory buildings located less than six (6) feet from any property line shall not have the tallest sidewall exceeding a height determined according to the table below based upon the distance from the building to the nearest property line.

GRADUATED INCREASE IN ACCESSORY STRUCTURE SIDEWALL 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

9. 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.
10. 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. 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.

2. 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)**.

Section 405.650 Street Lights.
[CC 1999 §26-65]

- A. The City shall refuse to authorize the installation of any street lights that would be less than one hundred fifty (150) feet from the nearest existing street light and more than three hundred (300) feet from the nearest existing street light in any zoning district in the City.
- B. Electric service to street lights in new major subdivisions shall be buried underground.
- C. All poles installed in the City of Republic for the specific purpose of providing on-street lighting shall be composed of concrete, fiberglass, steel, aluminum or other materials not composed of wood.
- D. The developer of the subdivision shall bear the expense associated with meeting these standards. These requirements shall apply only to the installation of new street lights in major subdivisions platted after approval of this Section.

Section 405.660 Sexually Oriented Business Locations.
[Ord. No. 11-20 §2, 8-8-2011]

- A. The purpose of these regulations is to protect residential property values by restricting the location of adult entertainment businesses. Local and national studies indicate that such businesses are perceived to have a negative impact on residential property values. Dispersion of adult businesses is also required in order to avoid concentration of uses that have a negative impact on adjoining property values.
 1. No person shall establish a sexually oriented business within one thousand (1,000) feet of any pre-existing primary or secondary school, house of worship, State-licensed day care facility, public library, public park, residence, or other sexually oriented business. This Subsection shall not apply to any sexually oriented business lawfully established prior to the effective date of this Section. For purposes of this Subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the pre-existing primary or secondary school, house of worship, State-licensed day care facility, public library, public park, residence, or other sexually oriented business.
 2. Sexually oriented business shall not be located in the following zoning classifications, Residential or Agricultural and the "C-1", Commercial Office or Main Street District.
 3. The following standards shall further apply to all sexually oriented business establishments:
 - a. *Frontage and access.* Sexually oriented business establishments shall have at least one hundred (100) feet of street frontage on an arterial street.
 - b. *Screening.* The lot on which the use is located shall be screened by a solid masonry wall, at least six (6) feet in height, along all interior lot lines. A wall shall not be required in those areas where complete

visual screening already exists. All other landscaping requirements relating to commercial and manufacturing uses shall apply.

- c. *Building setback.* The minimum setback from all public rights-of-way for the building in which the establishment is located shall be thirty (30) feet.
- d. *Signs.* Sexually oriented business establishments shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet. The sign shall not flash, blink, or move by mechanical means and shall not extend above the roof line of the building. No lighting that gives the impression of motion or movement shall be permitted.
- e. The building in which the sexually oriented business is located shall be designed in such a fashion that all openings, entries, and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Furthermore, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building.

Article VIII Special Use Regulations

Section 405.670 **Generally.**

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 11-03 §1, 3-28-2011; Ord. No. 11-20 §3, 8-8-2011]

- A. The City Council of the City of Republic may, by special permit following a public hearing advertised as provided in Section **405.980** of the Code of the City of Republic, authorize the location of any of the following buildings or uses in any district except as herein qualified, from which they are otherwise prohibited by this Chapter; provided however, that appropriate conditions and safeguards shall be imposed to protect the public welfare and to conserve and protect property and property values in the neighborhood.
 - 1. Any public building erected and used by any department of the City, County, State or Federal Government.
 - 2. Commercial amusement or recreational development for temporary or seasonal periods.
 - 3. Cemetery or mausoleum on a site of twenty (20) acres or more; provided that any mausoleum shall be located at least two hundred (200) feet from any street or lot line.
 - 4. Hospitals and institutions, except institutions for criminals and for persons who are mentally ill or have contagious diseases; provided however, that such buildings may occupy not over twenty-five percent (25%) of the total area of the lot or tract and will not have any serious depreciating effect upon the value of the surrounding property; and provided further, that the buildings shall be set back from all yard lines heretofore established an additional distance of not less than two (2) feet for every foot of building height, and that adequate off-street parking space will be provided.
 - 5. Greenhouses and plant nurseries.
 - 6. Radio or television broadcasting tower or station over fifty (50) feet in height.

7. (Reserved)
8. Guyed or lattice telecommunication towers located in "AG" or "C-2" Districts, when complying with the regulations in Section **405.170(B)(8)**.
9. Monopole telecommunications towers located in any district, when complying with the regulations in Section **405.170(B)(8)**.
10. Group day-care homes in any residential district with the permit to have a five-year limit and the permit may be renewed following the process set forth in Section **405.680**. [Ord. No. 15-01 §1, 1-26-2015]
11. Commercial office uses located in any residential district which are associated with low traffic volumes such as accounting, architecture, drafting, engineering, law and associated professional consulting services as approved by the Planning and Zoning Commission and City Council.
12. Neighborhood markets, convenience stores and gasoline/fuel stations located in residential districts.
13. (Reserved)
14. The sale of merchandise by traveling vendors, under tents or other temporary facilities, located in "C-1", "C-2", "M-1" or "M-2" Districts. Temporary facilities shall not be permitted beyond a three (3) month period per year unless permitted as a permanent structure.
15. Veterinary facility or similar establishment located in "C-2", "M-1" or "M-2" Districts for the treatment and boarding of all animals, large and small.
16. The temporary use of land for purposes associated with the support of active public improvements projects. The use of the land must comply with all applicable State and Federal regulations regarding environmental quality and protection. Each special use permit for this purpose shall be considered on a case-by-case basis and considerations in reviewing and approving the application for a special use permit shall include, but not be limited to:
 - a. Intensity of the use relative to the surrounding land uses, especially in terms of noise, dust, odor, etc.
 - b. Volume and type of traffic generated by the use.
 - c. Potential impacts on water, air, and soil quality.
 - d. Whether more appropriate alternative sites exist.
 - e. The length of time requested for the special use of the land.
 - f. Potential impacts on public services including water supply, wastewater treatment, fire protection, law enforcement, etc.

If Council determines to issue a special use permit for temporary use of land under this paragraph, the permit term will generally expire sixty (60) days after the completion date of the contracted for services and/or uses as set forth in the plans or the contract presented to the City during the review process. If the documents provided to the City do not state an end date for the contracted for services and/or uses then Council may establish the length of term for the special use permit. Upon approving a special use

permit, Council may grant staff the discretion to extend the permit twice for a period of no greater than ninety (90) days each. Any extension beyond those described above shall be subject to Council approval.

Section 405.680 Permit.

[CC 1999 §26-62; Ord. No. 03-80 §1, 11-24-2003]

Before the issuance of any special permit for any of the above buildings or uses, the application therefore shall be submitted to the City Planning and Zoning Commission for study and report regarding the effect of such proposed building or use upon the character of the neighborhood and upon traffic conditions, public utility facilities and other matters pertaining to the public health, public safety or general welfare. A processing fee ~~in the amount of one hundred seventy-five dollars (\$175.00)~~ shall be paid to the City upon receipt of an application for a special use permit. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed, but such report shall be made within sixty (60) days after the matter has been referred to it. If the Planning and Zoning Commission recommends against the issuance of the special permit, then it may be issued only by an affirmative three-fourths ($\frac{3}{4}$) vote of the City Council.

Article IX Non-Conforming Uses

Section 405.690 Non-Conforming Lots, Structures and Uses.

[Ord. No.04-64 §1, 10-11-04]

- A. General. Non-conformities are of three (3) types: non-conforming lots of record, non-conforming structures and non-conforming uses. A definition of each type is as follows:
1. *Non-conforming lot of record.* An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.
 2. *Non-conforming structure.* An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.
 3. *Non-conforming use.* An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

Section 405.700 Non-Conforming Lots of Record.

[Ord. No. 04-64 §1, 10-11-2004; Ord. No. 16-23 § 1, 11-28-2016]

- A. Non-Conforming Lots Of Record. The community development staff shall issue a building permit for any non-conforming lot of record, provided that:
1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations; and
 2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations; and

3. Said lot can meet all yard regulations for the district in which it is located; and
4. Said lot can be served by municipal sewerage disposal; or can meet minimum standards for on-site sewage treatment as required by the County Health Office, should the City determine that the lot cannot be served by the municipal disposal system.

Section 405.710 Non-Conforming Structures.
[Ord. No. 04-64 §1, 10-11-2004]

- A. *Authority To Continue.* Any structure which is devoted to a use which is permitted in the zoning district in which it is located on a lot which does not comply with the applicable yard and height regulations may be continued so long as it remains otherwise lawful.
- B. *Enlargement, Repairs, Alterations.* Any non-conforming structure may be enlarged, maintained, repaired or remodeled; provided however, no such enlargement, maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structure; providing further, existing mobile home parks not meeting the requirements of this Section shall be declared non-conforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this Section.
- C. *Damage Or Destruction.* In the event that any non-conforming structure is damaged or destroyed by any means to the extent of more than fifty percent (50%) of its appraised value, such structures shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of fifty percent (50%) or less, no repairs or restorations shall be made unless a building permit is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and diligently pursued to completion.
- D. *Moving.* No non-conforming structure shall be moved in whole or in part for any distance whatsoever to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 405.720 Non-Conforming Uses.
[Ord. No. 04-64 §1, 10-11-2004]

- A. *Non-Conforming Uses.*
 1. *Authority to continue.* Any lawfully existing non-conforming use or part or all of a structure or any lawfully existing non-conforming use of land may be continued, so long as otherwise lawful.
 2. *Ordinary repair and maintenance.*
 - a. Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a non-conforming use.
 - b. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of the Building Inspector who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

3. *Extension.* A non-conforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activities shall include, without being limited to:
 - a. Extension of such use to any structure or land area other than that occupied by such non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become non-conforming).
 - b. Extension of such use within a structure to any portion of the floor area that was not occupied by such non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become non-conforming); provided however, that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.
4. *Enlargement.* No structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
5. *Damage or destruction.* In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed by any means to the extent of more than fifty percent (50%) of its appraised value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty percent (50%) or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.
6. *Moving.* No structure that is devoted in whole or in part to a non-conforming use and no conforming use of land shall be moved in whole or in part for any distance whatever to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
7. *Change in use.* If no structural alterations are made, any non-conforming use of a structure, or structure premises, may as a special use be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate *or more appropriate* to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with Section 405.700(3). Once a change is made to a more appropriate use, the use shall be returned to the original use or a less appropriate use.
8. *Abandonment or discontinuance.* When a non-conforming use is discontinued or abandoned for a period of twelve (12) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the zoning district in which such land is located.
9. *Non-conforming accessory use.* No use which is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate.
10. *Non-conforming residential uses.* Notwithstanding the provisions of Section **405.720(A)(3)** and Section **405.720(A)(4)**, any structure which is devoted to a residential use and which is located in a business or

industrial district may be remodeled, extended, expanded and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

B. *Status Of Special Uses.*

1. *Status of existing special uses.* Where a use exists at the effective date of these regulations and is permitted by these regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a non-conforming use but shall, without further action, be deemed a lawful conforming use in such zoning district. Such special use shall not be enlarged or expanded unless a special use application is approved as set out in Article **VIII** of these regulations.
2. *Status of future special uses.* Any use for which a special permit has been issued, as provided in these regulations, shall not be deemed to be a non-conforming use, *but shall* without further action, be deemed a lawful conforming use.

Section 405.730 through Section 405.740. (Reserved)

Article X
Landscaping and Screening

Section 405.750 **Applicability.**
[Ord. No. 15-21 §1, 8-10-2015]

- A. All new structures, buildings and parking lots must comply with the landscaping and screening standards of this Article.
- B. If an addition is proposed to a building; an additional building is proposed for a lot; or if an expansion is proposed to an existing parking lot, the existing and expanded parking lot shall comply with the provisions of this Article.
- C. *Exceptions.*
 1. Previously approved developments which have been given a permit to begin construction.
 2. Additions to existing structures that are under ten percent (10%) of the gross floor area of the existing structure or five thousand (5,000) square feet, whichever is less.
 3. Subdivisions that include a mix of commercial and industrial zoning that were developed in a coordinated fashion with the intent to mix uses and zoning without the need to buffer and screen between these uses, such as a business park development. This exception shall not apply to situations in which a local commercial, commercial office, or residential district adjoins an industrial district.
 4. An application for alternative landscaping schemes is justified only when one (1) or more of the following conditions apply. In such a case, the applicant shall describe in a letter to the Community Development Department which of the requirements set forth in this Article will be met with modifications, which project conditions justify using alternatives and how the proposed measures equal or exceed normal compliance. The request will be evaluated on a case-by-case basis. [Ord. No. 16-23 § 1, 11-28-2016]
 - a. The site involves space limitations or unusually shaped parcels.

- b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
 - c. Safety considerations require a change.
5. Landscaping, screening and bufferyard standards shall apply to all applicable situations, regardless of requests from adjoining property owners to omit the same.

Section 405.760 Permits.

[Ord. No. 15-21 §1, 8-10-2015]

- A. No permits shall be issued for the improvement of any site, the construction of any building, or the establishment of any use for which a landscaping plan is required by this Article until such plan has been submitted to and approved by the Community Development Department. **[Ord. No. 16-23 § 1, 11-28-2016]**
- B. Prior to the issuance of a permanent certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan required in this Article.
- C. Standards have been established for installation of all plant materials within the City of Republic. These requirements must be followed in order to receive approval of the site work and final occupancy or approval of the development. The Community Development Department has the authority to deny the issuance of a final occupancy permit until landscaping is installed according to the requirements of this Article and to the satisfaction of the site inspector. **[Ord. No. 16-23 § 1, 11-28-2016]**
- D. The Community Development Department may approve temporary occupancy permits if occupancy is sought at a time in which it is impractical to plant trees, shrubs or grass, or to lay turf. **[Ord. No. 16-23 § 1, 11-28-2016]**

Section 405.770 Landscaped Area Requirements.

[Ord. No. 15-21 §1, 8-10-2015]

- A. *Where Required.* All uses must provide and maintain a landscaped area as provided in this Section. Landscaped areas may not include rights-of-way and accessory uses, and must be maintained as a permeable and uncovered surface that contains living material. No more than twenty percent (20%) of the required landscaped area may consist of porous non-living materials.

Landscaped Area Requirements

Required Landscaped Area

(percent)

Type of Use

Single-family residential	30
Two-family residential	30
Multifamily residential	20
Commercial	10
Industrial	10

- B. *Placement Of Landscaped Areas.* Landscaping in the following areas shall be provided:

1. Landscaped area a minimum of six (6) feet in width along street frontages; and
2. Landscaped area a minimum of six (6) feet in width along all perimeter property lines. This required landscape area may be utilized in conjunction with the screening requirements of this Article. This requirement does not apply to single-family detached dwellings.
3. Plantings shall not be placed within the required sight triangle at the intersection of any public thoroughfare or private driveway with a public thoroughfare according to the table below.

Sight Triangle Requirements

Intersecting Streets	Driveway	Local	Collector	Secondary Arterial	Primary Arterial
Driveway	A	A	A	A	B
Local	A	A	A	A	B
Collector	A	A	A	B	B
Secondary arterial	A	A	B	C	C
Primary arterial	B	B	B	C	C

Key:

- A = ten-foot-by-ten-foot sight triangle
- B = thirty-foot-by-thirty-foot sight triangle
- C = sixty-foot-by-sixty-foot sight triangle

4. The utility locations shall be agreed upon prior to submission of landscape plans. Utility easements shall be provided at locations that minimize their impact on required bufferyards and perimeter landscaping. Plantings on utility easements shall be limited to ornamental trees, shrubs and hedges and ground cover. Each required canopy tree may be replaced by two (2) understory or ornamental trees to reduce conflicts with overhead utilities. Plantings in or adjacent to a utility easement shall be coordinated with the utility.

Section 405.780 Parking Area Landscaping.

[Ord. No. 15-21 §1, 8-10-2015]

A. Interior Parking Lot Landscaping.

1. Landscape islands with at least one (1) shade tree and two (2) shrubs must be provided at a minimum of one (1) for every thirty (30) parking spaces in all off-street parking areas. Flexibility in placement of landscape islands may be allowed for creative parking lot design and preservation of existing trees and vegetation. Landscape islands that include a light pole may eliminate the required shade tree, provided the shade tree is included elsewhere in the required landscaped area.
2. Landscape islands include those areas that are a minimum of eight (8) feet wide and one hundred twenty-eight (128) square feet in area, and are open to the parking area on at least three (3) sides. "Bump-out" landscape areas will be considered landscape islands if they meet these criteria.

B. Perimeter Parking Lot Landscaping.

1. *Applicability.* All new off-street parking areas must install perimeter parking lot landscaping. Areas counted toward interior parking lot landscaping requirements (such as bump-outs) may not be counted as perimeter parking lot landscaping.

2. *Parking Areas Abutting Residential Districts.* When a parking area abuts a residential district, a Type A opaque landscape screen must be provided to shield the parking area from view at any point within the residential district, as described in Section **405.810(C)(1)**.
3. *Parking Areas Abutting Public Streets.*
 - a. When an off-street parking area abuts a public street, a minimum landscape strip at least six (6) feet wide must be provided along the length of the right-of-way, excluding driveways. One (1) shade tree must also be provided per fifty (50) linear feet along the portion of the parking area that abuts a public street. These trees may be clustered or spaced linearly.

[\[Image\]](#)

- b. When a parking area is separated from a residential district by a public street right-of way, screening to shield vehicle headlights shall be provided along the length of the right-of-way.

Section 405.790 Loading Areas.

[Ord. No. 15-21 §1, 8-10-2015]

All loading areas abutting a residential district must be permanently screened from view along the abutting property line(s) by a Type A opaque landscape screen, as described in Section **405.810(C)(1)**.

Section 405.800 Site Trees.

[Ord. No. 15-21 §1, 8-10-2015]

- A. One (1) tree must be planted along street frontages between the front building line and the front lot line of each lot in a residential subdivision. Said tree shall be of a size in accordance with Section 305.860(A)(1). On lots with two (2) street frontages one (1) site tree is required on each frontage. Once planted, the maintenance of these trees is the responsibility of the property owner. Required site trees must be installed on an individual lot prior to issuance of a certificate of occupancy.
- B. To reduce the risk of disease and/or insect infestation, no more than fifty percent (50%) of the site trees in a subdivision may be of one (1) species.

Section 405.810 Screening Requirements.

[Ord. No. 15-21 §1, 8-10-2015]

- A. *Applicability.* All uses must provide and maintain screening as required by this Section. In cases where a use would be required to provide both landscaping and screening at the same location, the two (2) requirements may overlap; however, the most restrictive requirement applies. Additionally, screening requirements may be counted toward the percent of landscaped area required by Section **405.770**.
- B. *Screening Table.* The following table establishes which type of screen is required. To determine the type required, first identify the zoning of the subject lot (the new or expanded use). Then identify the zoning of each adjacent lot. Types of screens are labeled A, B and C; these are described in Section **405.810(C)**.

Types of Screening required

Zoning of Subject Lot

Zoning of Adjacent Lot

	AG	R1-L	R1-M	R1-H	R1-Z	R-2	R-3	MH	C-0	C-1	C-2	C-3	M-1	M-2
AG	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R1-L	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R1-M	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R1-H	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R1-Z	B	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R-2	B	A	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R-3	B	A	A	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
MH	B	A	A	A	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
C-0	B	A	A	A	A	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a
C-1	B	A	A	A	A	A	A	A	C	n/a	n/a	n/a	n/a	n/a
C-2	B	A	A	A	A	A	A	A	C	C	n/a	n/a	n/a	n/a
C-3	B	A	A	A	A	A	A	A	B	C	C	n/a	n/a	n/a
M-1	B	A	A	A	A	A	A	A	B	B	B	C	n/a	n/a
M-2	B	A	A	A	A	A	A	A	A	A	A	A	B	n/a

C. *Types of Screens.*

1. *Opaque screen, Type A.* An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of special separation.
 - a. *Height.* Type A screens must be opaque from the ground to a height of at least six (6) feet, with intermittent visual obstructions to a height of at least twelve (12) feet.
 - b. *Materials and Installation.*
 - (1) The opaque screen may be composed of wall, vinyl/wood fence, landscaped earth berm, planted vegetation or existing vegetation.
 - (2) Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation.
 - (3) The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions may not contain any completely unobstructed openings more than ten (10) feet wide. The portion of intermittent visual obstructions may contain deciduous plants.
 - (4) Planting areas for the placement of these screens must be a minimum of five (5) feet wide.
 - c. *Example.* Suggested planting patterns that will achieve this standard are included in the following diagram. See Section **430.080** for lists of suggested plant materials.

[\[Image\]](#)

2. *Semi-opaque screen, Type B.* The semi-opaque screen is intended to partially block visual contact

between uses and create a strong impression of the separation of spaces.

- a. *Height.* Type B screens must be opaque from the ground to a height of three (3) feet, with intermittent visual obstructions to a height of at least twelve (12) feet.
- b. *Materials and installation.*
 - (1) The semi-opaque screen may be composed of a wall, vinyl/wood fence, landscaped earth berm, planted vegetation or existing vegetation.
 - (2) Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation.
 - (3) At maturity, the portion of intermittent visual obstructions may not contain any completely unobstructed openings more than ten (10) feet wide. The zone of intermittent visual obstruction may contain deciduous plants.
 - (4) Planting areas for the placement of these screens must be a minimum of five (5) feet wide.
- c. *Example.* Suggested planting patterns that will achieve this standard are included in the following diagram. See Section **430.080** for lists of suggested plant materials.

[\[Image\]](#)

3. *Broken screen, Type C.* The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces.
 - a. *Height.* Type C screens must be composed of intermittent visual obstructions from the ground to a height of at least twelve (12) feet.
 - b. *Materials.*
 - (1) The broken screen may be composed of a wall, vinyl/wood fence, landscaped earth berm, planted vegetation or existing vegetation.
 - (2) Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of the foliage of the subject species or field observation of existing vegetation. The screen may contain deciduous plants.
 - (3) Planting areas for the placement of these screens must be a minimum of five (5) feet wide.
 - c. *Example.* Suggested planting patterns which will achieve this standard are included in the following diagrams. See Section **430.080** for lists of suggested plant materials.

[\[Image\]](#)

4. *Location of screens.* Screening required by this Section must be located along the common lot line(s) of adjacent uses. Where uses are separated by an intervening right-of-way, screening is not required. In its review of a site plan, the Community Development Department may require the location or dimensions

to be modified to better achieve the desired level of screening on a particular site. [Ord. No. 16-23 § 1, 11-28-2016]

Section 405.820 Planting List.
[Ord. No. 15-21 §1, 8-10-2015]

- A. *Prohibited Plants.* Plants listed as nuisance species or prohibited plants in the planting list are prohibited in required landscape areas. Prohibited plants include those that are invasive, potentially damaging to streets, sidewalks, utilities, drainage improvements, and foundations.

Section 405.830 Tree Preservation and Existing Vegetation.
[Ord. No. 15-21 §1, 8-10-2015]

- A. The City may require the preservation of existing trees and/or vegetation on a property as part of a rezoning, conditional use permit, preliminary plat, final plat or site plan application.
- B. Existing vegetation may be used to satisfy the landscaping and screening requirements of this Code if protected and maintained during site development and construction phases of work and if such trees or plants are not otherwise prohibited.
- C. Preserved trees will be credited toward satisfying the tree planting requirements of this Article if they meet the minimum size and species requirements of this Article. Tree credits will be granted by the Community Development Director. Multiple credits may be given to encourage preservation of existing mature trees. [Ord. No. 16-23 § 1, 11-28-2016]

Section 405.840 Trash Receptacle Screening.
[Ord. No. 15-21 §1, 8-10-2015]

- A. All outdoor trash receptacles, garbage areas, grease traps and trash compactors for multi-family residential and all non-residential uses must be permanently screened from view on all sides by a fence of one-hundred-percent opacity and a minimum height of six (6) feet. The fence must be constructed to prevent accidental dispersal of material within the storage area.
- B. Where commercial trash receptacles are used and where allowed by City codes, such receptacles must be screened as follows:
1. Existing trash receptacles of any size within one hundred fifty (150) feet of an arterial street must be screened from view of the arterial street. The screen may not require full enclosure to accomplish screening; and
 2. Chain link and slat screening is only allowed in industrial zones. The screen must be opaque.
- C. No trash receptacle may be located in a required front or side yard unless located in an existing enclosure or if the existing developed site does not afford any other option; in such a case, the trash receptacle should be located in the side yard if possible and must comply with the screening requirements of this Section. The Community Development Director will have the authority to grant an administrative variance where it is demonstrated that screening is impossible. After a request for such relief, the Community Development Director will notify the applicant of the determination in writing within thirty (30) days. [Ord. No. 16-23 § 1, 11-28-2016]

Section 405.850 Screening of Mechanical Equipment.

[Ord. No. 15-21 §1, 8-10-2015]

- A. Raised exterior walls or screen walls must be designed to enclose groups of equipment. Wall material should be compatible with or identical to the predominant opaque material on the exterior of the building.
- B. All electrical and mechanical equipment located adjacent to the building shall be screened from view from adjacent residential properties and any adjacent street.

Section 405.855 Screening Of Certain Off-Street Parking Areas And Other Storage Yards.

[Ord. No. 19-21, 11-5-2019]

Off-street parking areas containing wrecked or inoperable vehicles awaiting repair as permitted according to Section **405.600** shall be screened from view of any public way or adjoining property within the Local Commercial ("C-1") or more restrictive zoning district by an opaque wall or screen at least six (6) feet in height.

Section 405.860 Plant Materials.

[Ord. No. 15-21 §1, 8-10-2015]

A. *Minimum Planting Sizes.*

1. *Trees.*

- a. Deciduous shade trees shall be two-and-one-half-inch to three-inch caliper as measured six (6) inches above ground.
- b. Evergreen trees shall be six (6) feet to eight (8) feet in height.
- c. Ornamental trees shall be one-inch to one-and-one-half-inch caliper as measured six (6) inches above ground and a minimum of six (6) feet in height. The smallest trunk of multi-trunk clusters [three (3) or more trunks] shall be three-quarters (3/4) inch.

2. *Shrubs and hedges.*

- a. Deciduous and evergreen shrubs must have a minimum container size of three (3) gallons to five (5) gallons depending upon species and spacing.
- b. Hedges, where required, must be planted and maintained to form a continuous, visual screen within a maximum of one (1) year after time of planting.

3. *Vines.* Vines must be a minimum of thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.

4. *Ground covers.* Ground covers used in lieu of grass in whole or in part must have a finished appearance and reasonably complete coverage within three (3) months after planting.

5. *Grass.*

- a. *Building permits.* When a building permit has been issued for a principal structure upon a lot, the lot must either have sod or seeding installed wherever grass is required to be installed. The seeding or sod

must be installed prior to the issuance of any permanent certificate of occupancy.

B. *Installation.*

1. The Building Inspector will inspect all landscaping, and no permanent certificates of occupancy or similar authorization will be issued unless the landscaping is completely installed in compliance with the approved landscape plan and this Article.
2. All landscaping materials must be installed according to current accepted good planting procedures and in compliance with all applicable ordinances and code requirements.
3. Plant materials must be free from disease and installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

C. *Maintenance.*

1. All landscaping materials must be maintained in good condition so as to present a healthy, neat and orderly appearance and must be kept free from refuse and debris.
2. The owner, tenant and their agent, if any, will be jointly and severally responsible for the maintenance of all landscaping.

Section 405.870 Right-of-Way Ground Surface.
[Ord. No. 15-21 §1, 8-10-2015]

No plant material or barrier required by this Code may be located in a public right-of-way. The ground surface within the public right-of-way must be planted with sod or hydroseeded, with the exception of driveways, sidewalks and paths. Materials prohibited in the public right-of-way, unless required by this Code or specifically approved by the City, include other ground covers, shrubs, brick pavers, gravel, stone, asphalt and concrete; except those used for driveways, sidewalks and paths.

Article XI
(Reserved)

Section 405.880 through Section 405.930. **(Reserved)**

Article XII
Board of Adjustment

Section 405.940 Establishment.
[Ord. No. 15-20 §1, 8-10-2015]

A Board of Adjustment is hereby established in accordance with Chapter 89, RSMo., regarding the zoning of cities.

Section 405.945 Membership.
[Ord. No. 15-20 §1, 8-10-2015]

- A. The Board of Adjustment shall consist of five (5) members, who shall be residents of the City. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of regular members.
- B. Members shall be appointed for terms of five (5) years each.

- C. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- D. The Board of Adjustment shall elect its own Chairperson and Acting Chairperson who shall serve for one (1) year.

Section 405.950 Meeting and Voting.
[Ord. No. 15-20 §1, 8-10-2015]

- A. The meeting schedule shall be established by and maintained in the Department of Community Development indicating meeting dates, application submittal deadlines, and tentative public hearing schedule. **[Ord. No. 16-23 § 1, 11-28-2016]**
- B. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses.
- C. The Board of Adjustment shall keep minutes of all meetings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk, and shall be public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the Board for that purpose.

Section 405.955 Powers.

- A. The Board of Adjustment shall have the following powers:
 - 1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning regulations or any ordinance adopted pursuant thereto;
 - 2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinances;
 - 3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Section 405.960 Eligible Applicants.
[Ord. No. 15-20 §1, 8-10-2015]

Appeals to the Board of Adjustment may be taken by any person or company aggrieved or by any officer, department, or Board of the City affected by any decision of an administrative official in the enforcement of the zoning regulations.

Section 405.965 Application for Board of Adjustment Review.
[Ord. No. 15-20 §1, 8-10-2015; Ord. No. 16-23 § 1, 11-28-2016]

- A. The procedure for requesting a hearing before the Board of Adjustment shall be as follows:
 - 1. *Submittal requirements.* The applicant shall submit the following to the Director of Community

Development:

- a. *Application form.* Completion of an authorized application form supplied by the Director of Community Development, including all supplemental information required by that form.
 - b. *Fees.* Filing and review fees, as established by the City Council.
 - c. A site plan, written narrative, or other information required by the Director of Planning and Development.
2. *Determination of completeness for hearing.*
- a. Subsequent to receipt of an application and supporting documents, the Director of Community Development shall determine whether it is complete for purposes of conducting a public hearing. The application is complete for hearing if it includes all of the materials required in Section **405.965(A)(1)**.
 - b. Upon determination by the Director of Community Development that the application is incomplete for hearing, the Director of Community Development shall notify the applicant. The applicant shall either resubmit or notify the Director of Community Development of a pending resubmittal within a period of thirty (30) days. If the resubmittal of notification of a pending resubmittal are not received within this period, the application shall be deemed withdrawn without prejudice.
3. *Public hearing.* Upon determination by the Director of Community Development that the application is complete for a hearing, a public hearing shall be scheduled.
- a. *Notice of hearing.*
 - (1) Notice of the location, date and time of the public hearing shall be published in a local newspaper of general circulation at least fifteen (15) days prior to the hearing.
 - (2) Notice of the location, date and time of the public hearing shall be sent by certified mail to all property owners within one hundred eighty-five (185) feet of the property subject to the hearing's purpose, that measurement excluding rights-of-way.
 - (3) A sign displaying the location, date and time of the public hearing shall be placed on the property subject to the hearing's purpose. The sign shall be posted in a noticeable place that is clearly visible from the right-of-way.
4. *Withdrawal.* An application for review may be withdrawn prior to the public hearing upon written notice to the Director of Community Development.

Section 405.970 **VariANCES.**

[Ord. No. 15-20 §1, 8-10-2015]

- A. *Non-use variances.* In presenting an application for a non-use variance, the burden of proof shall rest with the applicant to clearly establish that, as a practical matter, the property cannot be used for a permitted use without coming into conflict with restrictions of the zoning regulations. The following specific criteria shall be considered:
 1. How substantial the variance is in relation to the requirement;

2. The potential effect of the increased population density produced on the available government facilities;
 3. The potential to produce a substantial change in the character of the neighborhood or a substantial detriment to adjoining property owners;
 4. The ability to obviate the difficulty by some method, feasible for the applicants to pursue, other than the variance; and
 5. In view of the manner in which the difficulty arose, and considering all of the above factors, whether the interests of justice would be served by granting the variance.
- B. *Use variances.* In presenting any application for a variance to authorize a use that the zoning regulations do not allow, the burden of proof shall rest with the applicant to:
1. Demonstrate an unnecessary hardship which is defined by the following criteria:
 - a. The land in question cannot yield a reasonable return if used only for a use permitted in the zone in which it is located;
 - b. The owner's plight is due to unique and not to general neighborhood considerations; and
 - c. The granting of the variance would not alter the essential character of the locality.
 2. Prove that the relief is necessary because of the unique character of the property;
 3. Prove that the variance will not destroy the preservation of the Comprehensive Plan; and
 4. Prove that granting the variance will result in substantial justice.
- C. In presenting any application for a variance, the burden of proof shall rest with the applicant to prove that the harm complained is not self-inflicted.
- D. The requirement to show setbacks on final plats as required by Section **410.280(A)(11)** can be satisfied when amendment to setback requirements has occurred by the following methods: Such changes may be implemented in final plats containing a provision that states the setback is subject to change due to an amendment being made to the zoning code, and such changes may be implemented when the development of a lot occurs. If the final plat does not state that the setback is subject to change due to an amendment of the zoning code, such change may be requested by applying for a variance through the Board of Adjustment for one or more lots. The Board of Adjustment is authorized to determine if a variance should be granted based upon the change in the zoning code as to setback requirements. The application fee associated with the request for a variance related to a change in the setback requirement during the first year after an amendment to the setback requirement will be waived by the City, and after the first year the City may waive the application fee upon good cause being shown for the delay in requesting the variance. [**Ord. No. 17-06 § 2, 1-17-2017**]

Section 405.975 **Procedure and Decision.**

[**Ord. No. 15-20 §1, 8-10-2015; Ord. No. 16-23 § 1, 11-28-2016**]

- A. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Community Development certifies to the Board of Adjustment after the notice of appeal shall have been

filed with him/her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the office from whom the appeal is taken and on due cause shown.

- B. The Board of Adjustment may, in conformity with the provisions of Sections 89.010 and 89.140, RSMo., reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Director of Community Development. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Director of Community Development, or to decide in favor of the applicant on any matter upon which it is required to pass under any such circumstances or to effect any variation in such ordinance.

Section 405.976 Reapplication.

[Ord. No. 15-20 §1, 8-10-2015; Ord. No. 16-23 § 1, 11-28-2016]

- A. In the event that any application is denied by the Board, a reapplication concerning the same property or site shall not be accepted by the Board until six (6) months following the date of final action on the original application has elapsed, unless it can be shown to the satisfaction of the Director of Community Development that:
1. A significantly different plan is proposed; or
 2. New facts or other pertinent information have been discovered that were not previously presented and were not reasonably capable of discovery by the applicant prior to the previous application.

Section 405.977 Appeal of Board of Adjustment Decision.

[Ord. No. 15-20 §1, 8-10-2015]

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, may, within thirty (30) days of the issuance of the decision of the Board, present to the Circuit Court of Greene County a petition, duly verified, setting forth that such a decision is illegal, in whole or in part, specifying the grounds on the illegality in accordance with the appropriate State Statute.

Article XIII Changes and Amendments

Section 405.980 Procedure For Rezoning.

[CC 1999 §26-8; Ord. No. 03-80 §1, 11-24-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 04-64 §1, 10-11-2004; Ord. No. 07-15 §1, 3-12-2007]

- A. The following procedures shall be followed in all applications to rezone property within the corporate limits of the City of Republic, Missouri:
1. Printed application blanks for rezoning shall be supplied to the applicant by the Community Development Department. A person or entity can file an application for rezoning only if they own the property or are under a contract for the purchase of said property or have an ownership interest in said property. The City shall charge a processing fee **in the amount of two hundred dollars (\$200.00)**, plus publication cost and cost of postage for notification of property owners within one hundred eighty-five (185) feet upon receipt of an application for rezoning property in the City.

2. Applicant must complete an application and provide the Community Development Department a list obtained from the County Assessor's Office for property owners lying within one hundred eighty-five (185) feet and must submit such application to the Community Development Department.
 3. The Community Development Department shall forthwith submit the application to the Planning and Zoning Commission and shall cause a notice to be published in a local newspaper of a public hearing to be held at the next regular meeting of the Planning and Zoning Commission for the zoning application as well as a notice of the date on which the City Council will meet and consider such application. Both such notices must be published at least fifteen (15) days prior to the hearings.
 4. Applicant may appear at the Planning and Zoning Commission hearing and the meeting of the City Council to answer questions with regard to the application and to explain his/her rezoning proposal.
 5. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the City Council. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.
 6. After the public hearing, the Planning and Zoning Commission shall make its final report and recommendation to the City Council on its findings from the public hearing and the City Council shall take no action on the application until such report or recommendation is submitted.
- B. (Reserved)
- C. Land use regulations, ordinances and restrictions may from time to time be amended, supplemented, changed, modified or repealed. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.
- D. There shall be a ninety (90) day waiting period for a rezoning request of the same zoning district that has been previously denied by the Planning and Zoning Commission and City Council. The ninety (90) days shall start from the day the request was denied by the City Council.

Article XIV Validity

Section 405.990 **Saving Clause.**

[CC 1999 §26-109]

If any Section, Subsection, sentence, clause or provision of this Chapter is held invalid, the remainder of this Chapter shall not be affected by such invalidity.

Attachments:

[Attachment 1 - Height and Area Regs](#)

Chapter 410

Subdivision Regulations

Article I In General

Section 410.010 **Jurisdiction.** [CC 1999 §20-1]

The rules and regulations governing plats of subdivisions of land and lot splits contained herein shall apply within the corporate limits of the City of Republic in accordance with the provisions of Section 89.400, RSMo.

Section 410.020 **Definitions.** [CC 1999 §20-2; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 05-56 §1, 7-25-2005]

For the purpose of interpreting these regulations, certain words and terms are defined as follows:

ALLEY

A passage or way affording generally a secondary means of vehicular access to the back or side of abutting properties and is not intended for general traffic circulation.

BLOCK

A tract of land entirely surrounded by public highways, streets, waterways or railway rights-of-way, etc., or any combination thereof.

CITY

The City of Republic, Missouri.

CITY COUNCIL

The City Council of the City of Republic, Missouri.

CITY ENGINEER

The City Engineer of Republic, Missouri, or whomever shall be designated as engineer.

COMPREHENSIVE PLAN

The Comprehensive or Master Plan of the City of Republic, Missouri, whether in whole or in part, as adopted by the Republic Planning Commission and the City Council and duly recorded by the office of the County Recorder of Greene County.

COUNTY

Greene County, Missouri.

COUNTY CLERK

The office of the Greene County Clerk.

CUL-DE-SAC

A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

DEVELOPER

See "Subdivider".

EASEMENT

A grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the

general public, utility companies or private individuals.

IMPROVEMENTS

Grading, street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water, sanitary and storm sewers, lines, and other utilities, and other required features.

LOT

A parcel of land occupied or intended for occupancy by a building or an integrated group of buildings and uses customarily incidental, including such open spaces as are required by the Zoning Code.

OPEN SPACE, PUBLIC

Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites, and other such areas that shall be deemed necessary.

PLANNING COMMISSION

The City Planning Commission of Republic, Missouri.

PLANNING COMMISSION REPRESENTATIVE

The City Planner, or his/her designee, in matters pertaining to the subdivision of land.

PLAT, FINAL

A complete and exact subdivision plat prepared for official recording as required by Statute and ordinances of the City of Republic to define property boundaries and proposed streets and other improvements.

PLAT, PRELIMINARY

A preliminary plat for a subdivision shall be a formal plan, drawn to scale, indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision and shall meet the requirements herein.

PRE-APPLICATION SKETCH

A general drawing or sketch and discussion showing the general layout and characteristics of the proposed subdivision.

RIGHT-OF-WAY

The land opened, reserved or dedicated for a street, walk, drainage or other public purpose.

SUBDIVIDER

A person, firm or corporation undertaking the subdividing or resubdividing of a lot, tract or parcel of land into two (2) or more lots, or other subdivisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines.

SUBDIVISIONS (General)

The subdivision of land shall be deemed to be the division of any parcel or tract of land into two (2) or more parcels, sites or lots, any one (1) of which contains less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership or development, provided however, that the following shall not constitute a subdivision: transfer of interests by will or pursuant to court order; leases for a term not to exceed ten (10) years; mortgages or easements; and the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, and the lots resulting are not reduced below the size required by law.

SUBDIVISION (Minor)

Notwithstanding other definitions of this Chapter, a minor subdivision is defined as any division of land which creates not more than four (4) tracts.

SUBDIVISION (Major)

Notwithstanding other definitions of this Chapter, a major subdivision is defined as any division of land into five or more lots, shall include the construction and dedication of public infrastructure, shall follow the preliminary/final plat procedure and shall be regulated by the provisions of Articles **III, IV and V** of this Chapter.

Section 410.030 No Contract of Sale.

[CC 1999 §20-4]

Whoever, being the owner or agent of the owner of any land located within the City of Republic, transfers or sells or agrees to sell or negotiates to sell any land covered by the provisions of Articles **II — V** of this Chapter before a subdivision plat has been approved by the City Council and recorded or filed in the office of the Recorder of Deeds of Greene County shall forfeit and pay a penalty ~~of five hundred dollars (\$500.00)~~ for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The City of Republic enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by a civil action in any court of competent jurisdiction.

Section 410.040 Interpretation and Conflict With Other Laws.

This Chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the adoption of this code, except for further dividing of existing lots, or the addition of improvements not authorized or approved under previous platting. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other ordinances, or regulations, private agreements, or with recorded restrictive covenants running with the land to which the City of Republic is a party. Where this Chapter imposes a greater restriction upon land than is imposed or required by previous ordinances of the City of Republic, the provisions of this Chapter shall prevail.

Section 410.050 Administration.

The provisions of this Chapter shall be administered in accordance with Chapter 89, RSMo., as amended, and shall be administered by the Planning and Zoning Commission, the City Administrator, the City Planner or Building Official or their delegate, the Mayor and the City Council.

Section 410.060 Fees.

The fees for the review of plans and plats and other sundry costs shall be paid to the City by the developer upon submitting a request or application for approval by the City.

Section 410.070 Conformity With Zoning Code.

All plats reviewed under provisions of this Chapter shall conform to all Zoning Code provisions for the district in which the proposed plat is to be located. All required zoning changes shall be made prior to approval of the Record Plat.

Section 410.075 Stop Work.

- A. *Authority.* Whenever the City Planner or his/her designee finds any work regulated by this Code or the associated regulations being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.
- B. *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order,

the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

- C. *Unlawful Continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 410.080 Denial of Utility Service, Permits and Plat Approval.
[CC 1999 §20-83; Ord. No. 03-56 §1, 8-25-2003]

- A. *Permits.* No building permits shall be issued for any structure on a lot in a subdivision for which a plat has not been finally approved and recorded in the manner prescribed herein.
- B. *Denial Of Utility Service, Plat Approval And/Or Building Permits.* To promote and ensure the public health, safety and welfare, the City shall have the authority by written order to deny the connection of utility service, plat or plan approval and/or building permits on the grounds that non-compliance with City regulations, adopted ordinances and/or policies have occurred.

Section 410.090 Compliance With Design Principles Required.
[CC 1999 §20-5; Ord. No. 03-56 §1, 8-25-2003]

In planning and developing a subdivision the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Article VI, and with the rules and regulations concerning required improvements set forth in Article IV, in these regulations, and in every case shall pursue the procedure in the following Sections. Approval of any plat or plan by the City shall not relieve the subdivider or developer from complying with the regulations established herein.

Section 410.100 Platting Exceptions.
[CC 1999 §20-1; Ord. No. 04-19 §1, 3-8-2004]

- A. The requirements of this Chapter do not apply to the following types of land subdivision:
1. Recording of a subdivision plat shall not be required in case of the sale or exchange of parcels of land between owners of adjoining properties for the purpose of adjustments in boundaries, provided that: additional lots are not thereby created; that the original lots are not reduced below the minimum sizes required by this Chapter or the Zoning Code; and that a survey of the adjustments of boundaries is recorded with the County Recorder.
 2. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities or other pipe lines which do not involve any new streets or easements of access.
 3. The conveyance of land for highway or other public purposes or grants or conveyance relating to the vacation of land impressed with a public use.
 4. Conveyances made to correct description of prior conveyances.

Article II
Minor Subdivisions

Section 410.110 Minor Subdivisions.
[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 11-19 §1, 8-22-2011]

- A. All subdivision of land not otherwise classified as a major subdivision shall be classified as a minor subdivision and shall be subject to the procedures described in this Article. Applications for minor subdivision will be reviewed, considered and forwarded to the Planning and Zoning Commission based on the following qualifications:
1. The proposed subdivision will not create more than four tracts of land, including the remainder to be retained by the owner.
 2. The proposed subdivision does not include the dedication of a new street or other public way or change in existing streets, easements, water, sewer or other public improvements. It is the intent of this provision to limit approval of minor subdivisions to those cases where the improvements required by these regulations have been provided, with exception to the extension of service to individual lots. It is not the intention of this provision to permit all requests, based solely requests that meet the minimum standards.
 3. The subdivision is in compliance with the Zoning Code and other ordinances and regulations of the City of Republic and no substandard tract, parcel or lot will be created.
 4. The subdivision will not result in substantial increases in service requirements (e.g., utilities, traffic control, parks, schools, streets, etc.), nor interfere with the maintenance of existing service levels (e.g., additional curb cuts, repaving, etc.).
 5. The parent tract was lawful under these regulations at the time the existing property description was recorded.
 6. The configuration of the property was created by a court decree or order resulting from testamentary or interstate provisions.
 7. The configuration of the property was created by the assembly or combination of existing tracts of record.
 8. Minor subdivisions shall be limited so that no more than four (4) new tracts or parcels of land are created by minor subdivision from the original parent tract or parcel as that tract or parcel was at the time of annexation or else as the parcel was platted within a major subdivision in the interest of preventing the circumvention of the major subdivision process. Upon a request for a second (2nd) minor subdivision of a tract or parcel previously subdivided into fewer than four (4) new tracts or parcels, Council may authorize staff by resolution to execute a subsequent minor subdivision that otherwise meets the minor subdivision requirements.

Section 410.120 Minor Subdivisions Procedures.

[Ord. No. 04-19 §1, 8-4-2003; Ord. No. 04-64 §1, 10-11-2004; Ord. No. 05-96 App. A §3, 12-12-2005]

- A. *Filing Procedures.* The applicant shall submit a minimum of five (5) copies of the proposed minor subdivision or more, as required by the Community Development Department, a completed application form and applicable application fees **in the amount of one hundred twenty dollars (\$120.00)** to the Republic Community Development Department. A completed minor subdivision checklist shall accompany all applications for subdivision. **[Ord. No. 16-23 § 1, 11-28-2016]**
- B. *Review Criteria And Procedures.* An application for minor subdivision shall be reviewed for

conformance with the City's zoning and subdivision regulations. The Community Development Department staff, public works staff and the City Engineer shall use the following criteria to review the minor subdivision for its conformance and shall ensure the development in the proposed location: **[Ord. No. 16-23 § 1, 11-28-2016]**

1. Will be in conformity with the Comprehensive Plan, thoroughfare plan, zoning regulations or other plans officially adopted by the Planning and Zoning Commission and the City Council;
- C. *Effect Of Minor Subdivision Approval.* Minor subdivision approval shall confer upon the developer the right that the City will not change the general terms and conditions under which the approval was granted. Within sixty (60) days after approval of the plat by the Community Development Department staff, the subdivider shall file said plat with the County Recorder. The subdivider shall pay the cost of recording the plat, easements, right-of-way deeds and any other related accompanying documents. If the plat is disapproved, the Community Development Department staff shall notify the applicant in writing of the actions and reasons therefore. If the applicant shall fail to record the plat within sixty (60) days, then the plat shall be held for naught. **[Ord. No. 16-23 § 1, 11-28-2016]**
- D. *Information Required.* The following information is required on all minor subdivision plats submitted for approval. The required information may be combined for presentation on one (1) or more drawings or maps. In the interests of clarity, speed and efficiency in the review process, Community Development staff may require that the information be presented on separate or additional drawings or maps. In all cases the minor subdivision plat submission shall be designed in conformity with the Republic Zoning Code, Chapter 405, and shall include the following information: **[Ord. No. 16-23 § 1, 11-28-2016]**
1. The proposed subdivision name, the general location, as it is commonly known, or by some other name by which the project may be identified, the name and address of the present owner and sub divider and the surveyor. The City shall supply a case number identifying the minor subdivision prior to submission.
 2. Title, scale, north arrow, date of preparation and each date, which a revision was made.
 3. Location by section, township, range, City, County, State or if a re-subdivision of an existing or approved subdivision, then by lot or block numbers and name of original subdivision.
 4. The names, location and dimensions of adjacent streets within any adjoining subdivision.
 5. The plat boundaries shall show the external bearings, distances and internal angles with dimensions in hundredths of feet. A minimum closure of one-tenth of a foot (0.10) or 1:20,000 for distances greater than two thousand (2,000) feet (minimum standards for urban class property survey) to close the traverse within a maximum of one (1) foot in 10,000 feet. All bearings shall be obtained by determination of true north by solar or celestial observation.
 6. The boundary lines, location and dimensions of existing and newly created tracts, parcels or lots that are part of the minor subdivision shall be shown on plat. The dimensions and location of all arcs, radii, internal angles, points of curvature and tangent boundaries and other pertinent survey information necessary to an accurate description and location. Survey data shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources. All survey datum shall be vertically and horizontally tied to the Missouri Geographical Reference Stations (GRS).

7. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
8. The exact location and distances of all structures and other physical improvements in relation to proposed lot lines.
9. The extent and location of floodplains, floodways, or other waterways of record; elevations of which, shall be based on applicable Flood Insurance Studies, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps.
10. Location of sanitary sewer, storm sewers, water mains, gas lines, fire hydrants, electric and telephone poles and street lights.
11. Topography, contours at vertical intervals shall be shown as follows:
 - a. Average slope less than six percent (6%)—two (2) foot interval contour map
 - b. Average slope over six percent (6%)—five (5) foot interval contour map
12. Existing zoning classification of the minor subdivision and adjacent area.
13. Setback lines on all lots and other sites.
14. Certification by Missouri registered land surveyor as to accuracy of survey as such:

That I, _____, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described prepared by _____ dated _____ and signed by _____ L.S. No. _____ and that the corner monuments and lot corner pins shown herein were placed under the personal supervision of _____ L.S. No. _____ in accordance with the Division of Geology and Land Survey, Missouri Department of Natural Resource's "Minimum Standards for Property Boundary Surveys".

Date Prepared: _____

Signature: _____

Missouri L.S. No. _____

15. Certificate of Approval by the Community Development staff (to be placed on plat) which shall be provided as follows:

In accordance with the provisions as set forth in the Subdivision Regulations of Republic, Missouri, I _____, do hereby certify that on the _____ day of _____, 20____, the Community Development Department approved the request for a minor subdivision for _____.

Any further subdivision of the above described land or modifications of the land description(s) will require reapproval in accordance with the Subdivision Regulations of the City of Republic, Missouri.

Community Development Department

Date

16. Statement of owner certifying that he/she had title to the land being subdivided:

As owner I have caused the land described on this plat to be surveyed, divided, mapped, and all access

rights reserved and dedicated as represented on the plat.

Owner and/or Subdivider

Date

- E. *Final Submittal.* Final submittal of the Minor Subdivision Plat shall be prepared on a reproducible original (mylar) twenty-four (24) inches by thirty-six (36) inches or those dimensions required by the Greene County Recorder of Deeds. In addition to the original the City may require additional elements to incorporate the Minor Subdivision into the City map. The following items shall be submitted:
1. Sixteen (16) inches x twenty-four (24) inches scaled reproducible mylar for the City's plat book.
 2. Four (4) blue line copies (24" x 36").
 3. All applicable off-site easements and right-of-way deeds.
 4. Copy of private and restrictive covenants to be recorded.
 5. Digital copy of subdivision plat, cad file, etc. for City map upgrades.
- F. ~~*Sidewalks.* The Public Works Director may approve a builder, owner or subdivider of a minor subdivision to pay the City twelve dollars (\$12.00) per linear foot of sidewalk instead of building the sidewalk. This shall not apply to major subdivisions or to lots, which are already developed (existing structures, houses, etc.) that are part of the minor subdivision.~~

Article III

Major Subdivisions — Preliminary Plat

Section 410.130 Major Subdivisions — Preliminary Plat.

All subdivision of land classified as a major subdivision shall be subject to the procedures described in this Article. Approval of a Final or Record Plat shall be subject to approval of a Preliminary Plat in accordance with regulations contained herein.

Section 410.140 Application For Preliminary Plat.

[Ord. No. 03-80 §1, 11-24-2003; Ord. No. 16-23 § 1, 11-28-2016]

The developer shall submit a minimum of five (5) copies of the proposed Preliminary Plat or more, as required by the City, a completed application form and applicable application fees ~~in the amount of two hundred twenty-five dollars (\$225.00) plus one dollar (\$1.00) for each lot,~~ to the Republic Community Development Department at least twenty (20) working days prior to the meeting at which approval is requested. A completed Preliminary Plat checklist shall accompany all applications for major subdivisions.

Section 410.150 Review Criteria and Procedures For Preliminary Plat.

- A. Application and Preliminary Plat shall be reviewed for conformance with all applicable City adopted codes and regulations by the City Planner. If the City Planner or City Engineer reviews the application and plat and finds that it is incomplete or that the requirements of this Chapter, the comprehensive plan or other adopted plans have not been met, than the City Planner shall so notify the applicant in writing of any deficiencies. Once all deficiencies have been addressed and the City Planner and City Engineer have approved the plat, than a recommendation for approval or denial shall be transmitted to the Planning and Zoning Commission. After receiving comments and recommendations from the City

Planner, the Planning and Zoning Commission shall review the Preliminary Plat for its conformance to the following review criteria and shall ensure the development, in the proposed location:

1. Will not endanger the public health or safety;
 2. Will not injure the value of adjoining property or abutting property;
 3. Will be in conformity with the Comprehensive Plan, Transportation Plan, Zoning Code, Water System Master Plan, Wastewater System Facility Plan or other plans officially adopted by the City Council; and
 4. Will be in harmony with the area in which it is located.
- B. The Planning and Zoning Commission may request modifications to the Preliminary Plat. The Commission shall then confer approval, conditional approval or disapproval of the Preliminary Plat within forty-five (45) days of filing and transmit all copies of the Preliminary Plat together with written reasons for its action to the City Council. The approval or the refusal to approve the Preliminary Plat by the City Council shall take place within thirty (30) days from and after the date in which the Planning and Zoning Commission has made a recommendation to approve or refuse to approve the Preliminary Plat. Once the City Council have approved or refused to approve the Preliminary Plat, the City Planner shall notify the owner or applicant of the decision in writing.

Section 410.160 Effect of Preliminary Plat Approval.

Preliminary Plat approval shall confer upon the developer, for a period of two (2) years from date of approval, the conditional right that the City Council will not change the general terms and conditions under which the approval was granted. After approval of the Preliminary Plat, the developer may proceed with the detailed construction plans for all required infrastructure of the area planned for inclusion on the final plat. The City Council, upon recommendation by the Planning and Zoning Commission, may extend this two (2) year period if the developer has applied in writing for such an extension and the Planning and Zoning Commission and City Council determine a longer period should be granted due to unusual circumstances. If an extension is not granted, the Preliminary Plat approval is null and void. If no Final Plat of a subdivision for which preliminary approval has been given is approved within said two (2) year period, or such longer period as the City Council may allow, a resubmission and review by the Planning and Zoning Commission and City Council shall be required. It shall not be the responsibility of the City to notify the applicant of an expired Preliminary Plat.

Section 410.170 Phased Construction and Platting.
[Ord. No. 03-56 §1, 8-25-2003]

If phased construction is planned, the construction and final platting of the first phase shall be completed within two (2) years of the date of approval of the Preliminary Plat. Subsequent phases of the final plat may be submitted covering portions of the approved preliminary plat; provided, however, that all phases of the preliminary plat must be completed within four (4) years of the date of approval of the preliminary plat. If all phases of the preliminary plat have not been completed within four (4) years of the date of approval of the preliminary plat, then the preliminary plat shall be resubmitted to the City for extension and approval in accordance with the provisions of Section **410.150** hereof. If an extension and approval is not granted, the original preliminary plat approval shall be null and void.

Section 410.180 Existing and Proposed Features To Be Shown On Preliminary Plat.

A. The following information is required on all Preliminary Plats submitted for approval. The required

information may be combined for presentation on one (1) or more drawings or maps. In the interests of clarity, speed and efficiency in the review process, the City Planner may require that the information be presented on separate or additional drawings or maps. In all cases the Preliminary Plat submission should include the following and shall be designed in conformity with the Design Standards contained in Article VI.

1. *Name and code.* The proposed name of the subdivision, which shall not duplicate or closely resemble the name of another, previously recorded subdivision in the City of Republic.
2. *Owners of record.* The names and addresses of the owner(s) of record, developer(s), engineer, or surveyor responsible for the subdivision design.
3. *Vicinity map.* A vicinity map at a scale of four hundred (400) feet or more to the inch shall be drawn on the preliminary plat. The map shall indicate:
 - a. Section, Township, Range.
 - b. Adjacent City Limits, other corporation or ad hoc district lines, such as school or sewer districts, etc.
 - c. The nearest existing highways or thoroughfares, streets and alleys in neighboring subdivisions or property.
4. *Abutting owners.* The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
5. *Boundary lines.* The boundary lines, accurate in scale, of the tract to be subdivided.
6. *Streets — other features.* The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings; large trees and watercourses; railroad lines; corporation and township lines, utility lines, etc.
7. *Existing utilities.* Existing sewer, gas, telephone, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
8. *Topography.* Topography, contours at vertical intervals shall be based on USGS datum or City monuments and shall be shown as follows:
 - a. Average slope less than six percent (6%)—two (2) foot interval contour map
 - b. Average slope over six percent (6%)—five (5) foot interval contour map
9. *Proposed design — street, drainage, etc.* The layout, names and widths of proposed streets, alleys and easements; the location and approximate sizes of catch basins, culverts and other drainage structures; the location of proposed sewer lines, water lines, fire hydrants and other related infrastructure planned to serve the development.
10. *Proposed layout and legal description.* The legal description of the entire site to be subdivided, including acreage in tract, boundary lines, location and dimensions of newly created tracts, parcels or lots that are part of the subdivision shall be shown on plat. The dimensions and location of all arcs, radii, internal angles, points of curvature and tangent boundaries and other pertinent survey information

necessary to an accurate description and location. Survey data shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources. All survey datum shall be vertically and horizontally tied to the City of Republic Geographical Reference Stations (GRS).

11. *Lot information.* The plat shall indicate the area, lot size, proposed setbacks and exact location and distance of all structures and other physical improvements in relation to proposed lot lines.
12. *Zoning.* Zoning boundary lines and proposed use of property.
13. *North point, etc.* Title, scale, north arrow, date of preparation and date of each successive revision.
14. *Floodplains, etc.* The extent and location of floodplains, floodways or other waterways of record; elevations of which, shall be based on applicable Flood Insurance Studies, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps.
15. *Location of model home.* The location of proposed model home or spec. house and required parking.
16. *Commercial and industrial subdivisions.* Preliminary Plats for industrial or commercial subdivisions shall delineate who will be responsible for addressing open space, landscaping and bufferyard requirements.

Section 410.190 Model Home Procedure.

- A. *Purpose.* To provide a procedure whereby the construction of a model home or homes may begin prior to the recording of the Final Plat.
- B. *Procedure.* After receiving approval of the Preliminary Plat of a proposed subdivision from the Planning and Zoning Commission and City Council and after an approved set of construction plans have been submitted, the developer may submit an application for a model home for review by the City Planner and Building Inspector. The application for a model home shall include all information as routinely required. In addition, the application shall be accompanied by a plan, which shall show the location, street elevation, size and the number and location of parking areas of the model home in relation to the lots, streets and utilities proposed in the subdivision.
- C. *Sale Or Occupancy.* No part of the proposed subdivision may be conveyed, nor an occupancy permit issued, for any structure therein until the display home has been located on an approved lot in a recorded subdivision. The Building Inspector, with approval of the City Planner, may issue a temporary occupancy permit for the use of the home as a model, office or showroom during the duration of development of the subdivision, home construction, etc.
- D. *Driveways And Off-Street Parking.* Off-street areas used for standing and maneuvering of vehicles shall have concrete or asphalt driving surfaces adequate for all-weather use, transitioning at the appropriate grade and so drained as to avoid flow of water across sidewalks.

Article IV

Major Subdivision — Improvements

Section 410.200 General Procedures For The Preparation and Submission of Subdivision Improvements Plans.

After approval of the Preliminary Plat and prior to approval of the Final Plat, Construction Plans shall be

prepared for all or a specified phase of the subdivision.

Section 410.210 Procedure For Submission of Subdivision Improvement Plans.

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 03-82 §1, 12-8-2003; Ord. No. 04-64 §1, 10-11-2004]

- A. *Preparation Of Plans.* It shall be the responsibility of the developer to have construction plans for streets, utilities and other required improvements prepared and submitted to the City for review. The Construction Plans for all aspects of the site development shall be prepared by a qualified professional engineer, registered in the State of Missouri. All improvements shall be designed and constructed in accordance with requirements of Article VI. General Principles of Design and Minimum Requirements for the Layout of Subdivisions and in accordance with the "Construction Specifications for Public Improvements, City of Republic", as amended from time to time, on file with at the offices of the City of Republic Public Works Department and incorporated herein by reference. Five (5) copies shall be submitted for review to the Public Works Director. The Construction Plan shall be any scale from (1 inch = 10 feet) through (1 inch = 50 feet), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction Plans shall be prepared on exhibits 24 inches x 36 inches and shall be bound by staple on one side. All plan sheets shall be prepared to a degree to allow for adequate review and construction. Each page shall contain an approval block for approval from the City of Republic Public Works Department. The City may require additional details to be developed to establish clarity for review and construction. **[Ord. No. 16-23 § 1, 11-28-2016]**
- B. *Approval Of Construction Plans.* The City Planner shall coordinate review and subsequent approval, with all related City departments, the Public Works Director and City Engineer, of the Construction Plans. If the City Planner determines that the plans do not meet the minimum standards and require modification, correction and are not approvable, than the City Planner shall forward a letter to the developer and his/her engineer stating the deficiencies. After all related deficiencies have been addressed and approval is given by all related departments and the City Engineer, the City Planner shall issue an appropriate letter certifying approval and notice to proceed with an application for water and sewer main extension and other related permits from outside agencies.
- C. *Review By Outside Agencies.* Engineering drawings of all required improvements shall be reviewed and approved by the City, except for improvements to be made under the jurisdiction of other Municipal, County or State agencies, in which case the drawings shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by such agency, the City Planner shall be given written confirmation that the necessary reviews have been completed and approvals have been granted.
- D. *Review By Consultants.* Expenses incurred by the City for required reviews, inspections, and/or related testing shall be reimbursed to the City, by the developer, for all costs incurred by it in performing such review, inspection and/or testing, including all professional fees incurred as a result thereof. To insure payment or reimbursement of such costs, fees and expenses, all developers, and such other persons or entities associated with developers, as the Community Development Department deems appropriate, shall execute a promissory note, payable to the order of the City on demand, in such amount as is anticipated to cover such costs, fees and expenses. The maker or makers of such promissory note may satisfy the same by the timely payment of all costs, fees and expenses incurred by the City as identified hereinabove. Such promissory note shall provide for the payment of interest at no less than twelve percent (12%) per annum from and after the date of demand and shall further provide for the payment of

attorney fees by the maker or makers in the event of default.

- E. *Pre-Construction Meeting And Final Plan Submittal.* The City Planner shall coordinate a pre-construction meeting with the developer, Project Engineer, Construction Inspector, Public Works Director, general contractor, all appropriate subcontractors and department heads. All related construction practices, policies and requirements will be discussed and established at the pre-construction meeting. It is the responsibility of the applicant, engineer and contractor to check and review all City requirements relating to the construction of public improvements. A minimum of four (4) sets of approved plans prepared on twenty-four (24) inches by thirty-six (36) inches bound plan sheets and five (5) sets prepared on twelve (12) inches by eighteen (18) inches bound plan sheets shall be submitted at or before the pre-construction meeting.
- F. *Construction Permit.* No person, firm or corporation shall develop, install, alter, grade, remove vegetation, fill or modify any tract of land, roadway or any City-owned utility within the City of Republic or cause the same to be undertaken without first securing the approval of the construction plans as required by this Chapter or other City ordinances. The City shall charge a **fee as part of the construction permit fee, in the amount of two hundred dollars (\$200.00) per acre of developed property** for **plan review and** field inspection of all related public infrastructure including water, sewer, streets, stormwater and related infrastructure to be dedicated to the City as part of the development; **thirty-five dollars (\$35.00) per fire hydrant for flow classification and painting; one hundred fifty dollars (\$150.00) per each combination sign installed; one hundred twenty-five dollars (\$125.00) per each individual sign installed; thirty dollars (\$30.00) for a construction specifications book; and one dollar twenty-four cents (\$1.24) per linear feet of off-site utility(ies) installation in excess of two hundred (200) linear feet.** Furthermore, no construction permit shall be issued until the following has been received:
1. Receipt of paid construction permit fees on file relating to inspection of infrastructure, signage and water and sewer testing.
 2. The minimum number of approved construction plans to the City Planner, sealed by the Project Engineer and signed under the hand of the Public Works Director or his/her designee.
 3. Approvals and permits from other affected County, State or Federal agencies.
 4. All off-site utility easements drainage easements and right-of-way deeds shall be recorded by the County Recorder of Deeds and provided to the City at or before the pre-construction meeting.
- G. *Phasing.* Where a subdivision is to be developed in phases, the provisions of this Article shall apply to each phase. However, improvements and financial guarantees may be required to extend beyond the boundaries of a subdivision phase if such extension is necessary to ensure the relative self-sufficiency of the phase pending completion of the entire subdivision. Improvements and financial guarantees may also be required for public infrastructure beyond the boundaries of a particular phase of the subdivision in order to secure the construction of planned infrastructure improvements that are necessitated in order to conform to the City's adopted Comprehensive Plan or constituent parts thereof. Such extensions, schedules, and similar arrangements shall be set forth in an agreement between the developer and the Council prior to approval of the Final Plat. [Ord. No. 19-37, 1-7-2020]
- H. *Modification During Construction.* All installation and construction shall conform to the approved

engineering drawings. However, if the developer chooses to make minor modifications in design and/or specifications during construction, he/she shall make such changes at his/her own risk, without any assurance that the City will approve the completed installation or construction. It shall be the responsibility of the developer to notify the City of any changes from the approved drawings. The developer may be required to correct the installed improvement so as to conform to the approved engineering drawings.

- I. *As-Built Drawings*. The developer shall submit to the City Planner at least five (5) sets of "as-built" engineering drawings of the required improvements that have been completed. The Project Engineer shall certify each set of drawings in accordance with the requirements of Section **410.360**.

Section 410.215 Construction Plans.

[Ord. No. 04-19 §1, 3-8-2004; Ord. No. 05-56 §1, 7-25-2005]

- A. The construction plan for all aspects of the site development shall be prepared by a qualified professional engineer, registered in the State of Missouri. Five (5) copies shall be submitted for review to the Public Works Director. The construction plan shall be any scale from one (1) inch equals ten (10) feet through one (1) inch equals fifty (50) feet, so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction plans shall be prepared on exhibits twenty-four (24) inches by thirty-six (36) inches and shall be bound by staple on one (1) side. All plan sheets shall be prepared to a degree to allow for adequate review and construction. Each page shall contain an approval block for approval from the City of Republic Public Works Department. The City may require additional details to be developed to establish clarity for review and construction. The plans shall generally consist of the following: **[Ord. No. 16-23 § 1, 11-28-2016]**
 1. Title (cover) page containing, but not limited to, the following: owner's and developer's name, engineer of record, name of project, table of contents, general rules of construction, phone numbers of utility suppliers and a record of submittals and approval blocks.
 2. Street plans, sidewalk plans and profile sheets containing, but not limited to, the following:
 - a. Pavement installation, widening or resurfacing improvements dimensioned and developed in accordance with the standard typical section applicable to the project;
 - b. Top of pavement mathematical profile grade elevations at twenty-five (25) feet intervals on vertical curves and fifty (50) feet intervals on tangent sections for all roadway construction. Top back of curb elevations at twenty-five (25) foot intervals for all horizontal curves, at thirty degree (30°) intervals for street intersections and cul-de-sacs. Existing vertical curve elevations shall be shown at points of extension at intervals of twenty-five (25) feet. Existing vertical curve elevations shall be shown at points of extension at intervals of twenty-five (25) feet. PC and PT elevations shall be indicated at all curves and intersections;
 - c. Resurfacing profile grade elevations on existing centerline and edges of pavement at twenty-five (25) feet intervals and breaks in grade (i.e. irregularities in pavement) and establish new centerline and edge of pavement profiles; and
 - d. Existing and proposed grades at the centerline and left and right back of curb.
 3. Pavement striping, marking and signage plan containing, but not limited to, the following:

- a. Location, type of markings and signage prescribed;
 - b. The type of materials used; and
 - c. The method for installation. The plan shall be based and designed on the Manual on Uniform Traffic Control Devices.
4. Grading, erosion and sediment control plan containing, but not limited to, the following:
 - a. Finished contours shall be shown to the limits of the project, establishing the desired (planned) flow of all on-site stormwater in connection with planned streets, sidewalks, stormwater ditches, pipes and structures; and
 - b. Location and composition of silt fences, construction entrances, catch basins and related temporary structures and devices to prevent erosion, siltation and nuisances to adjacent properties, storm sewers and streets.
 5. Sanitary sewer plans and profile sheets containing, but not limited to, the following:
 - a. Profiles establishing the class and size of pipe, invert elevations, grade, distance between manholes and minimum distance from other proposed or existing utilities. Profile sheets shall accurately depict the elevation, size and material type of intersecting proposed or existing utilities;
 - b. Plans establishing the exact location, class and size of service lines; and
 - c. Plan and profiles establishing lift stations and related components of the system. Site development details and requirements shall be provided and referenced in accordance with the Construction Specifications for Public Improvements.
 6. Water plans containing, but not limited to, the following:
 - a. Plan view of the proposed system, including class of pipe and size in relation to the back of curb, including fire hydrants, gate valves, blow-off assemblies, service lines and meter pits, etc.; and
 - b. Profile drawings, submitted at the discretion of the City, shall accurately depict the elevation, size and material type of intersecting proposed or existing utilities.
 7. Additional submittals containing, but not limited to, the following forms, documents and exhibits intending to parallel the provisions of the Missouri Department of Natural Resources including specific information for determining the most efficient and cost effective manner in which to extend public utilities:
 - a. A copy of the application for the Missouri Department of Natural Resources Request for Extension of Sanitary Sewer and Public Drinking Water. The completed and executed document shall be retained by the City;
 - b. Sanitary sewer engineering report containing a letter of transmittal from the design engineer summarizing the facilities, a discussion on the design criteria and assumptions used, hydraulic and BOD loading calculations, an opinion as to the conformity of the proposed sewer extension with the City of Republic Master Plan and discussion on facility sizing in regards to future development. If a lift station

is proposed, the engineering report shall include a feasibility study for alternative facilities (gravity sewer) and the potential for retirement of the proposed lift station;

- c. Water engineering report containing a letter of transmittal from the design engineer summarizing the facilities, a discussion on the design criteria and assumptions used, a hydraulic analysis demonstrating domestic and fire flow conditions, an opinion as to the conformity of the proposed extension with the City of Republic Water Master Plan and discussion on facility sizing in regards to future development;
 - d. Easements for all proposed sewer and water extensions located outside easements, to be dedicated via a final plat, must be accompanied by draft instruments for the formal dedication of temporary construction and permanent easements. Depending upon the number of land owners and the complexity of the proposed sewer extension, the City may require a property owner's exhibit accompanied by an opinion of title as issued by a recognized title company; and
 - e. Cost estimate indicating an engineer's statement of probable cost for the construction of the proposed main extension. If a sewer lift station or water pressure control facilities are proposed, estimated operating costs for ten (10) years shall be included.
8. Storm drainage, storm sewer plan and profile sheet containing, but not limited to, the following:
- a. Drainage plans indicating all existing and proposed storm sewer lines, inlet boxes, manholes, basins, swales, watercourses, culverts and other underground or at-grade structures in the vicinity of construction and immediately adjacent thereto. Pipe classes, sizes, grades, invert, box openings and related structure details shall also be established and indicated on the plan sheets; and
 - b. Grading details pertaining to site development shall be shown in plan or on cross-section sheets. Details shall be shown with respect to existing and proposed contours, normally at two (2) foot intervals.
9. Detention plan containing, but not limited to, the following: detention plans, elevations, dimensions, weir elevations and cross-sections, low-flow channels, pipe sizes, discharge and dissipation structures.
10. *Record drawings.* One (1) record copy of all drawings, specifications and addenda addressing public improvements shall be maintained by the developer's contractor and by the City's Construction Inspector in good order and annotated to show all changes made during construction. Upon completion of the work, these record documents will be delivered to the engineer of record who shall provide copies of these documents, to include reproducible copies and electronic copies or digital CAD files of the revised drawings, to the City at no cost.

Section 410.220 Inspection and Acceptance of Subdivision Improvements.
[Ord. No. 03-56 §1, 8-25-2003]

- A. *Certification By Project Engineer.* In accordance with the "Construction Specifications for Public Improvements" all improvements required by this Chapter shall be inspected by the developer's engineer, or his/her agent, and certified in writing to the City as having been completed, except for improvements made under jurisdiction of other public agencies, in which case engineers or inspectors of each agency will make the necessary inspections. Where inspections are made by other agencies, the Engineer shall be given written reports of each final inspection.
- B. *Inspection By The City.* In addition to inspection and certification by the Project Engineer, the City shall

provide inspection of all phases of construction to field verify that the location of all infrastructure installed are in coordination with submitted as-built plans.

- C. *Compliance With Standards.* The developer shall bear the final responsibility for the plans, construction drawings and the installation, construction and inspection of all required improvements according to provisions of this Chapter and to standards and specifications of various public agencies.
- D. *Acceptance.* Approval of installation and construction of improvements by the Project Engineer shall not constitute acceptance by the City of the improvements for dedication purposes. Acceptance shall be established by approval of all related City departments and the approval by all outside public agencies, including, but not limited to, County, State or Federal Governments.
- E. *Site Cleanup.* The developer shall be responsible for removal of all equipment, material and general construction debris from the subdivision and from any lot, street or public way or therein or adjacent thereto. Dumping such debris into sewers, adjacent property or other land in the City is also prohibited. Burning of debris is prohibited unless a permit is obtained from the MoDNR.

Article V Major Subdivision — Final Plat

Section 410.230 **Application For Final Plat.**

[Ord. No. 03-80 §1, 11-24-2003; Ord. No. 16-23 § 1, 11-28-2016]

The developer shall submit a completed application and applicable fees ~~in the amount of two hundred twenty-five dollars (\$225.00) plus one dollar (\$1.00) for each lot,~~ a completed Final Plat checklist, final inspection fees, sign installation fee, and a minimum of five (5) copies of the proposed Final Plat or more, as required by the City Planner, to the Republic Community Development Department at least twenty (20) working days prior to the meeting of the City Council at which the plat is to be considered for approval. A Final Plat and application shall not be accepted for review after the two-year anniversary date of the City Council's Preliminary Plat approval.

Section 410.240 **Review Procedures.**

The City Planner shall determine if the submittal is complete, and if so, transmit the same to the City Clerk in adequate time for inclusion on the agenda for the Council's next meeting. If the City Planner, Community Development Director or City Engineer reviews the application and plat and finds that it is incomplete or that the Minimum Required Improvements are not completed, the City Planner shall so notify the applicant in writing and shall note any deficiencies. Once all deficiencies have been addressed and the final plat is signed by the owner, sealed by the surveyor of record and all others required herein, the plat will be forwarded to the City Council for approval by general ordinance, prepared by the City Attorney.

Section 410.250 **Minimum Required Improvements.**

[Ord. No. 06-77 §1, 11-13-2006]

- A. The owner or developer is required to have all subdivision improvements, including sidewalks, completed prior to the filing of the final plat. In lieu of the final completion of said improvements before the plat is recorded, the owner or developer or other person who agrees with the City to make the public improvements on behalf of the owner or developer may post a surety bond with one (1) or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement for certain improvements with the approval of the City Attorney and the City Administrator of the City of Republic, which surety, escrow

agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the owner or developer.

1. Improvements related to ensuring public safety within the development must be completed and accepted prior to the filing of the final plat. All other improvements must be completed within one (1) year after the recording of the final plat. The Director of Public Works may require that certain improvements such as storm sewers, off-site improvements and basic improvements necessary for the provision of public health and safety be made and refuse to accept security for such improvements when he determines the improvements are necessary for the protection of adjacent property or of the general public. The City may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one (1) additional year; provided a request for said extension is made prior to the end of the one (1) year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works. The City Attorney and City Administrator, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement. The amount of the corporate surety bond, escrow agreement or other appropriate security agreement shall not be less than the estimated cost of the improvements, said estimate of cost to be made by the Department of Public Works. The City may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities or other reasons. As a condition of deferral, the owner or developer shall pay his share of the costs of the future improvements to the City prior to the signing of the final plat or the owner or developer may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the City. If the improvements are not completed within the specified time, the City Council may use the funds from said security, or any necessary portion thereof, to complete the same.
2. The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:
 - a. When a petition for improvements by the tax bill method is filed for the improvements of this Section and when said petition has passed the required remonstrance petition assuring the City that all improvements will be installed, said bond or agreements posted by the owner or developer to insure the City the improvements of this Section may be released and returned to the owner or developer.
 - b. The Director of Public Works with the approval of the City Administrator may release or reduce said bond or agreements posted by the owner or developer to insure to the City the improvements of this Section when he has determined that all required improvements have been satisfactorily completed and the owner or developer's engineer or surveyor has certified to said Director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said Director, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.
 - c. The Director of Public Works with the approval of the City Administrator may reduce, upon request, said bond or agreements when he has made the findings and received the information required in the

above Subsection (b), but such reduction shall not exceed the ratio that the cost of completed improvements bears to the total estimated cost of total public improvements for the plat.

3. The City, its boards, commission and agents shall withhold all City improvements or services of whatsoever nature, including the furnishing of sewer, water, electricity and gas, from all additions which have not been approved as provided by these regulations; and further, no permits shall be issued by the Community Development Department of the City of Republic on any property which has not been approved as provided by these regulations. [Ord. No. 16-23 § 1, 11-28-2016]
4. Provided however, the improvements and permits withheld above shall not be withheld by reason of the conditions therein stated when the City finds the improvements are necessary to comply with other ordinances of the City of Republic which carry a penalty for failure to comply.

Section 410.260 **Effect of Final Plat Approval.**

Final Plat approval shall confer upon the developer the conditional right that the City Council will not change the general terms and conditions under which the approval was granted. Approval of the Final Plat, by general ordinance, and the subsequent recording of the Final Plat shall constitute the subdivision of the property into lots and the creation and dedication of right-of-way and utility easements.

Section 410.270 **Monuments.**

[Ord. No. 04-19 §1, 3-8-2004]

- A. All monuments shall be set in the ground at least to the depth of the minimum length given, unless they are encased in concrete. The precise position of corner monuments shall be marked by a point on a cap and the cap inscribed with the registration number of the land surveyor responsible for placement or the corporate registration number or name of the company. Monumentation shall comply with the following at a minimum.
 1. *Permanent monuments.* Two (2) permanent monuments per subdivision block, adjacent to or located in the right-of-way.
 - a. Minimum diameter of five-eighths (5/8) inch by twenty-four (24) inches length, steel or coated steel rebar or similar bar.
 - b. Monuments shall have a permanently attached cap of the same or of a dissimilar metal if the metals are insulated with a plastic insert to reduce corrosion.
 2. *Semi-permanent monuments.* Located at each lot corner of each platted lot in the subdivision.
 - a. Minimum diameter of one-half (1/2) inch by eighteen (18) inches in length, steel or coated steel rebar or similar bar.
 - b. Monuments shall have a plastic or aluminum cap.
 3. *Elevation markers.* For subdivisions platted in the vicinity of floodplains, ponds, lakes, creeks and other major drainage features, a permanent elevation marker shall be established at location(s) required by the City to reference and verify minimum finished floor elevations.

Section 410.280 **Existing or Proposed Features To Be Shown On The Final Plat.**

[Ord. No. 05-23 §1, 3-28-2005]

- A. Prior to approval of the Final Plat, the City Planner and the City Engineer shall review the Final Plat for conformance to the Preliminary Plat and to determine that the plat shows or establishes the following information, which shall be in substantial conformity to the Preliminary Plat.
1. *Name and code.* The name of the subdivision, phase or addition as provided on the Preliminary Plat.
 2. *Date of preliminary plat approval.* The date and name in which the Preliminary Plat was approved as shall be indicated on the Final Plat. In addition, any ordinance, resolution or other bill passed by the City Council or Planning and Zoning Commission that relates to the subdivision or particular phase, shall be included on the plat.
 3. *Owners of record.* The names and addresses of the owner(s) of record, developer(s), engineer, or surveyor responsible for the subdivision design.
 4. *Vicinity map.* A vicinity map at a scale of four hundred (400) feet or more to the inch shall be drawn on the preliminary plat. The map shall indicate:
 - a. Section, Township, Range.
 - b. Adjacent City limits, other corporation or ad hoc district lines, such as school or sewer districts, etc.
 - c. The nearest existing highways or thoroughfares, streets and alleys in neighboring subdivisions or unplatted property.
 5. *Abutting owners.* The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
 6. *Boundary lines.* The boundary lines, accurate in scale, of the tract to be subdivided.
 7. *Streets — other features.* The location, widths and names of all existing or platted streets, right-of-way or other public ways within or adjacent to the tract, and other important features such as watercourses; railroad lines; corporation and township lines, utility lines, etc.
 8. *Proposed design — street, drainage, etc.* The layout, names and widths of right-of-way, streets, alleys and easements serving stormwater, sewer, water or other utilities within the property being subdivided.
 9. *Proposed layout and legal description.* The legal description of the entire site to be subdivided, including approximate acreage in tract, boundary lines, location and dimensions of newly created tracts, parcels or lots that are part of the subdivision shall be shown on plat. The dimensions and location of all arcs, radii, internal angles, points of curvature and tangent boundaries and other pertinent survey information necessary to an accurate description and location. Survey data shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources. All survey datum shall be vertically and horizontally tied to the City of Republic Geographical Reference Stations (GRS).
 10. *Curvature and radius.* When a street is on a circular curve, the main chord of the centerline shall be drawn as a dotted line in its proper place; and either in it or in an adjoining table, the bearing and length shall be noted; the radius of the circle of which the curve is a part; the central angle subtended; the bearing of the radius at the point of curve; and the chord length and deflection angles used in staking out

the survey. The lot lines on the street sides may be shown in the same manner or by bearings and distances. When a curve of two hundred (200) feet radius or less is used, it is sufficient to show the length and bearing of the main chords, the radius at one (1) end of the curve, and the central subtended.

11. *Lot information.* The plat shall indicate the area, proposed setbacks and exact location and distance of all structures and other physical improvements in relation to proposed lot lines.
12. *Zoning.* Zoning boundary lines and proposed use of property.
13. *North point, etc.* Title, scale, north arrow, date of preparation and date of each successive revision.
14. *Floodplains, etc.* The extent and location of floodplains, floodways or other waterways of record; elevations of which, shall be based on applicable Flood Insurance Studies, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps.
15. *Location of model home.* The location of the model home or spec. house, if applicable, as it occupies a platted lot in the subdivision.
16. *Commercial and industrial subdivisions.* Final Plats for industrial or commercial subdivisions shall delineate who will be responsible for addressing open space, landscaping and buffer yard requirements.
17. *Notes and related information.* Notes pertaining to particular items such as:
 - a. Access limitations;
 - b. Total area;
 - c. Total number of lots;
 - d. Smallest/largest lot;
 - e. Replat information;
 - f. Source of title;
 - g. Recording information for covenants and restrictions.

Section 410.290 Registered Land Surveyor's Certificate.

A certification shall be included on the plat by a registered land surveyor to the effect that the plat represents a survey made by him/her, and that the locations of all required survey monuments, installed or to be installed, are correctly shown thereon. The months and year during which the survey was made shall be shown. The certification block shall substantially conform to the following.

That I, _____ do hereby declare that this plat was prepared under my supervision from an actual survey of the land herein described prepared by _____ dated _____ and signed by _____ P.L.S. No. _____ and that the corner monuments and lot corner pins shown herein were placed under the personal supervision of _____ P.L.S. No. _____ in accordance with the Division of Geology and Land Survey, Missouri Department of Natural Resource's "Current Missouri Minimum Standards for Property Boundary Surveys as Promulgated by the Missouri Department of Natural Resources".

Date Prepared

Signature:

Missouri Professional Land Surveyor No.

Date:

Section 410.300 Owner's Certificate.

[Ord. No. 04-19 §1, 3-8-2004; Ord. No. 07-38 §1, 5-29-2007]

A signed statement, substantially conforming to the following shall be included on the plat, which certifies that he/she had title to the land being subdivided and all access rights as represented on the plat are hereby dedicated. This certification block shall include a notary blank.

OWNER(S) DEDICATION

As owner(s) I/We, Owner(s) Name have caused the land described on this plat to be surveyed, divided, mapped, and all access rights reserved and dedicated as represented on the plat. I/We hereby dedicate, grant, and convey right-of-way and easements shown hereon to the City of Republic. Furthermore, I/We, certify that there are no suits, actions, liens, or trusts on the property conveyed herein, and warrant generally and specially the property conveyed for public use and will execute such further assurances as may be required.

Name of Owner(s) and/or Subdivider

Date:

Section 410.310 Certificate of Taxes Paid.

[Ord. No. 07-38 §1, 5-29-2007]

The plat shall contain a certification block for the City and County Official to the effect that there are no unpaid taxes and unpaid special assessments due and payable at the time of plat approval. The certification block shall substantially conform to the following:

CERTIFICATE OF TAXES PAID

There are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval on any of the lands included in this plat, and all outstanding taxes and special assessments have been paid on all property dedicated to public use.

Parcel Number

County Collection Official

Date

Section 410.320 City Council Certificate.

A statement of approval by the City Council indicating the date and ordinance number in which Final Plat

was accepted and approved. The certification block shall substantially conform to the following.

APPROVAL BY THE CITY COUNCIL

I, _____, City Clerk of the City of Republic, Greene County, Missouri, Do hereby certify that the Plat of _____ was presented to, accepted and approved by the City Council of said City of Republic, and approved by General Ordinance No. _____ on the _____ day of _____, 20_____.

City Clerk

Date

Section 410.330 Compliance With Land Use Regulations Certification. Certificate of Compliance With Zoning and Subdivision Regulations [Ord. No. 04-19 §1, 3-8-2004]

The Plat shall include a signature block establishing conformance to the Land Use Regulations adopted by the City of Republic.

CERTIFICATE OF COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS

I, _____, City Planner of the City of Republic, Missouri, do hereby certify on the _____ day of _____, 20____, the Final Plat of _____ conforms to the City of Republic Land Use Regulations, in accordance with Title IV of the Republic Code of Ordinances.

Section 410.340 Recorder's Office.

A title block shall be included on the plat for the Office of the Recorder of Deeds, Greene County, Missouri substantially conforming to the following.

IN THE RECORDER'S OFFICE

I, _____, Recorder of Deeds, Greene County, Missouri, do hereby certify that the within instrument of writing was on the day of _____, 20____, duly filed for record and is recorded in the records in this office in book _____ page _____ in testimony whereof, I have hereunto set my hand and affixed my official seal at my office in Springfield, Missouri, this _____ day of _____, 20_____.

Recorder of Deeds

Date

Section 410.350 Final Submittal. [Ord. No. 05-56 §1, 7-25-2005]

- A. Final submittal of the Final Plat shall be prepared on two (2) reproducible original (mylars) 24" X 36" or those dimensions required by the County Recorder of Deeds. The following shall be submitted in addition to the original.
 1. Sixteen (16) inches X twenty-four (24) inches scaled reproducible mylar for the City's plat book.
 2. Six (6) blue line copies (24" X 36"). The developer may submit more than the required minimum of blue line copies.
 3. All off-site easements and right-of-way deeds.

4. As-built drawings of the phase being approved.
5. Permits, on file, from MoDNR for authorization to connect and place the water and sewer lines in service.
6. Copy of private and restrictive covenants to be recorded.
7. Electronic copies of the subdivision plat, infrastructure or as-built plans, etc.
8. The community development staff may require additional elements to incorporate the final plat to the City map or to supply related government agencies with plats and reproducible prints, as needed. [**Ord. No. 16-23 § 1, 11-28-2016**]

Section 410.355 Maintenance After Approval.

[**Ord. No. 04-19 §1, 3-8-2004; Ord. No. 05-96 App. A §4, 12-12-2005**]

The developer shall maintain and keep in repair all public infrastructure and detention areas for a period of one (1) year from the date the constructed improvements are approved by the City. To guarantee this maintenance, an acceptable maintenance bond, letter of credit or other acceptable security shall be provided in the amount of ten percent (10%) of the contract price of the improvements against defects in workmanship and materials for the above-mentioned one (1) year period. The bond, letter of credit or security shall be filed with the City and be from a surety company licensed to do business in the State of Missouri and in a form to be approved by the City Attorney.

Article VI

General Principles of Design and Minimum Requirements For The Layout of Subdivision

Section 410.360 Functional Classification of Streets.

[**Ord. No. 04-19 §1, 3-8-2004**]

As defined in this Chapter, the following terms are used as follows:

EXPRESSWAY

A limited-access highway with some grade crossings and signals at major intersections intended for high-volume, moderate to high speed traffic across the metropolitan area with minimal access to adjacent land.

FREEWAY

A fully controlled access highway with grade-separated interchanges at major thoroughfares. Intended for high-volume, high-speed traffic movement between cities and across the metropolitan area and not intended to provide direct access to adjacent land.

PRIMARY ARTERIAL

A street primarily intended to provide for high-volume, moderate-speed traffic from one part of the City to another or between major activity centers. Providing access to abutting property is a secondary function and access points should be controlled.

SECONDARY ARTERIAL

A street which supplements and feeds the principal arterial system and is intended for moderate-volume, moderate-speed traffic. Access to abutting property is a secondary function and access points should be partially controlled.

COLLECTOR

A street which collects and distributes traffic to and from Local Streets and Arterial Streets. Collector Streets are intended for moderate volume, low speed and short length through trips. The main function of a Collector Street is to move traffic from Local Streets to the Arterial System. A secondary function of a Collector Street is to provide access to Local Streets.

LOCAL STREET

A street intended to provide access to abutting property while its secondary function is to provide traffic flow and movement. Local Streets, which comprise the largest percentage of total City street mileage, are designed for low-volume, low-speed traffic. During the platting process a Local Street may be designated as a Local-Commercial, Local-High-density residential or Local-Low-density residential street, depending upon the predominant land use it will serve.

Section 410.370 Design Standards — Streets and Sidewalks.

[Ord. No. 04-19 §1, 3-8-2004]

Section 410.380 Street Grades and Curves.

[Ord. No. 04-19 §1, 3-8-2004]

- A. The grades of streets shall not exceed the following except that, where unusual or exceptional conditions exist, the Planning Commission may modify these requirements:
1. *Arterials*. Five percent (5%) maximum.
 2. *Collector streets*. Seven percent (7%) maximum.
 3. *Local streets, service drives and alleys*. Ten percent (10%).
 4. *Pedestrian ways or crosswalks*. Twelve percent (12%), unless steps of an acceptable design are to be constructed.
 5. *Minimum grade*. In no event shall the minimum grade of any street be less than seventy-five hundredths percent (.75%) with lengths not to exceed two hundred (200) feet.
 6. *Changes in street grades*. All changes in street grades in excess of one percent (1%) shall be connected by vertical curves of a minimum length equal to fifteen (15) times the algebraic difference in the rate of grade for highways, thoroughfares and parkways; and one-half (½) of this minimum for all other streets.
 7. *Curvature of centerline*. The radii of curvature on the centerline shall not be less than the following:
 - a. *Highways, etc.* Highways, thoroughfares and parkways: four hundred (400) feet.
 - b. *Local streets, etc.* Local streets, minor streets and service drives: one hundred (100) feet.

Section 410.390 Easements To Be Granted To The City.

[Ord. No. 04-19 §1, 3-8-2004]

- A. Utility easements shall be provided adjacent to all lots and rights-of-way, the following minimum utility easements are required.
1. Utility easements adjacent to right-of-way: ten (10) feet.

2. Easements for off-site utilities: fifteen (15) feet.
3. Easements for all other utilities: fifteen (15) feet.
4. Temporary construction easements: sixty (60) feet.

Section 410.395 Location of Certain Public Utilities.
[Ord. No. 19-37, 1-7-2020]

- A. The location of public utility easements shall be compliant with the following requirements:
1. Proposed public utilities are prohibited in any location the City Engineer determines interferes with the operation or maintenance of any of the City's utility infrastructure or will otherwise interfere with the rights and reasonable convenience of property owners.
 2. Proposed public utilities located in residential subdivisions to be dedicated, owned, and/or maintained by the City of Republic are prohibited in the rear or side yard; exceptions may be granted by the City Engineer if no other alternative is available.

Section 410.400 Access Management.
[Ord. No. 04-19 §1, 3-8-2004]

- A. *Freeways, Expressways, Primary Arterials.*
1. When subdividing land, all parcels shall have direct frontage on a dedicated street to obtain access. Access to property via ingress/ egress easements shall not be allowed.
 2. When subdividing land adjacent to Freeways, Expressways and Primary Arterials, direct access from parcels to the arterial shall be prohibited. Access shall be provided to Freeways, Expressways and Primary Arterials via Local Streets, Collector Streets and Secondary Arterial Streets.
 3. If the land adjacent to the Freeway, Expressway or Primary Arterial is zoned for commercial land uses, a Secondary Circulation System shall be constructed according to the Major Thoroughfare Plan to control access and maintain traffic flow. The Secondary Circulation System shall be located at least four hundred forty (440) feet from the highway and run parallel to the highway thus creating reverse frontage lots.
 4. In the case of infill development along Freeways, Expressways and Primary Arterials, where direct access cannot be prevented because of prior platting or existing development patterns, joint access driveways shall be constructed.
 5. In the Site Plan review process, commercial property along Freeways, Expressways and Primary Arterials shall be required to construct Internal Circulation Systems between parcels to provide access management to the Arterial Street.
- B. *Collector Streets And Secondary Arterial Streets.*
1. When subdividing land adjacent to Secondary Arterial Streets and Collector Streets, direct access from parcels to the arterial or collector shall be prohibited.
 2. If the land adjacent to the Collector Street or Secondary Arterial Street is zoned for commercial land

uses, a Secondary Circulation System shall be constructed according to the Major Thoroughfare Plan to control access and maintain traffic flow. The Secondary Circulation System shall be located at least two hundred twenty (220) feet from a Secondary Arterial and one hundred twenty (120) feet from a Collector and shall run parallel to the highway thus creating reverse frontage lots.

3. In the case of infill development where direct access cannot be prevented because of prior platting or existing development patterns, the construction of turnaround drives shall be provided.

Section 410.410 Street Layout.

[Ord. No. 04-19 §1, 3-8-2004]

The street layout of the subdivision shall be in conformity with the adopted Transportation Plan. The design and arrangement of streets in the subdivision shall provide for the continuation of streets in adjacent subdivisions, where such extension is not prohibited by topographic conditions. Local Streets shall be laid out so as to discourage their use by through traffic. Streets shall be arranged in proper relation to topography so as to result in usable lots and safe and reasonable grades, both for the streets and driveways intersecting therewith.

Section 410.420 Intersections.

[Ord. No. 04-19 §1, 3-8-2004]

Proposed Collector Streets and Secondary Arterial Streets shall intersect one another at ninety degrees (90°). The street centerline shall never be less than eighty-five degrees (85°) when a Collector Street or Secondary Arterial Street is involved. The street centerline should never be less than eighty degrees (80°) when a Local Street is involved. Four-way intersections shall be created for minor interior streets. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited on all types of streets.

Section 410.430 Private Roads and Gated Developments.

[Ord. No. 04-19 §1, 3-8-2004]

- A. The Planning and Zoning Commission and the City Council may approve a plan or plat for a gated/private development if the proposal is found to meet acceptable planning and design guidelines and shall furthermore meet the following:
 1. The proposed development shall not adversely affect existing or planned neighborhoods, rights-of-way and public infrastructure.
 2. The proposal must provide adequate information relating to restrictive covenants, bylaws and contingencies to ensure the development will be sustainable and self sufficient.
 3. Private or gated developments shall meet the general principles of design and minimum requirements for the layout of subdivision in the City of Republic; all improvements shall be constructed to City standards.

Section 410.440 Blocks.

[Ord. No. 04-19 §1, 3-8-2004]

- A. The length of blocks in a subdivision shall be designed to be more than five hundred (500) feet and shall not exceed one thousand five hundred (1,500) feet as measured from centerlines of streets.
- B. The width of blocks in a subdivision shall be designed to provide two (2) tiers of lots, except where the lots back onto a major street, natural feature, subdivision boundary or other feature or facility that

requires reverse frontage.

Section 410.450 Dead-End Streets and Cul-De-Sacs.

[Ord. No. 04-19 §1, 3-8-2004; Ord. No. 04-71 §1, 12-27-2004]

- A. Except as otherwise provided herein, temporary dead-end streets shall be approved where the layout of the subdivision requires streets to be built to property lines for future development of the street system. A temporary cul-de-sac will be required on roads more than one hundred fifty (150) feet in length. When the staging of development allows the developer to stage the construction of streets in the development.
- B. Dead-end streets of reasonable length (normally not over five hundred (500) feet) may be approved where necessitated by topography or where, in the opinion of the Planning and Zoning Commission, they are appropriate for the type of development contemplated. At the end of all said streets, cul-de-sacs shall be built.
- C. Cul-de-sac streets may be allowed if the street does not exceed five hundred (500) feet in length measured from the centerlines and the closed end shall have a turnaround encompassing a minimum right-of-way diameter of one hundred (100) feet.
- D. Sidewalks constructed on dead-end streets shall be extended to the end of the street and around the entire radius of the cul-de-sac.

Section 410.460 Street To Extend To Boundary Lines.

[Ord. No. 04-19 §1, 3-8-2004]

- A. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning and Zoning Commission, such extension is not necessary or desirable for the future development of adjacent tracts.
- B. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. It is not the intent of these regulations to require that streets be designed in a grid-fashion. Streets shall be designed to accommodate natural obstacles, such as known sinkholes, floodplains, pipelines, streams or other waterways.
- C. Local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

Section 410.470 Sidewalks and Greenways.

[Ord. No. 04-19 §1, 3-8-2004]

- A. Unless otherwise approved, sidewalks shall be required on both sides of all existing and new Secondary Arterial Streets and Collector Streets and one (1) side of all existing and new Local Streets, with the following exception:
 - 1. The Planning and Zoning Commission may deem it unnecessary to require sidewalks on interior streets in industrial subdivisions.

~~2. The Director of Public Works may allow a developer, owner or subdivider of a subdivision to pay the City twelve dollars (\$12.00) per linear foot of required sidewalk in lieu of constructing the sidewalk.~~

B. The Planning and Zoning Commission may require greenways along Secondary Arterials according to the City's Transportation Plan.

Section 410.480 **Water Supply.**

[Ord. No. 04-19 §1, 3-8-2004; Ord. No. 05-82 §1, 10-10-2005]

A. Where a public water supply main is reasonably accessible, in the judgment of the Planning and Zoning Commission, the subdivision shall be provided with a looped water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants, in accordance with requirements set out below and in conformance with "Construction Specifications for Public Improvements, City of Republic" on file at the offices of the City of Republic Public Works Department and incorporated herein by reference. All water system plans shall be designed and installed in accordance with the City's Water System Master Plan. Main extensions, upgrades and related looping required by the plan shall be done so at the expense of the developer. [Ord. No. 16-23 § 1, 11-28-2016]

B. The minimum size of a water main providing fire protection and serving fire hydrants shall be six (6) inches in diameter. Larger mains shall be required, if necessary, to allow withdrawal of the required fire flow while maintaining the minimum residual pressure of twenty (20) pounds per square inch throughout the distribution system or to conform to the City's Water System Master Plan. Mains not providing fire protection shall be no smaller than two (2) inches in diameter. All mains shall be extended to adjacent property lines for future extension and looping.

C. *Fire Hydrants.*

1. Fire hydrants should be located in accordance with National Fire Protection guidelines in reference to fire flow requirements in heavy use areas and residential but shall be placed not more than five hundred (500) feet apart in heavy residential areas and not more than three hundred (300) feet apart in heavy business areas.

2. Fire hydrants located in heavy traffic areas, such as alleys or parking lots, shall be provided with protection against collision.

Section 410.490 **Bridges and Culverts — Closed Storm Sewers.**

[Ord. No. 04-19 §1, 3-8-2004]

A. *Bridges And Culverts.* Bridges, box culverts or concrete pipe culverts shall be provided where continuous streets or alleys cross watercourses in accordance with the design requirements of Section **410.650**. Each structure shall be designed to carry H-20 loadings using construction materials and installation procedures conforming with "Construction Specifications for Public Improvements, City of Republic" on file at the offices of the City of Republic Public Works Department and incorporated herein by reference. [Ord. No. 16-23 § 1, 11-28-2016]

B. *Closed Storm Sewers.*

1. Closed storm sewers shall be designed for H-20 loadings and shall conform with "Construction Specifications for Public Improvements, City of Republic" on file at the offices of the City of Republic

Public Works Department and incorporated herein by reference. [Ord. No. 16-23 § 1, 11-28-2016]

2. Closed storm sewers shall be designed at and constructed to grades such that the velocity therein shall not be less than three (3) feet per second nor greater than twelve (12) feet per second.
3. Closed storm sewers shall extend to the furthest downstream point of development with consideration given to velocities and to providing discharge energy dissipaters to prevent erosion and scouring along downstream properties.

Section 410.500 Public Sanitary Sewer.

[Ord. No. 04-19 §1, 3-8-2004]

Where a public sanitary sewer main is reasonably accessible, in the opinion of the Planning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer mains, at a grade not less than one-half of one percent (.5%), including a lateral connection for each lot. The sewer system shall be designed to extend to adjacent property lines for future development. Such system and connection shall comply with the regulations of the Missouri Department of Natural Resources and to the regulations established by the City of Republic.

Section 410.510 Subdivision Sanitary Sewer.

[Ord. No. 04-19 §1, 3-8-2004]

Where a public sanitary sewer system is not reasonably accessible, in the opinion of the Planning and Zoning Commission, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri State Water Pollution Board, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the State Water Pollution Board and approved by the City of Republic.

Section 410.520 Private Sewage Collection.

[Ord. No. 04-19 §1, 3-8-2004]

Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the developer shall either install a sewage collection and disposal system in accordance with the requirements of Title VII: Utilities and/or the latest adopted Building Code.

Section 410.530 Planting.

[Ord. No. 04-19 §1, 3-8-2004]

All landscaped strips, parkways and screening areas dedicated to the public shall be graded, seeded and planted and maintained in accordance with City regulations. Where shrubs are required for the purpose of screening, location, specimen, density and other pertinent features shall be in accordance with the City's regulations.

Section 410.540 Street Name Signs.

[Ord. No. 04-19 §1, 3-8-2004]

All informational and regulatory signs, including, but not limited to, street name signs, stop signs, etc., shall be installed in accordance with the regulations of the City of Republic at the expense of the developer.

Section 410.550 Utility Service.

[Ord. No. 04-19 §1, 3-8-2004]

Where practical, easements for underground conduits for utility lines shall be provided along front, rear and side lot lines. All utilities, including, but not limited to, electricity, telephone and cable television, shall be buried underground for all major subdivisions.

Section 410.560 Property Corner and Boundary Monumentation.
[Ord. No. 04-19 §1, 3-8-2004]

Property monumentation and for permanent and semi-permanent monuments shall comply with the Missouri Minimum Standards for Property Boundary Surveys.

~~**Section 410.570 Final Cleanup of Developed Lots.**~~
~~**[Ord. No. 04-19 §1, 3-8-2004]**~~

~~The owners and/or developers of all new homes, duplexes, apartments or businesses constructed shall have thirty (30) days from the date of the completion of the structure to get all yards and lots graded and all items of construction removed from said yards and lots within thirty (30) days from the completion of said structure. If the owner and/or developer fails to properly grade and clean the lot and have its approval by the Building Inspector for the City of Republic, then each and every day after the thirty (30) day period shall be a separate violation of this Chapter and the owner and/or developer shall be subject to a fine of up to one thousand dollars (\$1,000.00) for the violation of this Chapter. The Building Inspector shall have, in accordance with the latest adopted Building Code, the authority to extend this requirement at his or her discretion.~~

Section 410.580 Street Lights.
[Ord. No. 04-19 §1, 3-8-2004; Ord. No. 11-06 §1, 4-11-2011]

- A. Public street lights on residential streets shall be spaced between two hundred fifty (250) feet and three hundred fifty (350) feet apart, at street intersections and cul-de-sacs. Street light spacing on all roads with a classification of collector or above shall be determined on a case-by-case basis.
- B. Wires connecting street lights in new subdivisions shall be buried underground at the expense of the developer and in accordance with Chapter **410** Subdivision Regulations.
- C. All poles installed in new subdivisions for the specific purpose of providing on-street lighting shall be composed of concrete, fiberglass, steel, aluminum or other materials not composed of wood.
- D. The developer of the subdivision shall bear the expense associated with meeting these standards. These requirements shall apply only to the installation of new street lights in major subdivisions platted after approval of this Code.
- E. Once constructed and dedicated to the City, the Director of Public Works is authorized to temporarily de-energize any street light until such time as construction is initiated on a new inhabitable structure within one hundred sixty (160) feet of the location of the street light. Street lights at street intersections and cul-de-sacs shall not be de-energized under this provision.

Section 410.590 through Section 410.645. (Reserved)

Article VII
Stormwater Management For Public and Private Improvements

Section 410.650 General Provisions.
[Ord. No. 02-47 §§1 — 2, 11-25-2002]

- A. *Scope.* These design criteria set forth the minimum standards for design of storm drainage facilities on public right-of-way and private property in the City of Republic.
- B. *Authority.*
 - 1. These design criteria and standards set forth herein have been adopted by the Planning and Zoning Commission and the City Council *in accordance with the procedures and authority set forth in the City of Republic.*
 - 2. Any development or grading begun after the date of passage of these criteria and standards which does not comply with the requirements set forth herein shall be deemed to be in violation of the requirements established herein; and shall be subject to enforcement measures and penalties set forth in Section **100.220** — General Penalty.
- C. *Interpretations.*
 - 1. Where any of the provisions contained herein may be unclear or ambiguous as they pertain to a particular site or situation, interpretations of the policies, criteria and standards set forth herein shall be made in writing by the Community Development Director.
 - 2. Such written interpretations shall be kept on file for future reference for use in similar situations and shall be incorporated in subsequent revisions for the standards, if deemed necessary for general reference.
- D. *Appeals.*
 - 1. Where disagreements may arise over the interpretation of the requirements set forth herein, appeals may be made to the City Planner upon written request.
 - 2. Information and supporting documentation for the appeal shall be submitted with the request. The City Planner shall forward the information to the Public Works Director, Community Development Director or the City Engineer within three (3) calendar days following receipt of the information.
- E. *Approvals And Permits Required.*
 - 1. *Grading permit.* Storm drainage facilities may not be constructed or altered without review and approval of the plans by the City and issuance of a Grading Permit by the City for subdivisions or for commercial or other sites.
 - 2. *National Pollutant Discharge Elimination System (NPDES) stormwater permit.*
 - a. Provisions of the 1987 Clean Water Act require that certain stormwater discharges obtain an NPDES stormwater permit. In Missouri, these permits are administered by the Missouri Department of Natural Resources.
 - b. Federal rules for NPDES stormwater discharges are contained in 40 CFR Parts 122, 123 and 124 of the Code of Federal Regulations. State NPDES stormwater regulations are contained in 10 CSR 20-6.200 of the Code of State Regulations. Additional provisions for NPDES stormwater permits for land disturbance activities and information regarding the City of Republic General Permit for land

disturbance activities are contained in Section **410.710** of these Criteria.

c. *"404" Permit.*

- (1) For certain activities, which involve the discharge of dredged or fill materials into the waters of the United States a Department of the Army permit may be required as set forth Section 404 of the Clean Water Act. Rules for 404 permits are contained in 33 CFR Parts 320 through 330 of the Code of Federal Regulations.
- (2) Determination of applicability for Section 404 requirements are generally made by the Kansas City or Little Rock District office of the Corps of Engineers.
- (3) A brochure regarding the Corps of Engineers regulatory program may be obtained from the Corps offices.

F. *Coordination With Other Jurisdictions.*

1. Where proposed storm drainage facilities are located on property adjoining to other local government jurisdictions design of storm drainage facilities shall include provisions to receive or discharge storm water in accordance with the requirements of the adjoining jurisdiction, in addition to meeting City requirements.
2. In these cases two (2) additional sets of plans shall be submitted and will be forwarded to the adjoining jurisdiction for review and comment.
3. No grading or construction of storm drainage facilities may commence without prior notification of the Missouri One Call utility warning system at 1-800-DIG-RITE, as required by law.

G. *Communications And Correspondence.* Communications and correspondence regarding stormwater plan review, policies, design standards, criteria or drainage complaints shall be directed to the City Planner at the City of Republic, 213 N. Main, Republic, Missouri 65738, Phone: 417-732-3354.

H. *Ownership And Maintenance.*

1. *Improvements on public road right-of-way.* Storm drainage improvements on public right-of-way shall, upon acceptance of the constructed improvements, become the property of; and shall be maintained by the City of Republic.
2. *Improvements on private property.*
 - a. Storm drainage improvements on private property shall be maintained by the owner of the lot upon which the improvements are located or by the Homeowners' Association for improvements located in common areas.
 - b. All such improvements, which serve a drainage area, shall be located in drainage easement and the public shall have such rights of access to repair or maintain such facilities as set forth in Section **410.680(E)(4)**.

A. *Stormwater Management Goals.* In order to ensure protection of the general health and welfare of the citizens of the City of Republic, planning and design of stormwater management measures shall meet the following goals:

1. Prevent damage to residential dwellings and other building structures from floodwaters.
2. Maintain emergency vehicle access to all areas during periods of high water.
3. Prevent damage to roads, bridges, utilities and other valuable components of the community's infrastructure from damage due to flood waters and erosion.
4. Prevent degradation of surface and groundwater quality from storm water runoff; preserve and protect quality of the environment; and promote conservation of the City's natural resources.
5. Minimize floodwater and erosion damage to lawns, recreational facilities and other outdoors improvements.
6. Minimize traffic hazards from runoff carried in streets and roads.
7. Comply with applicable State and Federal laws and regulations.
8. Meet the foregoing goals in a manner which is cost effective and which minimizes the cost of housing and development while encouraging sound development practices.
9. Encourage innovative and cost effective planning and design of stormwater management facilities.
10. Encourage multiple purpose design of stormwater management facilities, to provide opportunities for recreational use and other benefits to the community wherever possible.

The standards and criteria set forth herein provide the minimum standards for planning and design of stormwater facilities. Where a particular plan or design may be found to be in conflict with a specific standard, achievement of the goals set forth above will have precedence.

B. *General Planning And Design Principles.*

1. The City of Republic recognizes that stormwater management is an important component of overall land use planning.
2. The City of Republic further recognizes that proper stormwater planning significantly reduces the long-term costs to the community both in terms of infrastructure cost and property losses due to flood damage. It is much more cost effective to prevent flood damage by proper design and construction, than to repair and remediate problems, which have occurred through poor planning and design.
3. The following general principles must be followed in preparing the grading and storm drainage plans for all development sites:
 - a. *Recognize the existing drainage system.* The storm drainage system differs from other utility systems in very important ways:
 - (1) There is an existing natural drainage system.

- (2) It is only needed when runoff occurs.
 - (3) The capacity of the system varies greatly depending upon how much it rains.
 - (4) The system does not have to be constructed of man-made components in order to function.
- b. Because of these characteristics there has been a historic inclination for fragmented planning and design of storm drainage facilities.
 - c. Proper planning of storm drainage facilities must begin with the recognition of the existing system, and include necessary provisions for preserving or altering the existing system to meet the needs of proposed development or construction.
 - d. Methods of delineating existing watercourses are outlined in Section **410.670**.
4. *Allow for increase in runoff rates due to future urbanization.*
 - a. As areas urbanize, peak rates of runoff increase significantly. The City of Republic may require temporary detention and storage of increased volumes of urban runoff in order to minimize increases in flow rates as urbanization occurs. However, the cumulative effects of on-site detention are difficult to predict and control and development of comprehensive basin-wide runoff models to determine these effects does not appear likely in the foreseeable future.
 - b. For this reason, design of storm drainage improvements must be based upon the assumption of fully urbanized conditions in the area under consideration. No reduction in peak flow rates due to detention, unless an approved runoff model has been developed for the drainage basin under consideration. Any detention storage facilities whose effects are considered must be located within approved drainage easements.
5. *Provide for acceptance of runoff from upstream drainage areas.*
 - a. It is critical that provisions be made to receive runoff from upstream drainage areas. Drainage easements or public right-of-way must extend to a point where the upstream drainage area is no greater than five (5) acres.
 - b. Drainage easements or public right-of-way must extend to the point where existing watercourses enter the site. Where the upstream drainage area is five (5) acres or greater, but does not discharge onto the site through a defined watercourse, the drainage easement shall extend to the point of lowest elevation.
6. *Provide a means to convey runoff across the site.* Stormwater shall be conveyed across the site in a system of overland drainage ways and storm sewers. Overland drainage ways consists of streets, open channels, swales and overland flow within drainage easements.
7. *Discharge of runoff to downstream properties.*
 - a. Concentrated runoff shall be discharged only into existing watercourses, drainage easements or public road rights-of-way. Where none of these exist, a drainage easement which extends to the nearest watercourse, drainage easement or public road right-of-way must be obtained from the downstream property owner and proper provisions made for conveyance of the peak flow from the one percent (1%)

annual probability (100-year) storm within the drainage easement.

- b. One of the typical results of urbanization is that diffuse surface flow or "sheet flow" is replaced with concentrated points of discharge. Where concentrated flows are discharged to downstream properties proper provisions must be made to:
 - (1) Allow the flow to spread over the same area as would have occurred for the same rate of flow prior to the development, and
 - (2) Reduce the rate of velocity to rates at least equal to the pre-development values at the same rate of flow.
- 8. *Assess potential downstream flooding problems.*
 - a. It is important that a determination be made of conditions in the watershed downstream of each development site. Specifically it is important to determine whether there are existing structures, which are subject to an unacceptable flooding hazard.
 - b. If areas having an unacceptable flooding hazard occur downstream of a development site, either on-site detention for peak flow control or mutually agreed off-site improvements will be required, as set forth in Section **410.680**.
- 9. *Assess potential water quality impacts on receiving waters.* Sediment, erosion and other water quality controls are required as set forth in Section **410.700** and Section **410.710**.
- C. *Drainage Easements.* All areas subject to inundation during the major storm must be included in drainage easements. Specific standards for drainage easements to be provided for storm sewers, open channels and detention facilities are set forth in Section **410.680**.

Section 410.670 Stormwater Runoff Calculations.

[Ord. No. 02-47 §§1 — 2, 11-25-2002]

- A. This Section outlines acceptable methods of determining stormwater runoff.
 - 1. *General guidelines.*
 - a. For watersheds with a total tributary area less than two hundred (200) acres and a one percent (1%) annual probability (100-year) fully developed discharge less than three hundred (300) cfs, the design storm runoff may be analyzed using the rational formula.
 - b. For watersheds with a total tributary area greater than two hundred (200) acres or with a one percent (1%) annual probability (100-year) fully developed discharge greater than three hundred (300) cfs, the design storm runoff shall be analyzed using an approved hydrograph method.
 - 2. *Rational formula.*
 - a. The rational formula, when properly understood and applied, can produce satisfactory results for urban storm sewer design. The rational formula is as follows:

$$Q = \quad CIA$$

Where:

- Q = Peak discharge in cubic feet per second.
 C = Runoff coefficient which is the ratio of the maximum rate of runoff from the area to the average rate of rainfall intensity for the time of concentration.
 I = Average rainfall intensity in inches per hour for a duration equal to the time of concentration.
 A = Contributing watershed area in acres.

b. The basic assumptions made when applying the rational formula are:

- (1) The rainfall intensity is uniform over the basin during the entire storm duration.
- (2) The maximum runoff rate occurs when the rainfall lasts as long or longer than the basin time of concentration.
- (3) Runoff response characteristics are relatively uniform over the entire basin.
- (4) The time of concentration is the time required for the runoff from the most hydraulically remote part of the basin to reach the point of interest.

c. The drainage basin should be divided into sub-basins of a size where all of the basic assumptions apply.

3. *Time of concentration.*

a. Time of concentration, etc., is calculated by:

$t_c = t_i + t_t$ (5 minutes, minimum); where
 t_i = initial, inlet or overland flow time in minutes,
 t_t = shallow channel and open channel flow time in minutes.

b. Overland flow (sheet flow) time shall be calculated as:

$t_i = (n \times L)^{0.8} / (4.64 \times S^{0.4})$ where
 t_i = initial, inlet or overland flow time in minutes,
 n = Manning's n for sheet flow (from the following table),
 L = Overland flow length in feet, (maximum of three hundred (300) feet),
 S = Slope in feet per foot.

ROUGHNESS COEFFICIENTS (Manning's n) FOR SHEET FLOW

SURFACE DESCRIPTION

Smooth surfaces (concrete, asphalt, gravel or bare soil)	0.011
Fallow (no residue)	0.050
Cultivated soils:	
Residue cover less than or equal to 20%	0.060
Residue cover greater than or equal to 20%	0.170

Grass:

Short grass prairie	0.150
Dense grasses ¹	0.240
Bermuda grass	0.410
Range (natural) Woods: ²	0.130
Light underbrush	0.400
Dense underbrush	0.800

NOTES:

¹ Includes species such as weeping lovegrass, bluegrass, buffalo grass, blue grama grass and native grass mixtures.

² When selecting n, consider cover to a height of about 0.1 feet. This is the only part of the plant cover that will obstruct sheet flow.

Shallow channel velocities may be estimated from Figure 3-1 in reference 11.

Open channel flow velocities may be estimated from Manning's equation. Open channel velocities are generally estimated under bank full conditions.

The basin time of concentration calculation techniques are described in detail in TR-55, Chapter 3 (reference 11).

4. *Hydrograph methods.*

a. *Methodologies.*

- (1) The most common hydrograph techniques are those developed by the Corps of Engineers and the Soil Conservation Service. These methods are preferred, however other proven techniques will be accepted.
- (2) The Corps of Engineers HEC-1 Flood Hydrograph Package and Soil Conservation Service TR-55 computer models are the preferred runoff models. Other models may be used with approval from the City.
- (3) The runoff model must include the entire drainage basin upstream of the proposed development. The model shall be prepared in sufficient detail to ensure that peak runoff rates are reasonably accurate.
- (4) The runoff model shall be developed for the following cases:
 - (a) Case 1: Existing conditions in the drainage basin prior to development of the applicant's property.
 - (b) Case 2: Existing conditions in the drainage basin with developed conditions on the applicant's property.
 - (c) Case 3: Fully developed conditions in the entire drainage basin.

b. *Rainfall.*

- (1) Rainfall depth-duration-frequency and intensity-duration-frequency curves for the Republic area are included in the standard drawings. The design rainfall intensities were developed from the U.S. Department of Commerce, National Weather Service, Technical Paper 40 (reference 19) and the

National Oceanic and Atmospheric Administration publication "HYDRO-35" (reference 9).

- (2) Rainfall depths for use with hydrograph techniques shall be taken from "Rainfall Frequency atlas of the Midwest, Bulletin 71" (reference 23).
- (3) Rainfall shall be distributed in time using Huff's Distribution or the Pilgrim-Cordery Distribution adapted to local rainfall data (references 20 and 21) as shown in the following table. Other distributions may be used upon approval from the City.

Pilgrim-Cordery Method Synthetic Rainfall Mass Curves
Cumulative Fraction of Storm Duration

Cumulative Fraction of Depth	1-Hour	2-Hour	3-Hour	4-Hour	6-Hour
.00	.00	.00	.00	.00	.00
.05	.03	.03	.03	.02	.05
.10	.07	.05	.05	.03	.09
.15	.11	.10	.06	.05	.14
.20	.14	.17	.09	.06	.20
.25	.17	.22	.11	.08	.28
.30	.23	.25	.13	.14	.35
.35	.29	.27	.19	.20	.41
.40	.35	.29	.31	.27	.43
.45	.41	.30	.39	.33	.46
.50	.47	.31	.44	.38	.49
.55	.56	.41	.47	.47	.60
.60	.65	.51	.54	.56	.70
.65	.73	.60	.64	.64	.80
.70	.82	.69	.70	.74	.86
.75	.91	.78	.73	.83	.89
.80	.93	.82	.81	.87	.93
.85	.95	.87	.89	.90	.96
.90	.97	.92	.94	.93	.97
.95	.99	.96	.98	.97	.98
1.00	1.00	1.00	1.00	1.00	1.00

Section 410.680 Stormwater Drainage Structures.
[Ord. No. 02-47 §§1 — 2, 11-25-2002; Ord. No. 04-19 §1, 3-8-2004]

A. *Inlets.*

1. *Inlet locations.* Inlets shall be provided at locations and intervals and shall have a minimum inflow capacity such that maximum flooding depths set below are not exceeded for the specified storm; at all sump locations where ponding of water is not desired and where drainage cannot be released at the ground surface.
2. *Inlet interception capacities.*
 - a. Inlet capacities shall be determined in accordance with the Federal Highway Administration HEC-12

Manual (reference 5).

- b. Nomographs and methods presented in the Neenah Inlet Grate Capacities report (reference 12) may also be used where applicable.
 - c. The use of commercial software utilizing the methods of HEC-12 is acceptable. It is recommended that software be pre-approved for use by the City.
3. *Clogging factors.* The inlet capacities determined as required in this Section must be reduced as follows, in order to account for partial blockage of the inlet with debris:

Inlet Type And Location	Clogging Factor
<i>Type SS Curb Opening Inlets:</i>	
on grades	0.9
in sumps	0.8
<i>Grated Inlets:</i>	
on grades	0.6
in sumps	0.5

Inlet lengths or areas shall be increased as required to account for clogging.

4. *Interception and bypass flow.* It is generally not practical for inlets on slopes to intercept one hundred percent (100%) of the flow in gutters. Inlets must intercept sufficient flow to comply with street flooding depth requirements. Bypass flows shall be considered at each downstream inlet, until all flow has entered approved storm sewers or drainage ways.
5. *Allowable street depths.* Urban streets are a necessary part of the City drainage system. The design for the collection and conveyance of storm water runoff is based on a reasonable frequency and degree of traffic interference. Depending on the street classification, (i.e. local, collector, etc.) portions of the street may be inundated during storm events. Drainage of streets are controlled by both minor and major storm events. The minor system is provided to intercept and convey nuisance flow. Flow depths are limited for the major storm to provide for access by emergency vehicles during most flood events. When the depths of flow exceed the criteria presented in this Section a storm sewer or open channel system is required.
- a. *General design guidelines.*
 - (1) *Allowable flow depths:* Flow in the street is permitted with allowable depths of flow as follows:
 - (2) *Local streets:* Crown of the street for the runoff from a 5-year rainfall, top of curb for runoff from a 25-year rainfall. Runoff from a 100-year rainfall should be contained within the right-of-way.
 - (3) *Collector streets:* The equivalent of one (1) ten (10) foot driving lane must remain clear of water during a 5-year rainfall, top of curb for runoff from a 25-year rainfall. Runoff from a 100-year rainfall should be contained within the right-of-way.
 - (4) *Arterials and parkways:* Two (2) ten (10) foot lanes must remain clear of water, one (1) in each

direction, during a 5-year rainfall. Top of curb for runoff from a 25-year rainfall. Runoff from a 100-year rainfall should be contained within the right-of-way.

Where allowable depths are exceeded a storm sewer system must remove the excess water.

- (5) *Arterials and parkways*: Two (2) ten (10) foot lanes must remain clear of water, one (1) in each direction for the 25-year storm. For the 100-year storm, a maximum of six (6) inches at the crown, depth at the gutter shall not exceed eighteen (18) inches.

Where allowable depths are exceeded a storm sewer system must remove the excess water.

- b. *Cross flow*. Cross flow at intersections is permitted up to the following depth.

Street Classification	5-year Storm Allowable Depth	25-year Storm Allowable Depth
Local	6" in cross pan flow line	12" at gutter
Collector	No cross flow permitted	6" at gutter
Arterial or Parkway	No cross flow permitted	No cross flow permitted

- c. *Hydraulics*. The allowable storm capacity of each street section with curb and gutter is calculated using the modified Manning's formula for both the 2-year and 25-year storm event.

Where,

$$Q = 0.56(Z/n)S^{1/2}d^{8/3}$$

Q = discharge in cubic feet per second
 Z = cross slope of the street in feet per foot
 d = depth of flow at the gutter in feet
 S = longitudinal slope of the street in feet per foot
 n = Manning's roughness coefficient

6. *Types of inlets allowed.*

a. *Public streets.*

- (1) *Curb opening inlets*. Type "SS" standard curb opening inlets as shown Drawing 140 shall be used for public streets with curb and gutter.
- (2) *Graded inlets.*

In general the use of graded inlets in streets, which require adjustment when streets are repaved will not be permitted.

Where conditions are such that curb inlets cannot intercept the required rate of flow, necessary to control street flooding depth or to provide diversion of flow to detention, sedimentation or infiltration basins, "trench inlets" with veined grates may be specified with approval of the City.

Other types of inlets will not be permitted unless approved by the City.

- b. *Outside of public right-of-way*. The type of inlets specified outside of public right-of-way is left to the discretion of the designer provided the following criteria are met:

- (1) Maximum flooding depths for the major or minor storm as set forth above are not exceeded.
- (2) General safety requirements set forth below are met.
- (3) All inlets shall be depressed a minimum of two (2) inches below the surrounding grade to allow proper drainage to the inlet and prevent inadvertent ponding in the area around the inlet.
- (4) Inlets in pavements shall be provided with a concrete apron.

7. *General safety requirements.* All inlet openings shall:

- a. Provide for the safety of the public from being swept into the storm drainage system; the maximum allowable opening shall not exceed six (6) inches in width.
- b. Be sufficiently small to prevent entry of debris which would clog the storm drainage system;
- c. Be sized and oriented to provide for safety of pedestrians, bicyclists, etc.

B. *Storm Sewers.*

1. *Design criteria.*

- a. *Design storm frequency.* The storm sewer system, beginning at the upstream end with inlets, is required when the 5-year peak flow in the street exceeds five (5) cfs or when allowable street depths are exceeded. Allowable street depths are specified above.
- b. *Construction materials.* Storm sewers may be constructed using reinforced concrete, corrugated metal (steel or aluminum) or plastic pipe. The materials, pipes or appurtenances shall meet one (1) or more of the following standards:

PIPE MATERIAL

STANDARD

Reinforced Concrete Pipe — Round	ASTM C-76 or AASHTO M-170
Reinforced Concrete Pipe — Elliptical	ASTM C-507 or AASHTO M-207
Reinforced Concrete Pipe — Joints	ASTM C-443 or AASHTO M-198
Reinforced Concrete Pipe — Arch	ASTM C-506 or AASHTO M-206
Pre-cast Concrete Manholes	ASTM C-478 or AASHTO M-199
Pre-cast Concrete Box Pipe	ASTM C-789/C-850 or AASHTO M-259/M-273
Corrugated Steel Pipe-Metallic Coated for Sewers and Drains	AASHTO M-36
Corrugated Aluminum Alloy Pipe and Under Drains	AASHTO M-196
Bituminous Coated Corrugated Metal Pipe and Pipe Arches	AASHTO M-190
Corrugated PVC Pipe	ASTM D-3034 and ASTM F-679
Corrugated Polyethylene Pipe	ASTM D-1248

c. *Vertical alignment.*

- (1) The sewer grade shall be such that a minimum cover is maintained to withstand AASHTO HS-20 loading on the pipe. The minimum cover depends upon the pipe size, type and class and soil bedding

condition, but shall not be less than one (1) foot from the top of pipe to the finished grade at any point along the pipe. If the pipe encroaches on the street subgrade, approval is required. Manholes will be required whenever there is a change in size, direction, elevation grade and slope or where there is a junction of two (2) or more sewers. The maximum spacing between manholes for storm sewers (cross sectional area less than twenty-five (25) square feet) shall be four hundred (400) feet. For large storm sewers (cross sectional area greater than twenty-five (25) square feet), manholes for maintenance access need only be placed a minimum of every five hundred (500) feet; access to the laterals can be obtained from within the larger storm sewer.

- (2) The minimum clearance between storm sewer and water main (for new construction), either above or below shall be twelve (12) inches. Concrete encasement of the water line will be required for clearances of twelve (12) inches or less when the clearance between existing water mains cannot be obtained.
- (3) The minimum clearance between storm sewer and sanitary sewer (for new construction), either above or below, shall be eighteen (18) inches. In addition, when an existing sanitary sewer main lies above a storm sewer or within eighteen (18) inches below, the sanitary sewer shall have an impervious encasement or be constructed of structural sewer pipe for a minimum of ten (10) feet on each side of the storm sewer crossing.
- (4) Siphons or inverted siphons are not allowed in the storm sewer system.

d. *Horizontal alignment.*

- (1) Storm sewer alignment between manholes shall be straight except when approved by the City. Approved curvilinear storm sewers may be constructed by using radius pipe. The radius requirement for pipe bends is dependent upon the manufacturer's specifications.
- (2) A minimum horizontal clearance of ten (10) feet is required between sanitary and water utilities and the storm sewer.
- (3) The permitted locations for storm sewer within a street ROW are: (a) on centerline, (b) between centerline and curb and (c) behind the curb. Storm sewer shall not be placed on the area within the wheel lanes of the pavement.

e. *Pipe size.* The minimum allowable pipe size for storm sewers is dependent upon a diameter practical from the maintenance standpoint. For storm sewers less than fifty (50) feet in length the minimum allowable diameter is fifteen (15) inches. All other pipe shall have a minimum diameter of eighteen (18) inches.

f. *Storm sewer capacity and velocity.*

- (1) Storm sewers should be designed to convey the design storm (25-year) flood peaks without surcharging the storm sewer. The sewer may be surcharged during larger floods and under special conditions when approved by the City.
- (2) The capacity and velocity shall be based on the Manning's n-values presented in Table I. The maximum full flow velocity shall be less than fifteen (15) fps. Higher velocities may be approved by the City if the design includes adequate provisions for uplift forces, dynamic impact forces and abrasion. The minimum velocity in a pipe based on full flow shall be two and one-half (2.5) fps and the minimum

slope shall be one-half percent (0.50%) to avoid excessive accumulations of sediment. The energy grade line (EGL) for the design flow shall be no more than six (6) inches below the final grade at manholes, inlets or other junctions. To insure that this objective is achieved, the hydraulic grade line (HGL) and the energy grade line (EGL) shall be calculated by accounting for pipe friction losses and pipe form losses. Total hydraulic losses will include friction, expansion, contraction, bend, manhole and junction losses. The methods for estimating these losses are presented in the following Sections.

- g. *Storm sewer outlets.* All storm sewer outlets into open channels shall be constructed with a headwall and wingwalls or a flared-end-section. Riprap or other approved material shall be provided all outlets.
- h. *Hydraulic evaluation.* Presented in this Section are the general procedures for hydraulic design and evaluation of storm sewers. The user is assumed to possess a basic working knowledge of storm sewer hydraulics and is encouraged to review textbooks and other technical literature available on the subject.
- i. *Pipe friction losses.* Pipe friction losses are estimated using Equation 1001 and Manning's formula (Equation 1002) which are expressed as follows:

$$H_f = S_f \times L \quad (1001)$$

Where,

H_f = head loss due to friction (feet)

S_f = friction slope from Manning's equation (feet per foot)

L = length of pipe segment (feet)

and

$$V = 1.49 \times R^{2/3} \times S_f^{1/2} / n \quad (1002)$$

Where,

V = velocity of flow (feet per second)

R = hydraulic radius = A/WP (feet)

S_f = friction slope (feet per foot)

A = area of flow (square feet)

WP = wetted perimeter (feet)

n = Manning's roughness coefficient (Table I)

- j. *Pipe form losses.* Generally, between the inlet and outlet, the flow encounters, in the flow passageway, a variety of configuration such as changes in pipe size, branches, bends, junctions, expansions and contractions. These shape variations impose losses in addition to those resulting from pipe friction. Form losses are the result of fully developed turbulence and can be expressed as follows:

$$HL = K (V^2/2g) \quad (1003)$$

Where,

HL = head loss (feet)

K = loss coefficient

$V^2/2g$ = velocity head (feet)

g = gravitational acceleration (32.2 ft/sec²).

The following is a discussion of a few of the common types of form losses encountered in storm design.

- (1) *Expansion losses.* Expansion losses in a storm sewer will occur when the sewer outlets into a channel. The expansion will result in a shearing action between the incoming high velocity jet and the surrounding outlet boundary. As a result, much of the kinetic energy is dissipated by eddy currents and turbulence. The loss head can be expressed as:

$$HL = K_x (V_1^2/2g)(1-(A_1/A_2))^2 \quad (1004)$$

Where, A = cross section area in square feet
 V_1 = average upstream pipe flow velocity, feet per second
 K_x = expansion loss coefficient.

Subscripts 1 and 2 denote the upstream and downstream sections respectively. The value of K_x is about one (1.0) for a sudden expansion (such as an outlet to a channel) and about two-tenths (0.2) for a well-designed expansion transition. Table II presents the expansion loss coefficient for various flow conditions.

- (2) *Contraction losses.* The form loss due to contraction is:

$$HL = K_c(V_1^2/2g)(1-(A_2/A_1)^2)^2 \quad (1005)$$

Where, K_c = Contraction loss coefficient

K_c is equal to 0.5 for a sudden contraction and about 0.1 for a well-designed transition. Subscripts 1 and 2 denote the upstream and downstream sections respectively. Table II presents the contraction loss coefficient for various flow conditions.

- (3) *Bend losses.* The head losses for bends in excess of that caused by an equivalent length of straight pipe may be expressed by the relation:

$$HL = K_b(V^2/2g) \quad (1006)$$

Where, K_b = Bend coefficient

The bend coefficient has been found to be a function of: (a) the ratio of the radius of curvature of the bend to the width of the conduit, (b) deflection angle of the conduit, (c) geometry of the cross section of flow and (d) the Reynolds Number and relative roughness. Recommended bend loss coefficients for standard bends, radius pipe and bends through manholes are presented in Table II.

- (4) *Junction and manhole losses.* A junction occurs where one (1) or more branch sewers enter a main sewer, usually at manholes. The hydraulic design of a junction is in effect the design of two (2) or more transitions, one (1) for each flow path. Allowances should be made for head loss due to the impact at junctions. The head loss at a junction for each pipe entering the junction can be calculated from:

$$HL = (V_2^2/2g) = K_j(V_1^2/2g) \quad (1007)$$

Where, V_2 = the outfall flow velocity
 V_1 = the inlet velocity
 K_j = junction loss coefficient

Because of the difficulty in evaluating hydraulic losses at junctions (Reference 6) due to the many complex conditions involving pipe size, geometry of the junction and flow combinations, a simplified table of loss coefficients has been prepared. Table II presents the recommended energy loss coefficients for typical manhole or junction conditions encountered in the urban storm sewer system.

- (5) *Partially full pipe flow.* When a storm sewer is not flowing full, the sewer acts like an open channel and the hydraulic properties can be calculated using open channel.
- (6) *Storm sewer outlets.* When the storm sewer system discharges into an open channel, additional losses, in the form of expansions losses, occur at the outlet. For a headwall and no wing walls, the loss coefficient K_e is one (1.0). For a headwall with forty-five degree (45°) wing walls, the loss coefficient is about one and fourteen hundredths (1.14). For a flared-end-section (which has a D_2/D_1 ratio of two (2) and a theta angle of around thirty degrees (30°)) the loss coefficient is approximately one-half (0.5).
- (7) *Connection pipes.*

- (a) Connector pipes are used to convey runoff from an inlet to the storm sewer. If, however, the storm sewer runs through the inlet, then a connector pipe is not needed. Connector pipes can connect a single inlet to the storm sewer or they can be connected in a series.
- (b) These bends, turns and flows through the connector pipe give rise to three (3) hydraulic losses: a change from static to kinetic energy to get the water moving through the connector pipe, an entrance loss from the inlet to the connector pipe and a friction loss along the length of the connector pipe. The total head loss in the connector pipe can be calculated from the following equation:

$$H_{cp} = H_v + K_e \times H_v + S_f \times L \quad (1009)$$

Where,

H_{cp} = head loss in the connector pipe (feet)

K_e = Entrance loss coefficient

H_v = velocity head in the pipe, assuming full pipe flow (feet)

and the other variables are as previously defined. The value of the entrance loss coefficient is determined from Table II.

- (c) If the connector pipes are connected in series, the head loss in each pipe is calculated from Equation 1009 and the total head loss is the summation of the individual head losses.
2. *Easements.* Easements shall be provided for all storm sewers constructed in the City of Republic that are not located within public rights-of-way. The minimum easement widths are as follows:
 - a. For pipes forty-eight (48) inches or less in diameter or width the required easement width is fifteen (15) feet.
 - b. For pipes and boxes greater than forty-eight (48) inches in width the required easement width is fifteen (15) feet plus half the width of the proposed storm sewer.
 - c. Storm sewers greater than eight (8) feet in depth to the flow line may require additional easement width.
 - d. All easements required for construction, which are not included on the final plat shall be recorded and filed with the City prior to approval of the construction drawings.
- C. *Design Standards For Culverts.*
1. *Structural design.* All culverts shall be designed to withstand an HS-20 loading in accordance with the design procedures of AASHTO "Standard Specifications for Highway Bridges". The designer shall also check the construction loads and utilize the most severe loading condition. The minimum allowable cover is one (1) foot.
 2. *Design capacity.* Culverts shall be designed to pass a 25-year storm with one (1) foot of freeboard prior to overtopping the road or driveway.
 3. *Headwater.* The maximum headwater for the major storm design flow shall be one and one-half (1.5) times the culvert diameter for round culverts or one and one-half (1.5) times the culvert rise dimension for shapes other than round.
 4. *Inlet and outlet protection.* For road and driveway culverts larger than fifteen (15) inches, culverts are to be designed with protection at the inlet and outlet areas as provided in Section **410.710** of this criteria.

Headwalls or end sections are to be located a sufficient distance from the edge of the shoulder or the back of walk to allow for a maximum slope of 3H:1V to the back of the structure. The type of outlet protection required is as follows:

$V < 7\text{FPS}$	$7\text{FPS} < V < 15\text{FPS}$	$V > 15\text{FPS}$
Minimum Riprap protection	Riprap protection or Energy Dissipater	Energy dissipater

5. *Velocity limitations.* The maximum allowable discharge velocity is fifteen (15) feet per second.
 6. *Culvert hydraulics.* It is recommended that the procedures outlined in the publication "Hydraulic Design of Highway Culverts" (reference 4) be used for the hydraulic design of culverts. Backwater calculations demonstrating the backwater effects of the culvert may be required.
- D. *Design Standards For Bridges.*
1. *Structural design.* All bridges shall be designed to withstand an HS-20 loading in accordance with the design procedures of AASHTO "Standard Specifications for Highway Bridges" (reference 13). The designer shall also check the construction loads and utilize the most severe loading condition.
 2. *Design capacity.* Bridges shall be designed to pass the 100-year storm with one (1) foot of freeboard between the water surface and the bridge low chord.
 3. *Backwater.* "Backwater" is defined as the rise in the water surface due to the constriction created by the bridge approach road fills. The maximum backwater for the 100-storm design flow shall be one (1) foot.
 4. *Velocity limitations.* Discharge velocities through bridge openings shall be limited to fifteen (15) feet per second. Abutment and channel scour protection shall be provided at all bridges.
 5. *Bridge hydraulics.* All bridge hydraulics shall be evaluated using the procedures presented the publication "Hydraulics of Bridge Waterway" (reference 14). Backwater calculations demonstrating the effects of the bridge and approach fills compared to the existing flood stages shall be submitted for all bridges.
- E. *Design Standards For Open Channels.*
1. *General design guidelines.*
 - a. *Natural channels.* The hydraulic properties of natural channels vary along the channel reach and can be either controlled to the extent desired or altered to meet the given requirements. Natural channels used as part of the drainage system must be evaluated for the effects of increased peak flow, flow duration and volume of runoff due to urbanization.
 - b. *Grass lined channels.* Grass lined channels are the most desirable of the artificial channels. The channel storage, lower velocities and the greenbelt multiple use benefits obtained create significant advantages over other artificial channels. Unless existing development restricts the availability of right of way, channels lined with grass should be given preference over other artificial types. The minimum slope in a grass-lined channel shall be one percent (1.0%) unless a concrete low flow channel is installed.
 - c. *Concrete lined channels.* Concrete lined channels are sometimes required where right of way

restrictions within existing development prohibit grass-lined channels. The lining must be designed to withstand the various forces and actions, which tend to overtop the bank, deteriorate the lining, erode the soil beneath the lining and erode unlined areas. The minimum slope in a concrete lined channel shall be one-half percent (0.50%).

- d. *Rock lined channels.* Rock lined channels are constructed from ordinary riprap or wire enclosed riprap (gabions etc.). The rock lining permits higher design velocity than for grass lined channels. Rock linings will normally be used only for erosion control at culvert/storm sewer outlets, at sharp channel bends, at channel confluences and at locally steepened channel sections.
 - e. *Other lining types.* The use of fabrics and other synthetic materials for channel linings has increased over the past several years. Proposed improvements of this type will be reviewed on an individual basis as for applicability and performance.
2. *Hydraulics.* An open channel is a conduit in which water flows with a free surface. The calculations for uniform and gradually varied flow are relatively straightforward and are based upon similar assumptions (e.g. parallel streamlines). The basic equations and computational procedures are presented in this Section.
 - a. *Uniform flow.* Open channel flow is said to be uniform if the depth of flow is the same at every section of the channel. For a given channel geometry, roughness, discharge and slope, there is only one possible depth, the normal depth. For a channel of uniform cross section the water surface will be parallel to the channel bottom for uniform flow.
 - b. The computation of normal depth for uniform flow shall be based upon Manning's formula as follows:

$$Q = (1.49/n)AR^{2/3}S^{1/2}$$

Where,

Q = Discharge in cubic feet per second (cfs)

n = Roughness coefficient (Table I)

A = Cross sectional flow area in square feet

R = Hydraulic radius, A/P, in feet

P = Wetted perimeter in feet

S = Slope of the energy grade line (EGL) in feet/foot

For channels with a uniform cross section the EGL slope and the bottom slope are assumed to be the same.

- c. *Critical flow.* The design of earth or rock channels in the critical flow regime (Froude numbers from 0.9 to 1.2) is not permitted. The Froude number is defined as follows:

$$F = V/(gD)^{0.5}$$

Where,

F = Froude number

V = Velocity in feet per second (fps)

g = Acceleration of gravity, 32.2 ft/sec²

D = Hydraulic depth in feet = A/T

A = Cross sectional flow area in square feet

T = Top width of flow area in feet

The Froude number shall be calculated for the design of all open channels.

- d. *Gradually varied flow.*

- (1) The most common occurrence of gradually varied flow in storm drainage is the backwater created by culverts, storm sewer inlets or channel constrictions. For these conditions the flow depth will be greater than normal depth in the channel and the water surface profile must be computed using backwater techniques.
- (2) Backwater computations can be made using the methods presented in Chow (reference 1). Many computer programs are available for computation of backwater curves. The most widely used program is HEC-2, Water Surface Profiles, developed by the U.S. Army Corps of Engineers (reference 2) and is the program recommended for backwater profile computations. Another program by the Federal Highway Administration is WSPRO and is acceptable for use in backwater computations.

3. *Design standards.*

- a. *Flow velocity.* Maximum flow velocities shall not exceed the following:

Channel Type	Max. Velocity
Grass lined*	5 fps
Concrete	15 fps
Rock Lined	10 fps

*Refer to item f. below

- b. *Maximum depth.* The maximum allowable channel depth of flow is three (3) feet for the design flow.
- c. *Freeboard requirements.*
 - (1) "*Freeboard*" is defined as the vertical distance between the computed water surface elevation for the design flow and the minimum top of bank elevation for a given cross section.
 - (2) For all channels one (1) foot minimum of freeboard is required.
 - (3) Freeboard shall be in addition to super elevation.
- d. *Curvature.* The minimum channel centerline radius shall be three (3) times the top width of the design flow.
- e. *Super elevation.* Super elevation shall be calculated for all curves. An approximation of the super elevation h may be calculated from the following formula:

$$H = V^2T/(gr)$$

Where,

h = Super elevation in feet

V = Velocity in fps

T = Top width of flow area in feet

G = Acceleration of gravity, 32.2 ft/sec²

r = radius of curvature in feet

Freeboard shall be measured above the super elevated water surface.

- f. *Grass channels.*

- (1) Side slopes shall be three (3) (horizontal) to one (1) (vertical) or flatter. Steeper slopes may be used

subject to additional erosion protection and approval from the City.

- (2) For design discharges greater than fifty (50) cfs, grade checks shall be provided at a maximum of two hundred (200) feet horizontal spacing.
 - (3) Channel drops shall be provided as necessary to control the design velocities within acceptable limits.
 - (4) Vertical drops may be used up to three (3) feet in height. Drops greater than three (3) feet shall be baffled chutes or similar structures.
 - (5) The variation of Manning's n with the retardance and the product of mean velocity and hydraulic radius as shown in Figure 7.23 in reference 17 shall be used in the capacity calculations. Retardance curve C shall be used to determine the channel capacity and retardance curve D shall be used to determine the velocity.
4. *Easements.*
- a. Easements shall be provided for all open channels constructed in the City of Republic that are not located within public rights of way. The minimum easement width for open channels is the flow width inundated by a 100-year event plus fifteen (15) feet.
 - b. All easements required for construction, which are not included on the final plat shall be recorded and filed with the City prior to approval of the construction drawings.

Section 410.690 Stormwater Detention Design.
[Ord. No. 02-47 §§1 — 2, 11-25-2002]

A. *Purpose.*

1. Detention facilities are used to reduce storm water runoff rates by storing excess runoff.
2. The usual function of a detention facilities is to provide sufficient storage such that peak runoff rates are not increased when development occurs.

B. *Policy.* The primary goal of the City of Republic stormwater management program is the prevention of flood damage to residential, commercial and public property. In adopting this policy, City of Republic recognizes that:

1. There are many areas in the City where residential flooding occurs because of inadequately sized drainage ways.
2. Flooding depths and frequency will increase as development occurs upstream of these areas.
3. Detention basins are the only effective "on-site" means which can be used to control peak runoff storm water rates as areas develop.
4. The City of Republic further recognizes that:
 - a. The best means to assure effective performance of a detention basin utilize is perform reservoir routing calculations using hydrographs.

- b. Such methods have not been in widespread use in this area, but rather a method known as the "Simplified Volume Formula" has been the basis of City detention policy.
 - c. Use of the Simplified Volume Formula frequently does not result in adequately sized detention facilities.
 - d. The inaccuracy of the Rational Method upon which the Simplified Volume Formula is based increases as the area under consideration increases.
 - e. Even though the Simplified Volume Formula has severe limitations, requirement of detailed analytical methods may not be justified in all cases.
 - f. Detention basins designed using the Simplified Volume Formula do provide a minimal amount of flooding protection and potential water quality benefits by functioning as sediment basins.
5. Therefore, in order to provide a reasonable level of flood protection to homes and businesses, while maintaining a climate favorable for development and economic growth, City of Republic has established the following policy for design of detention facilities.

C. *Methods of Analysis.* The method of analysis to be required for the design of detention facilities will be determined as follows:

- 1. Detailed analysis will be required in the following cases:
 - a. In areas where residences or other structures located downstream of a development can be shown to have an imminent flooding hazard a detailed analysis using hydrographs and reservoir routing techniques will be required.
 - b. Residences or other structures will be defined as having an imminent flooding hazard when the lowest point, at which surface runoff may gain entry, is located at or below the estimated flooding level which would result from a storm with an annual probability of one percent (1%) or greater under conditions existing in the basin prior to development of the applicant's property (i.e., affected by the "100-year" storm).
 - c. Consideration of downstream flooding problems will be limited to the area which may reasonably be expected to be significantly affected by runoff from the applicant's property.
 - d. Detailed analysis will be required for all detention facilities where the peak runoff rate from the area upstream of the detention facility (off-site and on-site) exceeds fifty (50) cfs (cubic feet per second) for a storm with an annual probability of one percent (1%) (the "100-year" storm) under fully developed conditions.

(Note: This would be the rate of flow from approximately twelve (12) acres for residential areas or five (5) acres for fully paved commercial areas.)

- 2. Simplified analysis will be permitted in the following cases: For areas where there are no imminent downstream flooding problems and where the peak runoff rate from the drainage area (off-site and on-site) upstream of the detention facility does not exceed fifty (50) cfs for the one percent (1%) annual probability ("100-year") storm under fully developed conditions, the Simplified Volume Formula may

be used.

3. *Alternatives to detention.*

- a. *Fee in lieu of detention.* In cases where channelization or other improvements can be shown to be more effective than detention in reducing the flooding hazard to downstream properties and where no adverse effects to downstream properties will result from construction of such improvements, the City may enter into an agreement with the applicant to accept compensation in lieu of constructing on-site detention facilities.
- b. The fee in lieu of detention will be calculated by the Community Development Director. The City has established the following formula for the fee in lieu of detention: This amount will generally be equal to the construction cost of the detention facility plus revenue from sale of additional lots or increased value of lots, less the cost of developing the lots, including utilities and streets, financing costs, sales costs and reasonable profit.

~~Fee = K * (Ia) acres of impervious surface added~~

~~Where Ia is the increase in impervious area (roofs, pavement, driveways, patios, etc.) in acres and K shall be determined as follows:~~

~~K shall equal ten thousand dollars (\$10,000.00) up to and including forty-three thousand five hundred sixty (43,560) square feet (one (1) acre) of impervious area added plus five thousand dollars (\$5,000.00) for impervious area added in excess of forty-three thousand five hundred sixty (43,560) square feet (one (1) acre).~~

~~K is a factor determined by the City. This factor is based upon the net financial gain, which the developer would realize if the detention facility is not built. This amount will generally be equal to the construction cost of the detention facility plus revenue from sale of additional lots or increased value of lots, less the cost of developing the lots, including utilities and streets, financing costs, sales costs and reasonable profit. The City shall evaluate this formula annually and make the appropriate adjustments.~~

- c. *Criteria for approving an alternative to detention.* The City will evaluate each request for an alternative design or fee in lieu of detention based on the following criteria. The City of Republic reserves the right to set precedent with each case considered depending upon the unique circumstances surrounding each request.
- (1) Size of site in relation to the stormwater generated.*
 - (2) Size of the site in relation to the drainage area.*
 - (3) Impact on properties downstream of site.*
 - (4) Areas of concern as identified by the City of Republic's Stormwater Master Plan.
 - (5) Location of the site with respect to floodplains, streams or other large watercourses.
 - (6) Location of the site with respect to environmentally sensitive areas.
 - (7) Approval of previous requests.

* Downstream impacts shall generally be considered insignificant when the added upstream impervious area is less than ten percent (10%) of the total contributing watershed area. Exceptions to this rule include development where downstream areas are known to have an imminent flooding hazard as defined in Section **410.690**.

- d. *Residential subdivisions.* Unless otherwise approved by the City, through review of stormwater calculations and criteria referenced herein, detention shall be required in all major residential subdivisions and the fee in lieu of detention established in Section 410.690(C-3(a)) shall apply. Upon request by a developer, the City may consider alternatives to the fee in lieu of detention in cases where it can be proven that the absence of detention will not adversely affect downstream property owners. Each request will be evaluated on a case-by-case basis and a fee in lieu detention may be established for the purposes of regional improvements within the watershed or abroad in the City.
- e. *Justified exceptions.* The City may consider, upon request, a waiver of detention and the fee in lieu for sites, in which the alteration of the site is inconsequential and will not substantially increase the runoff. A justified exception will be granted for sites based on the following criteria.
- (1) Existing sites in which the addition of impervious surface will not increase more than five thousand (5,000) square feet.
 - (2) Sites in which existing gravel, chat or stone parking lots or driveways are paved with asphalt cement or concrete surfaces. This shall not apply to parking areas or circulation routes in which vegetation has consumed the site and altered the ability to shed or absorb runoff. The City shall exercise strict discretion with respect to approving exceptions based on these criteria.
 - (3) Sites in which a change in use has occurred, that does not increase the impervious area of the site.
 - (4) Subdivisions meeting the definition of a minor subdivision or the development of individual single-family-residential homes on individual lots in existing subdivisions.
- f. *Procedure.* A request for approval of an alternative to detention must begin with the applicant providing the City with stormwater calculations for the increased runoff from the development. In addition to providing calculations, the applicant must submit a request for alternative design based on the criteria established above. The City Planner will coordinate review of the request with the Public Works Department, City Engineer or other departments impacted by the request. If the City determines the request is justified the City Planner will notify the applicant or his representative of the approval and the fee required in lieu of installing detention.

~~g. **Minimum fee in lieu of detention established. The City of Republic has established a minimum fee of one thousand one hundred fifty dollars (\$1,150.00) in lieu providing detention to be paid upon approval by the City.**~~

4. *Innovation in design.*
- a. It is the desire of the City that detention facilities be designed and constructed in a manner to enhance aesthetic and environmental quality of the City as much as possible.
 - b. The City of Republic therefore encourages designs, which utilize and enhance natural settings and minimize disturbance and destruction of wooded areas, natural channels and wetlands.

5. *Interpretation.*

- a. Interpretations of the detention policy will be made by the City Engineer or City Planner in writing.
- b. Appeals of the decisions of the City Engineer or City Planner may be made, in writing, to the Community Development Director.

D. *Design Criteria.*

1. *General.*

- a. Detention facilities shall discharge into a drainage easement or public right-of-way.
- b. One (1) foot of freeboard shall be provided between the maximum water surface elevation (maximum stage for a one percent (1%) annual probability event) and the minimum top of berm or wall elevation.
- c. Embankment slopes steeper than three (3) horizontal to one (1) vertical (3H:1V) are not permitted.
- d. In certain instances, such as when the existing development conditions runoff from a watershed would exceed the capacity of the existing downstream facilities, retention basins (i.e., no outlet or with a release rate at the capacity of the downstream facilities) for the storm runoff may be required by the City.
- e. Dry detention basins shall maintain a minimum bottom slope of two (2) feet per hundred (100) feet (two percent (2%)).
- f. Trickle channels shall have a minimum slope of one-half (0.5) foot per hundred (100) feet (one-half percent (0.5%)).
- g. The maximum allowable depth of ponding for parking lot detention is twelve (12) inches.
- h. Parking lot detention may not inundate more than ten percent (10%) of the total parking area.
- i. All parking lot detention areas shall have a minimum of two (2) signs posted identifying the detention pond area. The signs shall have a minimum area of one and one-half (1.5) square feet and contain the following message:

WARNING:

This area is a storm water detention pond and is subject to periodic flooding to a depth of twelve (12) inches.

- j. The sign shall be reflective and have a minimum height of forty-eight (48) inches from the bottom of the sign to the parking space finished grade. Any suitable materials and geometry of the sign are permissible, subject to approval by the City.

2. *Detailed analysis.*

- a. Detailed analysis shall be performed using hydrograph methodologies and reservoir routing techniques.
- b. The most common techniques are those developed by the Corps of Engineers and the Soil Conservation Service. These methods are preferred, however other proven techniques will be accepted.

- c. Detention basins designed by detailed methods shall be designed on the basis of multiple storm recurrence frequencies to ensure that they function properly for both frequent storms and large infrequent storms.
- d. A minimum of three (3) recurrence frequencies, the fifty percent (50%), ten percent (10%) and one percent (1%) annual probability storms (the "2-year, 10-year and 100-year" storms) must be considered.
- e. The runoff model must include the entire drainage basin upstream of the proposed detention pond. The model shall be prepared in sufficient detail to ensure that peak runoff rates are reasonably accurate.
- f. The runoff model shall be developed for the following cases:
 - (1) Case 1: Existing conditions in the drainage basin prior to development of the applicant's property.
 - (2) Case 2: Existing conditions in the drainage basin with developed conditions on the applicant's property.
 - (3) Case 3: Fully developed conditions in the entire drainage basin.
 - (4) Cases 1 and 2 are utilized to determine the required detention volume and the type of outlet structure to be provided and shall be analyzed for the three (3) storm recurrence frequencies required above.
 - (5) The detention facility shall be designed such that peak outflow rates from the facility for Case 2 are no greater than the rates determined in Case 1 for each of the three (3) storm recurrence frequencies required.
 - (6) The storage volume provided shall not be less than the difference in total runoff volume between Case 1 and Case 2.
 - (7) Case 3 is used determine the size of the overflow spillway. Case 3 need only be analyzed for the one percent (1%) annual probability ("100-year").
 - (8) The overflow spillway will, in most cases, be combined with the outlet structure.
3. *Submittals.* The following information must be submitted for detention ponds designed by detailed methods:
 - a. Information regarding analytical methods and software to be used, including:
 - (1) Name of software to be used.
 - (2) Type and distribution of precipitation input.
 - (3) Method for determining precipitation losses.
 - (4) Type of synthetic hydrograph.
 - (5) Method for routing hydrographs.
 - (6) Method used for reservoir routing.
 - b. Map(s) showing sub-basin delineation, topography, presumed flow routes and pertinent points of

interest; soil types; existing basin development conditions used in the model; fully developed conditions used in the model.

- c. Routing diagram for the runoff model.
- d. A summary of sub-basin characteristics used for program input.
- e. Stage-area or stage-storage characteristics for the basin in tabular or graphic form.
- f. Stage-discharge characteristics for the outlet structure and overflow spillway in tabular or graphic form; hydraulic data for weirs, orifices and other components of the control structure.
- g. A printout of the input data file.
- h. A summary printout of program output, including plots of hydrographs. (These are intended to be the printer plots generated by the software.)

4. *Simplified analysis.*

- a. *Method of evaluation.* Differential runoff rates shall be evaluated by equation:

$$R = (C_d \times I_{100}) - (C_u \times I_{100})$$

Where,

R = Differential Runoff Factor

C_d = Runoff Coefficient for developed conditions

C_u = Runoff Coefficient for developed conditions

I₁₀₀ = Intensity for 100-year storm

- b. "C" values shall be determined from the following table:

SUGGESTED RUNOFF COEFFICIENTS

"C" Value	Surface Conditions
.10—.15	Tall grass, brush
.15—.20	Parks, golf courses, farms and one (1) acre single-family residences
.35	Single-family residences on lots of not less than 15,000 sq. ft.
.45	Single-family residences on lots of not less than 10,000 sq. ft.
.47	Single-family residences on lots of not less than 7,500 sq. ft.
.51	Single-family residences on lots of not less than 6,000 sq. ft.
.90	Gravel surfaces.
.95	Asphalt and concrete surfaces.
1.00	Buildings and other structures.

- c. *Volume of Detention.* Volume of detention shall be determined according to the "Simplified Volume Formula", as follows:

$$V = R \times A \times t_c \text{ (min.)} \times 60 \text{ (sec./min.)}$$

V = Total volume of detention (cu. ft.)

R = Differential Runoff Factor

A = Area of project in acres

t_c = Time of concentration (5 minutes, minimum)

d. *Time of Concentration.*

(1) *SCS Method.* The preferred method for determining time of concentration shall be the method set forth in Chapter 3 of the Soil Conservation Service Technical Release No. 55, "Urban Hydrology for Small Watersheds", 2nd Edition, 1986.

(2) *Other Methods.*

(a) Time of concentration may also be calculated by other accepted methods providing reasonable results.

(b) The time of concentration used in the formula shall be determined based upon existing conditions.

e. *Rainfall Intensity.* Rainfall intensity shall be determined from Drawing 20.

f. *Required Volume.* The required volume of detention shall be determined from the following Table:

Calculated Volume	Required Volume
1 cu. ft. thru 500 cu. ft.	500 cu. ft.
501 cu. ft. through 5,999 cu. ft.	Round up to nearest 500 cu. ft.
5,000 cu. ft. through 9,999 cu. ft.	Round up to nearest 1,000 cu. ft.
10,000 cu. ft. thru 49,999 cu. ft.	Round up to nearest 5,000 cu. ft.
Above 50,000 cu. ft.	Round up to nearest 10,000 cu. ft.

5. *Control structures.*

a. Detention facilities designed by the simplified analysis shall be provided with obvious and effective outlet control structures. These outlet structures may include v-notch weirs or rectangular weirs, as well as pipe. Plan view and sections of the structure with adequate detail shall be included in plans.

b. The design discharge (Q) for the low-flow outlet shall not exceed the existing runoff for the one-year storm. The maximum discharge shall be designed to take place under total anticipated design-head conditions. The design-head storage volume is not to be considered a part of the volume of detention required.

c. Sizing of a low-flow pipe shall be by inlet control.

d. Low-flow pipes shall not be smaller than four (4) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof detention where minimum size and configuration of opening shall be designed specifically for each condition.

e. Overflow spillways will be required on all detention facilities, which have storage volumes of one thousand (1,000) or more cubic feet.

f. The overflow opening or spillway shall be designed so that the combination flow of the low flow outlet and the flow over the spillway will not exceed the total peak runoff for the improved area. The total peak runoff is to be determined from a 25-year frequency rain for drainage areas less than one (1.0) square mile and from a 100-year frequency rain for drainage areas one (1.0) square miles or greater.

Section 410.700 Sinkholes and Karst Features.

[Ord. No. 02-47 §§1 — 2, 11-25-2002]

A. *General.*

1. The City of Republic is located on the Springfield Plateau of the Ozarks physiographic region. This area is underlain by Mississippian Age limestone, which is highly susceptible to solutional weathering. As a result, sinkholes, springs and caves are common.
2. In many areas of the City special consideration must be given to flood hazards and potential for groundwater contamination due to the presence of sinkholes, caves, losing streams, springs and other features associated with karst geology.
3. The requirements set forth herein, are intended to provide specific criteria for design and construction for any site upon which sinkholes or other karst features are located.
4. Interpretations of these requirements shall be made and appeals may be made according to the procedures set forth in these Design Criteria.

B. *Policy.* In keeping with the intent of the City Development Regulations the following policy is set forth for development in areas containing sinkholes:

1. Development in sinkhole areas will be based upon the following axioms:
 - a. Avoidance.
 - b. Minimization.
 - c. Mitigation.
2. Construction in sinkholes shall be avoided. Exceptions will be made only in situations where it can be conclusively demonstrated that there are no practical alternatives to such construction.
3. These situations are mostly likely to arise where:
 - a. An underground cavity has caused a collapsed sinkhole to form, after subdivision approval or building construction.
 - b. A sinkhole has been altered or filled either unknowingly or prior to passage of these regulations.
 - c. Maintenance and operation is required for existing roads and utilities.
 - d. Location of existing streets or utilities would render access or utility service to a property impractical or cost prohibitive.
4. In these types of cases, measures, which will have minimal impact on the sinkhole or receiving water, may be proposed. Plans for minimal alteration can be approved provided it is conclusively demonstrated that the proposed plan is the minimum practical alternative.
5. In these cases potential impacts of construction on the sinkhole and receiving waters must be studied and assessed and recommendations made for mitigation of potential impacts upon surface flooding and groundwater quality before the plans can be approved. The degree and sophistication of study required will increase in proportion to the potential impacts.

C. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

ALTERED SINKHOLE

A sinkhole that has been filled, excavated or otherwise disturbed.

COLLAPSED SINKHOLE

A subsidence or cave-in of the ground surface caused when soil overburden can no longer be supported by underlying strata due to the presence of subsurface solution cavities.

HEAVY EQUIPMENT

Motorized equipment having a gross weight of more than six (6) tons.

LIGHT EQUIPMENT

Motorized equipment weighing six (6) tons or less.

QUALIFIED GEOLOGIST

A person who has met or exceeded the minimum geological educational requirement and who can interpret and apply geologic data principles and concepts and who can conduct field or laboratory geologic investigations (per RSMo.) and who by reason of experience and education, has an understanding of local karst geology.

QUALIFIED PROFESSIONAL ENGINEER

A person registered to practice engineering according to the laws of the State of Missouri and who by reason of technical education and experience has a background in the fundamentals of storm drainage and karst geology.

SINKHOLE

Any depression in the surface of the ground, with or without collapse of adjacent rock that provides a means through which surface water can come into contact with subsurface water.

Sinkhole depressions may be gradual or abrupt; they may or may not have a well defined eye. While most sinkholes can be defined as the area within a "closed contour", some sinkholes such as those located on the sides of hills may not.

All sinkholes provide discreet points of recharge to groundwater.

SINKHOLE CLUSTER AREA

An area containing two (2) or more sinkholes located in close proximity, generally interconnected by groundwater conduits.

SINKHOLE EYE

Generally, a visible opening, cavity or cave in the bottom of a sinkhole, sometimes referred to as a swallow hole.

SINKHOLE FLOODING AREA

The area inundated by runoff from a storm with an annual exceedance probability of one percent (1%) and a duration of twenty-four (24) hours.

SINKHOLE RIM

The perimeter of the sinkhole depression. The sinkhole rim will generally vary in elevation.

SINKHOLE WATERSHED

The ground surface area that provides drainage to the sinkhole. This area extends beyond the sinkhole

depression and generally crosses property boundaries.

TERMINAL SINKHOLE

The lowest sinkhole in a sinkhole cluster to which any surface water overflowing from other sinkholes in the cluster will flow.

UNALTERED SINKHOLE

A sinkhole that has never been altered or disturbed.

D. *Permits Required.*

1. *Grading permit.* A grading permit must be obtained prior to any alteration of sinkholes associated with new subdivision construction in accordance with the City's Subdivision Regulations. Procedures and requirements for grading permits are set forth in Section **410.710**.
2. *Other permits.* Other permits from State or Federal agencies may be required, as outlined in Section **410.650** of these Design Criteria, depending upon the size and nature of the proposed activity.

E. *General Plan Requirements.* General requirements for grading and drainage plans are set forth in Sections **410.670**, **410.680** and **410.710** of these Design Criteria.

F. *Sinkhole Evaluation.* An evaluation including the following information shall be made for all sites upon which sinkholes are fully or partially located:

1. The site plan for the proposed development must show the following items with respect to location of proposed construction, proposed or existing property lines and existing structures:
 - a. Sinkholes.
 - (1) Location and limits of the area of the sinkhole depression as determined by field surveys or other reliable sources as may be approved.

Location of sinkholes based solely upon USGS 7-1/2 Minute Series Quadrangle Maps will not be considered sufficient unless field verified.

- (2) Location and elevation of the sinkhole eye where visible or known.
- (3) Topographic contours at maximum intervals of two (2) feet and spot elevations sufficient to determine the low point on the sinkhole rim and the profile of the potential overflow area.
- (4) Minimum entry elevations of any existing structures located within the sinkhole rim.
- (5) Elevation of any roadway located within or adjacent to the sinkhole.

b. *Water supply sources.*

- (1) The approximate location of public or private water supply sources such as springs or wells, as determined from information available from the City and Missouri Department of Natural Resources.
- (2) Boundaries of any known recharge areas to wells or springs as determined from information available from the City and Missouri Department of Natural Resources.

- c. *Other geologic features.* Location of caves, springs, faults and fracture trends, geologic mapping units based upon information from the City or other reliable sources.
 - d. Flooding limits for the sinkholes determined as set below.
2. A drainage area map showing the sinkhole watershed area. Where the site is located in a sinkhole cluster area, this map shall be extended to include the watershed area any sinkholes located downstream of the site which may receive overflow drainage from the site.
 3. Assessment of potential impacts on groundwater quality and proposed water quality management measures as set forth below.
- G. *Flooding Considerations.*
1. *Minimum flooding analysis.*
 - a. Maximum estimated flooding elevations shall be determined for each sinkhole for both pre-development and post development conditions, assuming no subsurface outflow from the sinkhole.
 - b. Where the estimated volume of runoff exceeds the volume of the sinkhole depression, the depth, spread and path of overflow shall be estimated and shown on the map.
 - c. The overflow volume shall be included determining the maximum estimated flooding elevations in the next downstream sinkhole. This analysis shall continue downstream until the lowest sinkhole of the sinkhole cluster is reached or overflow reaches a surface watercourse.
 - d. The volume of runoff considered shall be that which results from a rainstorm with an annual probability of one percent (1%) (100-year storm) and a duration of twenty-four (24) hours (eight and two-tenths (8.2) inches for Republic).
 - e. The runoff volume shall be determined by the method set forth in Chapter 2 of the SCS TR-55 Manual (Reference).
 - f. No further flooding analysis will be required provided that:
 - (1) The post-development flooding area of any sinkhole which receives drainage receiving drainage from the site is located entirely on the site.
 - (2) A drainage easement covering the post-development flooding area is provided for any off-site sinkhole or portion of a sinkhole which receives increased peak rates of runoff from the site. If the receiving sinkhole is not contiguous to the site, an easement must also be provided for the waterway that connects the site to the sinkhole.
 - (3) The minimum entry elevation of any existing structure is at least one (1) foot higher than the estimated flooding elevation from the one percent (1%) annual probability 24-hour storm.
 - (4) The flooding depth on any existing public road does not exceed the maximum depths set forth in Section **410.680**.
 2. *Detailed flooding analysis.*

- a. In cases where the conditions set forth above cannot be met, a detailed flooding analysis will be required if any increase in runoff volume is proposed. For detailed flooding analysis a runoff model must be made for the sinkhole watershed and reservoir routing analysis performed using hydrograph techniques as set forth in Section **410.690**.
- b. The following alternative methods may be used singly or in combination to keep flooding levels at predevelopment levels:
 - (1) *Diversion of excess runoff to surface watercourses.* Where feasible, increased post-development runoff may be diverted to a surface watercourse, provided that:
 - (a) Any increase in peak runoff rate in the receiving watercourse does not create or worsen existing flooding problems downstream; and
 - (b) The diverted stormwater remains in the same surface watershed.
 - (c) Storm sewers, open channels and other appurtenances provided for diversions shall be designed in accordance with applicable sections of these Design Criteria.
 - (d) The effect of diverted water on downstream watercourses and developments and requirements for additional detention facilities prior to release of runoff to the surface watercourse shall be determined as set forth in Section **410.690**, Detention Facilities.
 - (e) Effects of the diversion shall be shown by reservoir routing analysis. Routing of excess runoff shall be considered satisfactory when it can be demonstrated that the post-development flooding elevation in the sinkhole does not exceed the pre-development flooding elevation within reasonable tolerance (generally one-tenth (0.1) foot).
 - c. *Storage of excess runoff within the sinkhole watershed.*
 - (1) Where feasible, detention facilities may be constructed within the sinkhole watershed or in perimeter areas of the sinkhole. These detention facilities must be located outside the sinkhole flooding area determined for post-development conditions.
 - (2) The flooding considerations set forth in this Section will be met if it can be demonstrated that:
 - (a) Inflow rates to the sinkhole can be reduced to a degree that, in conjunction with the observed outflow rate, the post-development flooding elevation in the sinkhole does not exceed the pre-development flooding elevation within reasonable tolerance (generally one-tenth (0.1) foot).
 - (b) Sediment and erosion control and water quality considerations as set forth elsewhere in this Section can be satisfied.
- H. *Water Quality Considerations.*
 1. Sinkholes provide direct recharge routes to groundwater. As a result water quality in wells, caves and springs may be affected by discharge of runoff from developed areas.
 2. The Sinkhole Evaluation must consider potential impacts of the proposed construction on receiving groundwater and propose measures to mitigate such impacts.

3. Four (4) primary factors must be considered:
 - a. Receiving groundwater use.
 - b. Relative groundwater contamination hazard associated with the proposed development.
 - c. Ability to capture pollutants.
 - d. Management measures to be provided to reduce pollutant levels.
4. *Receiving groundwater use.*
 - a. The Sinkhole Evaluation Report shall identify whether the site lies within a critical area based upon information available from the City.
 - b. Where disagreements may arise over whether a site is located within a particular recharge area dye tracing may be required for confirmation of the destination of water discharges through a sinkhole.
 - c. *Critical areas.* The following areas are classified as critically sensitive to contamination from urban runoff:
 - (1) Recharge areas of domestic water supply wells.
 - (2) Recharge areas of springs used for public or private water supply.
 - (3) Recharge areas of caves providing habitat to rare or endangered species such as the Ozark cave fish.
 - d. *Sensitive areas.* All other sinkhole areas will be classified as sensitive to contamination from urban runoff.
5. *Groundwater contamination hazard.* The relative potential for groundwater contamination will be classified as low, moderate or high depending upon the type of land use, development density and amount of directly connected impervious area. The Sinkhole Evaluation shall identify whether the proposed development poses a low, moderate or high hazard to groundwater uses, as defined below:
 - a. *Low hazard.* The following land uses are classified as posing a relatively low hazard to groundwater contamination:
 - (1) Wooded areas and lawns.
 - (2) Parks and recreation areas.
 - (3) Residential developments on sewer, provided directly connected impervious areas discharging to the sinkhole is less than one (1) acre.
 - (4) Low density commercial and office developments provided directly connected impervious areas discharging to the sinkhole is less than one (1) acre.
 - (5) Discharge from graded areas less than one (1) acre having required sediment controls per Section **410.710**.

b. *Moderate hazard.*

- (1) Concentrated discharge from streets and parking lots and roofs and other directly connected impervious areas having an area greater than one (1) acre and less than five (5) acres.
- (2) Multi-family residential developments and higher intensity office developments provided the directly connected impervious areas discharging to the sinkhole is less than five (5) acres.
- (3) Discharge from graded areas greater than one (1) acre and less than five (5) acres having required sediment controls per Section **410.710**.

c. *High hazard.*

- (1) Collector and arterial streets and highways used for commercial transport of toxic materials.
- (2) Railroads.
- (3) Concentrated discharge from streets and parking lots and roofs and other directly connected impervious areas having an area greater than five (5) acres.
- (4) Commercial, industrial and manufacturing areas.
- (5) Individual wastewater treatment systems.
- (6) Commercial feedlots or poultry operations.
- (7) Discharge from graded areas greater than five (5) acres having required sediment controls per Section **410.710**.

6. *Capturing and filtering pollutants.*

- a. The majority of sinkholes drain a limited watershed area. For sinkholes where the surrounding drainage area is small enough that the area draining to the sinkhole flows predominantly as "sheet flow", potential impacts on water quality can be addressed by erecting silt control barriers around the sinkhole during construction and providing a vegetative buffer area around the sinkhole to filter out potential contaminants.
- b. When the volume of runoff into the sinkhole increases to the point where flow becomes concentrated, the degree of effort required to capture and filter out contaminants increases significantly.
- c. Concentrated inflow occurs naturally when the sinkhole watershed area reaches a sufficient size for watercourses leading into the sinkhole to form. Concentrated surface flows result as urbanization occurs due to construction of roads, storm sewers, drainage channels. Subsurface flows can become concentrated through utility trenches.
- d. The Sinkhole Evaluation shall include maps showing any existing watercourse which flows into the sinkhole and location of any proposed concentrated storm water discharges into the sinkhole.

7. *Water quality management measures.*

a. *Sediment and erosion control.*

- (1) *Non-concentrated flow (sheet flow).* In critical areas, existing ground cover shall not be removed within twenty-five (25) feet of the sinkhole rim and a silt barrier shall be provided around the outer perimeter of the buffer area.
- (2) *Concentrated flow.* A sediment basin will be required at each point where concentrated flows are discharged into the sinkhole.

Sediment basins shall be designed according to the procedures set forth in Section **410.710**.

b. *Minimizing directly connected impervious area.*

- (1) The groundwater contamination hazard category for impervious areas may be reduced by reducing the amount of Directly Connected Impervious Area. This is the area of roofs, drives, streets, parking lots, etc. which are connected via paved gutters, channels or storm sewers.
- (2) Directly Connected Impervious Areas can be reduced by providing properly sized grass swales, vegetative filter strips or other Best Management Practices to separate paved areas.

c. *Diversion of runoff.*

- (1) Concentrated discharges to sinkholes can be reduced to manageable levels or avoided by diverting runoff from impervious areas away from sinkholes where possible.
- (2) Diversions shall be done in a manner that does not increase flooding hazards on downstream properties and, generally, shall not be directed out of the surface watershed in which the sinkhole is located.

d. *Filtration areas.*

- (1) For areas having a low or moderate groundwater contamination hazard and where flow into the sinkhole occurs as sheet flow, water quality requirements can be satisfied by maintaining a permanent vegetative buffer area with a minimum width of thirty (30) feet around the sinkhole.
- (2) Use of pesticides and fertilizers will not be permitted within the buffer area. Animal wastes will not be permitted to accumulate in the buffer area.

e. *Grassed swales and channels.*

- (1) For areas having a low groundwater contamination hazard concentrated flows from directly connected impervious areas of less than one (1) acre may be discharged into the sinkhole through grassed swales and channels.
- (2) Swales and channels shall be designed for non-erosive velocities and appropriate temporary erosion control measures such as sodding or erosion control blankets provided.

f. *Storage and infiltration.*

- (1) Storage and infiltration will be required in the following cases:
 - (a) All areas having a high groundwater contamination hazard.

- (b) Areas having a moderate groundwater contamination hazard where concentrated inflow occurs.
- (2) Storage and infiltration basins shall be designed to capture the runoff from storms up to one (1) inch and release runoff over a minimum period of twenty-four (24) hours and maximum period of forty-eight (48) hours.
- (3) Standards outlet structures for sedimentation and infiltration basins are shown in the standard drawings.

I. *Development Requirements.*

1. *Stormwater detention in sinkholes.*

- a. Where flooding considerations and water quality considerations, as set forth in Section **410.710**, can be met, the volume of runoff storage in sinkholes can be counted toward storm water detention requirements, provided that proper sediment and erosion control measures are provided as set forth in Section **410.710**.
 - b. The volume of required detention storage shall be determined as set forth in Section **410.690**.
 - c. Excavation within the sinkhole flooding area to provide additional detention storage will not be allowed.
2. *Modification of sinkholes to increase outflow rates.* Increasing outflow rates in sinkholes by excavating the sinkhole eye or installing disposal wells for diverting surface runoff to the groundwater system is prohibited, unless clear and imminent danger to the public health and safety can be demonstrated.
3. *Setbacks and use restrictions.*
- a. No new construction of any of the following shall be permitted within thirty (30) feet of the sinkhole rim:
 - (1) Residential, commercial or industrial structures.
 - (2) Swimming pools.
 - (3) Streets, highways or parking lots.
 - (4) Storage yards for materials, vehicles and equipment.
 - (5) Sanitary sewer lines.
 - b. Use of pesticides and fertilizers within thirty (30) feet of the sinkhole rim is prohibited.
 - c. Use of heavy construction equipment in unaltered sinkholes is prohibited.
 - d. Construction of underground utilities is prohibited within the sinkhole rim.
 - e. Recreational facilities such as hiking, jogging and bicycling trails, playgrounds, exercise courses and grass playing fields are permitted within the sinkhole area provided they are not located within the eye of the sinkhole.
 - f. Golf courses are permitted subject to approval of a Management Plan for use of pesticides and

fertilizers.

- g. Clearing and pruning of trees and undergrowth and limited grubbing of roots is permitted.
 - h. Landscaping and minor gardening is permitted outside of the sinkhole eye provided erosion and sediment discharge is limited through use of minimum tillage and mulches.
 - i. Construction of light incidental landscaping and recreational structures such as gazebos, playground equipment, etc. is permitted except in the sinkhole eye.
4. *Collapsed sinkholes.*
- a. Collapsed sinkholes may be stabilized and filled using approved techniques. A Grading Permit must be issued prior to performing any construction.
 - b. The probable cause of the collapse and potential adverse impacts of filling the collapse shall be investigated and information submitted with the Grading Permit application.
5. *Altered sinkholes.*
- a. Filling or altering of sinkholes without a Grading Permit constitutes a violation of these regulations. In such cases corrective measures must be proposed within the time period specified in the Zoning Regulations for enforcement of such violations. No corrective or remedial measures shall be undertaken until the proposed remediation plan has been reviewed by the City and a Grading Permit issued.
 - b. No Building Permits will be issued or zoning or subdivision approvals granted, until the remedial measures specified in the Grading Permit have been completed and approved.

Section 410.710 Grading, Sediment and Erosion Control.
[Ord. No. 02-47 §§1 — 2, 11-25-2002]

- A. *Goals And Objectives.* The goal of the regulation is to effectively minimize erosion and discharge of sediment by application of relatively simple and cost effective Best Management Practices. This goal can be attained by meeting the following objectives:
- 1. Minimize the area disturbed by construction at any given time.
 - 2. Stabilize disturbed areas as soon as possible by re-establishing sod, other forms of landscaping and completing proposed structures, pavements and storm drainage systems.
 - 3. Provide for containment of sediment until areas are stabilized.
 - 4. Provide permanent erosion controls.
- B. *General Design Guidelines.* The following items must be considered in preparing a sediment and erosion control plan:
- 1. *Temporary versus permanent controls.*
 - a. The greatest potential for soil erosion occurs during construction. Temporary controls are those that are provided for the purpose of controlling erosion and containing sediment until construction is complete.

- b. Temporary controls include straw or hay bale dikes, silt fences, erosion control blankets etc., which are not needed after the area is stabilized.
- c. Permanent controls consist of riprap, concrete trickle channels, detention basins, etc., which will remain in place through the life of the development.
- d. It is possible for the same facility to serve both a temporary and permanent purpose. The difference between temporary and permanent erosion control should be clearly recognized in preparing a sediment and erosion control plan.

2. *Sheet flow versus concentrated flow.*

- a. In areas where runoff occurs primarily as sheet flow, containment of sediment is relatively simple. In these areas straw or hay bales, silt fences and vegetative filter areas can be very effective.
- b. Where concentrations of flow occur containment of sediment becomes more difficult as the rate and volume of flow increase. In these areas more sophisticated controls such as sedimentation basins must be provided.

3. *Slope.* Control of erosion becomes progressively more difficult as the slope of the ground increases. Areas with steeply sloping topography and cut and fill slopes must be given special consideration.

4. *Soils and geologic setting.* Area soils and the geologic setting must be considered in preparing the plan and any special considerations deemed necessary for a particular site provided.

5. *Environmentally sensitive areas.* Where construction occurs within the vicinity of permanent streams, springs, sinkholes, lakes or wetlands, special attention must be given to preventing discharge of sediment.

C. *Grading Permits.*

1. *Permit requirements.* Grading permits are required for all construction sites with the following exceptions:

- a. Grading for single-family or duplex residences constructed in subdivisions where approved sediment and erosion controls have been constructed.
- b. Emergency construction required repairing or replacing roads, utilities or other items affecting the general safety and well being of the public.
- c. For emergency construction sites which would otherwise be required to obtain a permit and for which remedial construction will take more than fourteen (14) calendar days, application for the permit must be made within three (3) calendar days from the start of construction.
- d. The following activities, provided that they are not located within twenty-five (25) feet of a spring, sinkhole, wetland or watercourse:

(1) Gardening or landscaping normally associated with single-family residences that cover less than one-half (½) acre.

- (2) Grading and repair of existing roads or driveways.
 - (3) Cleaning and routine maintenance of roadside ditches or utilities.
 - (4) Utility construction where the actual trench width is two (2) feet or less.
2. *Permit procedure.* The following items must be received prior to issuance of a Grading Permit:
- a. An approved grading, sediment and erosion control plan. The submittal and approval procedure is as follows for subdivisions, commercial and other sites.
 - (1) The sediment and erosion control plan shall be submitted for review along with the plans for the proposed improvements.
 - (2) Grading permits for commercial, multi-family or major subdivisions will be issued by the City Planner after the project plans have been approved.
 3. *Plan requirements.* Plans must be prepared by and bear the seal of, an engineer registered to practice in the State of Missouri. Plan requirements are set forth in Section **410.660** and in this Section. Plans will not be required in the following cases:
 - a. Grading associated solely with a single-family residence.
 - b. Grading or filling of less than one (1) acre if located outside of the allowable building areas and not located within twenty-five (25) feet of spring, sinkhole, wetland or watercourse. In these instances a grading permit can be issued, providing an inspection of the site by a representative of the City does not reveal conditions that would warrant preparation of a detailed plan.
- D. *Other Permits.*
1. *NPDES storm water permit.* Effective October 1, 1992, construction sites where the area to be disturbed is five (5) acres or more must apply for a storm water discharge permit from the Missouri Department of Natural Resources. Permit requirements are set forth in 10 CSR 20-6.200 of the Missouri Clean Water Laws.
 2. *"404" permit.* Grading activities in streams or wetlands may require a Department of the Army Permit under Section 404 of the Clean Water Act.
- E. *Design Standards And Criteria.*
1. *Grading.*
 - a. *Maximum grades.* Cut or fill slopes shall not exceed four (4) to one (1).
 - b. *Maximum height.* Cut or fill slopes shall not exceed fifteen (15) feet in vertical height unless a horizontal bench area at least five (5) feet in width is provided for each fifteen (15) feet in vertical height.
 - c. *Minimum slope.* Slope in grassed areas shall not be less than one percent (1%).

- d. *Construction specifications.* Construction for streets must comply with specifications set forth by the City of Republic. For all other areas, construction specifications stating requirements for stripping, materials, subgrade compaction, placement of fills, moisture and density control, preparation and maintenance of subgrade must be included or referenced on the plans or accompanying specifications submitted.
 - e. *Spoil areas.*
 - (1) Broken concrete, asphalt and other spoil materials may not be buried in fills within proposed building or pavement areas.
 - (2) Outside of proposed building and pavement areas, broken concrete or stone may be buried in fills, provided it is covered by a minimum of two (2) feet of earth.
 - (3) Burying of other materials in fills is prohibited.
 - f. *Stockpile areas.* Location of proposed stockpile areas shall be outlined on the plans and specifications for proper drainage included.
 - g. *Borrow areas.* The proposed limits of temporary borrow areas shall be outlined in the plans and a proposed operating plan described on the grading plan. Temporary slopes in borrow areas may exceed the maximums set forth above. At the time that borrow operations are completed, the area shall be graded in accordance with the criteria set forth above and reseeded.
2. *Sediment containment.*
- a. *Existing vegetative filter area.* Existing vegetative filter areas may be used where:
 - (1) Unconcentrated sheet flow occurs;
 - (2) An area of existing vegetation a minimum of twenty-five (25) feet in width can be maintained between the area to be graded and a property line, watercourse, sinkhole, spring, wetland or classified lake;
 - (3) Existing ground slope is no greater than five (5) to one (1) (twenty percent (20%));
 - (4) The existing vegetative growth is of sufficient density and in sufficiently good condition to provide for filtration of sediment.
 - (5) Vegetative filter areas are a temporary and permanent practice.
 - b. *Hay/straw bale dike or silt fence.* Containment areas constructed of hay or straw bales or silt fence may be provided in areas where:
 - (1) Unconcentrated sheet flow occurs,
 - (2) An area of existing vegetation a minimum of twenty-five (25) feet in width cannot be maintained between the area to be graded and a property line, watercourse, sinkhole, spring, wetland or classified lake,
 - (3) Existing ground slope is no greater than five (5) to one (1) (twenty percent (20%)),

- (4) Concentrated flow from an area no greater than one (1) acre occurs and a minimum volume of one thousand (1,000) cubic feet per acre is contained behind the dike. Either cereal grain straw or hay may be used for bale dikes. Straw/hay bale dikes shall be constructed as shown in Drawing 50. Straw/hay bale dikes and silt fences are temporary practices.

c. *Temporary containment berms.*

- (1) Temporary containment berms may be provided for areas where concentrated flow from areas greater than one (1) acre and less than five (5) acres occurs. Temporary containment berms must contain a volume of one thousand (1,000) cubic feet per acre of drainage area.
- (2) Temporary containment berms shall have a riprap outlet with a sediment filter as shown in Drawing 40 or a perforated pipe outlet as shown in Drawing 80.
- (3) Details for temporary containment berms are shown in Drawing 30.
- (4) Temporary containment berms and accumulated sediment may be completely removed after the tributary area is stabilized and must be removed prior to final acceptance and release of escrow.

d. *Sedimentation basin.*

- (1) Sediment basins shall be provided for all areas where concentrated flow occurs from an area of five (5) or more acres. Sediment basins shall be designed to detain the runoff from one (1) inch of rainfall for a period of at least twenty-four (24) hours.

Runoff shall be calculated using the methods contained in Chapter 2 of TR-55 (Reference 11), using the recommended curve number for newly graded areas from Table 2-2a.

Note: For construction sites in Republic an average value of runoff volume from one (1) inch of rainfall is approximately one thousand two hundred (1,200) cubic feet per acre, using a Curve Number of 90, as indicative of a mixture of type B and C soils. This value may be used in sizing sediment basins or the runoff volume determined using the values from Figure 2-1 of TR-55.

- (2) Sediment basins shall be provided with an outflow structure consisting of:
 - (a) A flow restriction device which provides for the required detention time,
 - (b) An outfall pipe sized to carry the maximum estimated outflow rate,
 - (c) Protective structures at the pipe outlet to prevent crushing or damage of the end of the pipe,
 - (d) Protective structures to prevent blockage of the pipe with debris,
 - (e) Erosion protection at the pipe outlet. A typical outlet structure is shown in Drawing 140.
- (3) An overflow spillway capable of discharging the peak flow rate for the four percent (4%) annual probability (25-year) storm while maintaining a minimum freeboard of one (1) foot.
- (4) Overflow spillways may be sodded where the depth of flow at the crest is limited to no greater than six (6) inches and outlet channel velocities do not exceed five (5) feet per second for the minor (5-year) storm.

- (5) Overflow spillways not meeting these restrictions must be constructed of riprap, concrete or other approved, non-erodible material.
3. *Erosion protection.*
 - a. *Seeding and mulching.*
 - (1) *Permanent seeding.* Permanent seeding fertilizer and mulch shall be applied at the rates set forth in Drawing 10 or according to other specifications, which are approved with the Grading Permit.
 - (2) Permanent seeding seasons are from March first (1st) to May fifteenth (15th) and August fifteenth (15th) to October fifteenth (15th).
 - (3) *Mulching.* Where slopes are less than four (4) to one (1), cereal grain mulch is required at the rate of one hundred (100) pounds per one thousand (1,000) square feet (four thousand five hundred (4,500) pounds per acre). Cereal grain mulch shall meet the requirements of Section 802 of the State Specifications (Reference 17) for Type 1 mulch.
 - (4) Where slopes are four (4) to one (1) or greater Type 3 mulch ("hydromulch") meeting the requirements of Section 802 of the State Specifications (Reference 17) shall be used.
 - (5) *Temporary seeding.* Whenever grading operations are suspended for more than thirty (30) calendar days between permanent grass or seeding periods, all disturbed areas must be reseeded with temporary cover according to Drawing 10.

Temporary seeding season runs from May fifteenth (15th) to November fifteenth (15th).

- (6) *Overseeding.* During the winter season (November fifteenth (15th) to March first (1st)) temporary seed and mulch shall be placed in on all completed areas or areas where grading is suspended for more than thirty (30) calendar days. During this period seed, mulch and soil amendments shall be applied at the following rates:

Lime: 100% of specified quantity.*

Fertilizer: 75% of specified quantity.

Seed: 50% of specified quantity.

Mulch: 100% of specified quantity.

* Per Drawing 10.

Areas seeded during this period shall be reseeded and mulched during the next permanent seeding season according to seeding requirements.

- (7) *Maintenance.* Seeded areas must be maintained for one (1) year following permanent seeding.
- b. *Cut and fill slopes.* Cut and fill slopes shall be protected from erosion by construction of straw bale dikes, silt fences, diversion berms or swales along the top of the slope.
 - (1) Where drainage must be carried down the slopes, pipe drains, concrete flumes, riprap chutes or other impervious areas must be provided. Suitable erosion control measures such as riprap stilling basins, must be provided at the bottom of the slope.

- (2) Diversions shall be maintained until permanent growth is firmly established on the slopes.
 - (3) Typical diversion details are shown in Drawing 30. Riprap chute details are shown in Drawing 70.
- c. *Channels and swales.* Permanent channels and swales shall be provided with a stabilized invert consisting of one of the following materials:
- (1) *Sod.* Where the average velocity of flow is five (5) feet per second or less and there is no base flow, the channel shall be lined with sod.
 - (a) For channels with a bottom width less than fifteen (15) feet, sod shall extend up the side slope to a minimum height of six (6) inches above the toe. (Drawing 90).
 - (b) Channels with a bottom width of fifteen (15) feet or greater, shall be graded as shown in Drawing 90 and a low flow area, fifteen (15) feet in width lined with sod.
 - (c) The remainder of the channel slopes shall be seeded and mulched as provided above.
 - (2) *Erosion control blanket.* Commercial erosion control blankets may be used in lieu of sod provided that samples are submitted and approved by the City. The guaranteed maintenance period shall be one (1) year.
 - (3) *Non-erosive lining.* In grass channels where base flow occurs, a non-erosive low-flow channel of riprap or concrete must be provided. Low flow channels shall have a minimum capacity of five (5) cubic feet per second. Other suitable non-erosive materials may be specified with approval of the City.
 - (4) For channels which have an average velocity of five (5) feet per second or greater a non-erosive lining of riprap concrete or other approved material must be provided.
- d. *Storm sewer and culvert outlets.* Erosion protection shall be provided at storm sewer and culvert outlets. Minimum erosion protection shall consist of a concrete toe wall and non-erosive lining, meeting the City's specifications for public improvements.
- (1) The required length of non-erosive lining will not be decreased where flared end sections or headwalls are provided unless calculations and data to support the decrease in length are submitted and approved.
 - (2) Non-erosive lining shall consist of riprap, unless otherwise specified and approved. Field stone, gabions or riprap shall extend to the point at which average channel velocity for the peak flow rate from the minor (5-year) storm has decreased to five (5) feet per second maximum.
 - (3) The length of riprap to be provided shall be as follows: (See Drawing 120)
 - Average outlet velocity less than five (5) feet per second:
L = three (3) times the pipe diameter or culvert width.
 - Average outlet velocity less than five (5) to ten (10) feet per second:
L = length determined using Drawing 120.
 - Average outlet velocity greater than ten (10) feet per second:
 - (4) Use MHTD standard energy dissipater headwall. (Reference 17)

The height of erosion protection shall be as shown in Drawing 120.

- (5) Minimum toe wall dimensions are shown in Drawing 120. Where headwalls or flared end sections are specified, toe walls must be provided at the downstream end.
 - e. *Curb openings.* Where drainage has been approved by the City to flow from paved areas to grass areas through curb openings erosion protection shall be provided as shown in Drawing 130.
 - f. *Ditch checks and drop structures.* In grass channels grades and velocities may be controlled by use of ditch checks and drop structures. Riprap ditch checks may be required in natural channels where average velocity for the peak flow rate from the 5-year storm exceeds five (5) feet per second for post-development conditions.
 - g. *Spillways.* Erosion protection must be provided at spillways and outlet structures for detention ponds. Erosion protection shall extend to the point where flow has stabilized and average velocity in the outlet channel is five (5) feet per second or less.
4. *Temporary construction entrance.*
 - a. A minimum of one (1) temporary construction entrance is required at each site. Additional temporary entrances may be provided if approved. The location of each construction entrance shall be shown on the plan.
 - b. Only construction entrances designated on the sediment and erosion control plan may be used. Barricades shall be maintained if necessary to prevent access at other points until construction is complete.
 - c. Construction entrances shall be constructed of crushed limestone meeting the following specifications:
 - (1) Construction entrances shall be a minimum of twenty-five (25) feet wide and fifty (50) feet long.
 - (2) Minimum thickness of crushed limestone surface shall be six (6) inches. Additional two (2) inch lifts of crushed limestone shall be added at the discretion of the County if the surface of the initial drive deteriorates or becomes too muddy to be effective.
 - (3) In locations where an existing drive or street extends at least fifty (50) feet into the site, the existing drive may be designated as the construction entrance and construction of a new gravel entrance is not required, unless job conditions warrant as set forth in the preceding paragraph.
5. *Cleaning streets.* Streets both interior and adjacent to the site shall be completely cleaned of sediment at the end of construction and prior to release of security.
6. *Dust control.* The contractor will be required to use water trucks to water all roads and construction areas to minimize dust leaving the site when conditions warrant.
7. *Sequencing and scheduling.* Costs of sediment and erosion control can be minimized if proper consideration is given to sequencing and scheduling construction. Any special sequencing and scheduling considerations should be noted in the grading plan. A detailed schedule must be received from the contractor at the Pre-Construction Conference.

Attachments:

[410a Design Standards](#)

[410b Table I](#)

[410c Table I I](#)

[410d Drawing 10](#)

[410e Drawing 20](#)

[410f Drawing 30](#)

[410g Drawing 40](#)

[410h Drawing 50](#)

[410i Drawing 60](#)

[410j Drawing 70](#)

[410k Drawing 80](#)

[410l Drawing 90](#)

[410m Drawing 100](#)

[410n Drawing 110](#)

[410o Drawing 120](#)

[410p Drawing 130](#)

[410q Drawing 140](#)

Chapter 415

Sign Regulations

Section 415.010 **Purpose.**

[CC 1999 §26-110]

- A. This Chapter provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote, preserve and protect the health, safety, general welfare, convenience and enjoyment of the public and to preserve and protect the aesthetic quality of the City of Republic, and to achieve the following:
1. *Safety.* To promote the safety of persons and property by providing that signs:
 - a. Do not create a hazard due to collapse, fire, collision, decay, abandonment or other safety considerations; and
 - b. Do not create traffic hazards by confusing or distracting motorists.
 2. *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economy of the City, by providing that signs:

- a. Do not interfere with scenic views;
- b. Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height or movement;
- c. Do not negatively affect the City's tourism industry;
- d. Do not create or worsen visual clutter or visual blight;
- e. Do otherwise protect and preserve a quality landscape in the City; and
- f. Do otherwise enhance the appearance and economy of the City.

Section 415.020 Definitions.

[CC 1999 §26-111; Ord. No. 04-71 §1, 12-27-2004; Ord. No. 05-23 §1, 3-28-2005]

As used in this Chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them by this Section:

ATTACHED SIGN (SIGN, WALL)

Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, engraved on, etched on, or supported by any part of a building's wall, awning, canopy, marquee, parapet, sunshield, window, door or similar item.

ATTENTION ATTRACTING DEVICES

Any animated, mechanical or stuffed item designed to promote, advertise, demonstrate or call attention to any commercial, office, retail or service business or activity.

BANNER

A sign made of fabric or any other non-rigid material with no enclosing framework.

BUILDING CODE

The Building Code of the City of Republic, Missouri, together with any related Code(s) adopted by the City, and any regulations adopted in conformance therewith.

BUSINESS AREA

Any district designated under Chapter **405** of the Republic City Code for office, commercial or industrial use.

CITY BUILDING INSPECTOR

The City Building Inspector of the City of Republic, Missouri, or his/her designated representative of the Community Development Department.

[Ord. No. 16-23 § 1, 11-28-2016]

COMMERCIAL

Relating to the sale of goods or services.

COPY

The letters, figures, characters, representations, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design logo, illustration or device illuminated or non-illuminated which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem or painting

designed to advertise, communicate, identify or convey information.

DIRECTIONAL SIGN

A pole or monument sign, located on private property, which directs vehicular traffic. The sign may display arrows, words or other symbols to indicate the direction of the facilities. No goods or services for sale may be listed.

EFFECTIVE AREA

The area enclosed by the minimum imaginary rectangle, or combination of contiguous rectangles, composed of vertical and horizontal lines which fully contain all extremities of the sign. This rectangle, or combination of contiguous rectangles, is to be calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for an orthographic projection shall be rotated horizontally around the sign to give the largest rectangle. For flat signs, this viewpoint is opposite a corner. If elements of the sign are movable or flexible, as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The sign seen from this viewpoint is then enclosed within the smallest plane of view. The sign seen from this viewpoint is then enclosed within the smallest rectangle, or combination of contiguous rectangles, which fully contains the sign. The area of the rectangle, or combination of contiguous rectangles, is the "effective area" of the sign. A combination of contiguous rectangles may be used with more than one (1) surface containing copy.

ERECT

Attach, alter, build, construct, reconstruct, enlarge or move.

FLAGS

A construction of fabric, plastic or paper depicting through symbols, characters, design or letters a nation, political subdivision or business when hung, without frame, from a staff or pole.

FLASHING LIGHT

A continuously intermittent light or sequential light; but not including animation or lighting changes which change the copy of a sign.

FRONTAGE, BUILDING

The wall of the building that faces the street abutting the property. If the building is located on a corner at an angle facing two (2) streets, the frontage shall be the wall of the building which faces the street with the highest average daily traffic count.

IDEOLOGICAL AND NON-COMMERCIAL SIGN

A sign which does not name or advertise a product, service or business but only expresses a viewpoint, non-commercial message, opinion or idea. This includes commemorative plaques, historic markers, holiday decorations, political signs, political or fraternal flags or emblems, or protective signs which are commonly associated with safeguarding the permitted uses of a premises including, but not limited to "vicious dog", "no trespassing", "neighborhood watch" and "authorized parking only".

LOT

A parcel of land under one (1) ownership designated as a separate and distinct tract and identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

MENU BOARD

An on-premise sign utilized by the public patronizing a drive-through business as to a bill of fare or other products or services.

NON-BUSINESS AREA

Any area within a residential zoning district, including areas therein where legal non-residential uses are present.

NON-COMMERCIAL

Relating to a public service, religion, charity, idea or similar item.

OFF-PREMISES SIGN

A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located, e.g. "billboards", "outdoor advertising" or "off-site sign".

ON-PREMISES SIGN

A sign which pertains to the use of the premises on which it is located and maintained.

PERMANENT SIGN

Any wall or monument sign or other sign which is intended remain displayed.

PERSON

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

PREMISES

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

1. Shared parking.
2. Common management.
3. Common identification.
4. Common access.
5. Shared circulation.

SETBACK

The horizontal distance between the curb line and a vertical projection from that portion of the sign nearest the curb line.

SIGN

Any object principally designed to convey a message, including sign structure and decorative cover. Examples of signs include, but are not limited to: message boards, changeable copy boards, pennants, flags, billboards, and streamers.

SIGN, DETACHED

A sign not attached to or painted on a building, but which is permanently affixed to the ground, otherwise known as a monument or freestanding sign. A sign attached to a flat surface such as a fence or a wall not a part of a building shall be considered a detached sign.

SIGN, FREESTANDING

A sign which is supported by one (1) or more uprights, poles or braces affixed to the ground, not attached to the principal building or structure. The bottom of the sign face shall be no closer than eight (8) feet from the ground.

SIGN, MONUMENT

A sign supported by the ground, not attached to the principal building or structure, where the bottom edge of the sign is on or in the ground.

SIGN, PROJECTING

Any sign which is attached to and projects from a surface or building face.

SIGN, ROOF

Any sign erected upon, against or directly above a roof.

SIGN STRUCTURE

Any structure which supports, has supported, or is designed to support a sign, including any decorative cover, exclusive of any copy.

SIGN, WALL

Any sign in a parallel plane to and attached, installed, painted, engraved or etched upon a structure's wall, awning, canopy, marquee, parapet, sunshield, window, door or similar item.

STP URBAN SYSTEM

Surface Transportation Program (Urban System) is a network of roads and highways that qualify for Federal aid under the Inter-modal Surface Transportation Efficiency Act.

STREET GRADE

The highest altitude of the street vertically under any portion of the sign or its supports.

USE

The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Section 415.030 Exempt Signs.

[CC 1999 §26-112; Ord. No. 99-42 §1, 9-27-1999; Ord. No. 04-64 §1, 10-11-2004; Ord. No. 08-67 §1, 9-8-2008]

- A. The following signs shall not require the issuance of a sign permit but must be in conformance with all other sign regulations and the Building Code. These signs are allowed in addition to all other signs allowed under this Chapter.
 - 1. *Address numbers.*
 - a. Address numbers for each residential building and business address numbers not exceeding one (1) square foot in effective areas per character, and one (1) name plate not exceeding two (2) square feet in effective area per dwelling unit or business. All address numbers and name plates shall be attached signs, except as follows:
 - b. If a building is more than one hundred (100) feet from the street, its address numbers may be detached.
 - 2. *Banner signs.* One (1) banner sign per business premises, which is not over thirty-six (36) square feet in effective area.

3. *Directional signs.* Detached on-premises directional signs which do not exceed five (5) square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed twenty percent (20%) of the effective area. No part of the sign shall exceed four (4) feet in height above street grade or four (4) feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than twelve (12) inches above street grade, excluding berms or other landscaping features.
4. *Election signs.* Any sign erected for an election campaign, provided that said sign is removed ten (10) days after election is final.
5. *Flags.* Flags of any nation, State or political subdivision provided:
 - a. If the flag is flown from a flagpole, such flagpole shall be a minimum of four (4) times the length of the flag but shall not exceed over sixty (60) feet in height from finished grade.
6. *Government sign.* Any sign erected or maintained by or for any agency of government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance or governmental regulations; or any sign erected in cooperation with the City or other government agency for the purpose of promoting the City or community.
7. *Holiday decorations.* Holiday decorations in season.
8. *Internal signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
9. *Neighborhood identification sign.* A detached sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name or historic district.
10. *Real estate sale, lease and construction signs.* One (1) detached or attached non-illuminated temporary on-premise and/or off-premise sign each pertaining to the construction, sale or lease of real estate. Such sign shall not exceed thirty-two (32) square feet in effective area in business areas and not to exceed four (4) square feet in effective area in non-business areas. One (1) additional sign shall be permitted in both business and non-business areas if the premises on which they are located either has at least two hundred fifty (250) feet of frontage, contains more than five (5) acres, or has frontage on more than one (1) street. All such signs shall be removed within seven (7) days after the closing of the sale or lease.
11. *Vehicular signs.* Any sign permanently attached to a motor vehicle which is traveling or lawfully parked where the primary purpose of such parking is not the display of any sign. This definition shall not include signs in transit to a site of permanent use.
12. *Miscellaneous exempt signs.*
 - a. A sign located on machinery or equipment which is necessary or customary to the business, including such devices as gasoline pumps or vending machines, which does not increase the size of the surface area or alter the shape of the machine or equipment.
 - b. Private street or road name signs.

- c. "No trespassing", "no dumping", "no loitering" and like signs not exceeding one (1) square foot.
 - d. Signs warning the public of the existence of danger, but containing no advertising material, to be removed upon subsidence of the danger for which warning is being given and not exceeding one (1) square foot in effective area.
 - e. A sign on facilities located in City parks which provides information that is incidental to a sponsored activity such as scoreboards, time clocks, benches or signs in concession stands.
 - f. A detached or attached temporary sign not exceeding thirty-two (32) square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political or similar nature, provided that said sign is posted only during said drive or event for no more than sixty (60) days per year and is removed within twenty-four (24) hours after an event.
 - g. Attached incidental sign, which pertains to goods, products, services or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purpose of the business, not exceeding a total of four (4) square feet in effective area per business.
13. *Personal property sales, moving sales, garage sales or yard sales signs.* Posting of such signs shall not be permitted more than one (1) day prior to the sale and must be removed by the last day of the sale. Posting of such signs shall be permitted on public property, including right-of-way, and shall be further governed by Sections **415.050** and **415.060**.
14. *Menu board signs in drive-thru facilities.*
- a. Shall be located at the rear fifty percent (50%) of the principal building; and
 - b. Shall have a sign envelope that does not exceed sixty (60) square feet in area; and
 - c. Shall be limited to internally lit indirect lighting.

Section 415.040 Exempt Operations.

[CC 1999 §26-113]

- A. The following operations shall not require the issuance of a sign permit:
 - 1. Changing of the copy describing products or services on an existing permitted sign which is specifically designed for the use of manually or automatically changeable copy including billboard panels and posters; but not including changes in the structure, size, placement or location of the sign.
 - 2. Maintenance, including repainting, refurbishing, cleaning or other normal repair of a sign not involving structural changes.

Section 415.050 General Sign Provisions.

[CC 1999 §26-114; Ord. No. 10-26 §2, 6-14-2010]

- A. The provisions of this Section shall apply to all signs in the City, without regard to their classification as a business or non-business sign.
- B. *General Provisions.* All signs are prohibited except as allowed by this Chapter.

1. *Public areas.* No sign other than a government sign shall be allowed, which is located within or projects over any public property, including rights-of-way, except where the building is located on or within three (3) feet of the property line. No such signs are allowed in the right-of-way of any thoroughfare designated as part of the STP Urban System. In no instance shall signs project beyond a vertical plane two (2) feet inside the curb line from any building and the bottom of said sign shall not be less than ten (10) feet above the highest level of the ground under the sign at the sign's lowest point.
2. *Parking spaces.* No sign shall occupy a parking space necessary to satisfy minimum off-street parking requirements.
3. *Sign illumination.* Illuminated signs shall be designed, located and constructed to eliminate or significantly reduce glare and shall not increase the lighting intensity upon adjoining premises not under the same ownership and control.
4. *Sign condition.* No person shall maintain or allow to be maintained on any premises owned or controlled by that person any dangerous or defective sign. All signs, together with all their supports, braces, connections or anchors, shall be kept in good repair. Unsafe signs, damaged or deteriorated signs or signs in danger of breaking apart or falling shall be removed or repaired by their owner. Any fading, chipping, peeling or flaking of paint, plastic or glass; or any mechanical, electrical or structural defect shall be corrected upon written notice by the Republic Community Development Department. **[Ord. No. 16-23 § 1, 11-28-2016]**
5. *Compliance with Building Codes.* All signs shall be erected or affixed and maintained in compliance with the Republic Building Code.
6. *Signs at street intersections.* Signs may be erected in the street intersection sight triangles; however, any sign must be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object. Sight triangles shall be established in accordance with Table 405.910. The Community Development Department may require additional triangle area for clear sight and safety as determined by a traffic study for special conditions. **[Ord. No. 16-23 § 1, 11-28-2016]**
7. *Signs at street/driveway intersections.*
 - a. Signs may be erected in the street/driveway sight triangles, however, any sign must be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object.
 - b. A street/driveway sight triangle is formed by the intersection of a public or private street and a driveway (see Figure 415.050) where the triangle area is that area encompassed within two (2) intersecting lines formed by the edge of the pavement, curb, roadway or projection thereof and extending forty (40) feet down the street from the right edge of the driveway when standing in the driveway facing the street, and extending eleven (11) feet from the edge of the street extending up the driveway pavement, and a third (3rd) imaginary line connecting the extremities of the other two (2) without overlaying the pavement. On the left side of the driveway, the triangle shall be measured by measuring sixty-five (65) feet down the street pavement from the edge of the driveway and measuring eleven (11) feet down the driveway pavement from the edge of the street, and an imaginary third (3rd) straight line connecting the extremities of the other two (2) without overlaying the pavement. (See Figure 415.050)[\[Image\]](#)

FIGURE 415.050

8. *Ideological or non-commercial signs.* Any sign permitted under this Chapter may contain ideological or non-commercial copy in lieu of any other copy.

Section 415.060 **Prohibited Signs.**

[CC 1999 §26-115]

- A. The following signs are prohibited, which:
 1. Concern unlawful activity;
 2. Operate or employ any motion picture projection in conjunction with any advertisements;
 3. Employ any searchlights, strobe lights, balloons or similar attention getting devices;
 4. May be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle by reason of their size, location, movement, content, coloring, or manner of illumination;
 5. Hide from the view of those to whom the device is directed, any traffic or street sign or signal or similar device;
 6. Are temporary, except as specifically allowed in this Code;
 7. Signs other than those specifically allowed by Section 415.030(10) that are capable of being carried, wheeled or moved from one location to another;
 8. Signs which are attached to any tree, fence, branch, another sign or utility pole except warning signs issued and properly posted by the utility company.

Section 415.070 **Temporary Banners.**

[CC 1999 §26-116; Ord. No. 04-71 §1, 12-27-2004]

A. *Temporary Banners Permitted.*

1. Except as otherwise exempted in Section **415.030**, or provided in this Section, temporary banners may only be used in a business area.
2. In non-business areas, each premises may display one (1) temporary banner not exceeding four (4) square feet in effective area for up to seven (7) consecutive days twice each calendar year.

B. *General Provisions.*

1. The effective area shall not exceed thirty-five (35) square feet.
2. All temporary banners shall be attached banners.
3. Each business may display one (1) attached temporary banner as set forth below.

C. *Temporary Banners — Duration Of Display.*

1. A business or premises shall be allowed to display a temporary banner for not more than thirty (30) days

per display period and not more than ninety (90) days per calendar year.

2. No temporary banner shall be displayed without obtaining a new permit before each display period.
 3. In business areas, a temporary business with a valid business license and a temporary building permit may apply for and obtain a special permit which would allow the use of a temporary banner for the period of the building permit. Such a banner must be attached to a temporary or permanent structure and may not exceed thirty-two (32) square feet in effective area.
- D. *Temporary Banners — Emergency Uses.* In the event a sign or business is substantially damaged through fire, flood, act of God, insurrection, riot or similar emergency beyond the control of the business owner or occupant, a temporary banner shall be allowed for a period of time not to exceed sixty (60) days, unless the time period is extended by the Community Development Department for a continuing hardship. **[Ord. No. 16-23 § 1, 11-28-2016]**

Section 415.080 Provisions For Signs in Business Areas.

[CC 1999 §26-117; Ord. No. 99-42 §1, 9-27-1999; Ord. No. 04-71 §1, 12-27-2004; Ord. No. 05-23 §1, 3-28-2005; Ord. No. 07-20 §1, 4-9-2007; Ord. No. 08-18 §1, 2-25-2008; Ord. No. 08-67 §1, 9-8-2008]

- A. *General Provisions.* These provisions shall apply to all permanent signs in business areas as defined in this Chapter.
1. A sign in a business area shall conform to regulations for a sign in a non-business area if the sign is within twenty-five (25) feet of a non-business area.
 2. Flashing lights or animation on signs in business areas shall be placed at least ten (10) feet above street grade.
 3. Both on-premises or off-premises signs are allowed in general commercial and less restrictive zoning districts. Only on-premises signs are allowed in more restrictive districts. Off-premises detached signs shall conform to the standards for on-premises signs, with the following exceptions:
 - a. Off-premises detached signs shall maintain a minimum front yard setback of twenty-five (25) feet. **[Ord. No. 15-19 §1, 8-10-2015]**
 - b. Off-premises detached signs shall maintain a maximum radius of one thousand five hundred (1,500) feet between all other off-premises detached signs. Off-premises detached signs shall maintain a maximum height of forty (40) feet and a maximum effective area of four hundred (400) square feet. **[Ord. No. 15-19 §1, 8-10-2015]**
 - c. Off-premises detached signs are prohibited within one hundred twenty-five (125) feet of a non-business area.
 4. Sign regulations enforced by the Missouri Highway and Transportation Commission along the primary highway system in the City shall take precedence over any less restrictive requirements of this Chapter.
 5. All heights specified in this Code shall be measured from street grade at a point perpendicular to facing street unless otherwise specified.
- B. *Detached Signs.* Detached signs are allowed in business areas.

1. A premises fronting on a collector street shall be allowed a detached sign with an effective area determined by adding fifty (50) square feet to a ratio of one (1) square foot of effective area per lineal foot of frontage along the collector street.
 2. Each premises shall be allowed one (1) permanent detached on-premises or off-premises sign. Premises with frontage on more than one (1) street shall be permitted to have one (1) additional on-premises sign per side.
 3. Premises which have more than four hundred twenty-five (425) feet of frontage along a street may have one (1) additional detached sign for each additional four hundred twenty-five (425) feet of frontage or fraction thereof, provided a minimum of three hundred (300) feet of separation is maintained between signs on a given premises.
 4. The maximum effective area for any detached business sign shall be three hundred (300) square feet.
 5. Each detached sign shall not exceed a maximum height of twenty-five (25) feet.
 6. A minimum setback of ten (10) feet will be required from the property line for monument signs and a minimum setback of five (5) feet from the property line for freestanding signs.
- C. *Attached Signs.* Attached signs are allowed in business areas in accordance with the following provisions:
1. Each business shall be allowed an attached sign. In the event the business does not front on a street, it shall be allowed signage as if it fronted on a local street. The attached sign shall not extend any further than eighteen (18) inches from any part of the structure, i.e. awning, canopy, door, marquee, parapet, sunshield, wall or similar item. Attached signs do not include signs on the inside or outside of the window, which do any advertising beyond merely identifying the business and giving the times it is open, these shall be subject to total square footage limitations. An attached sign shall not extend beyond the wall edge.
 2. The total effective area of all wall signs allowed for a business shall be calculated based upon the lineal footage of each wall having frontage on a street. If the business has frontage on any street other than a local street, the effective area shall not exceed three (3) square feet per lineal foot of the wall length. If the business has frontage on a local street, the effective area shall not exceed one-half ($\frac{1}{2}$) square foot per lineal foot of the wall length.
 3. A premises may have a roof sign only if it does not have a detached or projecting sign. No part of the sign shall extend beyond any wall. The methodology used to determine the effective area allowed for detached signs shall be used to calculate the effective area allowed for roof signs.
 4. A business may have a projecting sign only if it does not have a roof sign or a maximum number or allowable detached signs for that premises. Where a business frontage would allow the use of two (2) or more detached signs, a projecting sign may be substituted for one (1) of the detached signs. Projecting signs shall have a minimum clearance of ten (10) feet above the highest level of the ground under the sign at the sign's lowest point and shall not exceed twenty (20) square feet in effective area.
 5. Each premises containing more than one (1) business shall reserve one (1) detached sign to identify either the entire premises, or businesses located there, desiring to be identified, unless otherwise

approved by the Community Development Department. [Ord. No. 16-23 § 1, 11-28-2016]

- D. Menu board signs shall be governed by the provisions of Section **415.030** paragraph (14).
- E. Commercial subdivision signs shall:
 - 1. Be limited to one (1) subdivision sign per entrance.
 - 2. Not exceed an effective area of three hundred (300) square feet.
 - 3. Not exceed a height of twenty-five (25) feet.
 - 4. Comply with all other applicable provisions of the sign ordinance (i.e., "Intersection Clear Sight Triangle").
 - 5. Be limited to displaying the names of companies located in the subdivision and no advertising matter shall be allowed on the sign.
 - 6. Not supersede any other detached signs allowed within this Section.
 - 7. Be placed in a sign easement.
 - 8. Have a minimum setback of ten (10) feet from the property line for a monument sign and a minimum setback of five (5) feet from the property line for freestanding sign.
 - 9. A sign permit is required for any commercial subdivision sign.
 - 10. Sign shall not be in sight triangle.

Section 415.090 Provisions For Signs in Non-Business Areas.
[CC 1999 §26-118]

- A. *Single-Family And Two-Family Residential Districts.* These provisions shall apply to all permanent signs in non-business areas:
 - 1. Dwelling units in single-family or two-family zoning districts shall be allowed to utilize any non-business sign described in Section **415.030**, Exempt Signs. Home occupations, as defined in Section **405.020**, and as allowed in Article **III** of Chapter **405** of this Title, shall be allowed one (1) on-premises detached sign, such sign shall not exceed five (5) square feet in effective area and four (4) feet in height. No off-premises signs shall be allowed other than those specifically allowed by Section **415.070**, Temporary Signs.
 - 2. Wall signs shall not be permitted, however, this does not include signs on the inside or outside of windows except that any signs on the outside of the window, which do any advertising beyond merely identifying the business and giving the times it is open, shall not exceed five (5) square feet in effective area.
 - 3. Flashing lights and animation are not allowed except as seasonal decorations.
- B. *Detached Signs.* Detached signs are allowed in non-business areas as follows:

1. Each premises containing a multi-family use or legal non-conforming use shall be allowed one (1) detached sign. Premises with more than seven hundred fifty (750) feet of frontage along a public street may have one (1) additional detached sign, provided a minimum of three hundred (300) feet of separation is maintained between signs, and a minimum setback of twenty-five (25) feet from adjacent property line is maintained for both signs.
2. A minimum front yard setback of ten (10) feet is required of all detached signs. No detached sign shall exceed thirty-two (32) square feet in effective area or eight (8) feet in height.

C. *Attached Signs.* Attached signs are allowed in non-business areas as follows:

Each premises containing a multi-family use or legal non-conforming use shall be allowed one (1) wall sign per wall, which shall extend no further than eighteen (18) inches from the wall. The sign may contain the name and logo of the establishment, business or use and nothing else. Wall signs do not include signs on the inside or outside of windows except that any signs on the outside of the window, which do any advertising beyond merely identifying the business and giving the times it is open, shall be subject to total square footage limitations. A wall sign shall not project beyond the wall edge. The total effective area of all wall signs allowed for a business shall be calculated based upon street frontage and whether or not the premises has a detached sign. Where a premises has no detached sign, the total effective area of all wall signs shall not exceed one (1) square foot per linear foot of the wall length along the street or streets upon which the business fronts. Where a premises has a detached sign, the total effective area of all wall signs shall not exceed one-half (½) square foot per lineal foot of the wall length along the street or streets upon which the business fronts.

Section 415.100 Legal Non-Conforming Signs.
[CC 1999 §26-119]

- A. *Non-Conforming Signs.* The sign for a legal non-conforming use shall be a legal non-conforming sign if the sign:
 1. Was erected or attached prior to the adoption of this Chapter,
 2. Is on-premise, and
 3. Would have been legal if the use had been located in the most restrictive zoning district where the use is allowed by right.
- B. *Continuation Of Legal Non-Conforming Signs.* Any sign which was lawfully erected or affixed prior to such time as it came within the purview of this Chapter and which sign complied with all regulations in force at the time it was erected or affixed, but which fails to conform to all applicable regulations and restrictions of this Chapter, shall be considered a legal non-conforming sign. A legal non-conforming sign may be continued and shall be maintained in good condition, but shall not be:
 1. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
 2. Altered so as to increase the degree of non-conformity of the sign;
 3. Expanded;
 4. Re-established after damage or destruction of seventy-five percent (75%) of the value (tax value, if

listed for tax purposes) or more of the non-conforming sign.

C. *Abandoned Or Discontinued.* Abandonment or discontinuance occurs whenever:

1. The sign for a continuous period of three (3) months or more advertises services or products no longer available to the traveling public because the services or products have been discontinued or cannot be obtained at the destination or by the directions indicated on the sign; or
2. The sign for a continuous period of three (3) months or longer is maintained without an advertising message. The following signs are signs maintained without an advertising message:
 - a. A sign with a message which is partially obliterated so as not to identify a particular service or product;
 - b. A sign which is blank or painted out;
 - c. A sign with a message consisting solely of the name of the sign owner on any part of the sign.

Section 415.110 Directional Signs.
[CC 1999 §26-120]

On-premises detached directional signs in excess of five (5) square feet in effective area shall be allowed in any area, provided such signs do not name or advertise any product, service or business, and the total allowable effective area of detached signs on the premises is not exceeded. A site plan locating all detached signs, including existing and proposed directional or instructional signs, shall be required prior to issuance of a sign permit.

Section 415.120 Commercial Sign Overlay Districts.
[CC 1999 §26-121; Ord. No. 08-18 §1, 2-25-2008]

- A. Purpose. The purpose of the Commercial Sign Overlay Districts is to permit on-premises detached signs in proximity to the intersection of major highways and expressways, freeways or interstates. Larger and taller on-premises detached signs are deemed appropriate in these areas due to the orientation of the commercial activity located at these intersections.
 1. *Highway Overlay District.* All signs located on a highway in a commercial district shall conform to Section **415.080**, Provisions for Signs in Business Areas, except for the following:
 - a. Property located within a one thousand two hundred (1,200) feet radius from the center of the intersection of the rights-of-way of U.S. Highway 60 and State Highway 174.
 - b. Property located within a one thousand two hundred (1,200) feet radius from the center of the intersection of the rights-of-way of U.S. Highway 60 and State Highway M.
 - c. The maximum effective area for any on-premises detached sign in a Highway Overlay District shall be three hundred (300) square feet and shall have a maximum height of thirty-five (35) feet.
 2. *Expressway Overlay District.* All signs located in an Expressway Overlay District shall conform to Section **415.080**, Provisions for Signs in Business Areas, except for the following:
 - a. Property located within a radius of one thousand five hundred (1,500) feet from the center of the intersection of the rights-of-way of U.S. Highway 60 or Sunshine Street and James River Freeway,

Brookline Avenue or State Highway MM and James River Freeway or State Highway MM and I-44.

- b. The maximum effective area for any on-premises detached sign in an Expressway Overlay District shall be four hundred (400) square feet and shall have a maximum height of sixty (60) feet.
3. *Railroad Overlay District.* Due to the restricted view caused by the railroad overpass and elevated road bed located near the intersection of U.S. Highway 60 and State Highway 174, a sign allowed by paragraph (1) and located on the west side of the railroad right-of-way within the radius described in paragraph (1)(a) shall have a maximum height of sixty (60) feet.
4. A premises that has any portion of the premises located within the radius established in paragraphs (1), (2) or (3) is authorized to have located on any portion of the premises the sign allowed under this Section so long as not otherwise prohibited by this Code.

Section 415.130 Sign Permits and Inspections.
[CC 1999 §26-122]

A. *Permits Required.* [Ord. No. 16-23 § 1, 11-28-2016]

1. Except as otherwise provided in this Code, it shall be unlawful for any person to erect, repair, improve, maintain, convert or manufacture any sign or cause the same to be done without first obtaining a sign permit for each such sign from the Community Development Department. In connection with the sign permit, an application fee ~~in the amount of thirty dollars (\$30.00)~~ shall be charged, upon receipt of an application for a sign permit. No sign permit shall be issued except to a person licensed to do business in the City or to a person exempt from the City licensing provisions.
2. Every sign permit issued by the Community Development Department shall become null and void if work on the sign is not commenced within one hundred eighty (180) days from the date of such permit. If work authorized by such permit is suspended or abandoned for ninety (90) days after the work is commenced, the sign shall be considered abandoned unless a new permit shall be first obtained to proceed with the work on the sign, provided that no changes have been made in the original plans.

B. *License.* No person shall perform any work or service for any person or for any government entity in connection with the erection, repair, improvement, maintenance, conversion or manufacture of any sign in the City, or any work or service in connection with causing any such work to be done, unless such person shall first have obtained a business license and paid the license fees provided for by the City, or shall be represented by a duly licensed person.

C. *Application For Permit.* Application for a permit shall be made to the Community Development Department upon a form provided by the City and shall be accompanied by such information as may be required to ensure compliance with all appropriate laws and regulations of the City including, but not limited to: **[Ord. No. 16-23 § 1, 11-28-2016]**

1. Name, address and business license number of permit application.
2. Name and address of owner of sign.
3. Name and address of the owner and the occupant of the premises where the sign is located or to be located.

4. Name and address of architect and or engineer responsible for design (see latest building code adopted by the City, as established in Chapter **500**).

Drawings shall require a seal by an architect or an engineer when the sign is a roof sign, or the surface is twenty (20) feet or more from grade, or when the structural integrity of the sign is questioned.

5. Clear and legible drawings with description showing the precise location of the sign which is the subject of the permit and all other existing signs on the same premises or as otherwise specified by the Community Development Department.
6. Drawings showing the dimensions, construction supports, sizes, materials of the sign, and method of attachment and character of structural members to which attachment is to be made.
7. The Community Development Department shall issue a permit for work to be done on a sign when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City.

D. *Denial Or Revocation.* [Ord. No. 16-23 § 1, 11-28-2016]

1. The Community Development Department may, in writing, suspend, deny or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a misstatement of fact, fraud or non-compliance with the Chapter.
2. When a sign permit is denied by the Community Development Department, written notice shall be given of the denial to the applicant, together with a brief written statement of the reason for the denial. Such denials shall have referenced the Section of the Sign Code or other pertinent Code used as a standard for the basis of denial.

Section 415.140 **Enforcement and Penalty.**
[CC 1999 §26-123]

- A. *Removal Of Signs By The City.* The Community Development Department shall identify any signs that are illegal or endanger the public safety such as an abandoned, dangerous or materially, electrically or structurally defective sign or a sign for which no permit has been issued. [Ord. No. 16-23 § 1, 11-28-2016]
- B. *Revocation Of Permits, Utilities And City License.* Whenever the Community Development Department has ordered a person to correct a violation and when such violation has not been corrected within the time specified by such order, thereafter, the Community Development Department may institute an administrative action to revoke any and all permits issued by the City under which the activity is conducted, occupancy permits and the right to receive utilities for the activity of the building or structure wherein the activity is conducted. [Ord. No. 16-23 § 1, 11-28-2016]
- C. *Penalty For Violation.* If a person violates this Chapter or if a notice of a violation is not complied with within the time specified by the Community Development Department, then the Department may cause a Municipal Court summons to be issued and the Department may also request the City Attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of any order or direction made pursuant thereto. [Ord. No.

16-23 § 1, 11-28-2016]

- D. *Prosecution Of Violation.* Any person violating any of the provisions of the Building Code, or this Chapter, or failing to comply with any order issued pursuant to any Section thereof, or who shall erect, construct, alter or repair a sign in violation of an approved plan or directive of the Community Development Department or of a permit issued under the provisions of this Chapter shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided by Missouri law, except the court shall hear evidence concerning the economic value of continuing the violation and shall assess a fine sufficient in the court's judgment to deter a continuation of the violation. Each day that a violation continues, after service of notice as provided for in this Chapter, and filing of charges in Municipal Court, shall be deemed a separate offense. Notice as required above shall not be required in order to prosecute a person for a violation of any provision of this Chapter. [**Ord. No. 16-23 § 1, 11-28-2016]**
- E. *Abatement Of Violation.* The imposition of the penalties herein prescribed shall not prevent the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or use of building or structure in or about any premises in violation of this Chapter.
- F. *Responsibility.* Any person who shall occupy the premises when the sign is erected or attached as lessee or licensed operator shall be jointly and severally responsible for compliance with the provisions of this Chapter in the same manner as the owner of the sign and of the premises.

Section 415.150 Conflicts and Savings.
[CC 1999 §26-124]

- A. If the provisions of this Chapter conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.
- B. If any Section, Subsection, sentence, clause or provision of this Chapter is held invalid, the remainder of this Chapter shall not be affected by such invalidity.

Chapter 420

Flood Damage Prevention

Section 420.010 Statutory Authorization, Findings of Fact, Purpose and Objectives.
[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 10-51 §1, 11-22-2010]

- A. *Statutory Authorization.* The legislature of the State of Missouri has in Section 89.020, RSMo., delegated the responsibility to local government units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Republic, Missouri, ordains as follows.
- B. *Findings Of Fact.*
1. *Flood losses resulting from periodic inundation.* The special flood hazard areas of Republic, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption

of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare.

2. *General causes of the flood losses.* These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazards to others, inadequately elevated, or otherwise unprotected from flood damages.
3. *Methods used to analyze flood hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.
 - a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Greene County and for Christian County Missouri dated December 17, 2010, as amended, and any future revisions thereto.
 - b. Calculations of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.
 - c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
 - e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.
- C. *Statement Of Purpose.* It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Section **420.010(B)(1)**; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:
 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
 2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
 3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

Section 420.020 **Definitions.**

[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 10-51 §1, 11-22-2010]

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this Chapter its most reasonable application.

100-YEAR FLOOD

See "*Base Flood*".

ACCESSORY STRUCTURE

The same as "*Appurtenant Structure*".

ACTUARIAL RATES

See "*Risk Premium Rates*".

ADMINISTRATOR

The Federal Insurance Administrator.

AGENCY

The Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES

Agricultural products and livestock.

AGRICULTURAL STRUCTURE

Any structure used exclusively in connection with the production, storage, drying, or raising of agricultural commodities.

APPEAL

A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE

A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT

Any area of the structure having its floor subgrade (below ground) on all sides.

BUILDING

See "*Structure*".

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL

The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

COMMUNITY

Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdictions.

DEVELOPMENT

Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING

For insurance purposes, means a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY

A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION

For the purposes of determining rates, means structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "*Existing construction*" may also be referred to as "*existing structures*".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATION

A determination by the Floodplain Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of flood hazards.

FLOOD FRINGE

The area outside the floodway encroachment lines, but still subject to inundation by the regulatory

flood.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see "*Flooding*").

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING

Any combination of structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT LINES

The lines marking the limits of floodways on Federal, State and local floodplain maps.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "*Freeboard*" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

1. Listed individually in the national Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or pre-registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR

The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME

A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*manufactured home*" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP

The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE OR FAIR MARKET VALUE

An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program (NFIP), means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood

Insurance Rate Map (FIRM) are referred.

NEW CONSTRUCTION

For the purpose of determining insurance rates, means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes and subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP

The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY

Also known as an "eligible community", means a community in which the Administrator has authorized the sale of flood insurance.

PERSON

Includes any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State, and local governments and agencies.

PRINCIPALLY ABOVE GROUND

At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REMEDY A VIOLATION

To bring the structure or other development into compliance with Federal, State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

REPETITIVE LOSS

Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

RISK PREMIUM RATES

Those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973, and the accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA

See "*Area of Special Flood Hazard*".

SPECIAL HAZARD AREA

An area having special flood hazards and shown on an FHMB, FIRM, or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION

Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The "*actual start*" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "*actual start of construction*" means the first (1st) alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY

That agency of the State Government, or other office designated by the Governor of the State or by the State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE

For floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as manufactured home. "*Structure*", for insurance purposes, means a walled or roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes repetitive loss buildings (see definition).

For the purpose of this definition, "*repair*" is considered to occur when the first (1st) repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Community Development Director or his/her designee and which are solely necessary to assure safe living conditions; or **[Ord. No. 16-23 § 1, 11-28-2016]**
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
3. Any improvement to a building.

SUBSTANTIAL IMPROVEMENT

Any combination of reconstruction, alteration, or improvement to a building, taking place during the life of the building, in which the cumulative percentage of improvement equals or exceeds fifty percent (50%) of the current market value of the building. For the purposes of this definition, an improvement occurs when the first (1st) alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications that have been identified by the appropriate code enforcement officials and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
3. Any building that has been damaged from any source or is categorized as repetitive loss.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS

Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before repair, reconstruction or improvement commenced.

VARIANCE

A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplain.

Section 420.030 **General Provisions.**

[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 10-51 §1, 11-22-2010]

- A. *Lands To Which This Chapter Applies.* This Chapter shall apply to all lands within the jurisdiction of the City of Republic identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Maps (FIRM) for Greene County, Missouri, on map panels 29077C0295E, 29077C0305E, 29077C0308E, 29077C0313E, 29077C0314E, 29077C0315E, 29077C0316E, 29077C0317E, 29077C0318E, 29077C0407E, 29077C0426E, 29077C0427E and 29077C0435E dated December 17, 2010 and on the Flood Insurance Rate Map for Christian County on map panel 29043C0050C dated December 17, 2010, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the City of Republic or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section **420.050**.
- B. *Compliance.* No development located within the special flood hazard area of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.
- C. *Abrogation And Greater Restrictions.* It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
- D. *Interpretation.* In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Governing Body, and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- E. *Warning And Disclaimer Of Liability.* The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Republic, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.
- F. *Severability.* If any Section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

Section 420.040 **Administration.**

[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 05-23 §1, 3-28-2005; Ord. No. 10-51 §1, 11-22-2010]

- A. *Floodplain Development Permit Required.* A floodplain development permit shall be required for all proposed construction or other development including the placement of manufactured homes in the areas described in Section **420.030(A)**. No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

- B. *Designation Of Floodplain Administrator.* The Community Development Director or his/her designee in association with the Community Development Department is hereby appointed to administer and implement the provisions of this Chapter. **[Ord. No. 16-23 § 1, 11-28-2016]**
- C. *Duties And Responsibilities Of Floodplain Administrator.* Duties of the Community Development Director or his/her designee in association with the Community Development Department shall include, but not be limited to: **[Ord. No. 16-23 § 1, 11-28-2016]**
1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
 2. Review of all applications for development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
 3. Review of all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
 4. Issue floodplain development permits for all approved applications;
 5. Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
 6. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished;
 7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
 8. Verify and maintain a record of actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed; and
 9. When floodproofing techniques are utilized for a particular non-residential structure, the Community Development Director or his/her designee shall require certification from a registered professional engineer or architect.
- D. *Application For Floodplain Development Permit.* To obtain a floodplain development permit the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
 2. Identify and describe the work to be covered by the floodplain development permit;
 3. Indicate the use or occupancy for which the proposed work is intended;

4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the Community Development Director or his/her designee; **[Ord. No. 16-23 § 1, 11-28-2016]**
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

Section 420.050 Provisions For Flood Hazard Reduction.

[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 10-51 §1, 11-22-2010]

A. General Standards.

1. No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.
2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
4. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or

eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 1. All such proposals are consistent with the need to minimize flood damage;
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;
 3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 4. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
- g. Staking and/or construction fencing be installed at all points of the 100-year floodplain and floodway, indicating the limits of such, at least every fifty (50) feet or as otherwise designated by the City staff.
5. *Storage, material and equipment.*
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
6. *Accessory structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.
7. *Non-conforming use.* A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:
 - a. If such structure, use, or utility service is discontinued for six (6) consecutive months, any future use of the building shall conform to this Chapter.
 - b. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

8. *Agricultural structures.* Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single wall design; there is no permanent retail, wholesale or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

B. *Specific Standards.*

1. In all areas identified as numbered and unnumbered A Zones and AE Zones, where base flood elevation data have been prohibited, as set forth in Section **420.050(A)(2)**, the following provisions are required:
 - a. *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to at least one (1) foot above base flood elevation.
 - b. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section **420.040(C)(9)**.
 - c. Require for all new construction and substantial improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - (2) The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. *Manufactured Homes.*

1. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the community's FIRM on sites:
 - a. Outside of manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM, that are not subject to the provisions of Section **420.050(C)(2)** of this Chapter, be elevated so that either:
 - a. The lowest floor of the manufactured home is at least one (1) foot above the base flood level; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- D. *Floodway*. Located within areas of special flood hazard established in Section **420.030(A)** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:
 1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
 2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 3. If Section **420.050(D)(2)** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section **420.050**.
 4. In unnumbered A Zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in Section **420.050(A)(2)**.
- E. *Recreational Vehicles*.

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days, or
 - b. Meet the permitting, elevating, and the anchoring requirements for manufactured homes of this Chapter, or
 - c. Be fully licensed and ready for highway use.*

* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Section 420.060 Floodplain Management Variance Procedures.
[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 10-51 §1, 11-22-2010]

- A. *Establishment Of Appeal Board.* The Board of Adjustment as established by the City of Republic shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.
- B. *Responsibility Of Appeal Board.* **[Ord. No. 16-23 § 1, 11-28-2016]**
 1. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Community Development Director or his/her designee, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment as defined in Section **420.060(A)**.
 2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Community Development Director or his/her designee in the enforcement or administration of this Chapter.
- C. *Further Appeals.* Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of Greene County as provided in Section 89.110, RSMo.
- D. *Floodplain Management Variance Of City Of Republic.* In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:
 1. The danger to life and property due to flood damage;
 2. The danger that materials may be swept onto other lands to the injury of others;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the service provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations, not subject to flood damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

E. *Conditions For Approving Floodplain Management Variances.*

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2) through (6) below have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided proposed activity will not preclude the structure's continued historic designation.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance ~~up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage~~, and

- b. Such construction below the base flood level increase risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this Chapter.

F. *Conditions For Approving Variances For Accessory Structures.*

1. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Section **420.060(D)** and **(E)** of this Chapter.
2. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
 - a. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
 - b. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes flooring etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section **420.050(A)(4)(b)** of this Chapter.
 - c. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Section **420.050(A)(4)(a)** of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 - d. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section **420.050(A)(4)(d)** of this Chapter.
 - e. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section **420.050(B)(1)(c)** of this Chapter.
 - f. The accessory structures must comply with the floodplain management floodway encroachment provisions of Section **420.050(D)(2)** of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
 - g. Equipment, machinery, or other contents must be protected from any flood damage.
 - h. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
 - i. A community shall notify the applicant in writing over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below base flood level will result in increased

premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and

- (2) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
- j. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

G. *Conditions For Approving Variances For Agricultural Structures.*

- 1. Any variance granted for an agricultural structure shall be decided individually based on a case- by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Section **420.060(D)** and **(E)** of this Chapter.
- 2. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.
 - a. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.
 - b. Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
 - c. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section **420.050(A)(4)(b)** of this Chapter.
 - d. The agricultural structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structures in accordance with Section **420.050(A)(4)(a)** of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 - e. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section **420.050(A)(4)(d)** of this Chapter.
 - f. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section **420.050(B)(1)(c)** of this Chapter.
 - g. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Section **420.050(D)(2)** of this Chapter. No variances may be issued for agricultural

structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

- h. Major equipment, machinery, or other contents must be protected from any flood damage.
- i. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
- j. A community shall notify the applicant in writing over the signature of a City Official that:
 - (1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 - (2) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
- k. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section 420.070 Penalties For Violation.

[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 10-51 §1, 11-22-2010]

Violation of the provision of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined ~~not more than one thousand dollars (\$1,000.00)~~, and in addition, shall pay all costs and expenses involved in the case. Each day that such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Republic or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 420.080 Amendments.

[Ord. No. 00-36 §1, 11-27-2000; Ord. No. 10-51 §1, 11-22-2010]

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of time and place of such hearing shall be published in a newspaper of general circulation in the City of Republic. At least twenty (20) days shall elapse between date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

Chapter 425

Community Standards for City of Republic

Article I

Nuisances

Section 425.010 **Statutory Authorization.**

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007]

The Council of the City of Republic in recognition of its duty to provide for the health, safety and well-being of the citizens of the City affirms the need to suppress all nuisances which are or may be injurious to the health and welfare of the inhabitants of the City, or prejudicial to the morals thereof, that such nuisances may be suppressed by ordinances, and the expenses for abating these nuisances may be assessed against the owner or occupant of the property and against the property on which said nuisance is committed and a special tax bill may be issued against said property for said expenses. Therefore, the City Council of the City of Republic, Missouri, ordains as follows.

Section 425.020 **Declarations and Purposes.**

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007]

- A. The City Council for the City of Republic, Missouri, does hereby find and declare that it is necessary to provide for the abatement of conditions which are detrimental to property values and community appearance, an obstruction to or interference with the comfort and enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways that constitute a public nuisance and to establish community standards to safeguard health and public welfare in keeping with the character of the City by allowing for the maintenance of exterior property for each of the following purposes:
1. To safeguard the health, safety and welfare of the citizens of Republic by maintaining exterior property in good and appropriate condition;
 2. To promote a sound and attractive community appearance; and
 3. To enhance the economic value of the community, and each area in it, through the regulation of the maintenance and conditions of property.
- B. Accordingly, the City Council declares that the purposes of this Chapter are to:
1. Reduce the threat to health, safety, welfare, appearance and economic value due to the decline in property condition(s) by lawfully delineating the circumstances under which such condition(s) are considered unlawful and/or abated; and further declares that
 2. Abatement of such condition(s) is in the best interest of the health, safety and welfare of the residents of the City, as maximum use and enjoyment of property or premises in proximity to one another depends upon maintenance of those properties at or above the established minimum standards as defined within this Chapter.

Section 425.030 **Administration and Enforcement.**

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007]

- A. The Mayor and City Council for the City of Republic, Missouri, hereby assign the duties of administering this Chapter as follows:
1. The Code Compliance Official within the Community Development Department (or within such other department designated for enforcement by the City Administrator) shall have the duty, responsibility

and authority to enforce this Chapter and Sections in any manner authorized by the Municipal Code of Ordinances or by any other law including, but not limited to, issuance of citations, civil actions and abatement activity regulation. **[Ord. No. 16-23 § 1, 11-28-2016]**

2. The Records Division of the Republic Police Department will provide the Community Development Department officials identifying information, when available, of the location and identifying descriptions of violators to assist the reporting, citation completion and service process. **[Ord. No. 16-23 § 1, 11-28-2016]**
3. For the purposes of inspections and/or enforcement of the provisions of this Chapter, Code Compliance Officials, Community Development Department officials or their designees shall be authorized and permitted to enter upon the property of another without being considered trespassers. **[Ord. No. 16-23 § 1, 11-28-2016]**
4. All inspections and enforcement actions, unless expressly stated to the contrary, shall be under the direction of the Code Compliance Official who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce the provisions of this Chapter including, but not limited to, abatement activity, work orders, vegetation removal, mowing, etc.
5. When the Code Compliance Official determines an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the Code Compliance Official may order all required action necessary to immediately abate or remove the conditions causing the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.

Section 425.040 **Definitions.**

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007; Ord. No. 10-05 §1, 2-22-2010]

For the purpose of this Chapter, the following words are defined as follows:

ABANDONED

In addition to those definitions contained in applicable State Statutes, State Codes, other ordinances adopted by the City of Republic or as contained in binding case law decisions, the term "*abandoned*" refers to any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

1. Present operability and functional utility;
2. The date of last effective use;
3. The condition of disrepair or damage;
4. The last time an effort was made to repair or rehabilitate the item;
5. The status of registration or licensing of the item.

ABATE

To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Enforcement Officer in his/her judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.

CODE COMPLIANCE OFFICIAL

City Official or employee as may be designated in writing by the City Administrator to enforce property or premises maintenance and other City Code violations as authorized herein.

DISMANTLED

That from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

FIELD DRESSING

The process of removing the internal organs of an animal which has been harvested in the wild or by other means.

GRAFFITI

Defacement, damage or destruction by the presence of paint or ink, chalk, dye or other similar substances; or by carving, etching or other engraving.

INOPERABLE

Incapable of functioning or producing activity for mechanical reasons or other reasons.

JUNK VEHICLE

Any vehicle which does not properly display license plates or stickers indicating current registration and has any one (1) or more of the following characteristics:

1. Lacks engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer;
2. Has a missing windshield or missing windows;
3. Has a missing door, bumper, hood, driver's seat or other similar structural piece;
4. Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin;
5. Has junk, garbage or refuse stored therein; or paper, cardboard, wood or other combustible materials stored therein; or is used as a storage facility for solid waste or other hazardous materials; or is used for the storage of gasoline, propane or diesel fuel at any location on or about the vehicle other than in the vehicle's gas or fuel tank;
6. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle.

LIEN HOLDER

Any person or entity who has a recorded interest in real property, including mortgagee, beneficiary under a deed of trust or holder of other recorded liens or claims of interest in real property.

NUISANCE

In addition to the conditions described within this Chapter, any unlawful act or the failure to perform a duty, or permitting any condition or thing to be or exist on property owned or occupied in which such act, omission, condition or thing:

1. Injures or endangers the health, safety or welfare of others; and/or

2. Unlawfully interferes with the use of, obstructs or tends to obstruct or renders dangerous any property, path, sidewalk, stream, ditch or drainage.

OCCUPANT

Any person or persons holding and exercising temporary or terminable tenancy rights with respect to a residence, building or property including renters, lessees and/or other persons residing temporarily on the subject property.

OWNER

The registered owner of a vehicle; the person(s) to whom property tax is assessed on real or personal property as shown on the last equalized assessment roll of the County.

PARTS

Any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.

PROPERTY

Any land, lot, parcel or portion of land whether improved or unimproved, occupied or unoccupied, including any alley, sidewalk, parkway or public easement abutting such land, lot, parcel or portion of land.

VEHICLE

Any self-propelled vehicle not operating exclusively on tracks except for farm tractors. The term "*vehicle*" shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, motorcycle, motorized scooter or dirt-bike.

Section 425.050 Enumeration.

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007; Ord. No. 08-91 §3, 1-12-2009; Ord. No. 10-05 §1, 2-22-2010]

- A. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a public nuisance and a violation of this Chapter; provided however, this enumeration shall not be deemed or construed to be exclusive, limiting or restrictive:
 1. Noxious weeds and overgrown vegetation at least seven (7) inches in length.
 2. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or items offensive to the senses or a risk to health, safety and/or welfare.
 3. Any condition which provides harborage for rats, mice, snakes and other vermin.
 4. Allowing or permitting vegetation, grass or weeds to grow outside or extend beyond the boundaries of any lot or property to a length greater than six (6) inches, to a height greater than ten (10) inches or encroach upon any sidewalk more than four (4) inches.
 5. Conditions contributing to or causing rank or noxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
 6. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage or industrial wastes.

7. Abandoning, discarding or knowingly permitting to remain on premises or property, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

No part of this Section shall apply to any icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman of such products.

8. All furniture, machinery, discarded containers or any other appliance, article, item or equipment designed for use inside a dwelling unit if stored, placed or set upon the ground or on any open porch, in any attached carport or freestanding carport, or in any garage or shed that is without doors to conceal such articles.
9. To permit, cause, keep, maintain or allow a fence or wall that is found to be in a deteriorated condition and/or in need of repair.
10. Dismantled, non-licensed, inoperable or junk vehicles as defined herein.
11. Bricks, shingles, building materials, salvage materials including, but not limited to, auto parts, scrap metal, tires and any other trade materials stored, deposited, dumped discarded and/or abandoned on any section of property.
12. Buildings, structures or other surfaces upon which graffiti exists.
13. Lumber not piled or stacked at least twelve (12) inches off the ground.
14. Any flammable material which may endanger public safety.
15. *Field dressing.*
 - a. The field dressing and/or hoisting of any animal for personal home use is allowed in residentially zoned areas of the City, so long as it occurs in backyards only. Under no circumstances will field dressing and/or hoisting of an animal be allowed in front yards in residentially zoned areas.
 - b. All blood let during the bleeding process must be disposed of in accordance with all applicable Federal, State and local Statutes, ordinances and regulations. No blood may be poured on the ground, bushes or lawns.
 - c. This Subsection shall not apply to any property zoned as agricultural.
 - d. This Subsection shall not apply to dressing fish and small game as identified by the Missouri Department of Conservation including, but not limited to, rabbit, squirrel, quail, dove, pheasant, woodcock, crow, groundhog, raccoon, gray fox, red fox, coyote, bobcat, opossum, ruffed grouse, ducks, Canada geese and snow geese.

Section 425.060 Exceptions.

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007; Ord. No. 09-34 §1, 9-28-2009]

- A. The provisions of this Chapter do not regulate or place limitations on any properly zoned junk yard, salvage dealer or waste tire facility holding valid licenses and/or other necessary Federal, State or municipal permits.
- B. The provisions of this Chapter do not prohibit the storage of idle but operable recreational vehicles, boats or lawn mowing equipment.
- C. The provisions of this Chapter do not prohibit the orderly storage of firewood.
- D. The provisions of this Chapter are not intended to regulate or place limitations on any residential or commercial building project for which a valid building permit has been issued by the City of Republic. This exception shall be limited to the site for which any such permit was issued and this exception shall not apply if continuous and substantial progress toward completion of the building project is not being made.
- E. The provisions of this Chapter, with regard to abatement of weeds and rank vegetation over seven (7) inches in length, may include, but is not limited to the following options to abate: Weeds and rank vegetation over seven (7) inches in length located on land of two (2) acres or more, including undeveloped portions of platted subdivisions with contiguous lots that are greater than two (2) acres in total area, may be abated by mowing a fourteen (14) foot strip along all property lines and maintaining the mowed area at less than seven (7) inches and by taking demonstrable action to prevent the remaining acreage from being a detriment to the health, safety and welfare of the public. In lieu of the fourteen (14) foot strip on land being actively used for agricultural crops, the abatement may be by taking demonstrable action such as mowing or use of chemical controls to prevent the land used for agricultural purposes from being a detriment to the health, safety and welfare of the public. The burden shall be upon the person in control of land where weeds or other rank vegetation in excess of seven (7) inches is located, to prove that demonstrable action has been taken and that the action has, in fact, prevented a detriment to the health, safety and welfare of the public. Failure to meet this burden will result in weeds and rank vegetation being declared a per se nuisance.

Section 425.070 Nuisances Prohibited.

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007]

- A. It is unlawful for any owner or occupant having control of any lot or land or any part thereof in the City of Republic to cause, permit or maintain any nuisance on any such lot or land or contribute to the creation or maintenance of any nuisance as defined within this Chapter; and it is further unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the property of another, with or without permission.
- B. Any person who shall cause, create or maintain a nuisance or contribute to any nuisance as defined within this Chapter shall be guilty of violating the provisions hereof and shall be liable for all costs and expenses attendant upon the removal and/or correction of such a nuisance in addition to any penalties provided. Each day that a nuisance is maintained can be the basis of a separate offense.

Section 425.080 Notice.

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007; Ord. No. 13-09 §1, 2-25-2013]

- A. Upon verification of a reported nuisance violation within the City, the Code Compliance Official shall provide notice of the violation pursuant to the procedure in Code Section **430.020**.

- B. In addition to the notice requirements of this Chapter or Section **430.020**, the notice to abate a nuisance issued under the provisions of this Chapter shall contain:
1. A notice to abate the nuisance within a stated time not to be less than ten (10) days, unless a different time period is provided for by the Code;
 2. The location of the nuisance, if the same is stationary;
 3. A description of what constitutes the nuisance;
 4. A statement of action necessary to abate the nuisance;
 5. A statement that if the nuisance is not abated as directed, the City will seek an order to abate the nuisance and assess the cost thereof against such person or against the property or both.
- C. The absence of notice as provided in this Section shall not delay nor prevent nor be a defense in a prosecution pursuant to Section **425.070**.

Section 425.090 **Abatement Costs, Special Tax Liens.**

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007; Ord. No. 13-09 §1, 2-25-2013]

- A. In the event that any violation of this Chapter is not abated by the responsible person or persons as notified within the notice to abate and within the time specified, the City may initiate an administrative hearing before a hearing officer pursuant to those procedures set forth in Chapter **430** of this Code. Procedures set forth in this Chapter shall govern over the procedures of Chapter **430** should there be a conflict in procedures.
- B. Whenever the City is authorized to undertake the abatement of any conditions constituting a nuisance as described within this Chapter, the City may cause the abatement to be performed by City employees or by private contract under the direction of the City. The City may by ordinance or by resolution establish fee schedules for work done by City employees.
- C. In addition to all other fees, fines and costs imposed hereunder, the City is hereby empowered to charge and collect all costs of abatement, including administrative expenses, which shall be determined by the Code Compliance Official, Community Development Department officials or their designees and/or Municipal Court or hearing officer. Said costs shall be assessed and billed to the owner, occupant or entity having control of the property upon which the violation(s) exists. These costs are due and payable within thirty (30) days of receipt. **[Ord. No. 16-23 § 1, 11-28-2016]**
- D. In the event the person or persons billed fails to pay within the thirty (30) day period set forth in Subsection (C) of this Section, the Code Compliance Official shall render an itemized document titled "Certificate of Cost" showing the costs of abatement, administrative expenses and any outstanding penalties and shall file the certificate with the hearing officer. A copy of the document and notice shall be served upon the property owner or responsible person or persons of the property in accordance with the provisions of Section **425.080**. The notice of the Certificate of Cost shall advise that a request for hearing to determine the amount of cost to be certified may be filed with the Court Clerk. The notice shall further advise that upon certification of the cost a special tax bill may be issued or the costs of the abatement may be added to the annual real estate taxes assessed against the property. The notice shall provide that the determination of the cost of abatement and the assessment shall become final, unless the

owner of the tract of land files a written request for a hearing within ten (10) days after the giving of the notice, which request shall set forth the grounds upon which the owner contends that the assessment is invalid or erroneous. If no hearing is requested, the hearing officer shall review the file and if appropriate certify the cost to the City Clerk pursuant to Code Section **430.040** if not paid.

- E. If the property owner or responsible person or persons notified in Subsection **(D)** timely requests a hearing, the hearing shall be conducted by the hearing officer prior to certification of the cost to the City Clerk. The cost, if any, as determined by the hearing officer shall be certified to the City Clerk not sooner than thirty (30) days after issuance of the hearing officer's written findings if not sooner paid.

Section 425.095 Weeds and Other Rank Vegetation.
[Ord. No. 07-62 §1, 10-8-2007]

- A. Rank vegetation is declared to be a hazard to the public health, safety and welfare. Notwithstanding the other provisions of this Chapter, the procedures set forth in this Section shall apply to the abatement of weeds and other rank vegetation.
1. The presence of high weeds, brush and other rank vegetation, excluding shade trees, ornamental shrubs, fruit trees, domesticated berry bushes and vines, cover crops and domestic grains and plantings, on lots and pieces of land within the City constitute a menace to the public safety, health and welfare by reason that such conditions may:
 - a. Cause a fire hazard.
 - b. Furnish cover for prowlers.
 - c. Create a nuisance with potential danger of injury on rocks, debris, holes, etc., covered by excess growth.
 - d. Obstruct visibility at street intersections.
 - e. Result in the aggravation of allergies.
 - f. Furnish a potential harborage or breeding place for disease-carrying insects, arthropods, animals and poisonous snakes.
 2. The growth of weeds, brush or rank vegetation shall constitute a public nuisance when, in the opinion of the Code Compliance Official, any such growth on a lot or piece of land may substantially endanger the health, safety or welfare of the public, having considered those hazards enumerated in paragraph (1).
 3. The growth of weeds, brush or other rank vegetation in excess of seven (7) inches in height is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of the public.
 4. It shall be unlawful for the owner, lessee or agent in control of any lot or piece of land within the City to allow weeds, brush or rank vegetation to attain a height greater than seven (7) inches on such land or lot. Any person violating this Section shall be punished as provided by Section **100.220**.
 5. The abatement procedure for weeds or other rank vegetation shall be as follows:
 - a. *Notice to owner.* Whenever the Code Compliance Official is informed and determines that a nuisance, per se, exists under paragraph (3), or whenever the Code Compliance Official shall determine that a

nuisance exists as provided by paragraph (2), he shall notify the owner of the property of his order to abate the nuisance by any of the methods set forth in Section **425.080** hereof.

- b. *Abatement by City upon failure to comply with notice.* If the nuisance is not abated within seven (7) days from the date the notice is first given (by delivery, deposit to the mails or posting of property), then the Code Compliance Official shall notify the appropriate City department(s) of such nuisance, giving the location thereof, and the appropriate City department(s) shall cause such nuisance to be abated by whatever reasonable means are necessary including use of contractor services.
6. Charges for abatement by the City shall be determined as follows:
 - a. Charges for the cost of abatement shall be determined pursuant to Code Section **425.090** Subsections (C), (D) and (E).
 - b. If extraordinary weed maintenance procedures are required to abate a nuisance under the provisions of this Chapter, the actual expenses incurred by the City for the abatement of the nuisance shall be charged to the person in charge of the parcel of land as set out in this Chapter.
 - c. For purposes of this Section, the term "*extraordinary weed maintenance procedures*" shall be deemed to mean the required use of heavy construction equipment such as motor graders, crawler-tractors, wheel loaders and/or track-type loaders. Actual expenses shall be deemed to include all administrative costs, including costs incurred in renting such equipment; the cost of fuel, oil, lubrication, filters and repair or replacement of parts, including tires, when such repair or replacement is not a result of normal wear and tear; the per mile cost of dump trucks used in hauling away the rank vegetation; and all labor costs.
7. No proceeding in Municipal Court for prosecution of a violation of paragraph (4) shall prohibit or be any bar to a proceeding by the City under the provisions of paragraphs (5) and (6), nor shall any proceedings by the City under paragraphs (5) and (6) prohibit or be any bar to a proceeding in Municipal Court for prosecution of a violation of paragraph (4).

Section 425.100 **Penalties and Fine Schedule.**

[Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007]

- A. Upon entry of a guilty plea or upon a finding of guilt of a violation of any Section of this Chapter, the court will order the following:
 1. The imposition of a fine as scheduled within Subsection (3) and/or the imposition of a sentence of imprisonment of up to ninety (90) days for each offense.
 2. Issuance of an abatement order for abatement of the violation.
 3. ~~Fines and associated court costs or abatement fees schedule~~ for violations of this Chapter. ~~(Fines in this table do not include court costs or abatement fees.)~~

Section #	Title	Offense	Fine
425.070	Nuisances Prohibited	1st	\$150.00
425.070	Nuisances Prohibited	2nd	\$300.00
425.070	Nuisances Prohibited	3rd	\$1,000.00
425.110	Failure to Abate a	Any	\$1,000.00

Section #	Title	Offense	Fine
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Nuisance as Ordered

Section 425.110 **Failure To Abate A Nuisance As Ordered.**
 [Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007]

Upon conviction for the violation of any provision of this Chapter, an order to abate will be issued directing the person or persons so convicted to abate or correct the underlying nuisance. Failure of the person or persons to abate such underlying nuisance within the time ordered shall be the basis of a separate and chargeable offense.

Section 425.120 **Separability.**
 [Ord. No. 03-78 §§1 — 2, 11-24-2003; Ord. No. 07-62 §1, 10-8-2007]

Every Section, provision or part of this Chapter is declared separable from every other Section, provision or part; and if any Section, provision or part hereof shall be held invalid, it shall not affect any other Section, provision or part.

Article II
Outdoor Furnaces

Section 425.130 **Purpose.**
 [Ord. No. 09-28 §2, 9-14-2009]

The purpose of this Article is to protect the public health, safety and general welfare of the residents of the City of Republic from excessive smoke pollution, soot contamination and other toxic air pollutants and offensive odors emanating from outdoor furnaces and to regulate the location and use of same.

Section 425.140 **Definition.**
 [Ord. No. 09-28 §2, 9-14-2009; Ord. No. 10-48 §1, 11-8-2010]

As used in this Article, the following term shall have the prescribed meaning:

OUTDOOR FURNACE

A fuel-fired boiler, furnace, stove or other similar device fueled by wood, coal, corn or other types of fuel, located outside the structure it is used to heat, with the designated purpose of providing indoor heat for water and/or air for a residence or other structure. The provisions of this Article do not apply to boilers or furnaces fueled by natural gas, propane or fuel oil if the boiler or furnace has been inspected and approved by the City Inspector and approved/inspected indoor fireplaces and wood stoves designed and built according to all applicable City building/fire codes and that meets or exceeds all appropriate government standards.

Section 425.150 **Restrictions.**
 [Ord. No. 09-28 §2, 9-14-2009; Ord. No. 10-12 §1, 4-26-2010]

- A. Outdoor furnaces are prohibited in the City of Republic, except as specifically authorized in this Article.
- B. An owner or person in control of an outdoor furnace which exists in the City as of the effective date of this Article may operate the outdoor furnace and the outdoor furnace may remain in place, only if the owner or person in control of the outdoor furnace applies for an outdoor furnace permit within thirty (30) days of the date of the City mailing notice. The permit may be issued with conditions upon bringing the outdoor furnace into compliance with this Article within sixty (60) days of the date of the City mailing notice with the exception of Subsection (C)(1 — 3). The issuance of the permit shall act as an exception to this Article and is subject to annual renewal.

- C. Outdoor furnaces placed in use after the effective date of this Article must meet these requirements in order to qualify for the issuance of a permit and no outdoor furnace shall be allowed to operate without issuance of a permit. Upon application for a permit, the Building Official or his designee shall inspect the outdoor furnace and shall issue a permit for the outdoor furnace, so long as the outdoor furnace is in compliance with the following standards and requirements:
1. No outdoor furnace shall be located on a parcel less than three (3) acres and outdoor furnaces are prohibited from being located in any area that is part of a platted subdivision consisting of lots of less than three (3) acres in size.
 2. Every outdoor furnace shall be located at least three hundred (300) feet from any dwelling owned by another in existence on the effective date of this Article.
 3. Every outdoor furnace shall be located at least fifty (50) feet from any property line.
 4. Every outdoor furnace shall have a chimney (also referred to as a "stack") that extends at least fifteen (15) feet above the grade plane and at least two (2) feet higher than the height of the highest roof peak of any dwelling (owned by one other than the owner of the outdoor furnace and in existence on the effective date of this Article) located within five hundred (500) feet. For purposes of this Article, "*grade plane*" means the average level of the finished grade at the structure within which the outdoor furnace is located, with four (4) or more corner points utilized for determining the average. For those outdoor furnaces operating in the City on the effective date of the original ordinance, the owner of the furnace may apply for a modification of the height requirement of this subparagraph. If it can be shown to the Building Official that a lesser height does not create an inappropriate amount of smoke on properties within five hundred (500) feet of the outdoor furnace, the Building Official may authorize in writing a deviation from this requirement to remain in place so long as no nuisance is created by the height deviation.
 5. The outdoor furnace shall comply with the provisions of the Fire Code, the Mechanical Code, the Zoning Ordinance and all other applicable Statutes, regulations and ordinances including qualifying for the Environmental Protection Agency Voluntary Compliance Program or by virtue of compliance with specific standards adopted by the Environmental Protection Agency for wood furnaces. For those outdoor furnaces operating in the City on the effective date of the original ordinance, the owner of the furnace may provide the City a sworn affidavit stating that the furnace was installed in compliance with the manufacturer's instructions or may submit a letter from the manufacturer or the manufacturer's authorized representative stating that the outdoor furnace has been installed in compliance with the manufacturer's instructions in lieu of providing the proof of compliance with the Environmental Protection Agency requirements referred to above. Acceptance of the affidavit or manufacturer's letter does not relieve the outdoor furnace owner of the responsibility of operating the outdoor furnace so as not to create a nuisance.
 6. Failure by the owner of the outdoor furnace or the person who owns or is in control of the property upon which it is located to apply for the permit required by this Article; or to bring the outdoor furnace into compliance with the requirements of the Article within the time frame required; or the failure or refusal to comply with the conditions of any exception granted under this Article shall constitute a violation of this Article.
 7. No outdoor furnace in existence on the effective date of this Article that would otherwise be prohibited

but for the granting of an exception as provided for herein shall be replaced with a new outdoor furnace unit nor shall it be repaired if such repair involves more than fifty percent (50%) of the parts being repaired or replaced.

8.

a. All outdoor furnaces in the City in existence on the effective date of this Article that would otherwise be prohibited but for the granting of an exception as provided for herein may continue to operate until such time as the conditions set out in Subparagraphs (7) or (9) of this Subsection occur or until such time as the furnace cannot pass safe operating standards during inspection or until such time as the operation of the furnace is determined to be a nuisance.

b. If an outdoor furnace in the City that is not in violation of this Article becomes in violation of Subparagraphs (1 — 3) above due to development within the City, the provisions of Subparagraphs (7) and (9) shall apply to termination of use of the outdoor furnace and including termination of use if the furnace cannot pass safe operating standards during inspection or until such time as the operation of the furnace is determined to be a nuisance.

9. Prior to the completion or consummation of a sale or transfer of any real property on or after the effective date of this Article, all existing and/or installed outdoor furnaces that would otherwise be prohibited but for the granting of an exception as provided for herein shall be removed or rendered permanently inoperable.

10. The permit is annually renewable and is subject to inspection and verification of compliance with this Article before the renewal of the permit is granted.

D. Every owner or person in control of an outdoor furnace shall comply with the following requirements and standards immediately:

1. Outdoor furnaces must meet all specifications provided by the manufacturer. In addition, outdoor furnaces must conform to any State construction code provisions that apply and to the City Fire Code ordinance.

2. No more than one (1) outdoor furnace shall be permitted on any parcel. Failure to comply with any of these requirements shall constitute a violation of this Article.

3. No person that operates an outdoor furnace shall use a fuel other than the following:

a. Clean wood i.e., firewood with no foreign substances and properly cured;

b. Wood pellets made from clean wood;

c. Home heating oil in compliance with the applicable sulfur content limit or natural gas may be used as starter fuels for dual-fired outdoor hydronic heaters; and

d. Other fuels as approved by the City.

4. Upon application for a permit, the applicant shall provide a letter from applicant's homeowner's insurance carrier stating that the use of the outdoor wood furnace is covered by the homeowner's policy.

- E. *Prohibited Fuels.* No person shall burn any of the following items in an outdoor hydronic heater:
1. Any wood that does not meet the definition of clean wood;
 2. Garbage;
 3. Tires;
 4. Lawn clippings or yard waste;
 5. Materials containing plastic;
 6. Materials containing rubber;
 7. Waste petroleum products;
 8. Paints and paint thinners;
 9. Chemicals;
 10. Coal;
 11. Glossy or colored papers;
 12. Construction and demolition debris;
 13. Plywood;
 14. Particleboard;
 15. Salt water driftwood;
 16. Manure;
 17. Animal carcasses; and
 18. Asphalt products.
- F. All outdoor furnaces shall be subject to periodic inspection by the Building and/or other Code Inspector and by the Fire Chief or his designee to assure that all provisions of this Article have been and continue to be, satisfied.
- G. The fee for an outdoor furnace permit shall be determined ~~annually by resolution of the City Council~~ to cover anticipated reasonable costs of inspections and administration of this Article.
- H. No person, regardless of having been issued a City permit for operation of an outdoor furnace, shall operate an outdoor furnace in such a manner as to create a public nuisance. The following factors are a non-exclusive list of factors that may be considered in determining if a nuisance exists:
1. Emissions from the outdoor furnace exhibit black or dark grey smoke for any continuous fifteen (15) minute period.

2. Malodorous or noxious odors are produced from the outdoor furnace which are detectable outside the property of the person on whose land the outdoor furnace is located.
3. The emissions from the outdoor furnace cause damage to vegetation, livestock, domestic animals or property.
4. Operation in violation of any of the manufacturer's requirements, the requirements of this Article or any other provision of the City Code or State or Federal laws or regulations.

Section 425.160 Violations — Denial, Non-Renewal, Suspension or Revocation.
[Ord. No. 09-28 §2, 9-14-2009; Ord. No. 10-48 §1, 11-8-2010]

- A. *Delinquent Payments.* The permit fee provided for in this Article shall be deemed delinquent if not paid on or before the due date.
- B. *Permit Renewal Due Date.* The permit required for outdoor furnace use shall be renewable on or before the fifteenth (15th) of January of each year and failure to renew within thirty (30) days of that date shall result in a doubling of the fee for each thirty (30) day period for which no renewal of the permit is obtained.
- C. *Grounds For Denial Or Non-Renewal.* The Building Official (Official) or his designee shall not issue an outdoor furnace permit when the Official has reason to believe that the issuance of the permit will result in the operation of the outdoor furnace in violation of this Code or that the operation of the outdoor furnace will cause or result in a nuisance. Upon the Official making a determination that there may be a violation of the Code, the Official shall notify the applicant in writing that the Official will not issue the permit or that the Official will not renew the permit, stating the reasons for the Official's decision.
- D. *Procedure For Denial Or Non-Renewal.* If the Official determines that the application for a permit is not to be granted or if the Official determines not to renew the permit, then a written notice to the person requesting the permit or renewal thereof shall give the applicant notice that the applicant may request a public hearing by filing a written request with the Official within ten (10) days of the date of the Official's written decision. The public hearing shall be held within twenty (20) days of the receipt of the written request by the Official. The hearing shall be conducted as provided in Subsection (G) below.
- E. *Revocation Or Suspension Of Permit Authorized.* The permit may be revoked by a hearing officer after public hearing and notice for any one (1) or more of the following reasons:
 1. Failure to comply with the manufacturer's requirements or standards for operation of the outdoor furnace or provisions of this Article or any other ordinance, building codes, fire codes, health codes or zoning codes or ordinances of the City.
 2. Creation of a public nuisance.
 3. Providing false information to obtain a permit.
 4. Failure to pay any obligation due and owing to the City.
- F. *Notice Of Suspension Or Revocation Hearing.* Upon determining that a possible violation of the requirements of this Article has occurred, the Official shall issue a notice that a hearing relative to the possible suspension or revocation of the permit is to be held. The permittee shall have at least five (5)

days' written notice of the time and place of such hearing. The written notice shall be given by personal service, posting or by certified or registered U.S. mail to the permittee's address on file with the City and shall specify the grounds upon which the permit is sought to be suspended or revoked.

- G. At the public hearing, a hearing officer appointed by the City Administrator shall hear evidence, determine the facts based upon the evidence presented at the hearing and render a decision. The decision of the hearing officer shall be in writing and shall be issued within ten (10) days of the hearing unless otherwise ordered by the hearing officer. The hearing may be continued by the hearing officer for good cause shown by any party to the proceeding.
- H. *Hearing On Denial, Suspension Or Revocation — Appeals.* The hearing shall be governed by the procedures of this Chapter and Chapter **430** of this Code.
- I. *Conduct Of Hearings.* The hearing officer shall have all the powers set forth in this Article and Chapter **430** of this Code and shall conduct the hearing in accordance with the procedures set forth in this Article and Chapter **430**. If a procedure in this Article conflicts with a procedure set forth in Chapter **430**, the procedure in the Article shall govern. The hearing officer shall determine whether or not there is a basis for not issuing the permit, not renewing the permit, suspending the permit or revoking the permit. The decision of the hearing officer and the right to appeal his decision shall be in accordance with this Article and Chapter **430** of this Code. All notices for purposes of this Section shall be deemed to occur two (2) days after the date the notice is placed in the United States mail, postage prepaid.
- J. *Suspension Disposition.* If the hearing officer determines that the violation can be corrected, the hearing officer may issue a suspension order not to exceed sixty (60) days during which time the permittee shall correct the violation. Upon expiration of the period of suspension, the permittee shall submit a written request to the Official for reinstatement of the permit. If the Official determines that the permittee is in compliance with the requirements of this Article, the Official shall issue a written notice of reinstatement. If the Official determines that the permittee is not in compliance with this Article, the proceedings for revocation of a permit shall be instituted.
- K. *Revocation Disposition.* If the hearing officer determines that there is a violation of this Article that is incapable of being corrected or that the permittee is not actively and continuously working to correct the violation, the hearing officer shall revoke the permit. Upon revocation of a permit, a permittee shall not be eligible to apply for a permit in the City for one (1) year from the date of revocation. After one (1) year, the permittee may apply for a permit subject to meeting all requirements set forth in this Article as being eligible to install and use an outdoor furnace.

Section 425.170 **Severability.**

[Ord. No. 09-28 §2, 9-14-2009]

The provisions of this Article are hereby declared to be severable and if any clause, sentence, word, Section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

Section 425.180 **Sanctions.**

[Ord. No. 09-28 §2, 9-14-2009]

- A. Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this Article shall be subject to penalty as set forth in Code Section **100.220**.

- B. Each day that a violation of this Article or Code continues to exist shall constitute a separate violation of this Article.
- C. In addition to the procedures set forth in Subsections (A — B), the City shall have the right to proceed in an administrative action for nuisance abatement or in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Article and said Code.

Chapter 430

Administrative Hearing Procedures, Generally

Section 430.010 **General Application.**

[Ord. No. 07-62 §2, 10-8-2007; Ord. No. 10-48 §1, 11-8-2010]

- A. Unless a specific procedure is otherwise provided for in an applicable Chapter or Code Section, the following procedures may be followed with regard to administrative enforcement where a hearing is required by State law or ordinance. The hearing may be conducted as a contested or as a non-contested matter and the notice of hearing shall state the nature of the proceeding.
- B. A contested case is generally governed by the applicable requirements of Chapter 536 of the State Statutes for procedural matters and by Sections 536.100 through 536.140, RSMo., for the appeals procedure. A non-contested case lacks the formal procedural requirements of a contested case and is subject to the appeal process outlined in Section 536.150, RSMo.

Section 430.020 **Notice Requirements.**

[Ord. No. 07-62 §2, 10-8-2007; Ord. No. 10-48 §1, 11-8-2010]

- A. Whenever a violation of this Code exists, the person causing, maintaining or permitting the violation shall be notified to correct or abate the violation. If the violation is on private property, proof that a person occupies the property or that a person has possession or the right to possession of the property shall constitute prima facie evidence for the purposes of this Chapter that such person has caused, maintained or permitted the violation and such person shall be responsible for its abatement. If the property is vacant, evidence as to the record title owner from the County Recorder's office shall be prima facie evidence for the purpose of this Chapter that the owner has caused, maintained or permitted the violation and such person shall be responsible for its abatement.
- B. Delivery of a notice may be made by the following methods:
 - 1. Delivery of the notice to the owner or the person occupying or having possession of the property;
 - 2. Depositing in the United States mail, postage prepaid, the notice addressed to the owner or person occupying or having possession of the property;
 - 3. If service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks; or
 - 4. If such property is not occupied and the owner is unknown or cannot be located, posting the notice in a conspicuous location on the property where the violation exists.

- C. The notice shall be in writing and contain the following information:
1. Identifying caption and number assigned to the proceeding by the City with a statement as to whether the matter will proceed as a contested or non-contested matter.
 2. A brief statement of the matter involved, describing why the notice is being issued.
 3. A reasonable time for the performance of any act it requires to be not less than ten (10) days and a description of the remedial actions required.
 4. Whether an answer to the notice is required.
 5. A statement that the notice is the writing officially instituting the proceeding.
- D. The notice may also contain a notice of a hearing date to be held upon failure to comply with the order. No hearing shall be held sooner than ten (10) days after issuance of notice of hearing except in emergency situations. If a hearing is scheduled subsequent to this notice being delivered, a notice of hearing shall be delivered containing the caption and number as well as the time, date and place of the hearing if not set forth in the original notice.

Section 430.030 Abatement By City Upon Failure To Comply With Notice.

[Ord. No. 07-62 §2, 10-8-2007; Ord. No. 10-48 §1, 11-8-2010; Ord. No. 13-09 §2, 2-25-2013]

- A. Administrative procedures set forth in this Section may be used to abate nuisances as defined by the laws of this State and may be used for any other violations set forth in this Code and being subject to an administrative hearing. Procedures for such abatement or violation shall be as follows:
1. The notice of hearing shall provide for a hearing before a person (referred to in this Section as the "hearing officer") appointed by the City Administrator, which hearing officer shall determine if there is a nuisance or other Code violation subject to abatement under the laws of this State or this Code.
 2. If, upon a hearing for a violation of this Code, the hearing officer finds that a violation exists and that proper notice has been given as provided for in this Code and that there has been a failure to abate or correct the violation, the hearing officer shall make an order authorizing the City to abate a violation if it is a nuisance or such other appropriate remedy for a non-nuisance violation. In addition, the hearing officer may order the property owner or other responsible party to abate the nuisance by a date certain after which the City will be authorized to abate the nuisance or non-nuisance violation pursuant to the order issued under this Section. The abatement or remedy ordered shall be subject to appropriated and unencumbered funds being available to perform the abatement. In addition to the City physically abating the violation, the City may seek abatement through injunctive relief or any other available legal remedy.
 3. If the matter is a contested matter, the decision of the hearing officer may be appealed pursuant to appeal procedures set forth in Section **430.090** by any person who is aggrieved by such decision, provided such appeal is filed within the thirty (30) day period set forth in Section 536.110, RSMo. If the matter is a non-contested matter, the appeal will be pursuant to Section 536.150, RSMo.

Section 430.040 Assessment of Costs and Lien For Abatement.

[Ord. No. 07-62 §2, 10-8-2007]

- A. If a complaint is filed in Municipal Court charging a person with violating provisions of this Code, the

Municipal Court Judge may, if appointed as the hearing officer, consolidate the administrative proceedings with actions for violation of provisions of this Code for hearing purposes. If such actions are consolidated, the Municipal Court Judge may order the violation to be abated and assess costs against the violator upon a finding of guilt or a guilty plea.

- B. In a case where the owner has failed to remove or abate after notice conditions or materials which may endanger public safety or any material or condition which is unhealthy or unsafe and found by the hearing officer to be a public nuisance, all of the cost of the abatement of a nuisance, including, but not limited to, costs of notices, inspections and abatement, shall be reported to the hearing officer if not paid pursuant to Code Section **425.090(C)**, who shall certify the amount thereof to the City Clerk pursuant to Section **425.090(D — E)**. The City Clerk may forward the certified amount to the Director of Finance and the Director of Finance shall have the option of issuing a special tax bill for the assessment of abatement costs or the Director of Finance may direct that the cost of such abatement be added to the annual real estate taxes for the tract of land. If the certified cost is added to the annual real estate bill for the property and not paid, the real estate taxes shall be considered delinquent and the collection thereof shall be governed by the laws applicable to delinquent real estate taxes. Any special tax bill issued shall be for a term of five (5) years, shall bear interest until paid at the legal rate and may be foreclosed upon by the City through appropriate proceedings in Circuit Court. Costs of collection, including attorney fees, shall be added thereto in the event a lawsuit is filed to collect the tax bill.
- C. In all cases heard by a hearing officer, the owner of the property at the time the nuisance was abated and any other person found by the hearing officer to have caused, maintained or permitted the nuisance shall be personally liable to the City for the cost of such abatement and there shall also be from the time of such certification a lien upon the land where such violation was abated, such lien to run with the land for the full cost to the City for such abatement and in favor of the City, upon which the City may take appropriate action in accordance with law.
- D. The City of Republic shall record with the County Collector's office a notice of discharge of the lien in the event it is released or satisfied through payment or foreclosure.
- E. If, upon a trial for the violation of this code, the judge of the Municipal Court shall find that a violation exists and that the defendant has had proper notice as provided in the Code and that the defendant has failed to abate the violation, the judge of the Municipal Court shall, in addition to any penalty assessed pursuant to Code Section **100.220** for violating this Code, make an order authorizing the appropriate City department(s) to abate such violation forthwith and immediately report the expense thereof to the judge of the Municipal Court who shall, as a part of the costs of such prosecution, render judgment against the defendant after opportunity for hearing for the amount of such expense, which shall be collected as other fines and costs.

Section 430.050 Administrative Search Warrants.
[Ord. No. 07-62 §2, 10-8-2007]

- A. *Search Warrant Defined — Who May Issue, Execute.*
 - 1. An administrative search warrant is a written order of the Municipal Judge commanding the search or inspection of any property, place or thing and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any ordinance or Code Section of the City of Republic relating to the use, condition or

occupancy of property or structures located within the City of Republic or to enforce the provisions of any such ordinance or Code Section.

2. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the municipality may issue an administrative search warrant when:
 - a. The property or place to be searched or inspected or the thing to be seized is located with the City of Republic at the time of the making of the application; and
 - b. The owner or occupant of the property or place to be searched or inspected or the thing to be seized has refused to allow same after official request by the City of Republic.
3. Any such warrant shall be directed to the Chief of Police or any other Police Officer of the City of Republic and shall be executed by the Chief of Police or said Police Officer within the City of Republic limits and not elsewhere.

B. *Who May Apply For Warrant — Contents Of Application.*

1. Any Police Officer or an attorney of the City of Republic may make application to the Municipal Judge for the issuance of an administrative search warrant.
2. The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State that the owner or occupant of the, property or places to be entered, searched, inspected or seized has been requested by the City of Republic to allow such action and has refused to allow such action;
 - e. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Subsection (C)(1) hereof, to:
 - (1) Search or inspect for violations of an ordinance or Code Section specified in the application; or
 - (2) Show that entry or seizure is authorized and necessary to enforce an ordinance or Code Section specified in the application and that any required due process has been afforded prior to the entry or seizure;
 - f. Be verified by the oath or affirmation of the applicant; and
 - g. Be signed by the applicant and filed in the Municipal Court.
3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered.

C. *Hearing and Procedure — Contents Of Warrant — Execution And Return.*

1. *Hearing and procedure.*

- a. The Municipal Judge shall hold a non-adversary hearing to determine whether probably cause exists to inspect or search for violations of any City of Republic ordinance or Code Section or to enforce any such ordinance or Code Section.
- b. In doing so the Municipal Judge shall determine whether the action to be taken by the City of Republic is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or Code Section sought to be enforced and such other factors as may be appropriate, including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant City of Republic ordinance or Code Section and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a City of Republic ordinance or Code Section.
- c. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search for violations of any City of Republic ordinance or Code Section or to enforce any such ordinance or Code Section, a search warrant shall immediately be issued.
- d. The warrant shall issue in the form of an original and two (2) copies and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Court.

2. *Contents of search warrant.* The search warrant shall:

- a. Be in writing and in the name of the City of Republic;
- b. Be directed to any Police Officer in the City of Republic;
- c. State the time and date the warrant was issued;
- d. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
- e. Command that the described property or places be searched or entered upon and that any evidence of any City of Republic ordinance violations found therein or thereon or any property seized pursuant thereto or a description of such property seized be returned, within ten (10) days after filing of the application, to the Municipal Judge who issued the warrant, to be dealt with according to law;
- f. Be signed by the Judge, with his title of office indicated.

3. *Execution and return.*

- a. A search warrant issued under this Section shall be executed only by a City of Republic Police Officer, provided however, that one (1) or more designated City of Republic officials may accompany the officer and the warrant shall be executed in the following manner:
 - (1) The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and

shall be executed as soon as practicable and in a reasonable manner.

- (2) The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant.
- (3) Receipt required — disposition of property seized.
 - (a) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
 - (b) A copy of the itemized receipt of any property taken shall be delivered to an attorney for the City of Republic within two (2) working days of the search.
 - (c) The disposition of property seized pursuant to a search warrant under this Section shall be in accordance with an applicable City of Republic ordinance or Code Section, but in the absence of same, then with Section 542.301, RSMo.
- (4) The officer may summon as many persons as he deems necessary to assist him in executing the warrant and such persons shall not be held liable as a result of any illegality of the search and seized.
- (5) An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he would be justified in using if the warrant were valid.
- (6) A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.

b.

- (1) After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court.
- (2) The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.
- (3) The return shall be accompanied by any photographs, copies or recordings made and by any property seized, along with a copy of the itemized receipt of such property required by this Section; provided however, that seized property may be disposed of as provided herein and in such a case a description of the property seized shall accompany the return.
- (4) The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.

D. *Warrant Invalid, When.* A search warrant shall be deemed invalid:

1. If it was not issued by the Municipal Judge;
2. If it was issued without a written application having been filed and verified;
3. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced

and such other factors as provided in Subsection (C)(1)(b) hereof;

4. If it was not issued with respect to property or places in the City of Republic;
5. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
6. If it is not signed by the Judge who issued it; or
7. If it was not executed and the required return made within ten (10) days after the date of the making of the application.

Section 430.060 Prosecution of Violations — Injunctive Relief.

[Ord. No. 07-62 §2, 10-8-2007]

- A. If a person violates this Chapter or if a notice of violation is not complied with within the time specified in any required notice, the City may cause a Municipal Court summons to be issued and the City Attorney may be instructed to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation.
- B. If it shall be the opinion of the City Administrator or the Director of Public Works that any building, structure or other condition is such that the danger to the traveling public or to the public ways is imminent, thereupon the City Administrator or City Attorney is hereby authorized to execute on behalf of the City such bonds or other instruments that may be necessary to secure immediate injunctive relief from the maintenance of such imminently dangerous building, structure or condition.

Section 430.070 Notice To Abate Violation.

[Ord. No. 07-62 §2, 10-8-2007]

A person notified as provided in this Code shall not fail, neglect or refuse to comply with the notice within the time specified in such notice. For every day from the time specified in the notice that such person shall fail, neglect or refuse to comply with the notice and for every day thereafter that such person shall fail, neglect or refuse to abate the violation, the person shall be deemed guilty of a separate offense. If the property has been posted with a notice to abate the violation, failure to give notice as set forth in this Chapter shall not in any way invalidate a lien against the land for charges to abate the violation.

Section 430.080 Emergency Abatement Procedures.

[Ord. No. 07-62 §2, 10-8-2007; Ord. No. 13-09 §2, 2-25-2013]

- A. Whenever conditions exist that create an immediate threat to the public health, welfare and safety by virtue of a violation of this Code, the Building Commission as established in Section **505.070** of this Code or such other official authorized by the City Code to deal with emergency or nuisance situations may, without notice or hearing, issue an order reciting the existence of an emergency and require that such action be taken as necessary to summarily abate the threat. Such order shall be effective immediately and shall direct the appropriate City department(s) to abate the violation if not forthwith abated by the property owner or person in control of the property. A copy of such order shall be delivered to the owner or person in control of the property where the violation exists. Any person to whom such an order is directed shall forthwith abate the violation. The inability to deliver the order to the property owner or person in control of the property shall not stay the order or prevent execution of the order.

- B. Upon an order being issued pursuant to Subsection (A), a notice and copy of the order shall be sent to all parties involved who have an interest in the property setting forth the nature of the emergency and the action to be taken under the order. The notice shall be mailed or personally delivered within five (5) business days of the order and the notice shall advise the parties of the right to file a petition with the City Clerk requesting a hearing. The request for hearing must be made within fifteen (15) days of the date of the order. The hearing shall be conducted before a hearing officer appointed pursuant to this Chapter and shall be held within ten (10) days of the request for hearing. The burden shall be on the petitioner to present evidence that an immediate threat to the public health, welfare and safety did not exist. The hearing officer may continue the order in effect, modify the order or revoke the order. The hearing may be continued upon a showing of good cause by any party.
- C. Whenever conditions exist that create a potential danger by virtue of a violation of this Code which if left unabated could quickly develop into an immediate threat to the public health and safety as described in this Section, the Building Commission or such other official authorized by the City Code to deal with emergency or nuisance situations may initiate an expedited hearing process. Written notice of the dangerous condition and of the date and time of the hearing shall be issued pursuant to Section **430.020** (A) and (C). The hearing may be held not less than five (5) days after posting and/or mailing of the notice of hearing. For purposes of this paragraph, a reasonable time in which to comply with the notice to correct the violation shall be five (5) days after issuance of the notice.
- D. Cost of abatement shall be assessed per Section **425.090**.
- E. In addition, injunctive relief may be sought as provided for in this Chapter.

Section 430.090 **Appeals.**

[Ord. No. 07-62 §2, 10-8-2007; Ord. No. 10-48 §1, 11-8-2010]

The decision of the administrative hearing officer shall be made in writing. In a contested matter, the decision shall be in conformity with Section 536.090, RSMo., and any party aggrieved by the decision of the administrative hearing officer may appeal to a court of competent jurisdiction as is set forth in Sections 536.100 and 536.110, RSMo. In a non-contested matter, any party aggrieved by the decision of the administrative hearing officer may appeal the decision pursuant to Section 536.150, RSMo. An appeal of an administrative decision shall not stay the effect of the hearing officer's decision.

Chapter 435

Annexation

Section 435.010 **Annexation Territory.**

[Ord. No. 07-39 §1, 5-29-2007]

- A. Property owners wishing to annex their property into the City of Republic shall fill out an application **and fee** and submit it to the Community Development Department. ~~The current processing fee is two hundred twenty-five dollars (\$225.00) subject to change by ordinance.~~ [Ord. No. 16-23 § 1, 11-28-2016]
- B. All properties annexed into the City shall immediately be classified in the zoning district that most closely corresponds to the County zoning district in which it was previously located or a zoning district which most closely defines the existing uses thereon. The existing zoning classification shall be made

known at the time of annexation.