

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, TITLE IV “GOVERNMENT CODE”, CHAPTER 405 “ZONING REGULATIONS”, ARTICLE 405-I “IN GENERAL” AND ARTICLE 405-III “ZONING DISTRICTS – USE AND REGULATIONS”, SECTION 405.020 “DEFINITIONS”, SECTION 405.150 “C-1 LOCAL COMMERCIAL DISTRICT REGULATIONS”, SECTION 405.165 “C-3 GENERAL COMMERCIAL DISTRICT”, SECTION 405.170 “M-1 LIGHT INDUSTRIAL DISTRICT REGULATIONS”, AND SECTION 405.180 “M-2 HEAVY INDUSTRIAL DISTRICT REGULATIONS”

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City routinely reviews its Municipal Code to ensure conformity with governing state and federal law, enhance clarity, and eliminate ambiguity, as well as to the further promote the City’s mission, vision and values in the best interests of the City and its citizenship body as a whole; and

WHEREAS, the voters of the State of Missouri recently approved an amendment to the Missouri Constitution legalizing certain possession, consumption, distribution, production, purchase and sale of marijuana for ‘adult use’ (herein, “Amendment 3”), effective as of December 8, 2022; and

WHEREAS, the City has identified a need to amend the existing City Municipal Code provisions on zoning regulations in order to ensure conformity with the provisions and purpose(s) of Amendment 3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: Title I “Government Code”, Chapter 405 “Zoning Regulations”, Article 405-I “In General” and Article 405-III “Zoning Districts – Use and Regulations”, is hereby amended by amending Sections 405.020 “Definitions”, 405.150 “C-1 Local Commercial District Regulations”, 405.165 “C-3 General Commercial District”, 405.170 “M-1 Light Industrial District Regulations”, and 405.180 “M-2 Heavy Industrial District Regulations” to read as follows:

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:

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

AGRICULTURAL SALES AND SERVICE A use primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition

excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY A facility licensed by the Missouri Department of Health and Senior Services or its successor agency to acquire, process, package, store, manufacture, transport to or from a medical facility,

comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

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

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

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

DAY CARE

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

DAY CARE CENTER Is either:

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.

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. The sale of oils or accessories, including lubrication of automobiles and replacement and installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or painting.

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

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

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

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

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

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

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

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

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

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

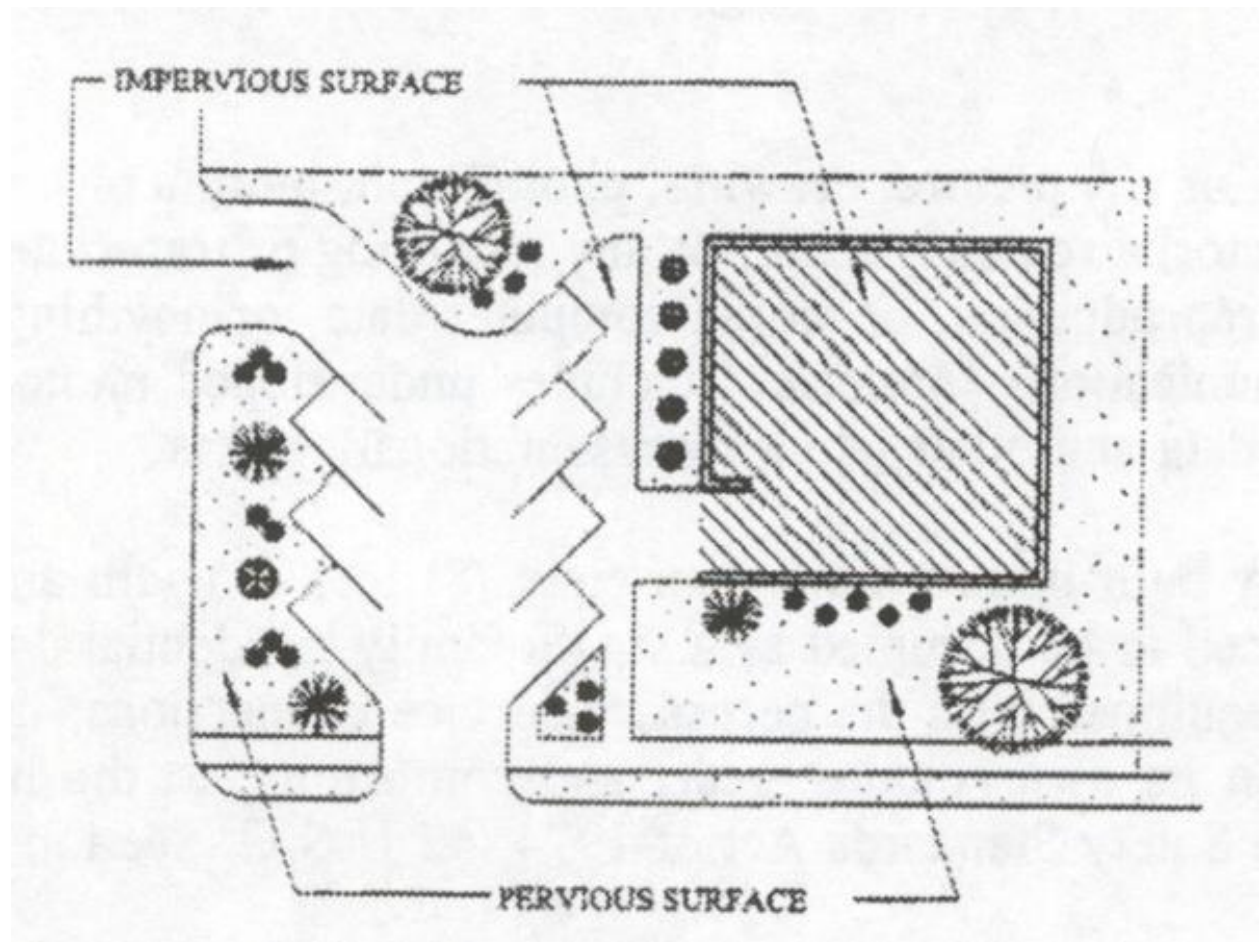
HEDGE A landscape barrier consisting of a continuous, dense planting of shrubs.

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

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

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

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



INSTITUTION A non-profit establishment for public use.

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

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

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

LODGING HOUSE or ROOMING HOUSE Same as "Boarding House."

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

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

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

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

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

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

MARIJUANA-INFUSED PRODUCTS ~~Products that are infused and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates~~ Products that are infused, dipped, coated, sprayed, or mixed 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 products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

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

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

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

MEDICAL MARIJUANA DISPENSARY FACILITY A facility licensed by the Department of Health and Senior Services or its successor agency, to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in ~~the~~ Article XIV of the Missouri Constitution to a qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a medical marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY A facility licensed by the Department of Health and Senior Services, to acquire, process, package, store on site or off site,

manufacture, transport to and from, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

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

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.

MICROBUSINESS DISPENSARY FACILITY A facility licensed by the Missouri Department of Health and Senior Services or successor agency to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for by Article XIV of the Missouri Constitution to a consumer, qualifying patient, as that term is defined by Article XIV of the Missouri Constitution, or primary caregiver, as that term is defined by Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of Article XIV of the Missouri Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

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

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

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

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

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

MULCH 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.

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:

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

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

PRESERVE AREAS Vegetative areas required to be preserved by law.

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

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

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

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

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

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

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

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

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

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

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

STREET LINE A dividing line between a lot and a contiguous street.

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

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

STRUCTURES, ACCESSORY A structure that:

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.

405.150 "C-1" Local Commercial District Regulations

A. *Purpose.* The intent of the "C-1" Commercial District is to permit retail and service related business with a compatible location adjacent to similar uses.

B. *Uses Permitted.*

1. Automobile parts and accessory stores when entirely enclosed within the building.
2. Accessory building or use.
3. Bar or tavern
4. Bowling alley; dance halls; video game arcades; billiard parlors; roller-skating; ice-skating; or movie theaters, excluding drive-in theaters.
5. Churches or other places of worship, including parish houses, Sunday schools and temporary outdoor revivals, on a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, bufferyards and proper site design to lessen impact on adjoining residential neighborhoods. The requirements of Article VI and X regarding parking, loading, landscaping, and open space shall be required. Overnight shelters shall not be permitted.
6. **Comprehensive marijuana dispensary facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
6. 7. Convenience store.
7. 8. Day-care center.
8. 9. General retail businesses including pawn shops and second-hand stores; pet stores; print shops and photocopying establishments; restaurants including drive-in, pick-up, and drive-up facilities; doughnut shops; package liquor; book; tobacco; furniture; appliance; drug; grocery; flower; jewelry; clothing.
9. 10. Government buildings and associated uses.
11. 11. Medical marijuana dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

12. Microbusiness dispensary facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

11. 13. Motel, Hotel, Inn or related place of lodging.

12. 14. Off-street parking lot.

13. 15. Office or office buildings including health clinics, medical doctors and dental offices; hospitals; banks; financial institutions including automatic teller machines and drive-thru facilities; accountants; real-estate; engineering; architecture and other professional service offices.

14. 16. Personal service establishments including beauty parlors; barbershops; custom tailoring; dry cleaning and laundry pick-up; shoe repair; self-service laundromats; express or mailing offices; hearing aid and eye glass shops.

15. 17. Private schools and studios for art, dance, drama, music or photography and private and publicly funded schools, preschools and daycare facilities.

16. 18. Residential uses provided such uses are located above the first floor or behind non-residential uses in a single attached mixed-use building, so as to create a continuous non-residential facade, on the first-floor level along all street frontages.

17. 19. Temporary or seasonal tents or trailers pertaining to the sale of Christmas trees, pumpkins, plants, flowers, fruits and vegetables. The sale of merchandise from traveling vendors under tents or other temporary facilities are not permitted except by issuance of a special use permit. Temporary facilities shall not be permitted beyond a three (3) month period per year, unless permitted as a permanent structure.

18. 20. Temporary, portable food and drink carts or stands, etc. not to include the use of tables or dining areas for the public. Temporary facilities shall not be permitted beyond a three (3) month period per year and shall further be subject to the issuance of a building permit for such uses.

19. 21. Undertaking establishments.

20. 22. Veterinarian, dog grooming, boarding, pet daycare, or similar place of animal care, provided that only treatment or care be given to animals kept within the building. No outside cages, kennels, fences, equipment, materials, or accessories to the business shall be stored outside or used on the premises.

C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.

D. *Design Standards.*

1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.

2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.

3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.
5. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.

405.165 "C-3" General Commercial District

- A. 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.
- 43. Comprehensive marijuana dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**

44. Microbusiness dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

~~43.~~ **45.** General retail businesses including pawn shops and second-hand stores; pet stores; print shops and photocopying establishments; restaurants including drive-in, pick-up, and drive-up facilities; doughnut shops; package liquor; book; tobacco; furniture; appliance; drug; grocery; flower; jewelry; clothing.

~~44.~~ **46.** Bar or tavern

C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.

D. *Design Standards.*

1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.

2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.

3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.

4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.

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

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

405.170 "M-1" Light Industrial District Regulations

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

B. *Uses Permitted.*

1. Any use permitted in a "C-2" Zoning District.

2. Industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, odor, gas, smoke or noise is emitted and not more than fifty percent (50%) of the lot is used for the open storage of products, materials or equipment.

3. Any establishment which provides for the manufacture and/or shipping of products or goods relating to the manufacturing of brooms; candles; carpet; clothing; creamery or dairy products; bottling plant, furniture; ice; insulation; various machines; mattresses; pharmaceuticals; paper; textiles; or similar manufacturing of preassembled parts.
4. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service.
5. Agriculture implements sales and service, excluding the storage of scrap or wrecked tractors; parts; and associated agriculture implements.
6. Auto or vehicle racing tracks, including go-carts, motorcycle or relating events or attractions given that such use is located not less, than two thousand (2,000) feet from any residential district.
7. Mobile home, manufactured or modular homes sales, excluding the manufacturing of the same.
8. *Communication towers.* Communication towers shall be located in accordance with the following restrictions:
 - a. *Setbacks.* The following setbacks shall apply to all communication towers:
 - (1) The minimum setback from all property lines shall equal to fifty percent (50%) of the height of the tower.
 - (2) The minimum setback from the edge of any existing or planned right-of-way shall be eighty (80) feet.
 - (3) The minimum setback from any residential district shall be two hundred (200) feet.
 - (4) Peripheral supports and guy anchors for towers may be located within required setbacks, provided that they shall be entirely within the boundaries of the property on which the tower is located and shall be no closer than fifty (50) feet from any residential district.
 - b. *Height.* The principal support structure for communication towers shall be permitted to exceed the height limit of the zoning district in which it is located, provided that setback standards of this section shall apply.
 - c. A security fence or wall of not less than seven (7) feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:
 - (1) Access to the tower shall be through a locked gate in the required fence or wall.

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

(or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

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.

11. Comprehensive marijuana-infused products manufacturing facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.

D. *Design Standards.*

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

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.
 7. **Comprehensive marijuana cultivation facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
 8. **Microbusiness wholesale facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.**
- C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
- D. *Design Standards.*
1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.
 2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.
 3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
 4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.

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

EXPLANATION(S) - Matter in **bold underlined** type in the above is added language. Matter in ~~strikethrough~~ in the above is deleted.

- Section 2:** All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.
- Section 3:** All ordinances and parts of ordinances in conflict herewith are hereby repealed.
- Section 4:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 5:** The WHEREAS clauses above are specifically incorporated herein by reference.
- Section 6:** The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 7:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2023.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney