

## Chapter 500

### BUILDING REGULATIONS

Cross References — As to mobile homes and mobile home parks generally, ch. 410; as to sewers and sewage disposal generally, ch. 705; as to moving buildings or houses on streets, alleys, etc., §510.060; as to zoning generally, ch. 400; as to fire prevention code adoption, §§205.110 — 205.130.

#### ARTICLE I Building Code

**Section 500.010. Adoption of Building Code.** [R.O. 2012 §500.010; CC 1979 §5-1; Ord. No. A-5328 §1, 12-24-1990; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7085 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

A certain document, one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Building Code (2012), and one (1) copy on file with the City Building Official, including applicable Appendix Chapters C, H, I, J, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Monett, Missouri, for the control of building and structures as herein provided; and for each and all regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.020 of this Article.

**Section 500.020. Additions, Insertions and Changes.** [R.O. 2012 §500.020; CC 1979 §5-2; Ord. No. A-5328 §3, 12-24-1990; Ord. No. A-5669 §1, 3-10-1993; Ord. No. A-5680 §1, 3-23-1993; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7085 §2, 10-26-2001; Ord. No. 7338 §§1 — 2, 7-23-2003; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

The following Sections are hereby revised:

**Section 101.1** Insert: The City of Monett, Missouri.

**Section 104.10.1** Shall be deleted in its entirety.

**Section 1612.** Shall be deleted in its entirety.

**Section 3202.3.1** Revise to read: Awnings, canopies, marquees and signs. Awnings, canopies, marquees and signs shall be constructed so as to support the applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs shall not extend into or occupy more than two-thirds (2/3) of the sidewalk or two-thirds (2/3) of the width of the parkway as measured from the lot line. Stanchions or columns that support awnings, canopies, marquees, balconies, signs or similar structures shall not bear directly on the sidewalk or on the public right-of-way.

**Section 3202.3.3** Shall be deleted in its entirety.

**Section 3412.2** Insert: December 24, 1990.

**Section 500.030. Fee Schedule.** [R.O. 2012 §500.030; CC 1979 §5-4; Ord. No. A-5328, 12-24-1990; Ord. No. A-7095, 10-26-2001; Ord. No. 7983 §1, 6-21-2010; Ord. No. 8514, 4-20-2017]

The following building permit fee schedule is hereby adopted:

**Residential Single Family Housing, Duplexes and Apartments**

\$0.10/square feet

**Garages and Detached Buildings**

\$0.05/square feet

**Commercial and Industrial**

\$3.00/\$1,000.00

**Improvements, Additions, Remodeling and Roofing**

\$3.00/\$1,000.00

If contract price includes electrical/plumbing/mechanical, the fee will be computed as above. If the electrical/plumbing/mechanical is separate, the fee will be computed as below.

**Electrical**

\$5.00/100 amps or fractions thereof

(\$10.00/200 amps, \$3.00/60 amps, etc.)

**Plumbing**

\$0.75/water-using fixture

\$0.75/hot-water heater, etc.

**Mechanical**

Included in basic fee

(These rates apply to new residential, remodeling, additions and commercial work that is not bid as part of a contract.)

If building plans or documents provided as part of a building permit application that, in the opinion of the Building Inspector, requires review by a consultant under contract with the City to provide such services, the costs associated with the review shall be included in the building permit fee charged to the applicant.

**ARTICLE II  
Electrical Code**

**Section 500.040. Adoption of Electrical Code.** [R.O. 2012 §500.040; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7087 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri, and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the National Electrical Code (2005), including applicable Appendix Chapters, as published by the National Fire Protection Association, be and is hereby adopted as the Code of the City of Monett, Missouri, for regulating the design, construction and installation of electrical conductors, equipment and systems in buildings or structures.

ARTICLE III  
**Plumbing Code**

**Section 500.050. Adoption of Plumbing Code.** [R.O. 2012 §500.050; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7086 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

A certain document, one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Plumbing Code (2012), including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Monett and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2012 Edition, published by the International Code Council on file in the office of the Building Official, and hereby referred to, adopted and made apart hereof as if fully set out in this Section with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.060 of this Article.

**Section 500.060. Additions, Insertions and Changes.** [R.O. 2012 §500.060; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7086 §2, 10-26-2001; Ord. No. 7668, 6-20-2006; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

The following Sections are hereby revised as follows:

**Section 101.1** Insert: The City of Monett, Missouri.

**Section 106.6 thru 106.63** Shall be deleted in its entirety.

**Section 108.4** Insert: Misdemeanor, five hundred dollars (\$500.00), one hundred (100) days.

**Section 108.5** Insert: (five hundred dollars (\$500.00)).

**Section 303.2 Materials of Construction** Insert: Notwithstanding any other provisions of this code, connection of PVC water service lines to water meter yokes shall not be by means of threaded PVC connectors, but shall be by means of threaded brass nipples and PVC compression-type adaptors. Connection of buildings to City sewer mains shall be by means of Schedule 40 PVC pipe in minimum four (4) inch size.

**Section 305.4.1** Insert: Twelve (12) inches.

**Section 903.1** Insert: Twelve (12) inches.

ARTICLE IV  
**Mechanical Code**

**Section 500.070. Adoption of Mechanical Code.** [R.O. 2012 §500.070; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7088 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

A certain document, one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Mechanical Code (2012), including applicable Appendix Chapter A, as published by the International Code Council, be and is hereby adopted as the Code of the City of Monett, Missouri, for regulating the design, construction, quality of

materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Monett and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2012 Edition, published by the International Code Council on file in the office of the City Building Official, and hereby referred to, adopted and made a part hereof as if fully set out in this Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.080 of this Article.

**Section 500.080. Additions, Insertions and Changes.** [R.O. 2012 §500.080; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7088 §2, 10-26-2001; Ord. No. 7965 §1, 3-19-2010; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

The following Sections are hereby revised as follows:

**Section 101.1** Insert: The City of Monett, Missouri.

**Section 106.5 thru 106.5.3** Shall be deleted in its entirety.

**Section 108.4** Insert: Misdemeanor, five hundred dollars (\$500.00), one hundred (100) days.

**Section 108.5** Insert: Five hundred dollars (\$500.00), Applicable Court Cost and Fees.

**Section 905** Insert: Fireplace Stoves and Room Heaters.

**Section 918** Insert: Forced-Air Warm-Air Furnaces.

**Section 905 and 918** Insert: Outdoor wood-burning stoves and furnaces shall be supported by a pad constructed of concrete and reinforced to carry the imposed loads, but not less than three and one-half (3 1/2) inches in thickness. The pad shall extend at least twenty (20) inches in front and twelve (12) inches beyond each side of the firebox opening. The appliance shall have a continuous foundation of solid concrete or grouted masonry.

## ARTICLE V Property Maintenance Code

**Section 500.090. Adoption of The International Property Maintenance Code.** [R.O. 2012 §500.090; Ord. No. A-7091 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

A certain document, one (1) copy of which is on file in the office of the Building Official of the City of Monett, Missouri, and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Property Maintenance Code (2012), including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Monett, Missouri, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any prescribed in Section 500.100 of this Article.

**Section 500.100. Additions, Insertions and Changes.** [R.O. 2012 §500.100; Ord. No. A-7091 §2, 10-26-2001; Ord. No. 7638 §1, 2-21-2006; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

The following Sections are hereby revised:

**Section 103.5** Insert: The City of Monett, Missouri.

**Section 112.4** Insert: Applicable Court Cost and Fees five hundred dollars (\$500.00).

**Section 302.4** Insert: Weeds eight (8) inches in height.

**Section 302.8 Motor Vehicles** Insert: "No more than one" to appear as follows: Except as provided for in other regulations, no more than one (1) inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises.

**Section 304.14** Insert: "April 1 to October 30."

**Section 602.3** Insert: "October 1 to April 30."

**Section 602.4** Insert: "October 1 to April 30."

#### ARTICLE VI Private Sewage Disposal Code

**Section 500.110. Private Sewage Disposal Code Adopted.** [R.O. 2012 §500.110; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7092 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

A certain document, one (1) copy of which is on file in the office of the Building Official of the City of Monett, Missouri, and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Private Sewage Disposal Code (2012), including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of sewage systems in the City of Monett and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Private Sewage Disposal Code, 2012 Edition, published by the International Code Council on file in the office of the Building Official, are hereby referred to, adopted and made a part hereof as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.115 of this Article.

**Section 500.115. Additions, Insertions and Changes.** [R.O. 2012 §500.115; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7092 §2, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

The following Sections are hereby revised:

**Section 101.1** Insert: The City of Monett, Missouri.

**Section 106.4 thru 106.4.3** Shall be deleted in its entirety.

**Section 108.4** Insert: Misdemeanor, five hundred dollars (\$500.00), one hundred (100) days.

**Section 108.5** Insert: Five hundred dollars (\$500.00) Applicable Court Costs and Fees.

**Section 405.2.5** Insert in three (3) locations: To be determined by an approved testing agency.

**Section 405.2.6** Insert in two (2) locations: To be determined by an approved testing agency.

**Section 500.120. Jurisdictional Title.** [R.O. 2012 §500.120; Ord. No. 8514, 4-20-2017]

Throughout the International National Private Sewage Disposal Code 2012 Edition, wherever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear it shall be deemed to mean the City of Monett, Missouri, likewise wherever the term "Department of Inspection" appears it shall be deemed to mean the Department of Building Inspection.

#### ARTICLE VII Fuel Gas Code

**Section 500.121. Adoption of Fuel Gas Code.** [R.O. 2012 §500.121; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7090 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

That a certain document, one (1) copy of which is on file in the office of the Building Official of the City of Monett, Missouri, and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the Fuel Gas Code (2012), including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Code of the City of Monett, Missouri, for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any prescribed in Section 500.122 of this Article.

**Section 500.122. Additions, Insertions and Changes.** [R.O. 2012 §500.122; Ord. No. A-7084 §1, 10-26-2001; Ord. No. A-7090 §2, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

The following Sections are hereby revised:

**Section 101.1** Insert: The City of Monett, Missouri.

**Section 106.5 thru 106.63** Shall be deleted in its entirety.

**Section 108.4** Insert: Misdemeanor, five hundred dollars (\$500.00), one hundred (100) days.

**Section 108.5** Insert: Applicable Court Cost and Fees five hundred dollars (\$500.00).

#### ARTICLE VIII (Reserved)

**Section 500.123. through Section 500.125. (Reserved)** <sup>1</sup>

#### ARTICLE IX International Residential Code For One and Two-Family Dwellings

**Section 500.127. Adoption of The International Residential Code For One- and Two-Family Dwellings.** [R.O. 2012 §500.127; Ord. No. A-7094 §1, 10-26-2001; Ord. No. 8045, 5-20-2011; Ord. No.

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<sup>1</sup>. Editor's Note: Former Article VIII, Energy Conservation Code, containing Section 500.123 through 500.125, which derived from R.O. 2012 §§ 500.123 - 500.125; Ord. No. A-7084 § 1, 10-26-2001; Ord. No. A-7093 §§ 1 — 2, 10-26-2001; Ord. No. 8045, 5-20-2011, was repealed 4-20-2017 by Ord. No. 8514.

8514, 4-20-2017]

A certain document, one (1) copy of which is on file in the office of the Building Official of the City of Monett, Missouri, and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Residential Code (2012), including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three (3) stories in height in the City of Monett, and providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2012 hereby referred to, adopted and made a part hereof as if fully set out in this Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.129 of this Article.

**Section 500.129. Additions, Insertions and Changes.** [R.O. 2012 §500.129; Ord. No. A-7094 §2, 10-26-2001; Ord. No. 7339 §1, 7-23-2003; Ord. No. 8045, 5-20-2011; Ord. No. 8514, 4-20-2017]

The following Sections are hereby revised:

**Section R101.1** Insert: The City of Monett, Missouri.

**Section R301.2(1).** Insert the following:

**Climatic and Geographical Design**

Ground snow load	20 psf
Wind speed	90 mph
Seismic design category	B
Weathering	Severe
Frost line depth	24 inches
Termite infestations	Moderate to heavy
Decay	Slight to moderate
Winter design temperature	9 degrees F
Flood hazard	FIRM Flood Insurance Rate Map Community Number 290023 Panel Numbers 0033, 0037, 0041, 0042, 0043, 0044, 0050 Effective Date August 2016

**Section N1101.15 thru N1101.16** Shall be deleted in its entirety.

**Section N1102.2.7** Shall be deleted in its entirety.

**Section N1102.2.2.10** Shall be deleted in its entirety.

**Section N1102.3 thru N1102.5** Shall be deleted in its entirety.

**Section P2603.5.1** Insert: Twelve (12) inches.

ARTICLE X  
**General Provisions**

**Section 500.130. Savings Clause.** [R.O. 2012 §500.130; CC 1979 §5-3; Ord. No. A-5328 §4, 12-24-1990]

Nothing in this Chapter or in any of the Codes adopted in this Chapter shall be construed to affect any suit or proceeding now pending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter existing prior to the adoption of these Codes; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Chapter.

**Section 500.140. General Penalty.**

- A. Whenever in any of the codes adopted in this Chapter or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of the codes adopted in this Chapter or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City Prison or workhouse instead of the County Jail.
- B. Every day any violation of any of the codes adopted in this Chapter or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by any of the codes adopted in this Chapter, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by any of the codes adopted in this Chapter, an attempt to do the act is likewise prohibited.

ARTICLE XI  
**Landscaping and Open Space Regulations**

**Section 500.150. Purpose.** [R.O. 2012 §500.150; Ord. No. 8032, 3-21-2011]

The purpose of this Article is to encourage areas of established native trees to be preserved within a development site, to properly protect these preserved areas during construction and to ensure a minimum level of green space as an integral part of new development. This Article provides standards and criteria for landscaping which are intended to enhance the value of



property, provide buffers between dissimilar areas of use, improve the physical appearance of the City, maintain an ecological balance, increase green space which will reduce water runoff, flooding, erosion, water pollution, noise, glare, heat and visual blight. Landscape methods which conserve water through the use of drought tolerant plants and planting techniques are to be encouraged.

**Section 500.160. Applicability.** [R.O. 2012 §500.160; Ord. No. 8032, 3-21-2011]

- A. The requirements of this Article are deemed to be minimum standards and shall apply to all new construction approved for development within the City of Monett, after the date this Article is adopted, with the following exceptions:
1. Additions to existing structures that are under ten percent (10%) of the gross floor area of the building or five (5,000) thousand square feet, whichever is less.
  2. An application for alternative landscaping schemes is justified only when one (1) or more of the following conditions apply. In such a case, the applicant shall describe in a letter to the Monett Building and Zoning Department which of the requirements set forth in this Article will be met with modifications, which project conditions justify using alternatives and how the proposed measures equal or exceed normal compliance. The request will be evaluated on a case-by-case basis.
    - a. The site involves space limitations or unusually shaped parcels.
    - b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
    - c. Safety considerations require a change.
  3. Landscaping, screening and buffer yard standards shall apply to all applicable situations, regardless of requests from adjoining property owners to omit the same.
  4. Single-family and multi-family units that do not exceed four (4) dwelling units shall be exempt from the requirements set forth in this Article unless alternative parking lots or vehicular use areas are provided, in which case the Building and Zoning Department may require the development to conform to the standards and criteria of this Section.

**Section 500.170. Conflicts.** [R.O. 2012 §500.170; Ord. No. 8032, 3-21-2011]

If any provision of this Article shall conflict with other ordinances or regulations, the more stringent limitation or requirement shall apply.

**Section 500.180. Enforcement.** [R.O. 2012 §500.180; Ord. No. 8032, 3-21-2011]

The provisions of this Article shall be administered and enforced by the Monett Building and Zoning Department. If at any time after the issuance of a certificate of occupancy the Building and Zoning Department determines that the approved landscaping does not conform to the standards and criteria of this Section, a notice shall be issued to the owner and to any known tenant or agent citing the violations and describing what action is required to comply with this

Article. The owner, tenant or agent shall have thirty (30) days from the date of said notice to restore the landscaping to its previous compliant condition, as required. If the landscaping is not restored within the allotted time or arrangements have not been made in conformance with this Article, such person shall be in violation of this Article and the same shall be subject to prosecution in the Municipal Division of the Circuit Court in and for the City of Monett, Missouri. Penalties for such violations shall include a fine of up to five hundred dollars (\$500.00) and costs or imprisonment for a period not to exceed ninety (90) days. Each day the property remains in violation of this Article, after due notice has been given, shall be deemed a separate offense subject to punishment as provided herein.

**Section 500.190. Permits.** [R.O. 2012 §500.190; Ord. No. 8032, 3-21-2011]

- A. No permits shall be issued for the improvement of any site, the construction of any building or the establishment of any use for which a landscaping plan is required by this Article until such plan has been submitted to and approved by the Building and Zoning Department.
- B. Prior to the issuance of a certificate of occupancy for any building or structure subject to the provisions of this Article, all screening and landscaping shall be in place in accordance with the landscape plan required in this Article.
- C. Standards have been established for installation of all plant materials within the City of Monett. These requirements must be followed in order to receive approval of the site work and final occupancy or approval of the development. The Building and Zoning Department has the authority to deny the issuance of a final occupancy permit until landscaping is installed according to the requirements of this Article are satisfied as determined by the site inspector.
- D. The Building and Zoning Department may approve temporary occupancy permits if occupancy is sought at a season of the year in which it is impractical to plant trees, shrubs or to lay turf. The applicant shall submit a written request for a temporary occupancy permit. The request shall include an estimated time frame of when the landscaping plan will be completed. This temporary occupancy permit will be valid for a period not to exceed six (6) months from the date of the written request.

**Section 500.200. Requirements of Landscape Plan.** [R.O. 2012 §500.200; Ord. No. 8032, 3-21-2011]

- A. The landscaping plan shall provide, to the maximum extent practical, for the preservation of existing trees. It is the intent of this Article to discourage the practice of removing all trees in the improvement or development of properties within the City limits. Plans which provide for clear cutting of existing trees shall be approved by the Building and Zoning Department only if the developer or contractor establishes by clear and convincing evidence that the prohibition of clear cutting substantially and unreasonably restricts his or her ability to develop the property, and that the development will not be economically viable unless clear cutting is permitted.
- B. The landscaping plan may be submitted concurrently with the site plan. The Building and Zoning Department shall review such plans and shall approve them if the plans are in accordance with the criteria in this Article. If the plans are not in accordance, they shall be

disapproved and shall be accompanied by a written statement setting forth the changes necessary to bring the plans into compliance.

- C. Landscape plans shall contain the following information:
1. A minimum scale of one (1) inch equals fifty (50) feet;
  2. The location, general type and viability of existing vegetation, including trees to be preserved;
  3. The location of all plant and other landscape materials such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas;
  4. Plant lists or schedules with the botanical and common names, general description (canopy, understory, ornamental or evergreen, shrub, grass, etc.), quantity, spacing and size of all property landscape material at the time of planting;
  5. The person, architect or company responsible for the landscape plan, together with all necessary contact information.

**Section 500.210. Maintenance.** [R.O. 2012 §500.210; Ord. No. 8032, 3-21-2011]

The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all times, the landscaping required by this Article. Plant materials shall be maintained in a healthy and growing condition during the appropriate seasons. Plant materials which die shall be replaced with healthy plant material of similar variety and meeting the size requirements of this Article.

**Section 500.220. General Standards.** [R.O. 2012 §500.220; Ord. No. 8032, 3-21-2011]

- A. The following criteria and standards shall apply to landscape materials and installation:
1. *Quality.* All trees and shrubs used in conformance with the provisions of this Chapter shall have well-developed leaders and tops, roots characteristic of the species, and shall show evidence of proper nursery pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
  2. *Coverage.* Grass, ground cover, shrubs and other living landscape materials shall be used to cover all open ground. Landscaping materials, such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate.
  3. *Trees.* Trees referred to in this Section shall be of a species common to or adapted to this area of Missouri. Tree diameter shall be taken six (6) inches above grade. Trees shall have the following characteristics:
    - a. Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have an outside caliper width of one and one-half (1½) inches at time of planting.
    - b. Understory trees shall be deciduous trees that have a maximum height of less

than thirty (30) feet at maturity. All understory trees shall have an outside caliper width of one (1) inch at time of planting.

- c. Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have an outside caliper width of one (1) inch at time of planting.
  - d. Evergreen or conifer trees shall have a minimum height of twenty (20) feet at time of maturity. All evergreen or conifer trees shall be at least four (4) feet high at time of planting.
4. *Shrubs and hedges.* Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three (3) feet in height within one (1) year after time of planting.
  5. *Ground cover.* Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after time of planting.
  6. *Lawn grass.* Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
  7. *Credit for existing trees.* Any trees preserved on site in required buffer yards, interior landscaping and perimeter landscaping areas and meeting the specifications in this Section may, at the discretion of the Building and Zoning Department, be credited toward meeting the tree requirements of any landscaping provision of this Section. Any tree for which credit is given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this Section.

Existing Tree	Size	Credit
Canopy	2 — 3 inches	1
	3 — 6 inches	2
	> 6 inches	3
Understory	1½ inches — 3 inches	1
	3 — 6 inches	2
	> 6 inches	3
Ornamental	1 — 2 inches	1
	2 — 5 inches	2
	> 5 inches	3
Evergreen	5 — 8 feet	1
	8 — 12 feet	2
	> 12 feet	3

To receive credit, trees must be located in the landscape area. Each credit may be used in lieu of the planting of one (1) tree. The existing tree must satisfy the requirements of this Section.

- a. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species located anywhere on the site may, at the discretion of the Building and Zoning Department, be credited as three (3) in computing the minimum requirements in landscaping areas.
  - b. Existing trees which are preserved and receive credit shall be marked on the landscape plan and the amount of credit shall be indicated. Any trees which receive credit and are later removed or die because of damage sustained during the construction process, because of insufficient protection or maintenance shall be replaced with the number of trees for which credit was received.
8. *Fences.* Existing fences located on adjacent properties or on property lines shall not be credited towards fulfilling the requirements of this Article. All required fences shall be constructed inside property boundaries preventing the removal by adjacent property owners.

**Section 500.230. Minimum Requirements For Off-Street Parking Lots and Vehicular Use Areas.**  
[R.O. 2012 §500.230; Ord. No. 8032, 3-21-2011]

- A. The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.
1. *Interior landscaping.* For sites containing parking and vehicular use areas totaling fifteen (15) or more parking spaces or where the gross area is six thousand (6,000) or more square feet, a minimum of ten percent (10%) of the parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. These plantings may be grouped in such a way as to provide visual appeal. Additional criteria shall apply to the interior parking and vehicular use areas:
    - a. Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
    - b. There shall be a minimum of one (1) canopy tree or two (2) understory trees or ornamental trees planted for each fifteen (15) parking spaces or six thousand (6,000) square feet of parking or vehicular use area. For every tree planted in the required ten percent (10%) areas, four (4) shrubs shall be planted. The planted areas may be sodded or mulched.
    - c. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expanse of paving. Interior planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.

2. *Perimeter landscaping.*

- a. Perimeter landscaping shall be provided where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building.
- b. Perimeter landscaping shall be protected from vehicular encroachment or overhang through appropriate wheel stops, curbs or setback distance.
- c. Perimeter landscape areas shall contain one (1) canopy tree, two (2) understory, ornamental or evergreen trees and four (4) shrubs per one hundred (100) linear feet. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer would not allow canopy trees, each required canopy tree may be replaced by two (2) understory, ornamental or evergreen trees, or in this area, in lieu of one (1) tree, eight (8) shrubs (measured at eighteen (18) inches after planting) or eight (8) perennial bed plantings (measured at one (1) gallon size at planting) will meet the landscape requirements. Where a perimeter landscape area is less than fifty (50) linear feet, only one (1) canopy tree or two (2) understory, ornamental or evergreen trees are required in addition to four (4) shrubs. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. The remaining area shall be landscaped with grass or other ground cover.
  - (1) Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least eight (8) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.
  - (2) Perimeter landscaping shall be provided where an off-street parking or vehicular use area abuts another; a perimeter landscaped strip at least eight (8) feet in depth shall be maintained between the abutting off-street parking and vehicular use areas. This prevents two (2) adjacent lots from becoming one (1) large expanse of paving.
  - (3) Necessary accessways from the public right-of-way shall be permitted through all landscaping.

**Section 500.240. Exemption For Property in Downtown Broadway District.** [R.O. 2012 §500.240; Ord. No. 8032, 3-21-2011]

Due to the unique nature of those properties located along Broadway, between Second (2nd) and Ninth (9th) Streets, those properties are exempt from this Article unless off street-parking or recreational areas are provided, in which case the Building and Zoning Department may require the development to conform to the standards for interior and perimeter landscaping.

**Section 500.250. Buffering and Screening Requirements.** [R.O. 2012 §500.250; Ord. No. 8032, 3-21-2011]

- A. *Applicability.* All plans submitted in support of a final development plan or a building permit shall include a detailed drawing of applicable screening methods. Such drawing

may be included as part of the landscape plan. No buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen, or allowed to be used in a trade-off or modification of a standard.

- B. *Trash Bin Screening.* Commercial, office, industrial, and multi-family apartments shall include on the landscape plan a detailed drawing of enclosure and screening methods to be used in connection with trash bins and equipment areas on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure shall be provided for such bin.
- C. *Buffering Requirements.* Development of property zoned (C) Commercial, (D) Industrial, (LD) Light Industrial, or (LC) Light Commercial. When a new structure and/or development are proposed which directly abuts a residential use area, a buffer yard shall be required along all rear and side properties that adjoin these residential areas. The buffer yard standards shall be a landscaping barrier twenty (20) feet in width consisting of a minimum six (6) foot tall solid board or masonry fence, with the following plantings placed on the residential side, within every one (100) hundred linear feet.

**Required Plantings per 100 Linear Feet**

- 3 canopy trees
- 2 understory trees
- 4 evergreen trees
- 16 shrubs

- D. *Trees.* Trees and shrubs referred to in this Section shall be of the same criteria and standards listed in Section 500.220 General Standards.
- E. *Existing Screening.* No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial, industrial, light industrial or light commercial property which directly abuts a residentially zoned property without first submitting and obtaining approval for a landscaping plan which provides for replacement screening conforming to all provisions of this Section.
- F. *Sight Triangle.* On a corner lot in any zoning district, no plantings or fence shall be placed in such a manner as to impede vision within the intersection.
- G. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer. Plantings within utility easements shall be limited to ornamental trees, shrubs and hedges, and ground cover. Each required canopy tree may be replaced by two (2) understory or ornamental trees to reduce conflicts with overhead utilities. Plantings in or adjacent to a utility easement shall be coordinated with the utility.

ARTICLE XII

**Encroachments On City Property**

**Section 500.260. Encroachments Prohibited When.** [Ord. No. 8458, 8-19-2016]

- A. Encroachments on City property are prohibited unless permitted by the City as set out herein.

- B. Definitions. When used within this Section the following words shall have the meanings set out herein:

CITY REAL ESTATE — Land which is owned in fee title by the City.

EASEMENT — The term "easement" as used herein shall refer to streets, alleys, roadways, general utility easements, water and or sewer line easements, and drainage easements, whether acquired by grant, ordinance or the operation of law.

EMERGENCY CONDITION — A condition presented by the encroachment which the director of any City Department determines, in his/her sole discretion, presents an imminent hazard to persons or property or which prevents performance of a City function requiring immediate remedy.

ENCROACHMENT — Development, construction on, or use of City property, City right-of-way and City easements in such a way as to impede access by the City or otherwise present a hazardous condition. Encroachments shall, include, but not be limited to, all objects, whether fixtures, landscaping features or personalty.

REQUESTING PARTY — Person or entity seeking encroachment authorization pursuant to this Section.

- C. Written Authorization Required. No person or entity shall cause or allow an encroachment to remain on property owned or controlled by such person or entity without receiving a written permit for the same, issued by the director of the City department having a direct interest in the property, right-of-way or easement and the City functions conducted on the same. The permit shall specifically state the nature of the permitted encroachment.
- D. Duration. Such permits may be issued to the requesting party as temporary or conditionally permanent permits. All permanent permits shall be conditional and may be withdrawn if, in the sole discretion of the director of a City department which utilizes the property, continuation of the same represents a hazard to residents or the employees of the City or presents a significant inconvenience to the City in performing its functions.
- E. Withdrawal. If the director of the City department which issued the permit subsequently determines that continuation of the permitted encroachment should be terminated as abovementioned, such director may withdraw the permit, first giving the holder of the permit, or the owner or occupant if the holder cannot be contacted by certified mail, thirty (30) days' notice of intent to withdraw the same.
- F. Unpermitted Encroachment. If the City becomes aware of an unpermitted encroachment, the director of the City department having a direct interest in the purpose of the City property, right-of-way or easement, shall give the owner or occupant of the property ten (10) days' notice by certified mail to remove the encroachment.
- G. Removal. If the owner or person notified as set out herein does not remove the encroachment within the notice period abovementioned, then the City may enter upon the premises and remove the encroachment. Interference with such removal shall constitute a violation of this Section. Should the director of the affected City department, in his/her sole discretion, determine that the encroachment presents an emergency condition, the City may remove the encroachment without notice.



H. Penalties. A person or entity violating this Section shall incur a penalty for each day of violation as provided for daily violations in the ordinances of the City. Each person or entity participating in the violation shall be liable to the penalties under this Subsection. In addition, if the City reasonably deems enforcement in the Municipal Court to be inadequate, the City may seek injunctive relief against such encroachment in the Circuit Court of the County in which such encroachment exists.