Chapter 400

ZONING REGULATIONS

Cross References — As to buildings generally, ch. 500; as to mobile homes and mobile home parks generally, ch. 410; as to subdivision of land generally, 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. [R.O. 2012 §400.010; CC 1979 §32-1; Ord. No. A-1867 §1, 2-22-1984; Ord. No. A-6476 §1, 3-13-1997; Ord. No. A-6629, 2-5-1998]

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)

District "O" — office district

Section 400.020. Zoning District Map — Classification of Annexed Areas. [R.O. 2012 §400.020; CC 1979 §32-2; Ord. No. A-1867 §2, 2-22-1984]

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.[1]

Section 400.030. Compliance With District Regulations. [R.O. 2012 §400.030; CC 1979 §32-3; Ord. No. A-1867 §3, 2-22-1984; Ord. No. A-5667 §1, 3-10-1993; Ord. No. A-6743 §1, 9-16-1998; Ord. No. A-7098, 10-26-2001; Ord. No. 7669 §1, 6-20-2006; Ord. No. 7874 §§1 — 2, 8-20-2008]

A. 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:

a. Side setback on interior lots — a minimum of three (3) feet;

b. Side setback on corner lots — same as side yard widths established in this Chapter for residences;

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

---

1. **Editor's Note: Former Subsection (C), which immediately followed, regarding A classification for properties annexed after August 8, 1961, was repealed 6-22-2015 by §1 of Ord. No. 8345.**

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.

ARTICLE II

District "A" — First Residential (Single-Family) District

Section 400.040. Use Regulations. [R.O. 2012 §400.040; CC 1979 §32-4; Ord. No. A-1867 §1, 2-22-1984]

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:

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; or any group home which shall include 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. No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

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.

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.

Section 400.050. Height and Area Regulations. [2] [R.O. 2012 §400.050; CC 1979 §32-5; Ord. No. A-1867 §4, 2-22-1984; Ord. No. A-5055 §1, 11-30-1988]

A. 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.

---

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

ARTICLE III

District "B" — Second Residential (Multiple Dwelling) District

Section 400.060. Use Regulations. [R.O. 2012 §400.060; CC 1979 §32-6; Ord. No. A-1867 §5, 2-22-1984; Ord. No. A-1905 §3, 4-5-1962; Ord. No. A-4188 §1, 9-4-1980; Ord. No. A-6205 §1, 11-16-1995; Ord. No. 7370, 12-19-2003; Ord. No. 7520 §1, 1-31-2005]

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:

1. Any use permitted in District "A".
2. Apartment houses.
3. Boardinghouses or lodging houses.
4. Churches.
5. Farming or truck gardening; provided, that no obnoxious fertilizers are stored or used on the premises.
6. Fraternity or sorority houses.
7. Hospitals, sanitariums or clinics, other than for tubercular, alcoholic, narcotic, or insane patients.
8. Mortuaries.
9. 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.
10. Nurseries and greenhouses; provided, that no obnoxious fertilizers are stored or used on the premises.
11. Philanthropic or eleemosynary uses or institutions, other than a penal or correctional institution.
12. Private clubs, except clubs the chief activity of which is a service customarily carried on as a business.
13. 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.
14. Two-family private residences.
15. Private or parochial schools, colleges and universities.

16. 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.

17. 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.

18. One (1) realtor with no more than one (1) employee with off-street parking.

19. Patio-homes (zero-lot-line homes) under the following conditions:

    a. Two-unit homes are allowed, with each side under separate ownership.

    b. The lot line shall be the common dividing line.

    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.

    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.

    e. Minimum lot area per unit is three thousand seven hundred fifty (3,750) square feet.

    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.

    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:

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.

2. No commercial vehicles shall be housed in such community garages.

3. Vehicles may be washed therein, but no commercial use of its premises shall be permitted.

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.

5. Access thereto, if from the street, shall be by not more than one (1) driveway.

Section 400.070. Height and Area Regulations. [R.O. 2012 §400.070; CC 1979 §32-7; Ord. No. A-1867 §5, 2-22-1984; Ord. No. A-6432 §1, 1-31-1997; Ord. No. 7520 §2, 1-31-2005]

A. 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.

ARTICLE III-A
District "MD" — Third Residential (Medium Density) District

Section 400.071. Use Regulations. [R.O. 2012 §400.071; Ord. No. A-6456 §400.055, 2-28-1997]

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:

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.

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.

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.

Section 400.072. Height and Area Regulations. [R.O. 2012 §400.072; Ord. No. A-6457 §400.056, 2-28-1997; Ord. No. A-6524 §1, 6-20-1997; Ord. No. 7305, 4-14-2003]

A. 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".

ARTICLE III-B
District "AG" — Fourth Residential (Agricultural) District

Section 400.073. Use Regulations. [R.O. 2012 §400.073; Ord. No. A-6459 §400.057, 2-28-1997]

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:

1. Any use permitted in District "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.)

3. Fish, hatcheries, apiaries, aviaries, stables, kennels.

4. Fishing lakes, picnic groves. (Exceptions: No concession sales, no retail sales.)

5. Forest and wildlife reservations, or similar conservation projects.

6. Nurseries, greenhouses, truck gardens.

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.)

8. Customary home occupations as permitted in District "B".

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 International Property Maintenance Code.

Section 400.074. Height and Area Regulations. [R.O. 2012 §400.074; Ord. No. A-6458 §400.058, 2-28-1997]

A. 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.

ARTICLE III-C

District "MH" — Fifth Residential District (Manufactured Home) District

Section 400.075. Use Regulations. [R.O. 2012 §400.075; Ord. No. A-6633, 2-5-1998]

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:

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.

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.

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.

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.

Section 400.076. Height and Area Regulations. [R.O. 2012 §400.076; Ord. No. A-6457 §400.056, 2-28-1997; Ord. No. A-6524 §1, 6-20-1997; Ord. No. A-6629, 2-5-1998]

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:

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 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.

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.

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.

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

9. The minimum subdivision area for any District "MH" Zone shall be ten (10) acres.

ARTICLE IV
District "C" — Local Business District

Section 400.080. Use Regulations. [R.O. 2012 §400.080; CC 1979 §32-8; Ord. No. A-1867 §6, 2-22-1984; Ord. No. A-1905 §2, 4-5-1962; Ord. No. A-2232 §1, 5-13-1965; Ord. No. A-2327 §2, 4-14-1966; Ord. No. A-3646 §§1 — 2, 3-19-1976; Ord. No. A-5394 §1, 5-30-1991; Ord. No. 7710, 11-22-2006; Ord. No. 7876 §1, 8-20-2008; Ord. No. 7921, 3-20-2009]

A. 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 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 per 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.

Section 400.090. Height and Area Regulations. [R.O. 2012 §400.090; CC 1979 §32-9; Ord. No. A-1867 §6, 2-22-1984; Ord. No. A-6432 §2, 1-31-1997]

A. 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.

ARTICLE IV-A
District "LC" — Light Commercial Business District

Section 400.095. Use Regulations. [R.O. 2012 §400.095; Ord. No. A-6474, 3-13-1997]

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:

1. Advertising signs.

2. Any use permitted in District "B".

3. Churches, other places of worship, parish houses, Sunday schools, but excluding overnight shelters.

4. Community centers, non-profit.

5. Governmental buildings and uses.

6. Offices, administrative, business, finance and professional.

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.

8. Police and fire stations.

9. Printshops, photocopying establishments.

10. Public and private parks, golf courses, playgrounds, excluding miniature golf courses and driving ranges.

11. Residential uses associated with individual permitted light commercial uses.

12. Restaurants, excluding drive-in or pick-up facilities.

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.

14. Banks and financial institutions with a maximum of two (2) teller stations or lanes.

15. Convenience stores with gas pumps.

16. Schools and studios for art, dancing, drama, music and photography.

Section 400.096. Height and Area Regulations. [R.O. 2012 §400.096; Ord. No. A-6474, 3-13-1997]

A. 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.

ARTICLE IV-B
District "O" — Office District

Section 400.097. Use Regulations. [R.O. 2012 §400.097; Ord. No. 7741, 4-3-2007]

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:

1. Offices, such as public or private administrative, business, professional, financial, medical or dental offices.

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. Total floor area of associated uses shall not exceed ten percent (10%) of total office building.

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.

3. Any use permitted in District "B" — Multi-Family Residential.

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

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

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.*

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

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.

Section 400.098. Height and Area Regulations. [R.O. 2012 §400.098; Ord. No. 7741, 4-3-2007]

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.

ARTICLE V
District "D" — Industrial District [3]

Section 400.100. Use Regulations. [R.O. 2012 §400.100; CC 1979 §32-11; Ord. No A-1867 §7, 2-22-84; Ord. No. A-3646 §1, 3-19-1976; Ord. No. 7875 §§1 — 2, 8-20-2008]

A. 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" except for residential dwelling units. [Ord. No. 8361

---

3. **Editor's Note: Ord. No. 8361 §3, 6-20-2015, set out that the lawful use of a residential dwelling unit in District "D" or District "LD" existing on June 1, 2015, 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.**

§1, 7-20-2015]

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.

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.

Section 400.110. Height and Area Regulations. [R.O. 2012 §400.110; CC 1979 §32-12; Ord. No. A-1867 §7, 2-22-1984; Ord. No. A-6432 §3, 1-31-1997]

A. 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.

ARTICLE V-A
District "LD" — Light Industrial District [4]

Section 400.115. Use Regulations. [R.O. 2012 §400.115; Ord. No. A-6475, 3-13-1997]

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:

1. Any use permitted in Districts "C" and "LC" except for residential dwelling units. [Ord. No. 8361 §2, 7-20-2015]

2. Light manufacturing, fabrication, assembling and warehousing of products, and

---

4. **Editor's Note: Ord. No. 8361 §3, 6-20-2015, set out that the lawful use of a residential dwelling unit in District "D" or District "LD" existing on June 1, 2015, 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.**

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.

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.

4. Heating and plumbing sales and service.

5. Pest control services.

6. Recording studios.

7. Retail sales of products produced by the principal use.

8. Self-service storage facilities.

9. Television and radio studios and transmitting towers.

10. Veterinary clinics, animal hospitals, and kennels, with no outside activities.

11. Warehouses, storage and distribution centers.

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.

Section 400.116. Height and Area Regulations. [R.O. 2012 §400.116; Ord. No. A-6475, 3-13-1997]

A. 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.

ARTICLE VI
Exceptions and Modifications To District Regulations

Section 400.120. Special Classes of Uses Permitted By Special Permit. [R.O. 2012 §400.120; CC

1979 §32-13; Ord. No. A-1867 §8, 2-22-1984]

A. 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. 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).

Section 400.130. Toilet and Sewage Disposal Requirements. [R.O. 2012 §400.130; CC 1979 §32-14; Ord. No. A-1867 §9, 2-22-1984]

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 International 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.

Section 400.140. Existing Manufacturing Plants. [R.O. 2012 §400.140; CC 1979 §32-15; Ord. No. A-1867 §15, 2-22-1984]

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.

Section 400.150. Plats of New Additions. [R.O. 2012 §400.150; CC 1979 §32-16; Ord. No. A-1867 §11, 2-22-1984]

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.

Section 400.160. Non-Conforming Uses — Generally. [R.O. 2012 §400.160; CC 1979 §32-17; Ord. No. A-1867 §12, 2-22-1984]

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.

Section 400.170. Non-Conforming Uses — Certificate of Occupancy. [R.O. 2012 §400.170; CC 1979 §32-18; Ord. No. A-1867 §13, 2-22-1984]

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.

Section 400.180. Completion, Restoration or Extension of Existing Buildings. [R.O. 2012 §400.180; CC 1979 §32-19; Ord. No. A-1867 §14, 2-22-1984]

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.

Section 400.190. Off-Street Parking and Loading. [R.O. 2012 §400.190; CC 1979 §32-20; Ord. No. A-1867 §1, 2-22-1984; Ord. No. A-7028, 3-30-2001; Ord. No. 8162 §§1 — 2, 11-20-2012]

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, loading facilities, and vehicular use areas to be provided to comply with the requirements of this section. Said plan shall

include appropriate entrances and exits, 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. [Ord. No. 8361 §4, 6-20-2015]

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 and vehicular use area shall be paved with an all-weather material composed of an asphalt or concrete surface except within Districts "D" and "LD", crushed stone or gravel may be permitted for an industrial use unless the property is located adjacent to one of the following residential districts: "A", "B", "MD" or "MH". [Ord. No. 8361 §4, 6-20-2015]

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 or manufacturing 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 four hundred (400) 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.*

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:

    a. On-street public parking is already provided, and

    b. A City of Monett municipal public parking lot is already provided within nine hundred (900) feet.

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.

K. Every warehouse or industrial storage building erected, constructed or reconstructed shall provide adequate off-street parking at the rate of three (3) parking spaces for each structure, plus one (1) parking space for each employee employed therein, or for each eight hundred (800) square feet of floor space within the building, whichever is greater. Such off-street parking facilities shall be on the same lot or parcel of land as the building they are intended to serve.

L. Every business or office building erected, constructed or reconstructed shall provide adequate off-street parking at the rate of one (1) parking space for each two hundred (200) square feet of floor space within the building structure. Such parking space shall be on the same lot with the main building or within two hundred (200) feet thereof.

M. Every restaurant, cafe, or tavern building erected, constructed or reconstructed shall provide adequate off-street parking space at the rate of one (1) parking space for each three (3) seats of seating capacity of the building structure or part thereof, or each one hundred (100) square feet of floor space within the building, whichever is greater. Such parking shall be located on the same lot with such building structure or within two hundred (200) feet thereof.

N. Every hotel or motel building erected, constructed or reconstructed shall provide adequate off-street parking space at the rate of one (1) parking space for each guest room, plus any required for restaurants and assembly areas. Such off-street parking facilities shall be on the same lot or parcel of land as the building they are intended to serve.

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. [R.O. 2012 §400.200; CC 1979 §32-21; Ord. No. A-1867 §16, 2-22-1984]

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.

Section 400.210. Amendments, Modifications, Etc., of Chapter or District Boundaries — Generally. [R.O. 2012 §400.210; CC 1979 §32-22; Ord. No. A-1867 §17, 2-22-1984]

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.

Section 400.220. Amendments — Protest By Property Owners. [R.O. 2012 §400.220; CC 1979 §32-23; Ord. No. A-1867 §18, 2-22-1984]

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.

Section 400.230. Amendments — Public Hearing — Notice of Hearing. [R.O. 2012 §400.230; CC

1979 §32-24; Ord. No. A-1867 §19, 2-22-1984]

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.

Section 400.240. Powers and Duties Generally of Zoning Inspector. [R.O. 2012 §400.240; CC 1979 §32-25; Ord. No. A-1867 §20, 2-22-1984]

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.

Section 400.250. Board of Adjustment. [5] [R.O. 2012 §400.250; CC 1979 §32-26; Ord. No. A-1867 §21, 2-22-1984]

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

---

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

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, any neighborhood organization as defined in Section 32.105, RSMo., representing such 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:

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.

2. To hear and decide all matters referred to it or upon which such Board is required to pass under this Chapter.

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.

4. To determine, in cases of uncertainty, the classification of any use not specifically enumerated in this Chapter.

Section 400.260. Appeals To Circuit Court. [R.O. 2012 §400.260; CC 1979 §32-27; Ord. No. A-1867 §22, 2-22-1984]

Any person aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person, 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.

Section 400.270. Persons Petitioning Zoning and Planning Commission or Board of Adjustment To Pay For Publication of Notice of Public Hearing. [6] [R.O. 2012 §400.270; CC 1979 §2-2; Ord. No. A-1899 §§1 — 3, 3-9-1962; Ord. No. A-7098, 10-26-2001; Ord. No. 7593 §1, 8-22-2005]

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

---

6. **Cross Reference — As to board of adjustment generally, §400.250.**

Chapter shall pay all publication costs, notification costs and other costs incurred by the City of Monett.

ARTICLE VIII
Zoning and Planning Commission

Section 400.280. Created — Composition — Terms. [R.O. 2012 §400.280; CC 1979 §2-118; Ord. No. A-2278 §1, 9-13-1965]

A. The Zoning and Planning Commission of the City shall consist of not more than fifteen (15) nor less than seven (7) members, including:

1. The Mayor, if the Mayor chooses to be a member;

2. A member of the Council selected by the Council, if the Council chooses to have a member serve on the Commission; and

3. Not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Council. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Council may remove any citizen member for cause stated in writing and after public hearing.

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.

Section 400.290. Functions, Powers and Duties Generally. [R.O. 2012 §400.290; CC 1979 §2-119; Ord. No. A-2278 §3, 9-13-1965]

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.

ARTICLE IX
Violation and Penalty

Section 400.300. Violations — Penalties.

A. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may

institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.

B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars ($10.00) and not more than two hundred fifty dollars ($250.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

C. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).