

TITLE IV. LAND USE

CHAPTER 400: ZONING REGULATIONS

Cross References—As to buildings generally, see ch. 500; as to mobile homes and mobile home parks generally, see ch. 410; as to subdivision of land generally, see ch. 405; the town boundaries and all annexation ordinances shall be on file in the city offices; all zoning district boundaries and changes shall be on file in the city offices.

ARTICLE I. IN GENERAL

SECTION 400.010: PURPOSE OF REGULATIONS—DISTRICTS ESTABLISHED

For the purpose of promoting the health, safety, morals and general welfare of the community, by regulating and restricting the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, regulating and restricting the location of trades and industries and the location and design of buildings for specific purposes, regulating and limiting the height and bulk of buildings, the area of yards and other open spaces and regulating and limiting the density of population, the City is hereby divided into districts, as follows:

District "A"—first residential district (single-family)

District "B"—second residential district (multiple dwellings)

District "MD"—third residential district (medium density)

District "AG"—fourth residential district (agricultural)

District "MH"—fifth residential district (manufactured home)

District "C"—local business district (retail and local service)

District "LC"—light commercial district (retail and local service)

District "D"—industrial district (manufacturing plants and heavy industry)

District "LD"—light industrial district (manufacturing plants and light industry)

(CC 1979 §32-1; Ord. No. A-1867 §1, 2-22-84; Ord. No. A-6476 §1, 3-13-97; Ord. No. A-6629, 2-5-98)

SECTION 400.020: ZONING DISTRICT MAP—CLASSIFICATION OF ANNEXED AREAS

- A. The boundaries of the districts as enumerated and classified in Section 400.010 are hereby established and adopted as shown upon a map on file in the office of the City Clerk, which map is hereby made a part of this Chapter and is hereby designated as the "Zoning District Map". Such map, and all the notations, references and information shown thereon, are hereby made as much a part of this Chapter as if the same were set forth in full herein. It shall be the duty of the City Clerk

to keep on file in his/her office the original of such District Map and duplicate copies thereof, showing all the changes, amendments or additions thereto.

- B. When definite distances in feet are not shown on the Zoning District Map, the district boundaries on the Zoning District Map are intended to be along existing street, alley or plotted lot lines, or extensions of the same, and if the exact location of such line is not clear, it shall be determined by

the Zoning and Planning Commission, due consideration being given to location, as indicated by the scale of the Zoning District Map.

- C. Any area which may after August 8, 1961, be annexed to the City shall, unless otherwise provided by the Commission, be deemed to be of District "A" classification.
(CC 1979 §32-2; Ord. No. A-1867 §2, 2-22-84)

SECTION 400.030: COMPLIANCE WITH DISTRICT REGULATIONS

Except as provided in this Chapter:

- .1. No buildings or structures shall be erected, moved, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose, other than is permitted in the district in which such building, structure or land is situated.
- .2. No building or structure shall be erected, moved, extended, enlarged, reconstructed or structurally altered to violate the height or area limit established in this Chapter for the district in which such building or structure is situated.
- .3. No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.
- .4. Notwithstanding any other provisions set forth in this Chapter, accessory buildings, including garages, utility buildings located on lots used for residential purposes in Zoning Districts "A" (single-family), "B" (multiple dwelling), "C" (local business) and "D" (industrial), when said accessory buildings are not constructed as an integral part of the main building located on said residential lots and are no larger than twenty-five (25) feet by twenty-five (25) feet and do not exceed one (1) story in height, shall be located on lots in the City of Monett so as to provide the following minimum setback or clearance distances, to-wit:
 - .4.a. Side setback on interior lots—a minimum of three (3) feet;
 - .4.b. Side setback on corner lots—same as side yard widths established in this Chapter for residences;
 - .4.c. Rear setback for all lots—a minimum of ten (10) feet.

Accessory buildings which are larger than twenty-five (25) feet by twenty-five (25) feet or which exceed one (1) story in height shall comply with the minimum setback or clearance distances otherwise established by this Chapter.

- .5. Fences within fifteen (15) feet of a City street right-of-way line shall not exceed forty-eight (48) inches in height. Except in District "AG", barbed wire fences and electric fences shall not be built. (CC 1979 §32-3; Ord. No. A-1867 §3, 2-22-84; Ord. No. A-5667 §1, 3-10-93; Ord. No. A-6743 §1, 9-16-98; Ord. No. A-7098, 10-26-01; Ord. No. 7669 §1, 6-20-06; Ord. No. 7874 §§1–2, 8-20-08)

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Zoning Regulations

RESIDENTIAL

**ARTICLE II. DISTRICT "A"–FIRST
(SINGLE-FAMILY) DISTRICT**

SECTION 400.040: USE REGULATIONS

A. In District "A", no building, structure, land or premises shall be used, and no building or structure shall be erected, moved, constructed or altered, except for one (1) or more of the following uses:

A.1. *One-family private residences.* "One-family" shall be defined as one (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit, cost sharing basis; shall include, but not be limited to, any home in

which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; and shall include, but not be limited to, any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.

- A.2. Public schools, public parks and playgrounds, golf courses, except miniature golf courses, driving ranges and similar activities operated as a business, museums, libraries, recreational buildings, fire stations or other public buildings of uses owned, controlled and operated exclusively by the City, the State or the United States.
- A.3. Accessory buildings, including a private garage, when situated upon the same lot with the main building and not less than sixty (60) feet from the front street line and, in the case of corner lots, no closer to the side street than is permitted for residences on that lot; except, that a private garage may be constructed as an integral part of the main building, subject to the height and area regulations of the main building.
- B. No billboards, signboards or advertising signs shall be permitted; except that a "For Sale" or "For Rent" sign no larger than four (4) square feet may be used and, during construction of a building, one (1) sign no larger than eight (8) square feet may be used advertising contractors or architects of such building. (CC 1979 §32-4; Ord. No. A-1867 §1, 2-22-84)

SECTION 400.050: HEIGHT AND AREA REGULATIONS

In District "A", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

- .1. *Height.* No building erected or structurally altered after August 8, 1961, shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as otherwise provided in this Chapter.
- .2. *Rear yard.* The depth of the rear yard shall be not less than twenty percent (20%) of the depth of the lot; provided that such depth need not be more than twenty (20) feet.
- .3. *Front yard.* There shall be a front yard not less than twenty percent (20%) of the depth of the lot, but such front yard need not be more than twenty-five (25) feet, except as otherwise provided in this Chapter.
- .4. *Side yard.* There shall be a side yard on each side of a building not less than ten percent (10%) of the width of the lot, but in no event less than seven (7) feet in width. Buildings on corner lots where interior lots have been platted on side streets shall provide a side yard adjacent to the side of the street of not less than fifty percent (50%) of the front yard established for buildings on interior lots on the side street; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot of record on August 8, 1961, to less than sixty-five percent (65%) of the total width of such lot; provided further, that the minimum side yard regulations in this Section must be observed. Accessory buildings on corner lots, where interior lots have been platted on side streets, shall not project beyond the front yard line established on

the side street; provided, that this regulation shall not reduce the buildable width to less than twenty (20) feet.

- .5. *Lot area per family.* Every building or portion of a building erected, moved or altered for residence purposes in District "A" after August 8, 1961, shall provide a lot area of not less than seven thousand five hundred (7,500) square feet per family, with a frontage of not less than sixty (60) feet; provided, that where a lot, any contiguous lots or any tract has less area than herein required in separate ownership on such date, this regulation shall not prohibit the erection of a one-family dwelling on such lot, contiguous lots or tract.
- .6. *House area per lot and family.* Every building or portion of building erected, moved or altered for residence purposes in District "A" after August 8, 1961, shall contain not less than eight hundred (800) square feet of floor space, exclusive of garage or carport, per family.
- .7. *Garage area per lot.* In District "A", no private garage shall provide storage for more than one (1) vehicle for every three thousand (3,000) square feet of lot area. (CC 1979 §32-5; Ord. No. A-1867 §4, 2-22-84; Ord. No. A-5055 §1, 11-30-88)

Cross Reference—As to residences using a private sewage disposal system, see §400.130.

RESIDENTIAL

**ARTICLE III. DISTRICT "B"—SECOND
(MULTIPLE DWELLING) DISTRICT**

SECTION 400.060: USE REGULATIONS

- A. In District "B", no building, structure, land or premises shall be used, and no building or structure shall be erected, moved, constructed or altered, except for one (1) or more of the following uses:
 - A.1. Any use permitted in District "A".
 - A.2. Apartment houses.
 - A.3. Boardinghouses or lodging houses.
 - A.4. Churches.
 - A.5. Farming or truck gardening; provided, that no obnoxious fertilizers are stored or used on the premises.
 - A.6. Fraternity or sorority houses.
 - A.7. Hospitals, sanitariums or clinics, other than for tubercular, alcoholic, narcotic, or insane patients.
 - A.8. Mortuaries.
8. Music studios providing instruction in musical skills and selling music and musical instruments in conjunction with such instruction; provided, that such music studios are not offensive by reason of excessive noise.

A.9. Nurseries and greenhouses; provided, that no obnoxious fertilizers are stored or used on the premises.

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- A.10. Philanthropic or eleemosynary uses or institutions, other than a penal or correctional institution.
- A.11. Private clubs, except clubs the chief activity of which is a service customarily carried on as a business.
- A.12. Telephone business and switchboard office and related facilities; provided, that no building or structure constructed or used for such purpose shall be located nearer than five (5) feet from the lot line of any immediately adjoining and contiguous lot, upon which a residence or dwelling house is situated at the time a building or structure is constructed or first used for such purpose, and that no such building or structure shall be situated nearer to the street than any residence located upon an immediately adjoining and contiguous lot.
- A.13. Two-family private residences.
- A.14. Private or parochial schools, colleges and universities.
- A.15. Hotels and apartment hotels, including only such facilities as are customarily required for the operation of a hotel or apartment hotel or for the use of or entertainment of guests or tenants; provided, that such facilities are conducted and entered from within the building; provided further, that no window or other display or sign is used to advertise the same.
- A.16. Customary home occupations, such as the office of physician, dentist, surgeon, veterinarian, dressmaker, caterer, musician, artist, beautician or barber, under the following restrictions: That such uses are located in the dwelling used by a person as his/her private residence; that no assistant, except that of a receptionist or secretary, other than a member of the family household, is employed; and that no window display or sign, either illuminated or more than one (1) square foot in area, is used to advertise the same.
- A.17. One (1) realtor with no more than one (1) employee with off-street parking.
- A.18. Patio-homes (zero-lot-line homes) under the following conditions:
 - A.18.a. Two-unit homes are allowed, with each side under separate ownership.
 - A.18.b. The lot line shall be the common dividing line.
 - A.18.c. On the common dividing line (common lot line) a residential firewall as defined in the International Building Code shall be built as the separation wall.
 - A.18.d. Each unit shall have a separate water meter, electrical meter, gas meter (if gas service is desired), sewer service line, driveway, address, and sanitation container.
 - A.18.e. Minimum lot area per unit is three thousand seven hundred fifty (3,750) square feet.
 - A.18.f. All height and area regulations shall be the same as other District "B" regulations except the side setback distance on the common dividing line (common lot line) shall be zero (0). Frontage for residential patio homes shall be not less than fifty (50) feet along the City street right-of-way for each individual lot.

A.18.g. Patio homes larger than two (2) units shall not be allowed.

- B. The Zoning and Planning Commission may permit community garages in District "B", under the following limitations:
- B.1. Such building shall be set back from the street line a distance of not less than ten (10) feet greater than the building line established by this Chapter.
 - B.2. No commercial vehicles shall be housed in such community garages.
 - B.3. Vehicles may be washed therein, but no commercial use of its premises shall be permitted.
 - B.4. Such building shall not provide space for the storage of more than the total number of vehicles permitted by this Chapter to be stored on the lots served by such garage.
 - B.5. Access thereto, if from the street, shall be by not more than one (1) driveway. (CC 1979 §32-6; Ord. No. A-1867 §5, 2-22-84; Ord. No. A-1905 §3, 4-5-62; Ord. No. A-4188 §1, 9-4-80; Ord. No. A-6205 §1, 11-16-95; Ord. No. 7370, 12-19-03; Ord. No. 7520 §1, 1-31-05)

SECTION 400.070: HEIGHT AND AREA REGULATIONS

In District "B", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot used for residential purposes shall be as follows:

- .1. *Height.* No building erected or structurally altered after August 8, 1961, shall exceed three (3) stories or forty-five (45) feet in height, except as otherwise provided in this Chapter.
- .2. *Rear yard.* The depth of the rear yard shall be not less than twenty percent (20%) of the depth of the lot; provided, that such depth need not be more than twenty (20) feet.
- .3. *Front yard.* Same as District "A".
- .4. *Side yards.* Same as District "A".
- .5. *Lot area per family.* Every building or portion of building erected, moved or altered for residential purposes in District "B" after August 8, 1961, shall provide a lot area per family as specified in District "A", in the case of one-family dwellings, three thousand seven hundred fifty (3,750) square feet per family in two-family dwellings and not less than one thousand (1,000) square feet per family in apartment houses.
- .6. Frontage for every building or structure used for residential purposes shall be not less than sixty (60) feet, along the City street right-of-way. Frontage for residential patio homes shall be not less than fifty (50) feet along the City street right-of-way for each individual lot.
- .7. *Garage area per lot.* No private garage shall provide space for storage for more than one (1) vehicle for each one thousand (1,000) square feet of lot area. (CC 1979 §32-7; Ord. No. A-1867 §5, 2-22-84; Ord. No. A-6432 §1, 1-31-97; Ord. No. 7520 §2, 1-31-05)

RESIDENTIAL

**ARTICLE III-A. DISTRICT "MD"–THIRD
(MEDIUM DENSITY) DISTRICT**

SECTION 400.071: USE REGULATIONS

- A. In District "MD" (Medium Density), no building, structure, land or premises shall be used, and no building or structure shall be erected, moved, constructed or altered, except for one (1) or more of the following uses:
- A.1. *One-family private residences.* "One-family" shall be defined as one (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit, cost sharing basis; shall include, but not be limited to, any home in which eight (8) or fewer unrelated mentally or physically handicapped persons 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; and shall include, but not be limited to, any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.
- A.2. Public schools, public parks and playgrounds, golf courses, except miniature golf courses, driving ranges and similar activities operated as a business, museums, libraries, recreational buildings, fire stations or other public buildings of uses owned, controlled and operated exclusively by the City, the State or the United States.

- A.3. Accessory buildings, including a private garage, when situated upon the same lot with the main building and not less than sixty (60) feet from the front street line, and in the case of corner lots, no closer to the side street than is permitted for residences on that lot; except; that a private garage may be constructed as an integral part of the main building, subject to the height and area regulations of the main building.
- B. No billboards, signboards or advertising signs shall be permitted; except that a "For Sale" or "For Rent" sign may be used and, during construction of a building, one (1) sign may be used for advertising contractors, developers, or architects of such building. (Ord. No. A-6456 §400.055, 2-28-97)

SECTION 400.072: HEIGHT AND AREA REGULATIONS

In District "MD" (Medium Density), the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

1. *Height.* No building erected or structurally altered after August 8, 1961, shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as otherwise provided in this Chapter.
2. *Rear yard.* The depth of the rear yard shall be not less than twenty percent (20%) of the depth of the lot; provided that such depth need not be more than twenty (20) feet.
3. *Front yard.* There shall be a front yard not less than twenty percent (20%) of the depth of the lot, but such front yard need not be more than twenty-five (25) feet, except as otherwise provided in this Chapter.
4. *Side yard.* There shall be a side yard on each side of a building not less than ten percent (10%) of the width of the lot, but in no event less than seven (7) feet in width. Buildings on corner lots where interior lots have been platted on side streets shall provide a side yard adjacent to the side of the street of not less than fifty percent (50%) of the front yard established for buildings on interior lots on the side street; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot of record on August 8, 1961, to less than sixty-five percent (65%) of the total width of such lot; provided further, that the minimum side yard regulations in this Section must be observed. Accessory buildings on corner lots, where interior lots have been platted on side streets, shall not project beyond the front yard line established on the side street; provided, that this regulation shall not reduce the buildable width to less than twenty (20) feet.
5. *Lot area per family.* Every Medium Density building or portion of a building erected, moved or altered for residence purposes in District "MD" after August 8, 1961, shall provide a lot area of not less than six thousand (6,000) square feet per family, with a frontage of not less than sixty (60) feet; provided, that where a lot, any contiguous lots or any tract has less area than herein required in separate ownership on such date, this regulation shall not prohibit the erection of a one-family dwelling on such lot, contiguous lots or tract.

- .6. *House area per lot and family.* Every "MD" building or portion of building erected, moved or altered for residence purposes in District "MD" after August 8, 1961, shall contain not less than eight hundred (800) square feet of floor space, exclusive of garage or carport, per family.

- .7. *Garage area per lot.* In District "MD", no private garage shall provide storage for more than one (1) vehicle for every three thousand (3,000) square feet of lot area.
- .8. Street design shall be in accordance with Chapter 405, "Subdivision of Land". (Ord. No. A-6457 §400.056, 2-28-97; Ord. No. A-6524 §1, 6-20-97; Ord. No. 7305, 4-14-03)

RESIDENTIAL

**ARTICLE III-B. DISTRICT "AG"—FOURTH
(AGRICULTURAL) DISTRICT**

SECTION 400.073: USE REGULATIONS

- A. In District "AG" (Agricultural), no building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:
 - A.1. Any use permitted in District "A".
 - A.2. Farming, dairy farming, row-crop farming, livestock (cows, horses, goats, and other customary farm animals), game birds, pasture, orchards, horticulture, and all uses commonly classed as agricultural. (Exceptions: No feed lots, no confined animal operations, no hogs or swine, no commercial poultry operations.)
 - A.3. Fish, hatcheries, apiaries, aviaries, stables, kennels.
 - A.4. Fishing lakes, picnic groves. (Exceptions: No concession sales, no retail sales.)
 - A.5. Forest and wildlife reservations, or similar conservation projects.
 - A.6. Nurseries, greenhouses, truck gardens.
 - A.7. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells, pumps, bunkhouses, incidental dwellings, buildings and structures customarily associated with agricultural uses. One (1) advertising sign not to exceed four (4) feet by four (4) feet shall be considered an accessory use. (Exceptions: No house trailers.)
 - A.8. Customary home occupations as permitted in District "B".
 - A.9. Day care homes or day care centers.
- B. There shall be no restrictions as to operation of vehicles or machinery customarily incidental to such uses. There shall be no restrictions as to the sale or marketing of products raised on the premises.
- C. Buildings or structures used for the raising, breeding, pasturing, housing or sale of livestock or products shall be located at least one hundred (100) feet from lot lines adjoining Districts "A", "B", or "C".

D. *Exceptions.* Nothing in the above-mentioned Subsections shall be construed so as to prohibit enforcement of Chapter 225 "Nuisances", Chapter 210 "Animals and Fowl", or the BOCA National Property Maintenance Code. (Ord. No. A-6459 §400.057, 2-28-97)

SECTION 400.074: HEIGHT AND AREA REGULATIONS

In District "AG" (Agricultural), the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family, the minimum frontage and the setback for agricultural buildings or structures shall be as follows:

- .1. *Height.* Buildings of structures shall not exceed thirty-five (35) feet or two and one-half (2½) stories in height.
- .2. *Front yard.* Minimum depth of front yard shall be fifty (50) feet.
- .3. *Side yard.* Minimum depth of side yard shall be fifty (50) feet.
- .4. *Rear yard.* Minimum depth of rear yard shall be fifty (50) feet.
- .5. *Lot size.* Minimum lot size shall be five (5) acres per family.
- .6. *Frontage.* Minimum frontage along a dedicated City right-of-way shall be two hundred (200) feet.
- .7. *Setback for agricultural building or structures adjoining districts "A", "B" or "C".* Minimum setback shall be one hundred (100) feet. (Ord. No. A-6458 §400.058, 2-28-97)

RESIDENTIAL DISTRICT

**ARTICLE III-C. DISTRICT "MH"—FIFTH
(MANUFACTURED HOME) DISTRICT**

SECTION 400.075: USE REGULATIONS

- A. In District "MH" (Manufactured Home), no building, structure, manufactured homes, land or premises shall be used, and no building or structure or manufactured homes shall be erected, moved, constructed or altered except for one (1) or more of the following uses:
 - A.1. *One-family private manufactured homes (mobile homes).* "One-family" shall be defined as one (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit, cost sharing basis; shall include, but not be limited to, any home in which eight (8) or fewer unrelated mentally or physically handicapped persons 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; and shall include, but not be limited to, any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.

A.2. Public schools, public parks and playgrounds, golf courses, except miniature golf courses, driving ranges and similar activities operated as a business, museums, libraries, recreational buildings, fire stations or other public buildings of uses owned, controlled and operated exclusively by the City, the State or the United States.

- A.3. Accessory buildings, including a private garage, when situated upon the same lot with the main building and not less than sixty (60) feet from the front street line, and in the case of corner lots, no closer to the side street than is permitted for residences on that lot; except, that a private garage may be constructed as an integral part of the main building, subject to the height and area regulations of the main building.
- A.4. No billboards, signboards or advertising signs shall be permitted; except that a "For Sale" or "For Rent" sign may be used and, during construction of a building, one (1) sign may be used advertising contractors, developers, or architects of such building. (Ord. No. A-6633, 2-5-98)

SECTION 400.076: HEIGHT AND AREA REGULATIONS

- A. In District "MH" (Manufactured Home), the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:
- A.1. *Height.* No building erected or structurally altered after August 8, 1961, shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as otherwise provided in this Chapter.
- A.2. *Rear-yard.* The depth of the rear yard shall be not less than twenty percent (20%) of the depth of the lot; provided that such depth need not be more than twenty (20) feet.
- A.3. *Front yard.* There shall be a front yard not less than twenty percent (20%) of the depth of the lot, but such front yard need not be more than twenty-five (25) feet, except as otherwise provided in this Chapter.
- A.4. *Side yard.* There shall be a side yard on each side of a building not less than ten percent (10%) of the width of the lot, but in no event less than seven (7) feet in width. Buildings on corner lots where interior lots have been platted on side streets shall provide a side yard adjacent to the side of the street of not less than fifty percent (50%) of the front yard established for buildings on interior lots on the side street; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot of record on August 8, 1961, to less than sixty-five percent (65%) of the total width of such lot; provided further, that the minimum side yard regulations in this Section must be observed. Accessory buildings on corner lots, where interior lots have been platted on side streets, shall not project beyond the front yard line established on the side street; provided, that this regulation shall not reduce the buildable width to less than twenty (20) feet.
- A.5. *Lot area per family.* Every manufactured home building or portion of a building erected, moved or altered for residence purposes in District "MH" after August 8, 1961, shall provide a lot area of not less than six thousand (6,000) square feet per family, with a frontage of not less than sixty (60) feet; provided, that where a lot, any contiguous lots or any tract has less area than herein required in separate ownership on such date, this regulation shall not prohibit the erection of a one-family dwelling on such lot, contiguous lots or tract.
- A.6. *House area per lot and family.* Every "MH" building or portion of building erected, moved or altered for residence purposes in District "MH" after August 8, 1961, shall contain not less than eight hundred (800) square feet of floor space, exclusive of garage or carport, per family.

A.7. *Garage area per lot.* In District "MH", no private garage shall provide storage for more than one (1) vehicle for every three thousand (3,000) square feet of lot area.

A.8. Street design shall be in accordance with Chapter 405, "Subdivision of Land".

A.9. The minimum subdivision area for any District "MH" Zone shall be ten (10) acres. (Ord. No. A-6457 §400.056, 2-28-97; Ord. No. A-6524 §1, 6-20-97; Ord. No. A-6629, 2-5-98)

ARTICLE IV. DISTRICT "C"—LOCAL BUSINESS

DISTRICT

SECTION 400.080: USE REGULATIONS

In District "C", no building, structure, land or premises shall be used, and no building or structure shall be erected, moved, constructed or altered, except for one (1) or more of the following uses:

- .1. Advertising signs, when the same advertise only services, articles or products which are offered within the building; provided such signs are attached to the building and do not extend above the outside walls of the building or are detached freestanding signs not located on the public right-of-way, in utility easements or within five (5) feet horizontally from overhead primary power lines and shall be pole mounted and elevated not less than six (6) feet. Any sign encroaching upon the public right-of-way shall comply with the International Building Code, as amended, and approved by the City of Monett. No detached billboards shall be allowed in District "C". *"Billboard"* is defined, for purposes of this Section, as a sign that draws attention to or communicates information about business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.
- .2. Aluminum foundries and related activities.
- .3. Any use permitted in District "B" except any use as specifically provided for herein and except that along Broadway, between 2nd and 6th Streets, residential uses shall only be allowed on upper floors or in the rear of buildings. Separate entrances are required and at least one (1) paved off-street parking space unit is required.
- .4. Automobile parking yards or spaces.
- .5. Bakeries, employing not more than five (5) persons each.
- .6. Banks.
- .7. Barber and beauty shops.
- .8. Battery stations.
- .9. Bicycle sales and repair shops.
- .10. Cleaning, pressing and dyeing plants, employing not more than five (5) persons each; provided, that only non-explosive cleaning fluids shall be used.
- .11. Frozen food lockers.

.12. Garages, storage.

.13. Gasoline and oil filling stations; provided, that all storage tanks for gasoline shall be below the surface of the ground, and that no opening for the filling or emptying of such gasoline storage

tanks shall be permitted within fifty (50) feet of any use permitted in Districts "A" and "B", when such boundary line is within the same block.

- .14. Hotels.
- .15. Ice delivery stations for the storage and sale of ice at retail only.
- .16. Job printing.
- .17. Laundries, employing not more than five (5) persons each.
- .18. Mobile home courts.
- .19. Motels.
- .20. Motor vehicle sales and service; provided, that no service facilities shall be maintained on the front portion of the lot or in the front portion of the first (1st) story of the building within thirty (30) feet of the front street.
- .21. Newspaper, magazine or book publishing.
- .22. Photographic studios and supplies.
- .23. Printing shops.
- .24. Radio and television sales and service shops and studios, except towers.
- .25. Restaurants, cafes or cafeterias.
- .26. Shoe repair shops.
- .27. Soft drink bottling plants and warehouses.
- .28. Storage for soft drinks, foods, groceries and related items.
- .29. Stores and shops for the sale of products at retail only.
- .30. Studios.
- .31. Taverns.
- .32. Telegraph offices.
- .33. Theaters or moving picture shows.
- .34. Tire shops.
- .35. Shops for custom work on the manufacture of articles to be sold at retail on the premises; provided, that in such manufacture, total mechanical power shall not exceed five (5) horsepower for the operation of any one (1) shop; provided further, that the space occupied by the

manufactured use permitted therein shall not exceed fifty percent (50%) of the total floor area of the entire building or the equivalent of the ground floor area thereof; provided further, that

such manufacturing use is not noxious or offensive by reason of vibration, noises or emission of odor, dust, smoke or gas.

- .36. Trailer courts.
- .37. *Woodworking shops.* Small woodworking shops with only immediate family members, no employees in the business.
- .38. Tattooing, body piercing and branding, provided such business has the required license issued by the State of Missouri, Division of Professional Licensing, Office of Tattooing, Body Piercing and Branding and the required license issued by the City of Monett. Further provided, that such business disposes of any bodily fluids and solid medical waste in accordance with the State of Missouri's existing rules and regulations and provides the City Clerk with a copy of its agreement with a licensed medical waste disposal company for the removal of all biohazardous waste. Water line service must have an approved reduced pressure principle backflow preventer device installed on the business water service to prevent cross-contamination of the City water main. Such business shall have handicapped access as provided by this Code. (CC 1979 §32-8; Ord. No. A-1867 §6, 2-22-84; Ord. No. A-1905 §2, 4-5-62; Ord. No. A-2232 §1, 5-13-65; Ord. No. A-2327 §2, 4-14-66; Ord. No. A-3646 §§1-2, 3-19-76; Ord. No. A-5394 §1, 5-30-91; Ord. No. 7710, 11-22-06; Ord. No. 7876 §1, 8-20-08)

SECTION 400.090: HEIGHT AND AREA REGULATIONS

In District "C", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

- .1. *Height.* Same as District "B".
- .2. *Rear yard.* The depth of the rear yard shall not be less than twenty percent (20%) of the depth of the lot; provided, that such depth need not be more than twenty (20) feet.
- .3. *Front yard.* The front yard need be of no greater depth than the least depth established by existing buildings in District "C" within the same block; except, that where a portion of a District "C" lies within the same block and fronts upon the same street with a portion of District "A" or "B", and no lot within such District "C" is occupied by a building with a front yard of less depth than that required in that portion of District "A" or "B" adjoining, the front yard requirements of such adjoining District "A" or "B" shall likewise be applicable to such portion of District "C".
- .4. *Side yards.* There shall be a side yard on each side of a building used exclusively for residential purposes, not less than five (5) feet in width.
- .5. Frontage for every building or structure used for residential purposes shall be not less than sixty (60) feet, along the City street right-of-way.
- .6. *Lot area per family.* Every building or portion of building erected, moved or altered for residential purposes in District "C" after August 8, 1961, shall provide a lot area of not less than one thousand (1,000) square feet per family.

- .7. The above restrictions shall not apply to buildings or structures used for commercial purposes.
(CC 1979 §32-9; Ord. No. A-1867 §6, 2-22-84; Ord. No. A-6432 §2, 1-31-97)

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**ARTICLE IV-A. DISTRICT "LC"–LIGHT
COMMERCIAL BUSINESS DISTRICT**

SECTION 400.095: USE REGULATIONS

- A. In District "LC" (Light Commercial Business District), no building, structure, land or premises shall be used, and no building or structure shall be erected, moved, constructed or altered, except for one (1) or more of the following uses:
- A.1. Advertising signs.
 - A.2. Any use permitted in District "B".
 - A.3. Churches, other places of worship, parish houses, Sunday schools, but excluding overnight shelters.
 - A.4. Community centers, non-profit.
 - A.5. Governmental buildings and uses.
 - A.6. Offices, administrative, business, finance and professional.
 - A.7. Personal service establishments such as beauty shops, barber shops, dry cleaning and laundry pick-up, shoe repair, laundromats, mailing offices, hearing aid or eye glass shops.
 - A.8. Police and fire stations.
 - A.9. Printshops, photocopying establishments.
 - A.10. Public and private parks, golf courses, playgrounds, excluding miniature golf courses and driving ranges.
 - A.11. Residential uses associated with individual permitted light commercial uses.
 - A.12. Restaurants, excluding drive-in or pick-up facilities.
 - A.13. Retail establishment uses such as bakery, books, candy, dairy products, drugs, groceries, flowers, gifts, jewelry, hobby materials, meat, fish and poultry, newsstands, wearing apparel, shoes, clothing, toys, pipe and tobacco products, and video rental.
 - A.14. Banks and financial institutions with a maximum of two (2) teller stations or lanes.
 - A.15. Convenience stores with gas pumps.
 - A.16. Schools and studios for art, dancing, drama, music and photography. (Ord. No. A-6474, 3-13-97)

SECTION 400.096: HEIGHT AND AREA REGULATIONS

In District "C", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

1. *Height.* Same as District "B".
2. *Rear yard.* The depth of the rear yard shall be not less than twenty percent (20%) of the depth of the lot; provided, that such depth need not be more than twenty (20) feet.
3. *Front yard.* The front yard need be of no greater depth than the least depth established in existing buildings in District "C" within the same block; except, that where a portion of a District "C" lies within the same block and fronts upon the same street with a portion of District "A" or "B", and no lot within such District "C" is occupied by a building with a front yard of less depth than that required in that portion of District "A" or "B" adjoining, the front yard requirements of such adjoining District "A" or "B" shall likewise be applicable to such portion of District "C".
4. *Side yards.* There shall be a side yard in each side of a building used exclusively for residential purposes, not less than five (5) feet in width.
5. *Lot area per family.* Every building or portion of building erected, moved or altered for residential purposes in District "C" after August 8, 1961, shall provide a lot area of not less than one thousand (1,000) square feet per family.
6. The above restrictions shall not apply to buildings or structures used for commercial purposes. (Ord. No. A-6474, 3-13-97)

ARTICLE IV-B. DISTRICT "O"—OFFICE

DISTRICT

SECTION 400.097: USE REGULATIONS

- A. In District "O" (Office District), no building, structure, land or premises shall be used and no building or structure shall be erected, moved, constructed or altered except for one (1) or more of the following uses:
 - A.1. Offices, such as public or private administrative, business, professional, financial, medical or dental offices.
 - A.2. Retail and personal service uses associated with and inside the same office building, such as newsstands, barbershops, beauty shops, shoe shops, small restaurants, etc., under the following restrictions:
 - A.2.a. Total floor area of associated uses shall not exceed ten percent (10%) of total office building.
 - A.2.b. Advertising signs or directories shall be limited to interior signs inside the building or exterior signs no more than twenty-five (25) square feet in size attached to the building. Freestanding exterior signs are not allowed.
 - A.3. Any use permitted in District "B"—Multi-Family Residential.

A.4. Governmental buildings and uses such as Police stations, fire stations and associated buildings and structures.

A.5. Churches, parish halls, rectories, museums, art galleries, libraries, laboratories, research facilities, public parks and playgrounds.

A.6. New "O" Office Districts must adjoin local business (Commercial) "C" zones, light commercial "LC" zones, industrial "D" zones or light industrial "LD" zones.

B. *Conditions Of Use.*

B.1. Exterior lighting shall be directed away from any adjacent residential areas.

B.2. New parking lots, refuse storage areas and mechanical equipment areas shall be screened from adjacent residential areas with landscaping of solid board fencing and barrier plantings of evergreen shrubbery. (Ord. No. 7741, 4-3-07)

SECTION 400.098: HEIGHT AND AREA REGULATIONS

In District "O", the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, the minimum frontage and the minimum garage areas permitted upon any lot used for residential purposes shall be the same as in District "B". The above restrictions shall only apply to buildings and structures used for residential purposes. (Ord. No. 7741, 4-3-07)

ARTICLE V. DISTRICT "D"—INDUSTRIAL

DISTRICT

SECTION 400.100: USE REGULATIONS

In District "D", no building, structure, land or premises shall be used, and no building or structure shall be erected, moved, constructed or altered, except for one (1) or more of the following uses:

- .1. Any use permitted in District "C".
- .2. Automobile and metal salvage yards; provided, that no such automobile and metal salvage yard shall be maintained or operated within two hundred (200) feet of any street or highway, unless the same is enclosed in a board or screen fence not less than six (6) feet in height and of such height and construction so as to screen the automobiles and salvage therein from the view of persons using such street or highway on foot or in vehicles in the normal manner.
- .3. Awning manufacture.
- .4. Basket material factories.
- .5. Billboards and advertising signs, provided that such billboards or signs shall not be located on the public right-of-way, in water or sewer main easements or within five (5) feet horizontally from any overhead primary power lines. Signs that would be considered by the City to be a potential hazard to traffic visibility shall be pole-mounted and shall be elevated not less than six

(6) feet so as not to cause a traffic visibility hazard. Any encroachments into the public right-of-way shall comply with the ICC International Building Code, as amended.

.6. Blacksmith shops.

- .7. Bottling works.
- .8. Bowling alleys, dance halls, skating rinks and similar commercial recreation buildings.
- .9. Breweries or distilleries.
- .10. Button or novelty factories.
- .11. Canning and preserving factories.
- .12. Chemical laboratories.
- .13. Cleaning, pressing and dyeing establishments.
- .14. Coal, coke or wood yards.
- .15. Cold storage plants.
- .16. Contractor's plant or storage yard.
- .17. Creameries.
- .18. Electroplating works.
- .19. Flour mills, feed mills and grain processing.
- .20. Foundries.
- .21. Freight terminals.
- .22. Grain elevators.
- .23. Ice plants.
- .24. Laundries, employing more than five (5) persons each.
- .25. Lumber yards.
- .26. Lumber mills.
- .27. Machine shops.
- .28. Manufacture of products, such as artificial flowers; blacking; brooms and brushes; canvas products; cigars; cleaning preparations; clothing; electrical fixtures; ice or ice cream; jewelry; leather products; medicine; metal products; musical instruments; optical goods; paper products; plumes; polishing preparations; professional instruments; shell products; syrup products; or wooden products.
- .29. Manufacture of products to be sold at retail upon the premises; provided, that such use is not noxious or offensive by reason of the emission of vibration, smoke, dust, gas or noise.

.30. Metal stamping, shearing or fabricating plants.

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.31. Milk bottling or distribution stations.

.32. Monument or marble works.

- .33. Oil compounding or barrelling.
- .34. Plumbing and sheet metal shops.
- .35. Poultry storage, dressing or killing and fish packing or storing.
- .36. Produce markets.
- .37. Public stables.
- .38. Sales rooms and yards for farm machinery, contractors' equipment and similar equipment.
- .39. Storage in bulk of, or warehouse for, such materials as household goods, clothing, drugs, glass, dry goods, furniture, hardware, lubricating oil, millinery, paint and paint material, pipe, rubber, shop supplies, tobaccos, turpentine or varnish.
- .40. Storage in bulk or warehouses for such materials as brick, cement, coal, contractors' supplies, cotton, feed, fertilizer, grain, gravel, grease, groceries, hay, ice, iron, lead, lime, lumber, machinery, oil, petroleum, plaster, roofing, rope, sandstone, terra cotta, timber, wood and wool.
- .41. Veterinary hospitals.
- .42. Wholesale houses.
- .43. Wholesale sales rooms.
- .44. Any retail use or business may be established; provided, that its use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
- .45. Manufacture of any similar character to that listed in this Section, including drugs and chemicals or the use of any building or premises not included in special clauses; provided, that such manufacture or use is not noxious or offensive by reason of the emission of odor, dust, vibration, smoke, gas or noise.
- .46. Accessory uses customarily incident to any of the above uses. (CC 1979 §32-11; Ord. No A-1867 §7, 2-22-84; Ord. No. A-3646 §1, 3-19-76; Ord. No. 7875 §§1-2, , 8-20-08)

SECTION 400.110: HEIGHT AND AREA REGULATIONS

In District "D", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot used for residential purposes shall be as follows:

1. *Height.* No building shall exceed four (4) stories or fifty-five (55) feet in height.
2. *Rear yard.* For buildings or portions of buildings used for residential purposes, a rear yard of not less than fifteen (15) feet shall be provided. No rear yard is required on other buildings.

- .3. *Side yards.* There shall be a side yard on each side of a building used exclusively for residential purposes, of not less than five (5) feet in width; provided, that this width shall be increased one (1) inch for each foot of height of such building above thirty-five (35) feet.

- .4. *Lot area per family.* Every building or portion of a building erected, moved or altered for residential purposes in District "D" after August 8, 1961, shall provide a lot area of not less than four hundred (400) square feet per family.
- .5. Frontage for every building or structure used for residential purposes shall be not less than sixty (60) feet, along the City street right-of-way. (CC 1979 §32-12; Ord. No. A-1867 §7, 2-22-84; Ord. No. A-6432 §3, 1-31-97)

ARTICLE V-A. DISTRICT "LD"—LIGHT INDUSTRIAL DISTRICT

SECTION 400.115: USE REGULATIONS

- A. In District "LD" (Light Industrial District), no building, structure, land or premises shall be used, and no building or structure shall be erected, moved, constructed or altered, except for one (1) or more of the following uses:
 - A.1. Any use permitted in Districts "C" and "LC".
 - A.2. Light manufacturing, fabrication, assembling and warehousing of products, and associated service operations, to include but not be limited to business machines, cloth or leather products, medical appliances, musical instruments, beverages, novelties, optical and photographic equipment, pharmaceutical and plastic products.
 - A.3. Establishments that furnish services and/or supplies primarily to commercial or industrial customers, such as janitorial services, sign shops, packaging, shipping, locksmithing, printing, engraving, or publishing.
 - A.4. Heating and plumbing sales and service.
 - A.5. Pest control services.
 - A.6. Recording studios.
 - A.7. Retail sales of products produced by the principal use.
 - A.8. Self-service storage facilities.
 - A.9. Television and radio studios and transmitting towers.
 - A.10. Veterinary clinics, animal hospitals, and kennels, with no outside activities.
 - A.11. Warehouses, storage and distribution centers.
 - A.12. Billboards and advertising signs.
- B. All operations and all material storage shall be inside a building with no discernible external smoke, noise, dust, vibration, gas, or any other impact or effect. (Ord. No. A-6475, 3-13-97)

SECTION 400.116: HEIGHT AND AREA REGULATIONS

In District "LD", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot used for residential purposes shall be as follows:

- .1. *Height.* No building shall exceed four (4) stories or fifty-five (55) feet in height.
- .2. *Rear yard.* For buildings or portions of buildings used for residential purposes, a rear yard of not less than fifteen (15) feet shall be provided. No rear yard is required on other buildings.
- .3. *Side yards.* There shall be a side yard on each side of a building used exclusively for residential purposes, of not less than five (5) feet in width; provided, that this width shall be increased one (1) inch for each foot of height of such building above thirty-five (35) feet.
- .4. *Lot area per family.* Every building or portion of a building erected, moved or altered for residential purposes in District "D" after August 8, 1961, shall provide a lot area of not less than four hundred (400) square feet per family. (Ord. No. A-6475, 3-13-97)

**ARTICLE VI. EXCEPTIONS AND
MODIFICATIONS TO
DISTRICT REGULATIONS**

SECTION 400.120: SPECIAL CLASSES OF USES PERMITTED BY SPECIAL PERMIT

The following uses may be located in District "C" or "D", as indicated, by special permission of the Zoning and Planning Commission, after personal notice to all landowners within eight hundred (800) feet of the proposed use, followed by a public hearing; provided, that in their judgment, such use will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of this Chapter; provided further, that such uses shall comply with the height and area regulations of the districts in which they may be located:

- .1. Amusement parks (Districts "C" or "D").
- .2. Cemeteries (Districts "C" or "D").
- .3. Circuses and carnivals (Districts "C" or "D").
- .4. Crematories for the disposal of the human dead (District "D").
- .5. Hospitals for the insane or feebleminded, or penal or correctional institutions (District "D").
- .6. Light and power plants (District "D").
- .7.a. Refuse dumps (District "D").
- .8. Sewage or garbage disposal plants (District "D").

- .9. Stone cutting (District "C").
- .10. Stone quarries (District "D").

- .11. Slaughter of animals (District "D").
- .12. Stockyards and feeding pens (District "D").
- .13. Storage in bulk of combustible and hazardous materials; provided, that there shall be no storage of gasoline and liquid fuel petroleum and like materials within one hundred fifty (150) feet of any lot line, unless such storage is surrounded by a dike of sufficient size and design to contain such hazardous material (D). (CC 1979 §32-13; Ord. No. A-1867 §8, 2-22-84)

SECTION 400.130: TOILET AND SEWAGE DISPOSAL REQUIREMENTS

The erection, construction or use of any building after August 8, 1961, as an outdoor toilet is forbidden, and every principal building erected, constructed, moved or altered in any District after such date shall contain an inside bathroom, including a toilet, which shall be connected to either the public sewer system of the City or a private or community septic tank constructed according to the standards of the Department of Natural Resources and the BOCA National Private Sewage Disposal Code. If a private septic tank shall be used, it shall, in no case, be of less capacity than five hundred (500) gallons and shall have attached not less than one hundred fifty (150) feet of lateral drainage. In District "A", no residence which will use a private septic tank shall be constructed on a lot smaller than fifteen thousand (15,000) square feet.
(CC 1979 §32-14; Ord. No. A-1867 §9, 2-22-84)

SECTION 400.140: EXISTING MANUFACTURING PLANTS

Manufacturing plants in operation in the City on August 8, 1961, regardless of the classification into which the district in which they are located may be placed, shall not be prevented from expanding their plants or buildings onto adjacent property for the purpose of continuing the character of manufacturing in which they are engaged on such date, nor shall they be prevented from making alterations or structural changes necessitated by their business; provided, that the additions, alterations or structural changes meet the requirements as to materials established for District "C". Such manufacturing plants shall not, however, be permitted to change their operation in such a manner as to render them materially more noxious or offensive by reason of vibration, noise or emission of odor, dust, smoke or gas, without becoming liable to the provisions outlined for special classes in Section 400.120. (CC 1979 §32-15; Ord. No. A-1867 §15, 2-22-84)

SECTION 400.150: PLATS OF NEW ADDITIONS

When plats of new additions are submitted to the City Council for their approval prior to being accepted by the City, such plats shall first be submitted to the Zoning and Planning Commission for

approval and a statement that they meet the requirements of this Chapter. Such plats shall provide lots of such size as to meet the requirements of the particular Zoning District in which they are located and shall provide for streets and alleys as required for the particular Zoning District in which they are located, or if alleys are not provided, satisfactory utility easements for electric lines, telephone lines, water mains, gas mains and sewer mains shall be required. Such streets and alleys shall, if practicable, be extensions and continuations of streets and alleys in adjoining prior platted additions, but not more narrow than the streets of which they are continuations. No exceptions shall be permitted, without approval by six (6) of the eight (8) members of the Zoning and Planning Commission. (CC 1979 §32-16; Ord. No. A-1867 §11, 2-22-84)

SECTION 400.160: NON-CONFORMING USES—GENERALLY

- A. The lawful use of land existing on August 8, 1961, although such use does not conform to the provisions of this Chapter, may be continued, but if such non-conforming use is discontinued, any future use of such premises shall be in conformity with the provisions of this Chapter.
- B. The lawful use of a building existing on August 8, 1961, may be continued, although such use does not conform with the provisions of this Chapter, and such use may be extended throughout the building; provided, that no structural alterations, except those required by law or ordinance, are made therein; provided further, that no extension shall be made, except by special permit from the Board of Zoning Adjustment in case of evident hardship. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.
- C. A non-conforming use, if changed to a conforming use or more restricted non-conforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. (CC 1979 §32-17; Ord. No. A-1867 §12, 2-22-84)

SECTION 400.170: NON-CONFORMING USES—CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall be required for all non-conforming uses. Application for such certificate of occupancy shall be filed within twelve (12) months from August 8, 1961, accompanied by affidavits of proof that such non-conforming use was not established in violation of this Chapter. Subsequent to one (1) year from August 8, 1961, no use shall be made of any premises for any authorized non-conforming use in the absence of such certificate. Such certificate shall be issued by the Board of Adjustment. (CC 1979 §32-18; Ord. No. A-1867 §13, 2-22-84)

SECTION 400.180: COMPLETION, RESTORATION OR EXTENSION OF EXISTING BUILDINGS

- A. Nothing contained in this Chapter shall require any change in the plans, construction or designated use of a building, the construction of which shall have been commenced prior to August 8, 1961, and the completion of which shall be effected within one (1) year of such date.
- B. Nothing in this Chapter shall prevent the restoration of a non-conforming building partly destroyed by fire, explosion, act of God or act of the public enemy subsequent to August 8, 1961, or prevent

continuance of the use of such building, or part thereof, as such use extended at the time of such destruction of such building or part thereof, or prevent a change of such existing use, under the

limitations provided in this Chapter; provided that such building is not destroyed to the extent of more than seventy-five percent (75%) of the reasonable valuation thereof. This Chapter shall prevent the restoration of such non-conforming building so damaged to the extent of more than seventy-five percent (75%) of the reasonable valuation thereof, the continuance of the use of such building or part thereof as such use existed at the time of such damage and a change of such existing use under the limitations provided by this Chapter.

- C. The provisions of this Chapter shall not apply to prevent the extension of any building existing in any district on August 8, 1961, to the heights which the walls, foundation and framework of such existing building originally were intended, designed and constructed to carry; provided, that the actual construction of the extension in height permitted by this Subsection shall have been duly commenced within ten (10) years from August 8, 1961.
(CC 1979 §32-19; Ord. No. A-1867 §14, 2-22-84)

SECTION 400.190: OFF-STREET PARKING AND LOADING

- A. In all districts except District "A", First Residential (Single-Family) District, in connection with every use, sufficient off-street parking spaces shall be provided to accomplish the principles set forth in this Section and to meet the parking demands generated by residents, employees, company officials, company vehicles, and customers. Required parking spaces shall be located on the lot on which the principal use is located except as provided in this Section.
- B. Each application for a Building Permit, zoning permit, or variance shall include therewith a plot plan, drawn to scale, showing the off-street parking or loading facilities to be provided to comply with the requirements of this Section. Said plan shall include information as to the location and dimensions of off-street parking spaces and the means of access to the spaces. Neither the Zoning Inspector nor the City Council shall approve any application until it is determined that such plans meet the requirements of this Section.
- C. Each parking space shall contain an area of not less than one hundred eighty (180) square feet nor be less than nine (9) feet wide by twenty (20) feet long, measured perpendicularly to the side of the parking space, exclusive of access and circulation aisles. Areas normally used for drive-in customer service such as drive-in windows and gas pump service areas shall not be counted as required parking spaces.
- D. Every off-street parking area shall be paved with an all-weather surface and shall be kept free from dust and shall be used only for parking and shall have appropriate entrances and exits.
- E. Every multiple dwelling erected, constructed, reconstructed or altered in District "B" after March 1, 1984, shall provide at least one (1) off-street parking space for each dwelling unit. Such off-street parking facilities shall be on the same lot or parcel of land as the building they are intended to serve.
- F. Any business or industrial building, hospital, institution or hotel erected, constructed, reconstructed or altered in any district after March 1, 1984, shall provide adequate off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement on the public streets or alleys.

- G. Any industrial building erected, constructed or reconstructed after March 1, 1984, shall provide accessible off-street parking for motor vehicles, at the rate of one (1) parking space for each two hundred (200) square feet of floor space within the building. Such parking space shall be on the

same lot with the main building, or within eight hundred (800) feet therefrom, on land zoned for business or industry.

- H. All hospitals and all philanthropic, eleemosynary or school buildings erected, constructed or reconstructed after March 1, 1984, shall provide off-street parking or garage space at the rate of one (1) parking space for each five hundred (500) square feet of floor space within the building. Such parking shall be either on the premises or within one thousand (1,000) feet of the building.
- I. For every structure or part thereof erected, converted or structurally altered after March 1, 1984, to be used as a theater, auditorium, stadium or other place of public assembly, there shall be provided and maintained accessible off-street parking space for the storage of motor vehicles, on the basis of one (1) vehicle for each five (5) seats of the total audience seating capacity of the building, structure or part thereof. Such parking shall be located on the same lot with such building, structure or part thereof, or within five hundred (500) feet thereof.
- J. *When Required Off-Street Parking Facilities are Provided Elsewhere Than on the Same Lot or Parcel of Land as the Principal Use They are Intended to Serve.*
 - J.1. They shall be in the same possession, either by deed or long term lease as the property occupied by such principal use, and proof of such deed or lease shall be filed on request with the Zoning Inspector or the City Council. Except private off-street parking lots are not required for customers of restaurants where both:
 - J.1.a. On-street public parking is already provided, and
 - J.1.b. A City of Monett municipal public parking lot is already provided within nine hundred (900) feet.
 - J.2. The distance between said lot or parcel and the location of the off-street parking facilities shall be measured between the nearest point of the off-street parking facilities and the nearest point of the lots where the principal use is carried on. (CC 1979 §32-20; Ord. No. A-1867 §1, 2-22-84; Ord. No. A-7028, 3-30-01)

ARTICLE VII. ADMINISTRATION AND

ENFORCEMENT

SECTION 400.200: NOTICE OF PROPOSED CONSTRUCTION, MOVING OF BUILDING OR STRUCTURAL CHANGES—APPOINTMENT OF ZONING INSPECTOR—INSPECTIONS AND PERMITS

- A. In order to facilitate enforcement of the provisions of this Chapter, notice of any proposed new construction, moving a building or structural changes which will result in extension of the exterior walls of any structure shall be given the City Clerk on forms supplied by the City Clerk, in the form designated by the City Council. This form shall be designed so as to furnish information which will indicate compliance or non-compliance with this Chapter and shall include a rough plot plan

indicating distances from the boundary lines. Such notice shall be given not less than ten (10) days prior to the start of such construction or movement.

- B. The City Council shall appoint a Zoning Inspector, who shall be furnished a copy of such notice and who shall make an inspection of the property to ascertain that the proposed construction or movement will not violate provisions of this Chapter and issue a permit to the owner of the property

if he/she finds that such construction or movement will not violate this Chapter. Such initial inspection shall be made not more than ten (10) days after receipt of such notice by the City Clerk, and a copy of the permit issued shall be forwarded to the Board of Adjustment within twenty-four (24) hours after it is issued.

- C. No new construction or structural changes shall be commenced, and no building shall be moved, until the permit required by this Section has been issued.
- D. The Zoning Inspector shall also inspect the property subsequent to completion of construction or movement and report compliance or non-compliance to the Board of Adjustment not more than thirty (30) days after such completion of construction or movement.
- E. The City Clerk shall furnish to the Board of Adjustment a copy of all original notices of construction, movement or structural changes at the next regular meeting of that body after any such notice has been made.
- F. The City Council shall establish such inspection fees as it deems necessary to cover the cost of the inspection. (CC 1979 §32-21; Ord. No. A-1867 §16, 2-22-84)

SECTION 400.210: AMENDMENTS, MODIFICATIONS, ETC., OF CHAPTER OR DISTRICT BOUNDARIES—GENERALLY

The City Council may, from time to time, on its own motion or on petition, after public notice, hold hearings on, as provided in this Article and may amend, supplement, change, modify or repeal the classifications, regulations and restrictions as established in this Article, and may change, restrict or extend the boundaries of the various districts established herein. Before taking any action upon any proposed amendment, modifications, change, restriction or extension, the same shall be referred by the Council to the Zoning and Planning Commission for report and recommendation.
(CC 1979 §32-22; Ord. No. A-1867 §17, 2-22-84)

SECTION 400.220: AMENDMENTS—PROTEST BY PROPERTY OWNERS

If a protest against any such amendment, change, modification, repeal, restriction or extension as provided in Section 400.210 shall be presented, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the land exclusive of streets and alleys, included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not be passed, except by two-thirds (2/3) vote of the Council.
(CC 1979 §32-23; Ord. No. A-1867 §18, 2-22-84)

SECTION 400.230: AMENDMENTS—PUBLIC HEARING—NOTICE OF HEARING

No action on an amendment, change, modification or repeal shall be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City.

(CC 1979 §32-24; Ord. No. A-1867 §19, 2-22-84)

SECTION 400.240: POWERS AND DUTIES GENERALLY OF ZONING INSPECTOR

It shall be the duty of the Zoning Inspector to enforce the provisions of this Chapter, and he/she is hereby authorized and instructed to arrest, prosecute or bring any proceedings in a proper Court in the name of the City against any person violating any of the terms of this Chapter. In case any

building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Chapter, the Zoning Inspector is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, construction, reconstruction, alteration, repair, conversion or use, to restrain, correct or abate such violation and to prevent any illegal act, conduct or use on or about such premises. (CC 1979 §32-25; Ord. No. A-1867 §20, 2-22-84)

SECTION 400.250: BOARD OF ADJUSTMENT

- A. *Established.* A Board of Adjustment is hereby established in accordance with the provisions of State law regarding the zoning of cities. The word "*Board,*" when used in this Chapter, shall be construed to mean the Board of Adjustment.
- B. *Composition; Terms; Removal of Members; Vacancies; Election of Chairman; Appointment to Board of Members of Zoning and Planning Commission.* The Board shall consist of five (5) members, who shall be residents, to be appointed by the City Council, not more than two (2) of whom shall reside in any one City Ward. Membership of the first (1st) Board appointed shall serve, respectively, one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5) years; thereafter, members shall be appointed for terms of five (5) years each. Members shall be removable for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman, who shall serve for one (1) year. Members of the Zoning and Planning Commission may also be appointed and serve on the Board of Adjustment.
- C. *Rules; Meetings; Chairman to Administer Oaths, Etc.; Minutes and Records; Quorum.* The Board shall adopt rules in accordance with the provisions of this Chapter. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep the minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The presence of four (4) members shall be necessary to constitute a quorum.
- D. *Appeals—Generally.* Appeals to the Board may be taken by any person aggrieved by any decision of the Zoning Inspector or any Administrator Officer of the City. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Inspector or Administrator Officer from whom the appeal is taken, and with the Board, a notice of the appeal, specifying the grounds thereof. The Zoning Inspector or Administrator Officer from whom the appeal was taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken. Service of such notices, papers and records shall be constituted by depositing the same with the City Clerk.
- E. *Appeals—Stay of Proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by a

Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

- F. *Appeals—Notices; Hearing.* The Board shall give not less than five (5) days public notice for the hearing of the appeal, as well as notice to the parties in interest, and thereafter decide the same within a reasonable time. Upon the hearing, any party may appear, in person, by agent or by attorney. In addition to the notice provided in this Section, the Board shall cause a notice to be posted upon the premises which are the subject of the appeal, the substance of which shall be that a hearing is to be held before the Board of Adjustment on a date specified concerning such premises, and directing all persons interested therein to appear before the Board and make their objections, if any, known.
- G. *Powers Generally.* The Board shall have the following powers:
- G.1. To hear and decide appeals, where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter.
- G.2. To hear and decide all matters referred to it or upon which such Board is required to pass under this Chapter.
- G.3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
- G.4. To determine, in cases of uncertainty, the classification of any use not specifically enumerated in this Chapter. (CC 1979 §32-26; Ord. No. A-1867 §21, 2-22-84)

Cross Reference—As to duty of persons petitioning board of adjustment to pay for publication of notice of public hearing, see §400.270.

SECTION 400.260: APPEALS TO CIRCUIT COURT

Any person aggrieved by any decision of the Board of Adjustment, or any Officer, Department, Board or Bureau, may present to the Circuit Court of Barry or Lawrence County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board or the City Clerk. Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board, to review such decision of the Board, and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence as it may direct or appoint a referee to take such evidence as it may direct and report the same to the Court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or

affirm, wholly or partially, or may modify the decision brought up for review. Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted with gross negligence, or

in bad faith, or with malice in making the decision appealed from.
(CC 1979 §32-27; Ord. No. A-1867 §22, 2-22-84)

SECTION 400.270: PERSONS PETITIONING ZONING AND PLANNING COMMISSION OR BOARD OF ADJUSTMENT TO PAY FOR PUBLICATION OF NOTICE OF PUBLIC HEARING

- A. Any person petitioning the Zoning and Planning Commission for an alteration, change or amendment in Chapter 400 of this Code or other zoning regulations of the City, and any person petitioning the Board of Adjustment for a decision of such Board, as provided and required in this Code or other ordinances of the City, shall pay the cost of the required publication of notice of the public hearing to be held by the Zoning and Planning Commission or Board of Adjustment.
- B. Any person petitioning the Zoning and Planning Commission or Board of Adjustment shall, before publication of such notice, deposit with the City's Collection Clerk a sum estimated by the City to be sufficient to pay the cost of such publication. Such deposit shall be applied upon the cost of such publication and the balance, if any, refunded to the depositor thereof. In the event such deposit is not sufficient to pay such cost, such petitioner shall, upon demand, pay the balance thereof to the City.
- C. The person requesting variances, modifications, exemptions or other changes to this Chapter shall pay all publication costs, notification costs and other costs incurred by the City of Monett. (CC 1979 §2-2; Ord. No. A-1899 §§1–3, 3-9-62; Ord. No. A-7098, 10-26-01; Ord. No. 7593 §1, 8-22-05)

Cross Reference—As to board of adjustment generally, see §400.250 of this code.

ARTICLE VIII. ZONING AND PLANNING

COMMISSION

SECTION 400.280: ~~CREATED—COMPOSITION—TERMS~~

- A. There is hereby created and established for the City a Zoning and Planning Commission, as authorized under the provisions of Sections 89.300 to 89.480, RSMo. The Zoning and Planning Commission shall consist of the Mayor, one (1) member of the City Council selected by the Council, the City Engineer and five (5) citizens of the City.
- B. The term of office on the Zoning and Planning Commission for the Mayor shall be for his/her term as such Mayor; the term of office on the Zoning and Planning Commission for the City Engineer shall be for his/her employment as City Engineer; and the term of office on the Zoning and Planning Commission for the member of the City Council shall be until another member is selected by the City Council. The term of office of each of the citizen members of the Zoning and Planning Commission shall be for four (4) years; provided, that of the first (1st) members of the Zoning and Planning Commission, one (1) shall serve for one (1) year, one (1) shall serve for two (2) years, one (1) shall serve for three (3) years and two (2) shall serve for four (4) years.
(CC 1979 §2-118; Ord. No. A-2278 §1, 9-13-65)

SECTION 400.290: FUNCTIONS, POWERS AND DUTIES GENERALLY

The Zoning and Planning Commission shall have and perform all of the functions, powers and duties provided for such Commission by State law or by the City Council acting pursuant to State law.
(CC 1979 §2-119; Ord. No. A-2278 §3, 9-13-65)

§ 400.300
§ 400.300

Monett City Code

ARTICLE IX. VIOLATION AND PENALTY

SECTION 400.300: VIOLATIONS AND PENALTIES

The owner or general agent in charge of a building or premises where a violation of any provision or regulation of this Chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each day that such violation continues but if the offense is willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) or imprisonment for ten (10) days, for each day such violation shall continue, or both such fine and imprisonment, in the discretion of the Court. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service, or shall continue to violate any provision of the regulations made under authority of this Chapter in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). (CC 1979 §32-28; Ord. No. A-1867 §24, 2-22-84)

CHAPTER 405: SUBDIVISION OF LAND

Cross References—As to city zoning and planning commission generally, see §§400.280, 400.290 of this Code; as to buildings generally, see chapter 500; as to mobile homes and mobile home parks generally, see chapter 410; as to zoning generally, see chapter 400; as to zoning district boundaries, these are on file in the city offices.

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: ADMINISTRATION OF CHAPTER

The provisions of this Chapter shall be administered by the Zoning and Planning Commission and the City Council. (CC 1979 §28-1; Ord. No. A-3976 §4, 8-15-78)

SECTION 405.020: INTERPRETATION AND PURPOSES OF CHAPTER

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal services and safe streets.
(CC 1979 §28-2; Ord. No. A-3976 §2, 8-15-78)

SECTION 405.030: SCOPE OF CHAPTER—CONFLICTING PROVISIONS

This Chapter shall apply to any lot forming a part of a subdivision created and recorded after September 1, 1978. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.
(CC 1979 §28-3; Ord. No. A-3976 §3, 8-15-78)

SECTION 405.040: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

COMMISSION: The Zoning and Planning Commission of the City.

FINAL PLAT: The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder for recording.

LOT: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or

portions by description as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use of another.

OFFICIAL MAP: The map of the City showing its streets and alleys, subdivisions and other boundaries, as prepared by the City Engineer.

OWNER: Any person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.

PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of a subdivision to be submitted to the Commission for its consideration.

STREETS AND ALLEYS:

- .1. *Street:* A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise.
- .2. *Alley:* A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- .3. *Cul-de-sac or dead-end street:* A minor street with only one (1) outlet.
- .4. *Street width:* The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER: Any person commencing proceedings under this Chapter to effect a subdivision of land for himself/herself or for another.

SUBDIVISION:

- .1. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided, that a division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions, or a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street, shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- .2. The regulations of Chapter 405 shall apply both to mobile home park development and to manufactured home subdivision development. The same platting procedure, approval procedure, preliminary and final plat, design standards and improvement procedures of Articles II and VI shall apply to mobile home parks as to manufactured home subdivisions. (CC 1979 §28-4; Ord No. A-3976 §5, 8-15-78; Ord. No. A-6631, 2-5-98)

SECTION 405.050: COMPLIANCE WITH CHAPTER

Except as provided in this Chapter, no person shall subdivide any tract of land which is located within the City except in conformity with the provisions of this Chapter.
(CC 1979 §28-5; Ord. No. A-3976 §6, 8-15-78)

SECTION 405.060: VARIANCES

- A. The Commission, with the approval of the City Council, may authorize a variance from the regulations of this Chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission and Council shall prescribe only conditions that they deem necessary to or desirable for the public interest. In making its findings, the Commission and Council shall take into account the nature of the proposed use of land and the existing use of land in the

vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Council finds:

A.1. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his/her land; or

A.2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

A.3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

B. Application for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The application shall state fully the grounds for the application and all the facts relied upon by the petitioner. Such application shall be presented to the Council when the final plat is submitted.

(CC 1979 §28-6; Ord. No. A-3976 §13, 8-15-78)

SECTION 405.070: PENALTIES

Any person violating the provisions of this Chapter shall be deemed guilty of a misdemeanor and punished by a fine of not more than one hundred dollars (\$100.00) or confinement in the City Jail for not more than thirty (30) days, or by both such fine and imprisonment.

(CC 1979 §28-7; Ord. No. A-3976 §14, 8-15-78)

Cross Reference—As to general penalty for violations of code, see §100.080 of this code.

ARTICLE II. PLATS AND PLATTING

PROCEDURE

SECTION 405.080: PLAT APPROVAL AND RECORDING PREREQUISITE TO CERTAIN ACTIONS—CHANGES IN PLAT AFTER APPROVAL

A. *Recording Of Plat.* No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed in this Chapter. In the event any such unapproved plat is recorded, it shall be considered invalid.

B. *Sale Of Land.* No owner or agent of the owner of any lot or land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land located therein before a plat of such subdivision has been approved and recorded in the manner prescribed in this Chapter. The description of such lot or land by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring the same shall not exempt the transaction from the provisions of this Chapter.

- C. *Issuance Of Permits.* The Building Inspector shall not issue building or repair permits for any structure on a lot in a subdivision to which this Chapter is applicable, for which a plat has not been approved and recorded in the manner prescribed herein.

- D. *Public Improvements.* The City will withhold all public improvements and services of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and electric and water service, from all subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed in this Chapter.
- E. *Revision Of Plat After Approval.* No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission and endorsed in writing on the plat, unless such plat is first resubmitted to the Commission and the same is approved by the Commission and by the City Council, when required.
(CC 1979 §28-8; Ord, No. A-3976 §7, 8-15-78)

SECTION 405.090: APPROVAL PROCEDURE

Preliminary plats are approved by the Zoning and Planning Commission and by the City Council, in accordance with Subsection (A) below. Final plats are approved by the City Council in accordance with Subsection (B) below.

A. *Preliminary Plat.*

A.1. *Contents generally.* The preliminary plat shall show, on a map, all the facts needed to enable the Commission and the City Council to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest, including the information and in the form prescribed by Article III of this Chapter.

A.2. *Preparation.* The preliminary plat shall be prepared by a registered engineer or surveyor.

A.3. *Filing.* The subdivider, thirty (30) working days prior to the Commission meeting at which consideration is desired, shall file an application for preliminary approval and at least seven (7) copies of the preliminary plat with the City Clerk, according to the standards and other provisions of this Chapter.

A.4. *Approval.*

A.4.a. *Time requirement.* The Commission shall act on the preliminary plat within forty-five (45) days after filing, unless such time is extended by agreement with the subdivider or his/her agent. If no action is taken by the Commission within such forty-five (45) days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved, and it shall be the duty of the Chairman of the Commission to comply with Subsection (A)(4)(b).

A.4.b. *Notice of action taken.* The Commission shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved and shall give notice to the subdivider and the City Council in the following manner:

A.4.b.(1) If approved, the Chairman of the Commission shall affix his/her signature to the plat and attach thereto a notation that it has received preliminary approval and forward to the City Council for approval.

A.4.b.(2) If approved with modifications or disapproved, the Chairman of the Commission shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

A.4.b.(3) In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of the Commission.

A.4.c. *Effect of approval.* Approval of the preliminary plat by the Commission shall not constitute acceptance of the subdivision by the Council.

A.4.d. Following approval of the preliminary plat by the Commission, the City Council shall consider and approve the preliminary plat in the same manner.

A.4.e. *Right of subdivider after approval.* Preliminary approval by the Commission and the City Council shall confer upon the subdivider the right for a one (1) year period from the date of the approval that the general terms and conditions under which the preliminary approval was granted will not be changed.

B. *Final Plat.*

B.1. *Scope.* The final plat will have incorporated all changes or modifications required by the Zoning and Planning Commission or the City Council; otherwise, it shall conform to the preliminary plat, and it may constitute only that portion or phase of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, that such portion or phase conforms with all the requirements of this Chapter.

B.2. *Preparation.* The final plat shall be prepared by a registered engineer or surveyor.

B.3. *Filing.*

B.3.a. *Required items.* After receiving notice of the action of the Commission and the City Council approving the preliminary plat, the subdivider shall proceed to file with the City Council:

B.3.a.(1) Seven (7) copies of the final plat.

B.3.a.(2) A written application for final approval.

B.3.a.(3) A statement by the City Engineer certifying that he/she is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed.

B.3.a.(4) Developer shall provide final certification from the engineer of record that all infrastructure, including water mains, sewer mains, storm sewers, storm water detention, streets and curb and gutter has been inspected by the engineer and constructed by the developer in accordance with the requirements of the Monett City Code, and will function to meet the minimum standards of the City of Monett and the State of Missouri.

B.3.b. *Time limits.* The final plat shall be filed not later than one (1) year after the date of approval of the preliminary plat; otherwise, it will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Council. The final plat shall be filed at least ten (10) working days prior to the City Council meeting at which it is to be considered. The final plat shall be considered officially filed after it is examined by the Council and is found to be in full compliance with the formal provisions of this Chapter accepted by the Council, with approval by the Council certified thereon.

B.3.c. *Recording.* The subdivider shall record the final plat in the office of the County Recorder within thirty (30) days after the date of approval; otherwise, the final plat shall be considered void. (Ord. No. A-6186 §1, 10-2-95; Ord. No. A-6952 §1, 5-10-00; Ord. No. A-7051, 7-27-01; Ord. No. 7365, 11-13-03)

Editor's note—Ord. No. A-6109 adopted on April 3, 1995 repealed §405.090 which originally derived from CC 1979 §28-9, Ord. No. A-3976 §8, 8-15-78 and Ord. No. A-5956 §1, 7-18-94. At the editor's discretion Ord. No. A-6186 was inserted in this position.

ARTICLE III. PRELIMINARY PLAT FORM AND CONTENTS

SECTION 405.100: FORM

The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Commission. (CC 1979 §28-10; Ord. No. A-3976 §11, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

SECTION 405.110: CONTENTS

The preliminary plat shall contain the following information:

B.4. General information.

- B.4.a. *Proposed name of the subdivision.* The name shall not duplicate, be the same in spelling as or be alike in pronunciation with the name of any other recorded subdivision.
- B.4.b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- B.4.c. Names and addresses of the subdivider, owner and engineer or surveyor.
- B.4.d. Location by Section, Town, Range, Township, County and State.
- B.4.e. Names of streets within the adjoining land.
- B.4.f. All parcels of ground within the subdivision to be reserved for public purposes, whether they are intended for avenues, streets, alleys, commons or other public uses.
- B.4.g. All lots by numbers and the precise lengths and widths thereof.
- B.4.h. The scale and the direction of north and the date of preparation shall be accurately noted on the plat.
- B.4.i. The location of the subdivision to block or section of the United States survey shall be shown, and if such subdivision is intersected by or abuts on a quarter section or section line or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location reported to be platted can be determined by the inspection of the plat.

B.5. *Existing conditions.*

B.5.a. Boundaries of the subdivision indicated by a heavy line and the approximate acreage.

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B.5.b. Location, widths and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, section and corporation lines.

B.5.c. Zoning districts, if any.

B.5.d. Drainage channels, wooded areas, power transmission poles and lines and any other significant items should be shown.

B.6. *Proposals.* Location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use.

B.7. *Other information.*

B.7.a. Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry, so as to reveal the effect of the development on traffic, fire hazards or congestion of population.

B.7.b. Proposed covenants and restrictions.

B.7.c. Source of water supply.

B.7.d. Provisions for sewage disposal, drainage and flood control.

B.7.e. If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions. (CC 1979 §28-11; Ord. No. A-3976 §11, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

ARTICLE IV. FINAL PLAT FORM AND

CONTENTS

SECTION 405.120: FORM

The final plat shall be clearly and legibly drawn in India ink on tracing cloth. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Commission. (CC 1979 §28-12; Ord. No. A-3976 §12, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

SECTION 405.130: CONTENTS

The final plat shall include:

.1. *General information.*

.1.a. Name of the subdivision.

- .1.b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- .1.c. Names and addresses of the subdivider, owner and engineer.
- .1.d. Location by Section, Town, Range, Township, County and State.

- .1.e. Names of streets within the adjoining plat.
 - .1.f. All parcels of ground within the subdivision to be reserved for public purposes, whether they are intended for avenues, streets, alleys, commons or other public uses.
 - .1.g. All lots by numbers and the precise lengths and widths thereof.
 - .1.h. The scale and the direction of north and the date of preparation shall be accurately noted on the plat.
 - .1.i. The location of the subdivision to block or section of the United States survey shall be shown, and if such subdivision is intersected by or abuts on a quarter section or section line or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location reported to be platted can be determined by the inspection of the plat.
- .2. *Existing conditions.*
- .2.a. All plat boundaries.
 - .2.b. Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, which shall be accurately described on the plat.
 - .2.c. Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distance and bearings.
 - .2.d. Accurate location of all monuments.
- .3. *Survey data.*
- .3.a. Lengths of all arcs, radii, internal angles, points of curvature and tangent bearings.
 - .3.b. When lots are located on a curve or when side lot lines are at angles other than ninety degrees (90°), the width at the building line.
- .4. *Drafting of plat.* Date of preparation, scale of map and north points.
- .5. *Proposals.*
- .5.a. All easements for rights-of-way provided for public services or utilities, and any limitations of such easements.
 - .5.b. All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalk-way lines.
 - .5.c. Accurate outlines of any areas to be dedicated or temporarily reserved for public use, with the purpose indicated thereon.
 - .5.d. Building setback lines, with dimensions.

.6. *Other information.*

- .6.a. Protective covenants shall be shown on the plat.
- .6.b. City Engineer's certificate as required under Section 405.090(B)(3)(a)(3).
- .6.c. Certification shall be furnished from the City Collector that all taxes and assessments have been paid on the land within the proposed subdivision.
- .6.d. If a zoning change is involved, certification from the Zoning and Planning Commission shall be furnished indicating that the change requested has been approved and is in effect.
- .6.e. Certification by a registered civil engineer or surveyor to the effect that the plat represents a survey made by him/her, and that all monuments shown thereon actually exist, and that their location is correctly shown.
- .6.f. An acknowledgment by the owners of their adoption of the plat and of the dedication of streets and other public areas. (CC 1979 §28-13; Ord No. A-3976 §12, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

ARTICLE V. DESIGN STANDARDS

SECTION 405.140: CONFORMITY TO OFFICIAL MAP

The proposed subdivision shall conform to the Official Map.
(CC 1979 §28-14; Ord. No. A-3976 §9, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

SECTION 405.150: STREETS

- A. *Conformity To Official Map, Etc.* The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map, the arrangement and other design standards of streets shall conform to the provisions found herein.
- B. *Relation To Adjoining Street System.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- C. *Projection Of Streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
- D. *Streets To Be Carried To Property Lines.* When a new subdivision adjoins unsubdivided land susceptible of being subdivided, the new streets shall be carried to the boundaries of the tract proposed to be subdivided. Permanent dead-end streets shall terminate in a cul-de-sac. Temporary dead-end streets, designated for eventual continuation onto unsubdivided land, shall terminate in either a temporary cul-de-sac, an alternate configuration such as a tee, or other approved design.

Such temporary turnaround areas may be paved with six (6) inch Type 1 compacted base rock, and may be on easements granted to the City of Monett. Minimum area of each side of the tee shall be twenty-five (25) feet by twenty-five (25) feet. The easements shall be released whenever the adjoining land is subdivided and the street is properly extended.

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- E. At least one (1) new street shall be carried to the boundaries of adjacent tracts susceptible of being subdivided on each side of each new subdivision, in at least every one-quarter ($\frac{1}{4}$) mile, unless technically or topographically impracticable to do so.
- F. *Street Jogs.* Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- G. *Street Widths And Cul-De-Sac.*
- G.1. *Street designs.* Streets shall have right-of-way widths, pavement widths, and cul-de-sac lengths as follows:
- G.1.a. *Zoning District "A", "MH" and mobile home parks.* Must have a minimum right-of-way width of fifty (50) feet; minimum pavement width of twenty-six (26) feet; and a maximum cul-de-sac length of three hundred (300) feet.
- G.1.b. *Zoning Districts "B", "C", "D" and "AG".* Must have a minimum right-of-way width of sixty (60) feet; minimum pavement width of thirty-six (36) feet; and a maximum cul-de-sac length of three hundred (300) feet.
- G.1.c. *Zoning District "MD" feeder streets.* Must have a minimum right-of-way width of fifty (50) feet; minimum pavement width of twenty-six (26) feet; and a maximum cul-de-sac length of six hundred (600) feet.
- G.1.d. *Zoning District "MD" collector streets.* Must have a minimum right-of-way width of sixty (60) feet; minimum pavement width of thirty-six (36) feet; and a maximum cul-de-sac length of six hundred (600) feet.
- G.2. Pavement width specified is exclusive of the curb and gutter. Cul-de-sac diameter shall in all Zoning Districts be a minimum one hundred (100) feet diameter to property line, minimum eighty (80) feet diameter paved surface.
- H. *Intersections.* The intersection of more than two (2) streets at one (1) point shall be avoided, except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible. Street intersections shall be rounded with a radius of twenty (20) feet measured at the back of curbs when such intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the Commission.
- I. *Subdivision Into Tracts Larger Than Ordinary Building Lots.* Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.
- J. *Half Streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Chapter and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such tract.

K. *Street Names And Numbers.* Names of new streets shall not duplicate or sound similar to existing or platted street names, unless a new street is a continuation of or in alignment with the existing or

platted street. The names of streets shall be subject to approval by the City Council.

- L. *Access To Streets Across Ditches.* The subdivider shall provide access to all proposed streets, across all ditches, in a method approved by the City Engineer, which approval shall not be unreasonably withheld.
- M. *Vacation Of Streets.* The Council shall not vacate any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.
- N. *Private Streets And Cross-Access Easements.* Private streets shall not be approved nor shall public improvements be approved for any private street in a residential subdivision. Cross-access easements shall be permitted in commercial or industrial subdivisions to allow access from one lot to another and to a City street. Construction and maintenance of the drives in the cross-access easements shall be the responsibility of the property owners.
- O. *Arrangement To Avoid Hardship To Owners Of Adjoining Property.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting and providing convenient access to their own land. (CC 1979 §28-15; Ord. No. A-3976 §9, 8-15-78; Ord. No. A-6460 §1, 2-28-97; Ord. No. A-6630, 2-5-98; Ord. No. A-6739 §1, 9-3-98; Ord. No. A-6952 §1, 5-10-00; Ord. No. 7423, 6-1-04)

SECTION 405.160: EASEMENTS

- A. *Utilities.* Easements with a right-of-way width of ten (10) feet shall be provided on each side of all front lot lines and along side lot lines where necessary for utilities.
- B. *Drainage.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement of drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction as will be adequate for the purpose. (CC 1979 §28-16; Ord. No. A-3976 §9, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

SECTION 405.170: BLOCKS

Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic. (CC 1979 §28-17; Ord. No. A-3976 §9, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

SECTION 405.180: LOTS

- A. *Dimensions.* Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.
- B. *Location.* All lots shall abut by their full frontage on a publicly dedicated street or a street that has received legal status as such.

- C. *Lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- D. *Corner Lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- E. *Uninhabitable Lots.* Lots subject to flooding and lots deemed by the Commission to be uninhabitable shall not be platted for residential occupancy, or for such other uses as may increase danger to

health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

- F. *Lot Remnants.* All remnants of lots below minimum size, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels.
(CC 1979 §28-18; Ord. No. A-3976 §9, 8-15-78; Ord. No. A-6952 §1, 5-10-00)

ARTICLE VI. IMPROVEMENTS

SECTION 405.190: REQUIRED IMPROVEMENTS ENUMERATED

Prior to the granting of final approval of a final plat by the City Council, the subdivider shall have installed, or shall have furnished the prescribed bond or deposit for the ultimate installation of, the following:

- .1. *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets and intermediate points as shall be required by the City Engineer. The monuments shall be of such material, size and length as may be approved by the City Engineer.
- .2. *Streets.*
 - .2.a. *Surfacing.* All streets shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection and approval by the City Engineer.
 - .2.b. *Curbs, gutters and drainage.* Curbs and gutters on each street, drainage and drainage structures shall be constructed in accordance with standard specifications of the City. Such construction shall be subject to the inspection and approval of the City Engineer.
- .3. *Water supply.*
 - .3.a. *Accessible public water supply.* Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision area shall be provided with a connection thereto. Extensions of water mains shall be constructed and paid for as provided by this Code and other ordinances of the City. All connections shall be subject to the approval of the City Engineer.
 - .3.b. *Non-accessible public water supply.* In a proposed subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness and potableness of the water supply shall be subject to the approval of the State Health Department.
- .4. *Sanitary sewer system.*

.4.a. *Accessible public sanitary sewer.* Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer.

- .4.b. *Non-accessible public sanitary sewer.* Where a public sanitary sewer is not reasonably accessible, sanitary sewage disposal facilities shall be constructed in compliance with this Code and other ordinances of the City and laws of the State.
- .5. *Stormwater management.* Stormwater management shall be provided in accordance with Chapter 525.
- .6. Prior to the granting of final approval, the subdivider shall submit a projected completion date of the improvements enumerated in this Article and the prescribed bond or deposit shall guarantee performance of same prior to the projected completion date. Upon expiration of the projected completion date, the subdivider may, for good cause shown, request an extension of the projected completion date, provided that the prescribed bond or deposit guarantees performance of the improvements enumerated in this Article prior to the expiration of the new projected completion date.
- .7. Prior to any subdivider or owner occupying any building or structure in the subdivision, and prior to the City granting any occupancy permit for such building or structure, the subdivider shall actually have installed all of the improvements enumerated in this Article and same shall have been inspected, approved and accepted by the City.
- .8. The prescribed bond or deposit shall be equal to one hundred twenty-five percent (125%) of the cost estimate of the improvements enumerated in this Article, based on the estimates of a licensed professional engineer registered in the State of Missouri, and based on the current State of Missouri Prevailing Wage Determination. The City may, in its discretion, employ its own licensed professional engineer to review the cost estimates provided by the subdivider and, if deemed necessary, require the subdivider to provide an increased bond or deposit to ensure the ultimate installation of all required improvements.
- .9. Any cash deposit placed in the hands of the City under this Section shall be placed in a separate interest bearing checking account. Upon complete compliance of all required improvements enumerated herein, the funds deposited, plus interest earned thereon, shall promptly be refunded to the subdivider.
- .10. The person submitting subdivision plans, engineering plans, stormwater detention plans, water or sewer main plans, street plans or other such plans for review or approval, or any such person requesting engineering studies, shall pay all costs incurred by the City of Monett for engineering, engineering review, inspections, studies, publication costs or any other costs. (CC 1979 §28-19; Ord. No. A-3976 §10, 8-15-78; Ord. No. A-6628 §1, 1-20-98; Ord. No. A-6828, 5-3-99; Ord. No. A-6829, 5-3-99; Ord. No. A-6952 §1, 5-10-00; Ord. No. A-7096, 10-26-01)

ARTICLE VII. MINOR SUBDIVISIONS

SECTION 405.200: MINOR SUBDIVISION PROCEDURE

- A. *Applicability And Intent.* The intent of this Article is to provide for the subdivision of a tract or lot into not more than five (5) lots, including any remainder proposed to be retained by the owner, provided that public improvements are not required and the resulting lots shall not again be divided

without replatting. The Planning and Zoning Commission shall approve or disapprove minor subdivisions in accordance with the provisions of this Article.

B. *Minor Subdivision Procedure And Approval.*

B.1. An application for minor subdivision approval shall be submitted to the City Clerk no less than fifteen (15) days prior to the scheduled Planning and Zoning Commission meeting. The application shall be accompanied by three (3) copies of the following:

B.1.a. A certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of any structure(s) thereon, together with the exact nature, location and dimension of the proposed minor subdivision.

B.1.b. A sketch plan of the proposed subdivision, drawn to dimensions, and showing:

B.1.b.(1) Tract boundaries.

B.1.b.(2) Proposed general lot layout.

B.1.b.(3) Streets on and adjacent to the tract.

B.1.b.(4) Location of any easements.

B.1.b.(5) North point and approximate scale.

B.2. The Planning and Zoning Commission shall review applications for minor subdivisions based on the following guidelines:

B.2.a. No minor subdivisions shall be approved if:

B.2.a.(1) More than five (5) lots will be created.

B.2.a.(2) New streets or alleys are needed or proposed.

B.2.a.(3) A vacation of streets, alleys, easements, setback lines or access control is needed or proposed.

B.2.a.(4) There is less street right-of-way than required by the City Code, unless such dedication can be made by separate instrument.

B.2.a.(5) A substandard sized lot will be created.

B.2.a.(6) The subdivision will result in a lot or tract without direct sixty (60) foot frontage on a City street.

B.2.a.(7) The extension of a public water or sewer system is needed or proposed.

B.2.a.(8) The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots is needed or proposed.

B.2.a.(9) The subdivision will result in significant increases in utilities and services levels or will interfere with maintaining existing utilities and services (e.g. traffic control, street maintenance, etc.).

B.2.a.(10) The tract or lot to be subdivided has been previously created through the minor subdivision procedures of this Article.

B.3. The Planning and Zoning Commission shall make a determination within thirty (30) working days of the meeting at which the minor subdivision is considered. The Planning and Zoning Commission shall approve the proposed subdivision unless the proposed subdivision fails to

comply with Section 450.200 or any other applicable requirement of this Article. If the subdivision is disapproved, the Planning and Zoning Commission shall provide the applicant with a written statement of the reasons for denial within ten (10) days of action by the Planning and Zoning Commission.

B.4. Approval of the minor subdivision is contingent upon the survey being recorded within sixty (60) days after the date the Certificate of Approval is signed by the Planning and Zoning Commission Secretary.

C. *Certifications For Minor Subdivision.* The following certificates shall be signed and affixed to the minor subdivision survey and a certified copy shall be recorded in the Barry County Registry:

C.1. *Certificate of Ownership*

I hereby certify that I am the owner of property described hereon, which property is within the jurisdiction of the City of Monett, Missouri and that I freely adopt this plan of subdivision.

Owner

Date

My

Commission Expires: _____

C.2. *Certificate of Approval*

I hereby certify that the minor subdivision shown on this survey does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in compliance with the City of Monett Subdivision Ordinance and that therefore this subdivision has been approved by the Monett Planning and Zoning Commission, subject to its being recorded in the Barry County Registry within sixty (60) days of the date below.

Date _____

Chairman, Planning and Zoning Commission

C.3. *Certificate of Survey and Accuracy*

I, _____, hereby state that the survey of the land herein described was prepared under my supervision and that the corner monuments and lot corner pins shown herein were placed under personal supervision of _____, in accordance with the Minimum Standards for Property Boundary Surveys, for the City of Monett, Missouri.

Date_____

Surveyor

Registration No.

C.4. Legal description of subdivision and lots (to be entered on certification sheet). (Ord. No. A-6473 §405.200, 3-13-97; Ord. No. A-6952 §1, 5-10-00; Ord. No. 7208 §1, 8-20-02)

HOMES, MOBILE HOME PARKS

CHAPTER 410: MOBILE AND MANUFACTURED AND MANUFACTURED HOME SUBDIVISIONS

Cross References—As to zoning generally, see Chapter 400.

Editor's Note—Ord. No. A-6632 repealed ch. 410 and replaced it with the following provisions; former ch. 410 derived from CC 1979 §§17-1–17-11 and ord. no. A-2206 §§1–9, 11–12, 2-27-65.

SECTION 410.010: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

DEPENDENT MOBILE HOME: A mobile home that does not have a flush toilet and a bath or shower. The term "*dependent mobile home*" does include recreational vehicles (RVs), and such recreational vehicles (RVs) may not be occupied except in accordance with Section 410.020.

INDEPENDENT MOBILE HOME: A mobile home that has a flush toilet and a bath or shower.

MANUFACTURED HOME SUBDIVISION: A manufactured home subdivision is established in accordance with Chapter 405 "Subdivision of Land" for the purpose of transfer of ownership of the individual lots, and is zoned in accordance with Chapter 400 "Zoning Regulations as Zoning District "MH" Manufactured Home District".

MOBILE HOMES AND MANUFACTURED HOMES: Any vehicle or portable structure having no foundation, other than wheels, jacks or blocks, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes, including any vehicle or portable structure designed or constructed to permit the same to be driven or pulled upon the public highways and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. The term "*mobile home*" does include manufactured homes manufactured to Federal Manufactured Home Construction and Safety Act, (the Housing and Urban Development (HUD) Code), and Missouri Public Service Commission standards. All such mobile or manufactured homes shall have the two (2) inch by four (4) inch red "HUD" seal mounted on the exterior of the unit.

MOBILE HOME PARK: Any plot of ground of ten (10) acres or more in size containing mobile home spaces, regardless of whether or not a charge is made for the occupation of such spaces. A mobile home park is established under one (1) ownership, with units rented to individual tenants. Mobile home parks shall be located only in Zoning Districts "C" or "D".

MOBILE HOME SPACE: A plot of ground designed for the accommodation of one (1) mobile home within a mobile home park.

MODULAR HOMES: Modular homes are manufactured to Missouri Public Service Commission standards, the BOCA National Building Code, and are inspected by a third (3rd) party engineering inspection service. Such modular homes shall have the silver-with-the-red-letter Missouri Public Service Commission seal mounted inside the unit, beside the electrical panelboard. Modular homes shall be located on a permanent footing and foundation, with site grading, drainage, crawlspace ventilation and other site requirements and all other Building Code requirements according to the BOCA National Building Code. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.020: LOCATION OF MOBILE HOMES GENERALLY

No person shall park or occupy any mobile home on any premises within the City limits other than in a mobile home park. The parking or storing of an unoccupied mobile home in a building or in a rear yard or rear portion of a lot other than in a mobile home park shall be permitted; provided, that the same shall not be occupied or used for sleeping or dwelling purposes or for business purposes while so parked or stored. No dependent mobile home shall be permitted to remain in a mobile home park for a period of more than thirty (30) days, nor shall any dependent mobile home occupied on either a permanent or intermittent basis within the City limits remain within the City limits for a period of more than thirty (30) days. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.030: MOBILE HOME PARK LICENSE—REQUIRED

It shall be unlawful for any person to maintain or operate a mobile home park within the City limits, unless such mobile home park is licensed as provided in this Chapter.
(Ord. No. A-6632 §1, 2-5-98)

Cross Reference—As to licenses and business regulations generally, see chapter 605 of this Code.

SECTION 410.040: MOBILE HOME PARK LICENSE—APPLICATION—ISSUANCE—APPLICATIONS FOR ENLARGEMENT OF EXISTING PARKS

Application for a mobile home park license shall be filed with the City Clerk. Such application shall include a plat in accordance with Chapter 405 "Subdivision of Land" and with the design standards of this Chapter. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.050: PERMITS FOR NON-CONFORMING MOBILE HOME PARKS

A permit shall be issued on an annual basis, upon written request therefor, for every mobile home park in existence on February 27, 1965, notwithstanding that such park does not conform to the requirements of this Chapter, so long as the use of real property for such non-conforming mobile home court is authorized under Section 410.100. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.060: LICENSE OR PERMIT RENEWAL

Every mobile home license or permit shall be renewed each year, upon determination of the Zoning Inspector that operation and maintenance of the mobile home park has been in accordance with the provisions of this Chapter. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.070: LICENSE OR PERMIT FEE

The annual mobile home park license or permit fee shall be twenty-five dollars (\$25.00).
(Ord. No. A-6632 §1, 2-5-98)

SECTION 410.080: STANDARDS OF DESIGN, CONSTRUCTION AND MAINTENANCE

Mobile home parks and manufactured home subdivisions approved after date of the adoption of this Chapter (February 5, 1998) shall be designed, constructed and maintained in accordance with the following requirements, in addition to all other City Code requirements:

- C.5. *Minimum area.* Mobile home parks and manufactured homes shall have a minimum area of ten (10) acres.
- C.6. *Drainage requirements.* Mobile home parks and manufactured home subdivisions shall be located on well-drained sites, outside of Zone A flood hazard zones as specified in Chapter 415 "Flood Damage Prevention". Stormwater management shall be in accordance with Chapter 525 "Storm Water Management Plan".
- C.7. *Area and frontage of individual spaces.* Individual lot spaces shall be a minimum of six thousand (6,000) square feet. Minimum frontage shall be sixty (60) feet.
- C.8. *Mobile home park site plan and manufactured home subdivision plat.* Each manufactured home subdivision plat and each mobile home site plan shall be approved by the Planning and Zoning Commission and by the Mayor and Council in accordance with Chapter 405 "Subdivision of Land".
- C.9. *Abutment on public street required.* Each mobile home park or manufactured home subdivision shall abut upon a public street dedicated to the City of Monett. Each lot in a manufactured home subdivision shall abut upon a public street built in accordance with Chapter 405 "Subdivision of Land" and Chapter 510 "Streets", with a minimum right-of-way width of fifty (50) feet, a minimum pavement width of twenty-six (26) feet, with curb and gutter, and dedicated to the City of Monett. Each lot in a mobile home park shall abut upon a private drive built in accordance with Chapter 405 "Subdivision of Land" and Chapter 510, to the same specifications, widths and requirements as a dedicated City street. Such private drive shall not be maintained nor snow-plowed by the City of Monett.
- C.10. *Anchors and tie-downs.*
- C.10.a. Each manufactured home anchor and tie-down shall be in accordance with the requirements of the State of Missouri Department of Economic Development, Public Service Commission. The following items are specifically required to be designed for each installation based upon the classification of the soil as to soil type:
- C.10.a.(1) Concrete footings.
- C.10.a.(2) Concrete block piers and cap block.
- C.10.a.(3) Ground anchors.
- C.10.a.(4) Frame tie-down straps and connections.
- C.10.b. As an alternative, each manufactured home anchor and tie-down system may be designed by a professional engineer or architect licensed in the State of Missouri.

C.10.c. As an alternative, the entire subdivision may utilize one (1) common design if such design is certified by a professional engineer or architect licensed in the State of Missouri.

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- C.11. *Skirting.* Each manufactured home shall be completely skirted with steel skirting, vinyl skirting or with concrete blocks mortared together and resting upon a poured concrete footing.
- C.12. *Age of units.* No mobile home or manufactured home shall be older than five (5) years at the date of installation in the park or subdivision.
- C.13. *Setback areas and perimeter landscaping treatment.*
- C.13.a. All mobile home parks and manufactured home subdivisions shall provide a completely landscaped and maintained setback area of at least thirty (30) feet width from a public right-of-way, and at least twenty (20) feet width from any other abutting property line. Such setback areas may be included as part of adjacent lots, but no structure shall be allowed in the setback area. Perimeter landscaping in the setback area shall be as follows:
- C.13.a.(1) Deciduous and/or evergreen trees, spaced not more than thirty (30) feet apart.
- C.13.a.(2) At least one (1) row of shrubs spaced not more than eight (8) feet apart.
- C.13.b. The perimeter area may contain any number of other trees, shrubbery, fences, benches, etc. Such perimeter landscaping shall be maintained by the owner.
- C.13.c. In addition to the aforementioned perimeter landscaping, a solid eight (8) feet tall fence shall be built on the lot line between the park or subdivision and adjacent City streets. Fences shall not be built in utilities easements.
- C.14. *Sanitation.* Sanitation pickup and containers shall be in accordance with standard requirements of the Superintendent of the Department of Public Works.
- C.15. *Off-street parking.* A minimum of two (2) paved, off-street parking spaces shall be provided per mobile home or manufactured home lot. Such parking spaces shall be either four (4) inches poured concrete or four (4) inches asphalt, shall be located adjacent to each manufactured or mobile home site, shall be accessed by a paved driveway, and shall each measure a minimum of nine (9) foot width by twenty (20) feet length.
- C.16. *Common open space (local city park).* One (1) or more lots shall be designated as a common open space (local City park), shall be centrally located, and shall be dedicated to the City of Monett for maintenance. Each such space or park shall be landscaped and furnished with playground equipment in accordance with the requirements of the Department of Public Works.
- C.17. *Sidewalks.* A four (4) feet wide concrete sidewalk shall be constructed on at least one (1) side of the street or private drive, in accordance with Chapter 510.
- C.18. *City utilities.*
- C.18.a. Individual water, sewer and electrical services shall be provided to each manufactured home in accordance with other provisions of the City Code. Individual water and electrical meters shall be provided for each manufactured home.
- C.18.b. Water mains and sewer mains shall be provided in accordance with standard City specifications.

C.18.c. Natural gas services shall be provided to each home if desired.

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C.18.d. Individual liquified petroleum gas (LPG) (propane) service tanks and service lines shall not be allowed. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.090: CONDITION OF GROUNDS, BUILDINGS AND STRUCTURES

- A. The grounds of every mobile home park and all buildings and structures shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance.
- B. All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.100: NON-CONFORMING USES

The lawful use of real property for the parking of mobile homes existing on February 27, 1965, although such use does not conform to the provisions of this Chapter, may be continued, but only to the same extent such use exists on such date. If such non-conforming use is discontinued, any future or further use of such real property shall be subject to, and shall be made in conformity with all other Sections of this Chapter. (Ord. No. A-6632 §1, 2-5-98)

SECTION 410.101: REPLACEMENT OF NON-CONFORMING MOBILE HOMES

Notwithstanding the provisions of Section 410.100 of the City Code, no mobile home may be replaced on any lot within the City after September 1, 2003, other than:

- .1. Within an area zoned "MH".
- .2. Within a mobile home park outside the area zoned "MH" for which permits have been issued annually, without interruption, from and after February 5, 1998, pursuant to the provisions of Section 410.050 of the City Code of the City of Monett. (Ord. No. A-7347, 9-5-03)

CHAPTER 415: FLOODPLAIN MANAGEMENT

Editor's Note—Ordinance no. A-7015 §1, adopted December 27, 2000, enacted written administrative procedures for the floodplain management herein. Those written administrative procedures will be on file in the city offices. Ord. no. A-7015 adopted December 27, 2000, superseded this chapter in its entirety and enacted the new provisions set out herein. Former ch. 415 derived from CC 1979 §§12.1-1—12.1-18; ord. no. A-4972 §1, 4-15-88; ord. no. A-5810 §§1—2, 11-10-93.

FINDINGS OF ARTICLE I. STATUTORY AUTHORIZATION, FACT AND PURPOSES

SECTION 415.010: STATUTORY AUTHORIZATION

The legislature of the State of Missouri has in Section 89.020, RSMo., delegated the responsibility to local government units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the City Council of the City of Monett, Missouri, ordains as follows. (Ord. No. A-7014 Art. I §A, 12-27-00)

SECTION 415.020: FINDINGS OF FACT

- A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of Monett, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- B. *General Causes Of Flood Losses.* These flood losses are caused by:
 - B.1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 - B.2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- C. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - C.1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS and illustrative materials dated April 15, 1981, as amended, and any future revisions thereto.

C.2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.

- C.3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- C.4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- C.5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood. (Ord. No. A-7014 Art. I §B, 12-27-00)

SECTION 415.030: STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 415.020(1) to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

- .1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
- .2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- .3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard. (Ord. No. A-7014 Art. I §C, 12-27-00)

ARTICLE II. GENERAL PROVISION

SECTION 415.040: LANDS TO WHICH CHAPTER APPLIES

- A. This Chapter shall apply to all lands within the jurisdiction of Monett, Missouri, identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM Maps) as follows:
 - A.1. Map No. 29009CINDOA dated August 16, 2006.
 - A.2. Map No. 29009C0050C dated August 16, 2006.
 - A.3. Map No. 29009C0033C dated August 16, 2006.
 - A.4. Map No. 29009C0037C dated August 16, 2006.
 - A.5. Map No. 29009C0041C dated August 16, 2006.
 - A.6. Map No. 29009C0042C dated August 16, 2006.

A.7. Map No. 29009C0043C dated August 16, 2006.

A.8. Map No. 290090C044C dated August 16, 2006.

- B. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the City Council or its duly authorized representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the

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inhabitants of the community and as specifically noted in Article IV. FEMA Flood Insurance Study Number 29009CV00A, dated August 16, 2006, is also hereby adopted. (Ord. No. A-7014 Art. II §A, 12-27-00; Ord. No. 7673, 7-20-06)

SECTION 415.045: ADOPTION OF CORPS OF ENGINEERS FLOODPLAIN DATA

The City of Monett upon recommendation of the State Emergency Management Agency hereby adopts the use and enforcement of the United States Army Corps of Engineers Flood Plain Phase One Study dated January 2003 and the Phase 2 Study dated March 2003 until the new FEMA "FIRM" maps are issued by FEMA and adopted by the City Council of the City of Monett. (Ord. No. 7318A §1, 5-20-03)

SECTION 415.050: FLOODPLAIN ADMINISTRATOR

The Zoning Inspector is hereby designated as the Floodplain Administrator under this Chapter. (Ord. No. A-7014 Art. II §B, 12-27-00)

SECTION 415.060: COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations. (Ord. No. A-7014 Art. II §C, 12-27-00)

SECTION 415.070: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only. (Ord. No. A-7014 Art. II §D, 12-27-00)

SECTION 415.080: INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Governing Body, and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. (Ord. No. A-7014 Art. II §E, 12-27-00)

SECTION 415.090: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter, does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Monett, any officer or employee thereof, for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. No. A-7014 Art. II §F, 12-27-00)

ARTICLE III. ADMINISTRATION

SECTION 415.100: FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 415.040. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development. (Ord. No. A-7014 Art. III §A, 12-27-00)

SECTION 415.110: DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Zoning Inspector is hereby appointed to administer and implement the provisions of this Chapter. (Ord. No. A-7014 Art. III §B, 12-27-00)

SECTION 415.120: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

- .1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
- .2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
- .3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- .4. Issue floodplain development permits for all approved applications;
- .5. Notify adjacent communities and the Missouri State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- .6. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished;
- .7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- .8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed; and
- .9. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect. (Ord. No. A-7014 Art. III §C, 12-27-00)

SECTION 415.130: APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- .1. Describe the land on which the proposed work is to be done by lot, block or tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- .2. Identify and describe the work to be covered by the floodplain development permit;

- .3. Indicate the use or occupancy for which the proposed work is intended;
- .4. Indicate the assessed value of the structure and the fair market value of the improvement;

- .5. Specify whether development is located in designated flood fringe or floodway;
- .6. Identify the existing base flood evaluation and the elevation of the proposed development;
- .7. Give such other information as reasonably may be required by the Floodplain Administrator;
- .8. Be accompanied by plans and specifications for proposed construction; and
- .9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority. (Ord. No. A-7014 Art. III §D, 12-27-00)

ARTICLE IV. PROVISIONS FOR FLOOD

HAZARD REDUCTION

SECTION 415.140: GENERAL STANDARDS

- A. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- D. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other developments shall require:
 - D.1. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of the buoyancy;
 - D.2. Construction with materials resistant to flood damage;
 - D.3. Utilization of methods and practices that minimize flood damages;
 - D.4. All electrical, heating, ventilation, plumbing, air-conditioned equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

D.5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the

systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

D.6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

D.6.a. All such proposals are consistent with the need to minimize flood damage;

D.6.b. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;

D.6.c. Adequate drainage is provided so as to reduce exposure to flood hazards; and

D.6.d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

E. *Storage, Material And Equipment.*

E.1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

E.2. Storage of other material or equipment may be allowed if not subject to major damage by floods if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

F. *Accessory Structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued. (See Section 415.240) (Ord. No. A-7014 Art. IV §A, 12-27-00)

SECTION 415.150: SPECIFIC STANDARDS

In all areas identified as numbered and unnumbered A Zones and AE Zones, where base flood elevation data has been provided as set forth in Article IV, Section 415.140(B), the following provisions are required:

.1. *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1)* foot above base flood elevation.

*In all unnumbered and numbered A Zones and AE Zones, the FEMA, Region VII office recommends elevating to one (1) foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.

- .2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1)* foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 415.120(9).

*The FEMA, Region VII office recommends elevating to one (1) foot above the base flood elevation to qualify for flood insurance rates based upon floodproofing.

- .3. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- .3.a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and

- .3.b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. No. A-7014 Art. IV §B, 12-27-00)

SECTION 415.160: MANUFACTURED HOMES

- A. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the community's FIRM on sites:
 - B.1. Outside of manufactured home park or subdivision;
 - B.2. In a new manufactured home park or subdivision;
 - B.3. In an expansion to an existing manufactured home park or subdivision; or
 - B.4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1)* foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of Article IV, Section 415.160(2) of this Chapter, be elevated so that either:

C.1. The lowest floor of the manufactured home is at one (1)* foot above the base flood level; or

C.2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ord. No. A-7014 Art. IV §C, 12-27-00)

*In all unnumbered and numbered A Zones and AE Zones, the FEMA, Region VII office recommends elevating to one (1) foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.

SECTION 415.170: FLOODWAY

Located within areas of special flood hazard established in Article II, Section 415.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

- .1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
- .2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- .3. If Article IV, Section 415.170(2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- .4. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in Article IV, Section 415.140(B). (Ord. No. A-7014 Art. IV §D, 12-27-00)

SECTION 415.180: RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:

- .1. Be on the site for fewer than one hundred eighty (180) consecutive days;

.2. Be fully licensed and ready for highway use*; or

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

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- .3. Meet the permitting, elevation and the anchoring requirements for manufactured homes of this Chapter. (Ord. No. A-7014 Art. IV §E, 12-27-00)

ARTICLE V. FLOODPLAIN MANAGEMENT

VARIANCE PROCEDURES

SECTION 415.190: ESTABLISHMENT OF APPEAL BOARD

The Board of Adjustment as established by the City of Monett shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter. (Ord. No. A-7014 Art. V §A, 12-27-00)

SECTION 415.200: RESPONSIBILITY OF APPEAL BOARD

- A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article V, Section 415.190.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcements or administration of this Chapter. (Ord. No. A-7014 Art. V §B, 12-27-00)

SECTION 415.210: FURTHER APPEALS

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of the County in which the property is located as provided in Section 89.110, RSMo. (Ord. No. A-7014 Art. V §C, 12-27-00)

SECTION 415.220: FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:

- .1. The danger to life and property due to flood damage;
- .2. The danger that materials may be swept onto other lands to the injury of others;
- .3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- .4. The importance of the services provided by the proposed facility to the community;

- .5. The necessity to the facility of a waterfront location, where applicable;
- .6. The availability of alternative locations, not subject to flood damage, for the proposed use;
- .7. The compatibility of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- .8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- .9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- .10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
- .11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges. (Ord. No. A-7014 Art. V §D, 12-27-00)

SECTION 415.230: CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or Local Inventory of Historic Places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
 - E.1. A showing of good and sufficient cause;
 - E.2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - E.3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- F. A community shall notify the applicant in writing over the signature of a community official that:
- F.1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - F.2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter. (Ord. No. A-7014 Art. V §E, 12-27-00)

SECTION 415.240: CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

- A. Any variance granted for accessory structures shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 415.220 and 415.230 of this Chapter.
- B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
 - B.1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
 - B.2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Article IV, Section 415.140(D)(2) of this Chapter.
 - B.3. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Article IV, Section 415.140(D)(1) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.
 - B.4. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 415.140(D)(4) of this Chapter.
 - B.5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 415.150(1)(c) of this Chapter.
 - B.6. The accessory structures must comply with the floodplain management of floodway encroachment provisions of Article IV, Section 415.170(2) of this Chapter. No variances may be issued for accessory structures within any designed floodway if any increase in flood levels would result during the 100-year flood.

B.7. Equipment, machinery or other contents must be protected from any flood damage.

- B.8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
- B.9. A community shall notify the applicant in writing over the signature of a community official that:
- B.9.a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 - B.9.b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
- B.10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. No. A-7014 Art. V §F, 12-27-00)

ARTICLE VI. PENALTIES FOR VIOLATION

SECTION 415.250: PENALTIES FOR VIOLATION

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Monett or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. A-7014 Art. VI, 12-27-00)

ARTICLE VII. AMENDMENTS

SECTION 415.260: AMENDMENTS

The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Monett Times. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations. (Ord. No. A-7014 Art. VII, 12-27-00)

ARTICLE VIII. DEFINITIONS

SECTION 415.270: DEFINITIONS

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

100-YEAR FLOOD: See "*BASE FLOOD*".

ACCESSORY STRUCTURE: Means the same as "*APPURTENANT STRUCTURE*".

ACTUARIAL RATES: See "*RISK PREMIUM RATES*".

ADMINISTRATOR: The Federal Insurance Administrator.

AGENCY: The Federal Emergency Management Agency (FEMA).

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

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

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

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

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

BUILDING: See "*STRUCTURE*".

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL: The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

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

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

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

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

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

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map of a community on which the Administrator has delineated both special flood hazard areas and the designate regulatory floodway.

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

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards.

FLOOD FRINGE: The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

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

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see "FLOODING").

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

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

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

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

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

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

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

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

HISTORIC STRUCTURE: Any structure that is:

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

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such

enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

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

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

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

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

NFIP: The National Flood Insurance Program (NFIP).

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

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

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

RECREATIONAL VEHICLE: A vehicle which is:

- .1. Built on a single chassis;

- .2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- .3. Designed to be self-propelled or permanently towable by a light-duty truck; and

- .4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

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

SPECIAL FLOOD HAZARD AREA: See "AREA OF SPECIAL FLOOD HAZARD".

SPECIAL HAZARD AREA: An area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

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

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

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

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the

structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- .1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
- .2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain. (Ord. No. A-7014 Art. VIII, 12-27-00)