

## **405.020 Definitions**

~~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. For the purpose of this Chapter, certain terms and words are to be used and interpreted as defined below:

### **ACCESSORY DWELLING UNIT (ADU)**

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

### **AFFIDAVIT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **DAY CARE**

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

#### **DAY CARE CENTER**

Is either:

3. A family home where more than ten (10) children are cared for, not related to the

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

**DECIDUOUS**

A plant with foliage that is shed annually.

**DECK**

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

**DECK, ELEVATED**

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

**DISTRICT**

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

**DROPLINE**

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

**DWELLING**

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

**DWELLING, MULTIPLE**

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

**DWELLING, SINGLE-FAMILY**

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

**DWELLING, TWO-FAMILY**

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

**ECOSYSTEM**

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

**ENTITY**

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

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

**EVERGREEN**

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

**EXTERIOR STRUCTURAL ALTERATION**

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

## **FAMILY**

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

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

## **FILLING STATION**

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

## **FLOOR AREA**

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

## **FRONTAGE**

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

## **FURNISH**

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

## **GARAGE, PRIVATE**

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

## **GARAGE, PUBLIC**

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

## **GARAGE, STORAGE**

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

## **GRADE**

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

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

#### **GROUND COVER**

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

#### **GROUP HOME**

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

#### **GUYED TOWERS**

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

#### **HEDGE**

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

#### **HOME OCCUPATION**

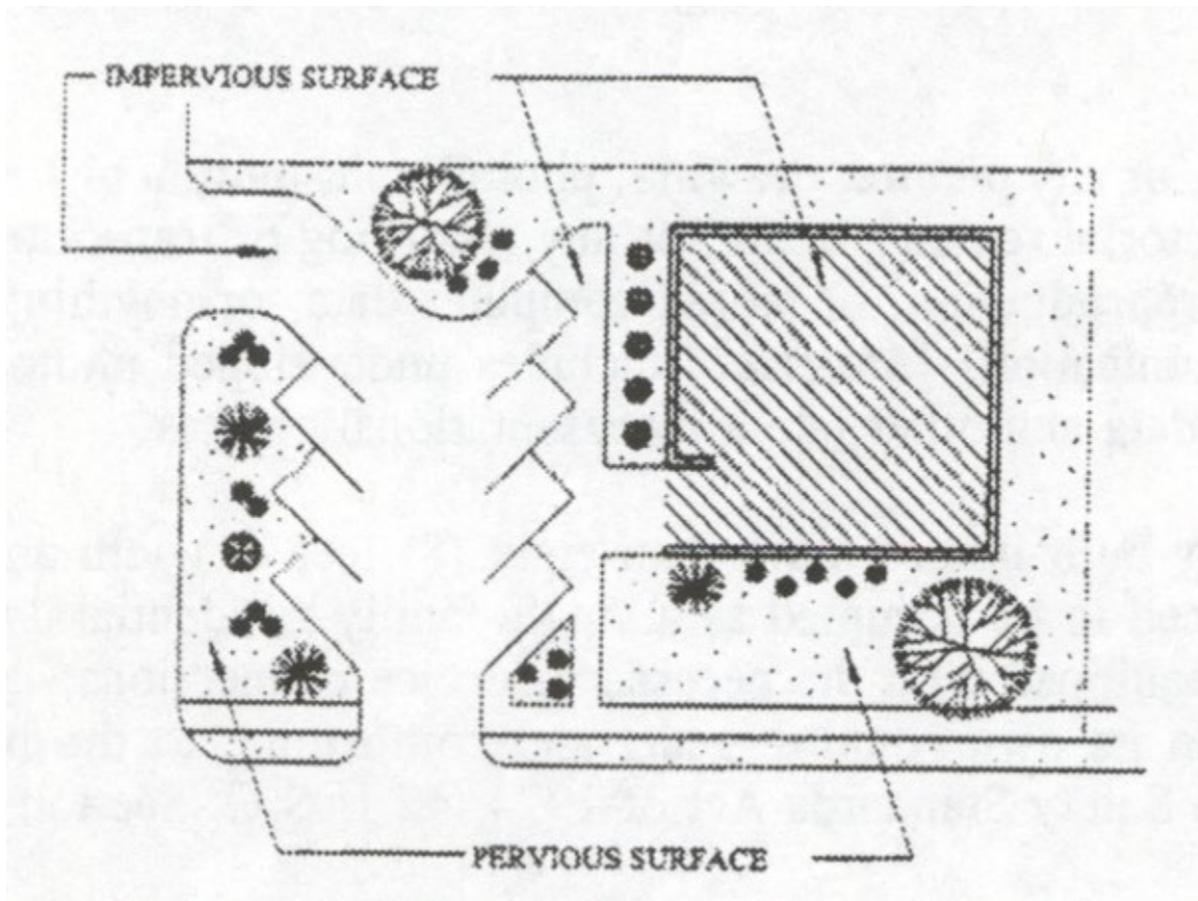
Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member(s) of a family residing on the premises.

#### **HOTEL**

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

#### **IMPERVIOUS, PERVIOUS SURFACE**

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



**INSTITUTION**

A non-profit establishment for public use.

**IRRIGATION SYSTEM**

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

**LATTICE TOWER**

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

**LOADING SPACE**

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

**LODGING HOUSE or ROOMING HOUSE**

Same as "Boarding House."

**LOT**

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

**LOT OF RECORD**

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

**LOT, CORNER**

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

**LOT, DOUBLE FRONTAGE**

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

**MANUFACTURED HOMES**

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

**MARIJUANA or MARIHUANA**

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

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

**MARIJUANA-INFUSED PRODUCTS**

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

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

**MATERIAL**

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

**MEDICAL MARIJUANA CULTIVATION FACILITY**

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

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

**MEDICAL MARIJUANA DISPENSARY FACILITY**

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

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

**MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY**

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

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

**MEDICAL MARIJUANA TESTING FACILITY**

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

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

**MEDICAL USE**

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

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

**MOBILE HOME**

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

**MODULAR HOME**

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

**MONOPOLE TOWER**

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

**MOTEL**

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

**MULCH**

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

**NON-CONFORMING USE**

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

**OPEN SPACE**

Open space shall be interpreted to mean:

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

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

**OVERNIGHT SHELTER**

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

**PARKING AREA**

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

**PARKING SPACE**

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

**PERFORMANCE**

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

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

**PERIMETER, LANDSCAPING**

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

## **PERVIOUS SURFACE**

See "Impervious Surface."

## **PLANT COMMUNITY**

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

## **PLANT SPECIES – PROHIBITED**

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

## **PORTABLE BUILDING**

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

## **PREMISE**

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

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

## **PRESERVE AREAS**

Vegetative areas required to be preserved by law.

## **PRINCIPAL STRUCTURE**

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

## **PROMOTE**

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

## **SCREEN**

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

## **SETBACK**

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

## **SETBACK, SIDE STREET**

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

street located on the side of the structure.

### **SEXUALLY ORIENTED BUSINESS**

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

### **SHADE TREE**

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

### **SHRUB**

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

### **SIGHT (VISIBILITY) TRIANGLE**

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

### **STORAGE, PERSONAL OR SELF STORAGE**

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

### **STORY**

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

### **STORY, HALF**

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

### **STREET**

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

### **STREET LINE**

A dividing line between a lot and a contiguous street.

### **STRUCTURAL ALTERATIONS**

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

### **STRUCTURE**

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

## **STRUCTURES, ACCESSORY**

A structure that:

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

## **TOWER or COMMUNICATION TOWER**

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

## **TRAILER OR MOBILE HOME**

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

## **TRAILER PARK**

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

## **TREE**

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

## **UNDERSTORY**

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

## **USE**

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

## **VEGETATION, NATIVE**

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

## **VEHICLE ACCOMMODATION AREA**

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

## **VIABLE**

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

### **WHOLESALE PROMOTE**

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

### **WOODLANDS, EXISTING**

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

### **XERISCAPE**

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

### **YARD**

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

### **YARD, FRONT**

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

### **YARD, REAR**

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

### **YARD, SIDE**

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

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

### **HISTORY**

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

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

## 405.640 Accessory Structures

- A. *Permitted Accessory Structures.* Any structure or use that meets the definition in Section **405.020** may be allowed as an accessory structure.
1. Accessory structures shall include, but are not limited to, the following permitted structures:
    - a. Structures incidental to a principal structure, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
    - b. Barn.
    - c. Playhouse.
    - d. Greenhouse.
    - e. Pool and bathhouses.
- B. *Use Limitations.* All accessory structures shall comply with the use limitations applicable in the zoning district in which they are located and with the following additional use limitations:
1. Accessory structures shall ~~not neither~~ be constructed ~~and nor~~ 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 **and complies with the regulations stipulated in Section 405.648. [Ord. No. 19-25, 12-10-2019]**
  4. **Accessory structures shall not be placed or constructed in any easement without the permission of the Administrator of the BUILDS Department or their designee.**
  5. **Accessory Structures constructed in an Agricultural (AG) Zoning District.**
    - a. **May be constructed on a lot not occupied by a principal structure.**
    - b. **May be located in the required front yard as long as the accessory structure is agriculture in nature. Accessory structures located in the front yard shall abide by the zoning district's setback requirements as set forth in Article 405-V Height and Area Regulations of this chapter.**
- C. *Bulk, Setback And Spacing Regulations.* All accessory structures shall comply with the bulk, setback and spacing regulations applicable in the zoning district in which they are located and with the following additional regulations: **[Ord. No. 19-25, 12-10-2019]**
1. Accessory structures shall be set back a minimum of three (3) feet from the rear property lines.
  2. Accessory structures shall be set back a minimum of three (3) feet from the side property lines.
  3. ~~Accessory structures shall otherwise comply with the bulk regulations applicable in the zoning district in which they are located.~~
  4. ~~Accessory structures which include habitable spaces shall maintain the same setbacks as is required for the principal structure located on the lot. This only applies to accessory structures in the following zoning districts: Single Family Low Density ("R1-L"), Single Family Medium Density ("R1-M"), Single Family High Density ("R2-H"), and Two Family Residential ("R-2"). Habitable spaces, as used in this Section, refers to any building space that is used for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closet, halls, storage or utility spaces and similar areas are not considered habitable spaces.~~
  3. Excepting swimming pools, spas, ~~pergolas, and unwallled carports,~~ **and** accessory structures **not enclosed by walls (i.e., but not limited to, pergolas and unwallled carports)** shall not be constructed closer than ten (10) feet of the principal structure on the lot.

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

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

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

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

HISTORY

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

## 405.643 Decks

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

- a. To determine the height of a deck it shall be measured from grade to the top of the decking.

5. Bulk. Shall abide by the following bulk requirements.

- a. Shall not exceed seven percent (7%) of the total area of the lot in combination with other accessory structures.

## 405.648 Accessory Dwelling Units (ADUs)

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

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

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

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

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

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

### D. Development Standards

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

or any other accessory structure on the lot.

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