

6. Action by Board of Zoning Adjustment: The Board of Zoning Adjustment—acting as the BZA—shall consider the Planning Board's recommendation at the next regularly scheduled Board of Zoning Adjustment meeting for which the agenda item can be docketed, which shall constitute the Submission Date to the Board of Zoning Adjustment; at which meeting the Commission may adopt or may revise or amend and adopt such recommendation by resolution. If the Board of Zoning Adjustment fails to act upon a recommendation within 60 days from the Submission Date to the Commission, the application shall be deemed to have been approved.
7. Period of Validity of Special Use Permit: A special use permit shall expire automatically, without revocation by the County, unless a building permit to effectuate such specially permitted use is obtained within twelve (12) months after such permit is obtained by the applicant, or if no building permit is required, unless substantial evidence of use is filed with the Zoning Officer within the twelve (12) month period after such permit is obtained. A special use permit shall expire if the specially permitted use shall cease or be abandoned for more than twelve (12) months.

C. Standards for Issuance of Special Use Permits:

1. Generally: Before any permit shall be granted the Planning Board shall make written findings certifying that adequate provision has been made for the following:
 - a. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property; and the nature and intensity of operations proposed thereon.
 - b. Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
 - c. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
 - d. The location, nature, and height of buildings, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
 - e. The adequacy of required yard and open space requirements and sign provisions.
 - f. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.

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- D. Additional Conditions for Particular Special Uses: In granting a special use, the County may impose conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:
1. Residential or out-patient facilities for the treatment of alcohol or other drug abuse may be permitted as a special use in commercial districts, provided that:
 - a. State certification requirements of the Division of Alcohol and Drug Abuse of the Department of Mental Health shall be met.
 - b. The facility shall be subject to all building regulatory codes, subdivision regulations and other non-discriminatory regulations.
 - c. The design of the facility shall be generally compatible with other physical structures in the surrounding neighborhood and the applicant shall submit site plans to the Planning Board for review and approval.
 - d. The facility shall be located no closer than 1,000 feet from another such facility, and no closer than three hundred (300) feet from any residentially zoned district, unless the Board of Zoning Adjustment approves a closer location by a majority vote of the full body.
 2. Special manufactured home placement on locations not otherwise authorized by this zoning order.
 - a. General Considerations: The purpose of this limited, special authorization is to permit the placement of manufactured homes on locations not otherwise authorized by this Zoning Order. Special Use Permits shall be issued only in cases of demonstrated hardship and need, such as in cases wherein the proposed occupant(s) of the manufactured home are physically or mentally incapacitated and require the care and/or supervision of the person making application for the Special Use Permit.
 - b. Special Considerations: A temporary Special Use Permit authorized under this Section shall be issued for a period of one (1) year, and such permit shall be renewable annually upon the grant of the Board of Zoning Adjustment.
 3. Uses involving the storage, processing or manufacturing of large quantities of toxic chemicals (including the storage of discarded tires) shall not be granted a special use permit until a plan has been submitted to and approved by the Planning Board. Such plan shall indicate:

- a. The types of chemical to be used;
- b. Safety precautions to be taken to avoid the accidental release or distribution of chemicals; and
- c. Operational precautions to be taken to avoid the pollution of the air, surface water, soil, or ground water.

The Board may, at its discretion, place a time limit on the validity of the special use permit, provided that it shall be indefinitely renewable if the applicant can show that all conditions of approval are being complied with. If such a showing cannot be made, the special use permit shall not be renewed.

4. Communication Towers: Communication towers that are less than 35 feet in height shall be allowed as a permitted use in an "A", "C-1", "C-2", "I-1", and "I-2" district. Communication towers of less than 35 feet may be permitted by special use permit in an "R-1", "R-2", or "Mixed Use" district if they are designed to the satisfaction of the Planning Director as an architecturally compatible accessory element to an existing non-residential use such as a school, church, etc. communication towers over 35 feet in height may be constructed in an "A", "C-1", "C-2", "I-1", "I-2" or "PD" district upon approval of a special use permit. A special use permit for a communication tower shall not be granted until an application has been submitted to and approved by the Planning Board. At the time the application is filed, the applicant shall submit the following information:

- a. A study comparing all potential sites within an approximate 1/2 mile radius of the proposed application area. The study shall include:
 - (1) The location and capacity of existing towers;
 - (2) Potential surrounding sites;
 - (3) A discussion of the ability or inability of the tower site, to host additional communications facility; and
 - (4) Reasons why certain sites were excluded from consideration.
 - (5) The study must demonstrate to the Planning Board's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed tower as well as other existing and proposed towers.

If the use of current towers is unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower construction; technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable.

- b. A photo simulation of the proposed facility as viewed from the adjacent residential properties and public rights way.
- c. A signed statement indicating the applicant's intention to share space on the tower with other providers.
- d. Preliminary construction schedule including completion dates.
- e. Copies of letters sent to other wireless communication providers notifying them of the proposed request, the date of the Planning Board meeting at which their application is to be considered and inquiring of their interest to co-locate.
- f. Mobile or immobile equipment and vehicles not used in direct support of a tower facility shall not be used for storage or parked on the site of the communication tower unless repairs to the tower are being made.
- g. A site plan which in addition to the information required in Section B.3. of this article shall contain the following additional information:
 - (1) Equipment housing for the communication tower. Adequate screening of the equipment cabinets located at the tower base shall be provided by a solid or semi-solid wall or fence. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.
 - (2) Indication of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. In addition, an indication that adequate screening shall be provided at the base of the tower to the satisfaction of the Planning Board..
 - (3) The setback distance of the proposed tower. The setback shall not be less than two-thirds (2/3) the height of the tower unless a professional engineer certifies the fall zone will be within the setback area proposed. In no case, however, shall the setback of a tower be less than the setback

requirement of the zoning district it is located in. The setback distance for towers on a roof/structure shall be measured from the base of the tower to the edge of the roof/structure and shall not be greater than two-thirds (2/3) the height of the tower.

- (4) The location and specifications of any illumination devices. Towers shall not be lighted except as required by the Federal Aviation Administration (FAA). The use of high intensity flashing lights (i.e. strobe lights) shall be prohibited unless specified by the FAA. Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Security lighting around the base of the tower may be installed provided that no light is directed toward an adjacent residential property.
- (5) Construction materials and colors of the tower. Towers should have a galvanized finish or painted gray or light blue unless other standards are required by the FAA. If antennas are installed on a structure other than a tower, the antennas shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall match the color of the background against which they are mounted.
- (6) The location, height and type of security fence around the base of the tower. Towers shall be enclosed by a security fence not less than six feet in height. In addition, the fence shall be equipped with an appropriate anti-climbing device.

5. Adult entertainment establishments shall be subject to the following conditions:

- a. The applicant must specify the exact use proposed, i.e., adult bookstore, adult theater, modeling studio, strip club, etc.
- b. No adult entertainment establishment shall be located closer than 2,660 feet to any church, school, public building, residence, or residential district. Measurement shall be made from the main public entrance of such establishment by the most direct public street to the nearest lot line of the parcel in question, or direct walking path, whichever is closer.
- c. No adult entertainment establishment shall be located closer than 5,280 feet from another adult entertainment establishment.

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- d. Access: All access to and from the adult entertainment establishment parcel shall be provided from a major thoroughfare road.
 - e. Screening: The lot on which the use is located shall be screened by a solid wall, at least six feet in height along side and rear lot lines.
 - f. Building and Parking Area Setbacks: The building in which the establishment is located and the off-street parking serving the establishment shall be set back at least 20 feet from the front lot line and at least 10 feet from all side and rear lot lines.
 - g. Windows and Doors: The building in which the adult entertainment establishment is located shall be designed in such a fashion that all openings, entries and windows prevent views into such establishments from any street or other public area. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No adult entertainment activity shall take place outside the building containing the adult entertainment establishment.
 - h. Signs: No portable signs shall be allowed, and signs shall inform only of the establishment's name and address and shall not depict specific sexual activities or anatomical area, and provided further that flashing lights and traveling lights are not permitted outside the building. There shall be permitted one on-premise sign and one building sign, the combined face area of which shall be no larger than one square foot of signage for each lineal foot of building façade that faces the street.
 - i. Parking Area Lighting: Lighting of parking areas that serve an adult entertainment establishment shall provide a minimum light level of 0.25 foot candles over the entire parking area, but in no point shall the light level exceed 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at the lot line.
 - j. Site Plans: Adult entertainment establishments shall be subject to special use permit and site plan review through a PD District.
 - k. Hours of operation: No adult entertainment business may be open or in use between the hours of 10:00 p.m. and 9:00a.m.on Monday through Saturday, and must be closed on Sundays."
 - l. An adult entertainment activity that is not in compliance with the defined term of "Adult Entertainment Establishment" and the conditions of these regulations shall be prohibited under any conditions. The County may require any additional conditions that are deemed necessary for compliance with these regulations.
6. Uses in Group 14 Non-metallic Minerals, Except Fuels may require additional conditions in order for the use to be compatible with the area. Consideration should be given to

establishing conditions on the following items; however, it is not necessary to establish conditions on all these items, nor should this list be considered to be all-inclusive. The conditions and requirements need to be appropriate for the proposed special use at the location in which it is proposed.

- a. Submission of general plan for the proposed use.
- b. Perimeter setbacks that may be in excess of the standard setbacks in the district.
- c. Submission of a reclamation plan that meets all state and federal regulations including a timetable. The reclamation plan submitted shall be binding only to the extent that said plan shows that intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Board of Zoning Adjustment before reclamation work may begin. Said approval shall require a public hearing under the same procedures as the original application.
- d. Improvements to off-site roads and bridges that provide access to the site. Where applicable, a maintenance agreement between the applicant and the County may be required to maintain the roads that provide the ingress/egress to the operation.
- e. Restricting access to the site to specific routes.
- f. Limiting the hours of operation - There shall be no operations between 6:00 p.m. and 6:30 a.m., nor on Saturdays, Sundays New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving, or Christmas. Limited operations may be permitted on Saturday from 8:00 a.m. to noon as specified in the special use permit.
- g. Limiting the number and hours of blasting.
- h. Provision for dust containment both on and off-site.
- i. Establishing a length of time for the use.
- j. Provide for adequate entering and exiting of the site as well as adequate on-site traffic controls.
- k. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of one hundred (100) horizontal feet from any road right-of-way and one hundred (100) horizontal feet from all other property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface.

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- l. No building, equipment, quarry products or other materials shall be erected or stored within one hundred (100) feet of any property or right-of-way line.
 - m. The proposed operation shall not contribute to soil erosion by water and/or wind, nor shall it adversely affect soil fertility, drainage and lateral support of abutting land or other properties.
 - n. When any open excavation will have a depth of ten (10) feet or more and create a slope of more than thirty (30) degrees, there shall be a substantial fence, at least six (6) feet high, with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located fifty (50) feet or more from the edge of the excavation.
 - o. The slope of material in any excavation shall not exceed the normal angle of repose or forty-five (45) degrees, whichever is less.
 - p. The applicant's operation shall be inspected by the Zoning Officer or his designate, on or before July 1st of every year following the approval of the application for compliance with the above listed requirements and if found to be in violation shall receive a stop order if the non-compliance is not corrected within sixty (60) days of written notice from the Board of Zoning Adjustment, or its designate, itemizing the violations and corrective measures necessary for compliance.
 - q. A copy of the annual survey of mining operations, as required to be filed by State law with the State, shall also be filed with the Board of Zoning Adjustment. Said annual survey applies only to underground mining activities, not to pen pit quarries.
 - r. The Board of County Commissioners may require a bond or other method of financial assurance acceptable by the County in the amount that will guarantee the reclamation of the site within a period of time to be specified and approved by the Board of Zoning Adjustment. Such surety shall be properly executed prior to any grading or construction, and shall be released in segments upon written approval of the County.
7. Composting sites as contained in SIC No. 2875 Fertilizers, Mixing only, requires more specific guidelines regarding the definition, process and procedures. The following additional conditions shall be established for composting operations:
- a. Composting sites shall include only yard wastes which are defined as leaves, grass clippings, yard and garden vegetation and woody materials that have been

chipped and can be composted. Stumps, roots, trees, branches and shrubs with root balls intact are not included.

- b. Subject to the approval of the Board of Zoning Adjustment, an area may be set aside for processing of woody materials such as trees and branches into firewood or wood chip mulch.
- c. In evaluating a potential composting site, the following factors shall be considered:
 - 1. Traffic flow patterns;
 - 2. Topography and geology, including drainage patterns, slopes and depth to water table;
 - 3. Accessibility from major roadways;
 - 4. Prevailing wind direction at the site;
 - 5. Distances to houses, schools, businesses, etc.;
 - 6. Distances to wetlands and streams;
 - 7. Size of site relative to current and future needs, including space for adequate buffer zones;
 - 8. Travel distances for haulers/residents;
 - 9. Availability of utilities such as water, sewers or electricity; and
 - 10. Safety, security and liability aspects of the site.
- 8. Sanitary landfills, SIC No. 4953, may require additional conditions in order to be compatible with the area. Consideration should be given to establishing conditions on the following items; however, it may not be necessary to establish conditions on all these items, nor should this list be considered to be all-inclusive. The conditions and requirements need to be appropriate for the proposed special use at the location in which it is proposed.
 - a. Perimeter setbacks that may be in excess of the standard setbacks in the district.
 - b. Submission of a reclamation plan that meets all state and federal regulations including a timetable. The reclamation plan submitted shall be binding only to the extent that said plan shows that intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Board of Zoning Adjustment before reclamation work may begin. Said approval shall require a public hearing under the same procedures as the original application.
 - c. Improvements to off-site roads and bridges that provide access to the site.
 - d. Restricting access to the site to specific routes.

- e. Limiting the hours of operation.
- f. Fencing to prevent paper and debris from blowing onto adjacent property.
- g. Provision for dust containment both on and off-site.
- h. Establishing a length of time for the use.
- i. Provide for adequate entering and exiting of the site as well as adequate on-site traffic controls.
- j. Obtain a solid waste permit from the State of Missouri.
- k. The site shall be kept in a clean and sanitary manner and all paper and debris shall be picked up and properly disposed of.

E. Time Limit:

1. Expiration: A special use permit shall expire automatically unless a building permit is taken within 12 months to effectuate such specially permitted use; or if no building permit is required, evidence of use, such as sales receipts or photographs, is filed with the Zoning Officer.
2. Abandonment: Once a specially permitted use substantially ceases or is abandoned for a period of more than twelve (12) months, the Special Use Permit shall expire upon positive findings at a public hearing.

ARTICLE 9 - PARKING AND LOADING REQUIREMENTS

- A. Intent and Purpose: It is the intent and purpose of this Article to establish minimum requirements as to number of spaces, design, and construction for off-street parking and loading areas.
- B. General Provisions:
1. Location: Parking shall not be permitted closer to any side property line than one-half the distance of the required side yard.
 2. Accessory Use: Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this Article relating to off-street parking exceptions.
 3. Proximity: In no instance shall off-street parking required by this Article be located more than 300 feet (as measured along lines of public access) from the use which it serves.
 4. Area: Off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, office or work areas.
 5. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
 6. Design: Off-street parking spaces shall comply with such design standards relating to curb lengths, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the County Commission.
 7. Hard-surfacing: All open off-street parking and loading areas, including open sales lot areas devoted to the sale, display, and rental of automobiles, trucks, trailers or manufactured home sales and rental lots, shall be graded and paved with a hard surface of asphalt or concrete in conformance with the Engineer's standards and specifications; except that, the hard-surfacing may be phased-in upon approval by the county.
 8. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

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9. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
 10. Requirements: Off-street parking and loading space, as required in this Article, shall be provided for all new buildings and structures; and, in additions to existing buildings or structures in non-residential districts. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures or additions to existing buildings, structures, or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this Article.
 11. Plans and Approval Required: Plans showing the layout and design of all required off-street parking and loading areas shall be submitted to and approved by the Zoning Officer prior to issuance of a zoning or building permit. Before approving any parking layout, the Zoning Officer shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked.
 12. Curb Cuts: Before the issuance of a building permit, the number and location of curb cuts onto a public street or highway shall be reviewed and approved by the Public Works Director or designee.
- C. Amortization of Certain Off-street Parking Requirements: Off-street parking spaces that serve sales display lots which are not improved to the standards of these regulations, shall be brought into compliance no later than January 1, 2010.
- D. Required Spaces: Off-street parking spaces shall be provided as follows:
1. Dwelling and Lodging Uses:
 - a. Boarding or Lodging Houses: One parking space per each occupant.
 - b. Dormitories, Fraternities, Sororities: Two parking spaces for each three occupants based on the designed maximum capacity of the building.
 - c. Hotels and Motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.
 - d. Manufactured Home Parks: One parking space per each manufactured home.

- e. Nursing Homes, Rest Homes, etc.: One parking space per each two beds based on the designed maximum capacity of the building plus one parking space for each employee.
 - f. Single-Family and Two-Family: Two spaces per dwelling unit.
 - g. Multiple-Family: Two (2) spaces per dwelling unit.
2. Business, Commercial, and Industrial Uses:
- a. Automobile, Truck, Trailer and Manufactured Home Sales and Rental Lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display, and rental of said vehicles plus one parking space for each service bay and employee.
 - b. Wrecking Yards: One parking space for each employee plus one parking space for each 10,000 square feet of storage area.
 - c. Banks, Post Office, and Business and Professional Office: One parking space for each 300 square feet of gross floor area.
 - d. Bowling Alleys: Four parking spaces for each bowling lane.
 - e. Cartage, Express, Parcel Delivery, and Freight Terminal Establishments: One parking space for each two employees in the largest working shift in a 24-hour period plus one parking space for each vehicle maintained on the premises.
 - f. Car Wash: Three holding spaces for each car-washing stall plus two drying spaces for each car-washing stall.
 - g. Funeral Homes and Mortuaries: One parking space for each ten seats based upon the designed maximum capacity of the parlor plus one additional parking space for each employee and each vehicle maintained on the premises.
 - h. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops: One parking space for each 400 square feet of floor area.
 - i. Manufacturing, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing or Repairing of Goods, Materials or Products: One parking space per three employees based upon the largest working shift in any 24-hour time period.
 - j. Medical and Dental Clinics or Offices: One parking space for each 100 square feet of gross floor area.

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- k. Restaurants, Night Clubs, Taverns, and Lounges: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
 - l. Retail Stores and Shops: One parking space per 200 square feet of floor area.
 - m. Service Stations: One parking space for each employee plus two spaces for each service bay.
 - n. Theaters, Auditoriums, and Places of Assembly with Fixed Seats: One space for each 3.5 seats.
 - o. Theaters, Auditoriums, and Places of Assembly without Fixed Seats: One parking space for each three people based upon the designed maximum capacity of the building.
 - p. Warehouse, Storage, and Wholesale Establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.
 - q. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.
3. Other Uses:
- a. Churches: One parking space for each four seats based upon the maximum designed seating capacity including choir lofts.
 - b. Elementary, Junior High, and Equivalent Parochial and Private Schools: Two for each classroom.
 - c. High Schools, Colleges, Universities, and Other Similar Public or Private Institutions of Higher Learning: Eight parking spaces for each classroom, plus one space for each two employees.
 - d. Hospitals: One parking space for each two beds plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.
 - e. Laundromats: One space for each two washing machines.
 - f. Nursery Schools and Day Care Centers, Public or Private: One parking space for each employee.

- g. Private Clubs, Lodges, and Union Headquarters: One parking space for each three seats based upon the maximum designed seating capacity.
- h. Swimming Pools and Clubs: One parking space for each 100 square feet of water area.
- i. Trade and Commercial Schools: One parking space for each student and employee.

E. Exception, Special Permit:

- 1. In order to provide off-street parking areas, the County Commission may, after public notice and hearing, grant a special permit for the establishment of parking areas in any zoning district under the provisions set forth in the Article providing for Special Use Permit. The Planning Board shall recommend the improvements needed to protect adjacent property owners and the public interest, and to comply with the provisions of this Article.
- 2. Permit Revocable: The Zoning Officer shall be responsible for the enforcement of the conditions and requirements made by the County Commission in the approval of any off-street parking special permit. The County Commission may revoke the special permit after public hearing for any of the following reasons:
 - a. Abandonment of the area for parking purposes for six months.
 - b. Failure to comply with the requirements contained in this section or imposed by the Board.

F. Loading and Unloading Regulations: Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established, or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses, warehousing, manufacturing, and other uses, involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways.

1. Spaces Required:

- a. For all commercial uses, loading facilities shall be provided in accordance with the following table:

Gross Floor Areas of Establishment

Required Number and Size

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	<u>of Loading Space</u>
1,000- 10,000	1 - (10'x25')
10,000- 25,000	2 - (10'x25' each)
25,000- 40,000	3- (10'x70' each)
40,000-100,000	4 - (10'x70' each)

- b. For all industrial uses, loading facilities shall be provided in accordance with the following table:

<u>Gross Floor Areas of Establishment</u>	<u>Required Number and Size of Loading Space</u>
1,000- 10,000	1 - (10'x25')
10,000- 40,000	1 - (10'x60' each)
40,000-100,000	2 - (10'x70' each)

- c. For each additional 100,000 square feet of gross floor area or any fraction thereof over 100,000 square feet of gross floor area, one additional space shall be provided. Each such additional space shall be at least 10 feet in width by 70 feet in length.

ARTICLE 10 - SIGN REGULATIONS

- A. Intent and Purpose: It is the intent and purpose of these Sign Regulations to qualify, supplement, or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this Regulation.
- B. Use Regulations: Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in Sign Use Regulations specified herein. All signs legally existing at the time of passage of these Regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this Regulation, no sign shall be erected, enlarged, constructed, or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this Sign Regulation. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Zoning Officer in application for a sign permit for all signs.
- C. Preemption of Stricter Standards: In any case where a requirement of this article is in conflict with another article of the zoning regulations, the stricter requirement shall apply.
- D. Classification of Signs:
1. Functional Types:
 - a. Advertising Sign (Billboard): A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
 - b. Animated signs: Electronic signs with computer-generated animation that are components of otherwise permitted signs for a principal land use on the premises where the sign is placed; and whose message does not attract the attention of viewers through flashing displays.
 - c. Attention Attracting Device: Any flasher, blinker, animation, or other object displayed temporarily to attract the attention of the public to a temporary event.
 - d. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected within, and

announcement of persons, events, or activities occurring at the institution. Such sign may also present a greeting or similar message.

- e. Business Sign: A sign which directs attention to a business or profession conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
- f. Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
- g. Identification Sign: A sign giving the name and address of a building, business, development, or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
- h. Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
- i. Real Estate Sign: A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures or a portion thereof on which the sign is located.
- j. Temporary Event Sign: Sign for a temporary event as defined in these regulations provided they comply with the conditions of these regulations.

2. Structural Types:

- a. Awning, Canopy, or Marquee Sign: A sign that is mounted or painted on or attached to an awning, canopy, or marquee. No such signs shall project above, below, or beyond the awning, canopy, or marquee.
- b. Ground Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property, where the bottom edge of the sign is under six feet in height above the ground.
- c. Pole Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property where the bottom of the sign is six feet or more above the ground level.

- d. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- e. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.
- f. Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

E. General Standards:

- 1. Gross Area of Sign: The entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then it shall also be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area permitted by this Regulation.

For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. Temporary event signs shall not be computed as part of the gross area.

- 2. Sign Height: sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
- 3. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source.
 - a. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district and any illuminated sign located on a lot adjacent to, in front of, or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 12 P.M. and 6 A.M.
 - b. Lighted signs in direct vision of a traffic signal shall not be in red, amber, or green illumination.
 - c. Lighted signs shall not be aimed so as to interfere with or temporarily shine in the eyes of any oncoming traffic.

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4. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this Regulation, any revolving, rotating, moving, animated, signs with moving lights, or signs which create the illusion of movement shall be considered as a flashing sign.
 - a. Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.
 - b. A sign whereon the current time and/or temperature is indicated, intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every fifteen (15) seconds.
5. Driveway or Window: No sign shall block any required driveway or window. Nor shall any sign be allowed to block the vision of drivers entering or exiting a driveway or street.
6. Trees, Windows and Utility Poles: No sign shall be attached to a tree, window or utility pole whether on public or private property; except that, public notices of county public hearings may be so attached.
7. Metal Signs: Signs constructed of metal and illuminated by means of requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade.

No metal sign shall be located within eight (8) feet vertically and four feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.

8. Traffic Safety:
 - a. No sign shall be maintained at any location where by reason of its position, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
 - b. Any sign located within five (5) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way.
 - c. Under no circumstances shall any sign be placed in the sight triangle as defined by the Subdivision Regulations.

9. Lineal Street Frontage: In those districts where gross area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one (1) street, the lineal street frontage shall be computed as follows:
 - a. For those tracts or parcels located on major streets as designated in the Circulation Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the major street.
 - b. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all the street frontages.
10. Temporary event signs: Temporary event signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations except as specifically modified herein.
 - a. Duration. The sign may be placed upon initiation of the temporary event, and must be removed within a set time period as provided below:
 - 1) *Real estate sale or lease*. Initiation upon the actual availability of the property or premises for sale or lease, and termination upon execution and acceptance of a final contract for the real estate transaction.
 - 2) *Building construction or remodeling*. Initiation upon issuance of a building permit—or upon initiation of construction for activity requiring no permit—and termination upon issuance of the certificate of occupancy or approval for connection to electric power for the work authorized by the building permit—or termination of the work for activity requiring no permit.
 - 3) *Election*. Initiation upon the last day of qualification of candidates or certification of a ballot question and termination within one week after the election of a candidate to office or resolution of a ballot question.
 - 4) *Special, temporary events*. Time-limited events that require attention-getting devices for a temporary period may display temporary signs the week of the event initiation. Such signs shall be removed upon completion of the special event, not to exceed two weeks per event nor four events per year on one parcel.
 - 5) *Temporary Freestanding Signs and Fabric Message Displays*. Temporary freestanding signs and fabric message displays may be exhibited on a parcel (excluding home occupations) for up to fourteen (14) days each.
 - b. Number of temporary event signs. Only one (1) temporary event sign related to each temporary event may be located on a parcel at any one time; except that one additional temporary freestanding sign may be displayed per street side.

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- c. Size of temporary event signs—established in each district.
- d. Construction of temporary event signs. Construction of temporary event signs shall meet commonly accepted design parameters, as well as construction and materials standards for each sign type, and shall be removed if found to be a threat to the health, safety and welfare of the public by the Zoning Officer.

F. Exemptions:

- 1. The following signs shall be exempt from the requirements of this Article:
 - a. Flags or emblems of a governmental or of a political, civic, philanthropic, educational, or religious organization displayed on private property.
 - b. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
 - c. Memorial signs and tablets displayed on private property.
 - d. Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs.
 - e. Score boards in athletic stadiums.
- 2. The following signs are exempt from the sign permit section of this Article, but shall comply with all of the other regulations imposed by this Article:
 - a. Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.
 - b. Bulletin board signs not exceeding 15 square feet in gross area accessory to a church, school, or public or non-profit institution.
 - c. Temporary event signs, including signs for the sale of household goods at a residence (garage sale) for a period not to exceed three (3) days; Real estate signs not exceeding 16 square feet in the area for the sale of the property on which it is located; Construction signs not exceeding 32 square feet in area only during the period of construction; and Political campaign signs, not exceeding thirty-two (32) square feet in area.

G. District Regulations:

1. "A" Agricultural District, "R-R" Residential-Rural, and "R-S" Residential-Suburban Districts:

a. Functional Types Permitted:

- (1) Advertising signs (Billboards) permitted with an approved Special Use Permit, on Missouri State Highways regulated and permitted by the Missouri Department of Transportation, and as further regulated in the Special Use Permit section.
- (2) Bulletin board signs.
- (3) Business signs pertaining only to the sale of agricultural products produced on the premises and home occupations.
- (4) Construction signs.
- (5) Identification signs.
- (6) Name plate signs.
- (7) Temporary event signs.

b. Structural Types Permitted:

- (1) Ground signs.
- (2) Wall signs.

c. Number of Signs Permitted: One sign per zoning lot.

d. Maximum Gross Area:

- (1) Bulletin board and identification signs: 32 square feet.
- (2) Business signs, home occupations: 16 square feet; Agricultural: 20 square feet.
- (3) Temporary event signs: 32 square feet.
- (4) Name plate signs: 4 square feet.

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- e. Maximum Height: 10 feet.
 - f. Required Setbacks: None.
 - g. Illumination: Bulletin board and identification signs that do not exceed 12 square feet on one face for churches, hospitals, police stations, fire stations, and other similar public facilities.
2. "R-1" Single Family Dwelling Districts, and "R-2" Two-Family Dwelling Districts, and "Mixed Use" Residential Districts,
- a. Function Types Permitted:
 - (1) Advertising signs (Billboards) permitted with an approved Special Use Permit, on Missouri State Highways regulated and permitted by the Missouri Department of Transportation, and as further regulated in the Special Use Permit section.
 - (2) Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this Regulation.
 - (3) Bulletin board signs.
 - (4) Construction signs.
 - (5) Identification signs.
 - (6) Name plate signs.
 - (7) Temporary event signs.
 - b. Structural Types Permitted:
 - (1) Ground signs.
 - (2) Wall signs.
 - c. Number of Signs Permitted: One sign per zoning lot.
 - d. Maximum Gross Area:
 - (1) Business signs, home occupations: 16 square feet.

- (2) Bulletin board and identification signs: 24 square feet.
 - (3) Construction signs: 20 square feet.
 - (4) Name plate signs: 16 square feet, except 32 square feet in a Mixed Use Tier.
 - (5) Temporary event signs: 32 square feet.
 - e. Maximum Height: 15 feet.
 - f. Required Setback: No sign, except real estate signs, shall be placed closer to the front property line than one-half the distance of the front yard.
 - g. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting.
3. "M-P" Manufactured Home Park District:
- a. Functional Types Permitted:
 - (1) Advertising signs (Billboards) permitted with an approved Special Use Permit, on Missouri State Highways regulated and permitted by the Missouri Department of Transportation, and as further regulated in the Special Use Permit section.
 - (2) Construction signs.
 - (3) Identification signs.
 - (4) Real estate signs.
 - b. Structural Types Permitted:
 - (1) Ground signs.
 - (2) Wall signs.
 - c. Number of Signs Permitted: One sign per zoning lot.
 - d. Maximum Gross Area: 32 square feet on one facade or not more than 64 square feet total.
 - e. Maximum Height: 20 feet.

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- f. Required Setbacks: No sign shall be placed closer to the front property line than one-half the distance of the front yard.
 - g. Illumination: Signs may be illuminated indirectly with incandescent or fluorescent lighting.
- 4. "PD" Planned Development District: Signs permitted as designated in approved Development Plans.
- 5. "C-1" Local Business District:
 - a. Functional Types Permitted:
 - (1) Advertising signs (Billboards) permitted with an approved Special Use Permit, on Missouri State Highways regulated and permitted by the Missouri Department of Transportation, and as further regulated in the Special Use Permit section.
 - (2) Bulletin board signs.
 - (3) Business signs.
 - (4) Construction signs.
 - (5) Identification signs.
 - (6) Name plate signs.
 - (7) Temporary event signs.
 - b. Structural Types Permitted:
 - (1) Awning, canopy, or marquee signs.
 - (2) Ground signs.
 - (3) Wall signs.
 - c. Number of Signs Permitted:
 - (1) Awning, canopy, or marquee signs: No limitation

- (2) Ground signs: One per zoning lot.
 - (3) Wall signs: No limitation.
 - d. Maximum Gross Area: One square foot of sign area for each one foot of lineal street frontage.
 - e. Maximum Height: 30 feet.
 - f. Required Setback: 10 feet.
 - g. Illumination: Illuminated signs shall be permitted.
6. "C-2" General Business District"
- a. Functional Types Permitted:
 - (1) Advertising signs (Billboards) permitted with an approved Special Use Permit, on Missouri State Highways regulated and permitted by the Missouri Department of Transportation, and as further regulated in the Special Use Permit section.
 - (2) Bulletin board signs.
 - (3) Business signs.
 - (4) Construction signs.
 - (5) Identification signs.
 - (6) Name plate signs.
 - (7) Temporary event signs.
 - b. Structural Types Permitted:
 - (1) Advertising signs (Billboards) permitted with an approved Special Use Permit, on Missouri State Highways regulated and permitted by the Missouri Department of Transportation, and as further regulated in the Special Use Permit section.
 - (2) Awning, canopy, or marquee signs.

- (3) Ground signs.
 - (4) Projecting signs.
 - (5) Wall signs.
 - c. Number of Signs Permitted:
 - (1) Awning, canopy, marquee or wall signs: No limitation.
 - (2) Ground signs: Two per zoning lot.
 - (3) Other signs: One per zoning lot.
 - d. Maximum Gross Surface Area: Two (2) square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface of 400 square feet.
 - e. Maximum Height: 30 feet.
 - f. Required Setback: None, except that advertising signs and any other sign that exceed 200 square feet in gross surface area shall maintain the same setback that is required for principal structures.
 - g. Illumination: Illuminated signs shall be permitted.
- 7. "I-1" Light Industrial and "I-2" Heavy Industrial Districts:
 - a. Functional Types Permitted:
 - (1) Advertising signs (Billboards) permitted with an approved Special Use Permit, on Missouri State Highways regulated and permitted by the Missouri Department of Transportation, and as further regulated in the Special Use Permit section.
 - (2) Bulletin board signs.
 - (3) Business signs.
 - (4) Construction signs.
 - (5) Identification signs.
 - (6) Name plate signs.

- (6) Temporary event signs

b. Structural Types Permitted:

- (1) Awning, canopy, or marquee signs.
- (2) Ground signs.
- (3) Pole signs.
- (4) Projecting signs.
- (5) Wall signs.

c. Number of Signs Permitted: Two per zoning lot.

d. Maximum Gross Surface Area: Two (2) square feet per lineal foot of street frontage, provided no single sign exceeds a gross surface area of 400 square feet.

e. Maximum Height:

- (1) Wall signs: Not above the highest point of the structure on which the sign is located.
- (2) All other signs: 30 feet.

f. Required Setbacks: None, except that advertising signs shall maintain the same setback that is required for principal structures.

g. Illumination: Illuminated signs shall be permitted.

H. Regulations Relating To Billboards.

1. Purpose:

- a. It is the intent and purpose of these Special Use Permit requirements to qualify, supplement, or define the allowable uses of billboards in each of the Zoning Districts. Therefore, the erection and placement of billboards along primary highways and roadways within the County are subject to reasonable regulations relative to size, lighting, spacing, location, and height to avoid adverse impacts; and to adopt the State of Missouri Department of Transportation standards so that billboards are compatible with rural land uses.

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- b. Avoiding any adverse impacts is intended to further the substantial public interest in protecting private investment in adjoining properties and public investment in the interstates and highways, promote the tourism and business investments of the County; and at the same time preserve the natural beauty of the County and provide a favorable first impression while promoting the safety of the public.
- 2. Special use permit required for a billboard:
 - a. In addition to complying with the terms of this code, a special use permit must be obtained in accordance with the procedures set forth in the Zoning Regulations. This Special Use Permit is not perpetual but shall be renewed on a five year basis.
- 3. Placement of billboards:
 - a. Billboards shall be located on private property.
 - b. A billboard shall not be located closer than one thousand four hundred (1,400) feet from any other billboard on the same side of the road. Spacing shall be determined based on signs that have received a special use permit or that are signs established as legal non-conforming uses. Signs having received prior authorization or that are a legal non-conforming use shall have priority over a later applicant in determining compliance with the spacing restrictions. Where two (2) different applications conflict with each other, so that only one of the applications may be granted, the first application received by the County will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing if the first application considered is granted, and the second application shall be automatically denied. If the first application is denied, the second application shall then be considered.
 - c. Billboards shall be permitted only within 660 feet of the nearest edge of the rights-of-way of any State maintained highway or street that is controlled by the State of Missouri Department of Transportation and shall require a sign permit from the Missouri Department of Transportation.
 - d. No billboards shall be permitted to be mounted, attached or affixed to a building rooftop.
 - e. Wall mounted billboards shall be permitted.
- 4. Lighting of billboards:
 - a. Billboards shall not include any revolving or rotating beam or beacon of light that simulates any emergency light or device.
 - b. Billboards shall not include any flashing, intermittent, or moving light or lights, except conforming animated signs incorporated within the billboard.

- c. Billboards may be lighted by external lighting, such as floodlights, thin line and gooseneck reflectors, provided the light source is directed upon the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or highway or into any portion of adjacent properties and the lights are not of an intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
 - d. Billboards shall not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.
 - e. Billboard average lighting intensity level shall not exceed twenty (20) foot-candles.
5. Size of Billboards:
- a. Billboards shall not exceed a maximum area for any one (1) sign of eight hundred (800) square feet (on each face) with a maximum height of thirty (30) feet and a maximum length of sixty (60) feet, inclusive of border and trim but excluding the base or apron, supports and other structural members. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in a V-type construction with not more than two (2) displays to each facing, but the sign structure shall be considered as one sign.
6. Setbacks and Height of Billboards
- a. Billboard supports shall meet same setbacks as the principle building for the Zoning District, but in no case shall the sign (including face and trim) overhang the property lines.
 - b. To further provide a safety zone to prevent injury or property damage from any possible collapse caused by acts of nature or other causes, billboards shall, not exceed fifty (50) feet in height above the rights-of-way grade from which it is viewed. In cases where the grade at the location of the proposed billboard is higher than the right-of-way grade adjacent to it, the County may require the overall height of the billboard to be lowered as a condition of granting a permit to prevent the billboard from unreasonably detracting from the visibility of other neighboring signs or properties, but in no case will the billboard be required to be less than thirty (30) feet over-all height above the natural grade at the billboard site.
7. Service drives to billboards.
- a. Billboards shall be accessible by means of an access drive that is internal to the lot or parcel on which the sign is located. All vehicles, equipment, and people used to build, service, maintain, and repair the signs must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.
8. Additional Information Required Prior to Permitting of a Billboard:
- a. Building permits may not be issued by the County until a Special Use Permit has been applied for and issued, and a permit has been issued by the Missouri Department of Transportation.

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- b. Billboards shall not be permitted before the applicant has submitted the following certifications from an appropriate Missouri registered Professional.
 - (i). Certification from a Professional Engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads, when the billboard is being located on fill or previously disturbed soil.
 - (ii). Must meet all County Building Codes for structural and electrical requirements.
 - (iii). A construction stake plot plan or site plan from a Surveyor registered in the State of Missouri, of the site and its setbacks.
- c. The applicant shall furnish a drawing/map showing all other billboards and principle freestanding (on premise) signs: within .5 (5/10) mile (each direction) on both sides of the highway on which the billboard is located.

ARTICLE 11 - NONCONFORMITIES

- A. General: Nonconformities are of three (3) types: nonconforming lots of record, nonconforming structures, and nonconforming uses. A definition of each type is as follows:
1. Nonconforming Lot of Record: A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the original adoption of zoning and/or subdivision regulations in the County and neither said lot nor parcel complies with the lot width or area requirement for any permitted uses in the district in which it is located.
 2. Nonconforming Structure: A structure in existence at the adoption of these regulations which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
 3. Nonconforming Use: A structure or land in existence at the adoption of these regulations which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.
- B. Nonconforming Lots of Record: The Zoning Officer may authorize issuance of a Building Permit by the Building Codes Director for any nonconforming lot of record provided that:
1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
 2. Said lot has remained in separate and individual ownership on a separate deed from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by any zoning regulations, and
 3. Said lot can meet all yard regulations for the district in which it is located.
- C. Nonconforming Structures:
1. Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
 2. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. Not-

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withstanding the above, a porch which is covered by a roof which extends into the front setback area may be enclosed but not in excess of the area covered by the existing roof.

3. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained within six (6) months, and restoration is actually begun one (1) year after the date of such partial destruction and is diligently pursued to completion.
4. Moving: No nonconforming structure shall be moved in whole or in part of any distance, whatever, to any other location on the same and any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

D. Nonconforming Uses:

1. Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.
2. Ordinary Repair and Maintenance:
 - a. Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
 - b. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.
3. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
 - a. Extension of such use to any structure or land are other than that occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

- b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
4. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
5. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent that more than fifty percent (50%) of its structural value, such structure shall not be restored unless structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty percent (50%) or less, no repairs or restoration shall be made unless an occupancy certificate is obtained within six (6) months and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
6. Moving: No structure that is devoted in whole or in part to a nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
7. Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use. In permitting such change, the County Commission may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.
8. Abandonment or Discontinuance: When a nonconforming use is substantially discontinued or abandoned, for a period of twelve consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located; except that a feed lot use may be resumed if discontinued for a period of not more than thirty-six (36) consecutive months, on the condition that the operation is resumed under a "Letter of Approval" from the State Department of Natural Resources.
9. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

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10. Nonconforming Residential Uses: Notwithstanding the provisions of the above, any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, enlarged, and rebuilt; provided that after any such remodeling, extension, expansion, enlargement, or rebuilding, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.
- E. Status of Special Uses: Where a previously permitted use exists at the effective date of these Regulations and is permitted by these Regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district, as provided by prior approval.

ARTICLE 12 - ZONING ADMINISTRATION

- A. Zoning Enforcement: The Zoning Officer shall administer and enforce the provisions of these zoning regulations. The duties of the Zoning Officer shall include:
1. Inspect any building, structure or land to determine whether any violations have been committed or exist, whether or not such building, structure or land is occupied, and whether or not a building permit has been issued;
 2. Issue building permits when compliance is made with the regulations; to refuse to issue the same in the event of noncompliance; and give written notice of such refusal and the reason therefore to the applicant, which shall be endorsed on the application;
 3. Keep the County Commission advised of all matters pertaining to the enforcement of this regulation; to make and keep all records necessary and appropriate to the office, including but not limited to, all maps, amendments, special permits, records of the issuance and denial of all building permits and receipts of written complaints of violation of this regulation and action taken on the same, and shall keep a record of all permits issued, in a separate book that shall be available for public inspection;
 4. Issue and post notices of violations, stop orders, revocation of building permits and order the remedying of any condition or omission that is found to be in violation of this regulation;
 5. Forward to the appropriate officials, agencies or bodies all applications for special permits, variances, and amendments to this regulation that are initially filed with the Zoning Officer.
 6. Act as Executive Secretary of the Planning Board and the Board of Adjustment, including draft or have staff reports drafted on agenda items and sent to Planning Board members prior to each Planning Board meeting; send or have agendas sent to members of the Planning Board;
 7. Act as public liaison, including meet with applicants prior to application submittal and accept applications for Planning Board agenda items; inform or have informed applicants of decisions; issue Certificate of Authority, upon approval of subdivision plats, and send it to the recorder of deeds;
 8. Examine all subdivision plats and determine whether the proposed development conforms to the regulations adopted, the plat shall be promptly approved by the planning director, or the plat may be referred by the Planning Director to the Planning Board for its approval, amendment or rejection; and

9. File or empower his/her deputies to file complaints of violations of the regulations with the county prosecuting attorney, in the name of the County, for appropriate action.

B. Building Permit, When Required: A building permit shall be obtained from the Building Codes Director by any person or entity wishing to build or alter any structure except a farm building, within the jurisdiction of the regulations; provided, that the finished structure has at least one dimension larger than the following: (1) width, 4'-0"; (2) height, 4'-0"; or (3) length, 8'-0".

1. Application - Application for a building permit shall be made to the Building Codes Director on forms provided by him and shall contain the following information:

- a. A description, agreeing with the Tax Map, if such a map is available, of the land on which the proposed work is to be done;
- b. A statement of the use or occupancy of all parts of the land and of the building or structure;
- c. The valuation of the proposed work;
- d. The full name and address of the owner and of the applicant, including the names and addresses of each officer and director of any corporation;
- e. A brief description of the nature of the proposed work;
- f. All applications shall be accompanied by the applicable site plan, subdivision plats, drainage, grade and elevation plans and all other documents, if required, for the development of the plot, building or structure.
- g. Storm Water Drainage Plan: All applications for a commercial or industrial uses on a tract of one and one-half (1 1/2) acres or more shall be accompanied by a storm water drainage study. The storm water drainage study shall determine the amount of increased storm water runoff that the proposed development will create. If the proposed development will result in an increase in storm water runoff of 5.1 cfs or greater from pre-developed conditions, the applicant shall be required to construct a storm water detention facility. No storm water detention requirements shall be required if the increase in design storm peak runoff for a given development is less than 5.0 cfs from pre-developed conditions and will not adversely affect existing downstream development.

All detention facilities shall be designed in accordance with Section 5600, APWA Standard Specifications and Design Criteria unless otherwise noted. Detention facilities shall be seeded with a seed mix commonly known as "Red

Top" Bluegrass. An alternative storm water drainage facility designed and certified by a professional engineer may be proposed by the applicant. All storm water drainage facilities proposed shall be approved by the County Engineer prior to construction.

Maintenance of all storm water drainage facilities such as mowing, sedimentation and debris removal shall be the responsibility of the property owner. Failure to properly maintain storm water drainage facility at its designed capacity shall be considered a violation of these regulations.

Each application for a building permit shall be accompanied by plans and specifications, including plot plans as required drawn to scale, showing the location and size of all proposed new construction and all ere and character of the work to be performed and the materials to be incorporated, distance from plot lines, widths and grades of adjoining streets, walks and alleys. Plans and specifications shall bear the signature of the person responsible for the design and drawings.

Applications shall be made by the owner, or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Any amendment to the application or to the plans and specifications accompanying same must be filed and approved by the Building Codes Director prior to the commencement of the additional work, and such amendments shall comply with the provisions of this Order. The granting or refusal of such an amendment by the Building Codes Director shall be in writing and may be reviewed by appeal to the Board of Zoning Adjustment within not more than three (3) months after such determination is filed in the Office of the Zoning Officer.

2. Approval or Disapproval of Building Permit - The Building Codes Director shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve the application within thirty (30) days of receipt of same. An appeal from the approval or disapproval of any application shall be made to the Board of Zoning Adjustment within thirty (30) days after the determination of the Zoning Officer has been filed in the Office of the Zoning Officer, or endorsed on the building plans filed in said office. Any final determination of disapproval shall be indicated in writing, together with the copies thereof, filed in the Office of the Building Codes Director and mailed to the applicant.

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Upon approval of the application and upon receipt of the fees therefore, he shall promptly issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto. Upon approval of the application, both sets of plans and specifications shall be endorsed with word "approved."

One (1) set of such approved plans and specifications shall be retained in the files of the Building Codes Director and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site and open to inspection by the Building Codes Director or his authorized representative at all reasonable times. If the application, together with plans, specifications, and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building regulations, the Building Codes Director shall disapprove the same and shall return the plans and specifications to the applicant.

3. Expiration and Extension - Every building permit shall expire by limitation at the end of two (2) years from the date issued. If construction is not completed within said two (2) year period, the Building Codes Director may, for due cause shown, extend the permit for a period not to exceed six (6) months, and any further extension shall be applied for to the Board of Zoning Adjustment, which, upon due cause being shown, may grant further extensions not exceeding a total period of two (2) year.
4. Fees for Building Permits - Every application for a building permit pursuant to this Order and any adopted Building Code shall be accompanied by a filing fee and deposit charged and collected from the applicant in an amount as established by the County Commission by separate order.

C. Certification of Occupancy:

1. A certification of occupancy shall be obtained from the Zoning Officer by any person or entity wishing to occupy land, building or use, except for agricultural uses.
2. The certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and orders and with the provision of these regulations. No building or land will be occupied until the Cass County Health Department has made a final inspection of the waste water disposal system after installation and has given approval to the Zoning Officer for issuance of the certificate of occupancy. A record of all certificates shall be kept on file in the office of the Zoning Officer.
 - a. Certificate of occupancy for a building:
 - (1) The certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the

application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations.

- (2) Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligation of the owners or of the county relating to the use of occupancy of the premises, or any other matter covered by this Order and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

- b. Certificate of occupancy for land: The certificate of occupancy for the use of land, except for agricultural uses, or for a change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

D. Zoning Appeals:

The zoning appeals shall be handled by the Board of Zoning Adjustment. Appeals to the Board may be taken by any person aggrieved or by any officer or department of the County affected by any decision of the Zoning Officer. Such appeals shall be taken within ten (10) days by filing with the Zoning Officer and with the Board, (a Notice of Appeal) specifying the grounds thereof. The Zoning Officer whose decision is the subject of the appeal shall forthwith transmit to the Board all papers constituting the record upon which the action being appealed was taken. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time.

E. Notification of Violation:

The Zoning Officer shall notify, by certified mail or posting of property, the owner or authorized agent of the owner, of the structure or land in which there is found a violation of the regulations of the nature of the violation. The Zoning Officer shall allow thirty (30) days for the owner to cause the violation to be removed or corrected. Upon failure of the owner to remedy the defect within the time specified by the Zoning Officer, said officer shall refer the case to the County Attorney for remedy.

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F. Penalties for Violation:

1. Any owner, lessee or tenant of land who shall construct, reconstruct, alter, relocate or maintain any building or other structure or use such land in violation of any of the provisions of this Zoning Order shall be guilty of a misdemeanor.
2. Any owner, lessee, or tenant of land, having been served with an order in writing signed by the Zoning Officer to correct or remove any violation, who shall fail to comply with such order within ten (10) days after such service, or who shall continue to violate any of the provisions of this Zoning Order named in such order, or who shall construct, alter or use and occupy any plot, building or structure or part thereof in a manner not permitted by an approved building permit shall be guilty of a misdemeanor.
3. The owner or general agent of any land, building, structure or premises where a violation of the provisions of this Zoning Order or order of the Zoning Officer has been committed or shall exist, or the lessee or tenant of any entire building or entire premises in which 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 owner, general agent, architect, builder, or contractor, or any other person who knowingly commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor.
4. Each day that a violation continues shall be deemed a separate offense.

- G. Abatement and Injunctive Relief: In the event that any building or structure is constructed, reconstructed, relocated or maintained or any building, structure, lot or land is used in violation of any of the provisions of this Zoning Order, the County Commission, the Zoning Officer, the Planning Board, the Prosecuting Attorney, or the owner of any private property or any public body the property of whom or which is or may be affected by any such violation may institute in the Circuit Court any appropriate action or proceeding in law or in equity to prevent such unlawful development or erection, construction, reconstruction, alteration, relocation or maintenance or use, or to restrain, abate, enjoin or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land and to prevent illegal act, conduct, business or use in or about the premises, and these remedies shall be in addition to other penalties prescribed in this Order.

ARTICLE 13 - BOARD OF ZONING ADJUSTMENT

- A. Creation: A Board of Zoning Adjustment is hereby created and shall consist of three (3) members, who shall consist of the members of the County Commission.
- B. Areas of Responsibility: It shall be the responsibility of the Board of Zoning Adjustment (“the Board”) to:
1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Planning Director or other county official in the enforcement of the zoning regulations.
 2. To authorize in specific cases, special permits and variances from the specific terms of the zoning regulations.
 3. Adopt bylaws as rules for the transaction of its business and keep a public record of its resolutions, transactions, findings and recommendations.
- C. Officers: The Chair, Vice-Chair and Secretary shall be elected by Board members.
- D. Standards for Granting Variances:

In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises to be benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

- a. Grounds for variance: A request for a variance may be granted only where the strict application of height, yard, setback, parking, or sign regulations under this order would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property. A variance to the property from the strict application can be made so as to relieve such difficulties or hardships; if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any order or resolution. Grounds for variance are:
- (1) By reason of exceptional narrowness, shallowness, or shape of the specific piece of property at the time of the enactment of these zoning regulations, or
 - (2) By reason of exceptional topographic conditions, or
 - (3) By other extraordinary and exceptional situations or conditions of a piece of property.

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- b. Findings of conditions: A request for a variance may be granted upon as finding of the Board that ALL of the following conditions have been met. The board shall make a determination on each condition, and the finding shall be entered in the record.
 - (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily founds in the same zone or district or vicinity; and is not created by an action or actions of the property owner or applicant.
 - (2) The granting of the permit for the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by granting the variance.
 - (3) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute undue hardship upon the property owner represented in the application.
 - (4) The granting of the variance is based upon reason and demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
 - (5) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
 - (6) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
 - (7) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Regulations.
- E. Appeals from the Board of Zoning Adjustment: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment, or any taxpayer, officer, department, or Commission of Cass County, Missouri, may present to the Circuit Court of Cass County, Missouri, a petition; duly verified, setting forth that any decision of the Board of Zoning Adjustment is illegal, in whole or in part, and specifying the grounds of such illegality. Such petitions must be presented to the Circuit Court within fifteen (15) days after the filing of the decision of the Board of Zoning Adjustment in the office of the Board of Zoning Adjustment. All such appeals to the District Court shall be governed by the provisions of R.S.Mo. Chapter 64.281, or as may be amended from time to time.

ARTICLE 14 – WIND ENERGY CONVERSION SYSTEMS

ZONING OVERLAY DISTRICT

- A. Purpose and intent: The purpose of the Overlay District is to ensure a regulatory means of facilitating wind energy development by protecting the WECS developer's interest in unobstructed wind flow; and at the same time provide a regulatory response to the demands of neighbors and the general public whose interests may be detrimentally affected by wind turbine operation. The District regulations outline required submittals to the Cass County Planning Board for a Wind Energy Conversion Systems (WECS) plan approval. A Development Plan is to be submitted with the application. These guidelines are written to:

1. Assist the applicant and relevant authorities;
2. Provide details of the WECS;
3. Provide information so individuals may gain an understanding of the WECS;
4. Provide a basis for public discussion and informed comment on the WECS;
5. Identify significant environmental, social, and economic effects related to the WECS; and,
6. Provide a background on which decision makers will consider the project.

These guidelines are not intended to restrict installation of small “home” WECS, as defined by the county.

- B. **Applicability:** All development within the WECS Overlay District, as depicted on the county's Official Zoning District Map, shall comply with the standards and procedures of this Section; except that, new construction of certain WECS may be allowed by right upon a finding by the Zoning Officer that the WECS is a small “home” WECS.
- C. **Home WECS:** Home WECS shall be allowed by right upon a finding by the Zoning Officer that the proposed WECS meets the following requirements:
1. A single WECS erected on an owner-occupied parcel of land for private use;
 2. No taller than 150 feet in height;
 3. Setback from the nearest property line no less than the height of the turbine tower, plus 50 feet; and
 4. Located no closer than 500 feet from the nearest neighboring residential dwelling.
- D. **Circumstances Requiring Application of the WECS Overlay District:** The following circumstances require application of Overlay District standards and procedures within the designated WECS Overlay District:

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1. An application for change in zoning or special use permit of a parcel, for a WECS; or
2. A subdivision or re-subdivision of land, or a lot split for a WECS; or
3. An application for new construction of a WECS-related building for primary use; or
4. Any land use change where over 50% of a WECS structure or building, in value or bulk, is being altered.

E. **Governing Order:** Site specific land use and development restrictions shall be developed and adopted in conjunction with the approval of any site plan within the WECS Overlay District. The site-specific requirements or governing resolution shall be titled "Attachment A" and shall be attached to the resolution authorizing the establishment of the WECS Overlay and/or rezoning. The Resolution number officially designating the site or area with the WECS Overlay shall be noted on the county's Official Zoning Map. As such, any additional uses shall conform to the specific conditions established for the WECS Overlay District including, but not limited to the following:

1. Accessory building appearance.
2. Minimum and maximum square footage per use.
3. Setback requirements.
4. Safety conditions.
5. Off-street Parking (number, location).

F. **Power Purchase Agreement (PPA):** *The Special use Permit does not authorize construction* of the project until the Applicant has obtained a Power Purchase Agreement (PPA) for the electricity to be generated by the WECS. The Applicant shall advise the Zoning Officer when it obtains a power purchase agreement and shall provide such documentation confirming said agreement.

The PPA must be obtained within two years of the date of publication of the Resolution approving the CUP. The one-year period may receive up to a 6-month extension upon written request by the Applicant, and approval of the Planning Board and the Board of County Commissioners. In the event the Applicant does not obtain a PPA within the 12 to 18 month time span, the SUP shall be null and void. Building permits shall be issued only after the Zoning Officer receives documentation confirming said PPA, and all conditions pertaining to WECS have been satisfied.

G. **Plan Submittals:** The Development Plan shall be written so that sources of information are referenced and current. Close consultation with the Zoning Officer during preparation of the Development Plan is highly recommended. These requirements specify the maps, information surveys and studies that must be submitted as part of the SUP application. Cass County may adjust the standards for future projects based on the results of monitoring avian collisions; the success or failure of remedial actions required in the decommissioning process; and with the changing technology in wind generated electricity.

The WECS Development Plan shall address the following key WECS issues:

• Land Use

• Visual Impact

• Noise	• Bird migration / strikes
• Endangered Species	• Wildlife Habitat
• Soil Erosion	• Water Quality
• Public Health & Safety	• Infrastructure
• Cumulative Impact	• Removal / Reclamation
• Electric – Magnetic fields associated with transmission lines.	• Bond Agreement
• Aviation / FAA	• Reception Interference
• Cultural Heritage	• Native Vegetation / Weeds
• Company experience, reputation and financial ability	

- H. **Conditions Required For Approval:** Applications for WECS shall include, but not be limited to:
1. Strict conformance to all performance standards as detailed in the Cass County Zoning Regulations.
 2. No turbines shall be located closer than 500 feet from public roads or the total height of the turbine plus 50 feet, whichever is greater. No turbines shall be located closer than 500 feet from property lines of any property not included in the CUP, or the total height of the turbine plus 50 feet, whichever is greater. No turbine shall be located closer than 1,320 feet from a residential structure. Turbines shall be located no closer than the total height of the turbine plus 50 feet from a common agricultural / residential accessory structure.
 3. Communication lines and power collection lines are to be installed underground in the area covered by the SUP with use of directional boring, horizontal drilling and micro-tunneling and other techniques in the construction of Facilities underground which results in the least amount of disruption and damage as possible to the surface soil and natural features. Said lines are to be located under or at the edge of turbine access roads. Aboveground transmission lines may be used only in public rights-of-way or easements.
 4. Applicant shall apply for building permit prior to the construction of each turbine.
 5. A Power Purchase Agreement (PPA), and a surety bond for de-construction purposes must be approved and accepted before any building permits are issued for construction to begin.
 6. Transportation routes used for construction shall be coordinated with the County Engineer. A road agreement must be approved before any building permits are issued for construction to begin.
 7. Applicant shall be held liable for any damage to county / township roads or rights-of-way resulting from tower construction, deconstruction, and/or maintenance activity.
 8. Lowest point of the rotor blades shall be at least 100 feet above ground level at the base of the tower.
 9. If lubricants and/or hazardous materials are needed to be located on the premises in connection with the WECS, said materials shall be kept and transported in accordance with all state and federal regulations.

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10. There shall be no lights on the towers other than those required by the Federal Aviation Administration (FAA), which shall be white during the day and red at night. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.
11. At the end of the projects useful life, equipment shall be removed from the site and the foundations shall be removed to a depth of four (4) feet below the ground surface. Access roads shall be removed to the landowner's satisfaction, and the ground shall be reseeded in native grasses. The requirement to remove access roads shall not apply to roads in existence before the WECS application was filed. The landowner may choose to have access roads left intact.
12. Structures for wind turbines shall be self-supporting tubular towers painted a neutral color such as a white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.
13. Applicant shall take reasonable measures to correct deficiencies in radio and television reception in or near the project area shown to be caused by the project. WECS shall operate in conformance with the Federal Communications Commission (FCC) regulations.
14. Applicant shall take reasonable measures such as planting trees, installing awnings, etc. to mitigate specific adverse visual impacts such as reflections, shadow flicker, and blade glint affecting residences within or immediately adjacent to the project area.
15. A certified structural engineer or certified structural engineering firm shall conduct all necessary inspections on each turbine. Inspections shall include, but not be limited to; foundation, structural assembly, mechanical, and electrical. Documentation regarding each approved inspection shall be submitted to the Zoning Officer before advancing to the next step of construction.
16. Said engineer, or engineering firm, shall be selected by the Board of County Commissioners. All expenses shall be the responsibility of the Applicant or holder of the CUP. Cass County, its officers, agents, and employees shall be held harmless from any and all claims, costs, liabilities, damages, or expenses, including costs of suits and fees and expenses for legal services on account of any damages claimed by any third party, including such claims by agents or employees of said third party, arising from any approval or non-approval of any inspection. All inspections shall be conducted in accordance with Cass County inspection policy as stated in the officially adopted building Codes.
17. If the SUP is to be transferred from one party to a different party, said transfer must first be approved by the Board of County Commissioners. First party shall inform the second party of the surety bond and all other requirements of the SUP. The second party, or new holder of SUP shall meet the surety bond requirements and all other requirements of the SUP. A transfer fee of \$100 per turbine shall be paid to the County.

I. Use Limitations:

1. All sites containing riparian watershed areas or floodplains as designated by the county, shall comply with the following requirements:

- a) No clearing or grading shall be permitted within 125' from the centerline of any drainage area, unless otherwise permitted by the County.
 - b) A conservation easement or other legal instrument that protects the natural character of the land in perpetuity is required for all applicable sites as approved by the County.
2. An Overview of the existing environment shall include information regarding:
- a) Flora – vegetation species, threatened species (officially listed), critical habitat and habitat conditions for such species.
 - b) Fauna – species, habitat assessment, threatened species (officially listed), migratory species, critical habitat and habitat conditions for such species.
 - c) Geoconservation – sites of geoconservation significance listed on the state/national database.
 - d) Flood zones.
3. Site Clearance. Applicant shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the WECS. Applicant shall minimize the removal of trees and shall not remove groves of trees or hedgerows (shelter belts) without approval of the affected landowner. Applicant shall separate and protect topsoil from subsoil. On cultivated land, Applicant shall minimize compaction of the land during all phases of the WECS life. Compaction shall be confined to as small an area as practical. During site clearance and construction, silt fences and other temporary erosion controls shall be installed and left in place until new native vegetation covers the bare ground around the turbines.
4. Roads
- a) Public Roads
 - 1. Applicant shall identify all county and township roads that will be used for the WECS and shall notify the governing body having jurisdiction over the roads to determine if said body needs to inspect the roads prior to their use. Where practical, existing roadways shall be used for all activities associated with the WECS.
 - 2. Applicant and governing body having jurisdiction over said roads shall enter into a road agreement for maintenance and repair of roads subject to the extra wear and tear due to transportation of equipment and turbine components. Applicant shall be held liable for any damage to county / township roads or rights-of-way resulting from tower construction, deconstruction, and/or maintenance activity. Applicant shall not be held responsible to maintain or repair a road to a condition better than what existed before Applicant began using it for WECS purposes.
 - b) Turbine Access Roads
 - 1. Applicant shall construct the smallest number of turbine access roads it can. Access roads shall be low profile roads so farming equipment can cross them. Where an access road is to cross a stream or drainage way, it shall be

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designed and constructed so runoff from the upper portions of the watershed can readily flow to the lower portions of the watershed. Where an access road is to cross a stream or drainage way, Applicant must follow FEMA regulations pertaining to building a structure in a floodplain zone.

5. Soil Erosion, Sediment Control, & Storm Water Runoff. Applicant shall develop a Soil Erosion, Sediment Control, & Storm Water Runoff Plan. The Plan shall address what types of erosion control measures will be used during each phase of the project. It shall identify plans for:
 - a. Grading
 - b. Construction and drainage of access roads and turbine pads
 - c. Necessary soil information
 - d. Design features to maintain down-stream water quality
 - e. Re-vegetation to ensure slope stability
 - f. Restoring the site after temporary project activities.
6. The Soil Erosion, Sediment Control, & Storm Water Runoff Plan shall also include practices regarding:
 - a. Disposal or storage of excavated materials
 - b. Protecting exposed soil
 - c. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized
 - d. Maintenance of erosion controls throughout the life of the project
7. Cleanup. Applicant shall remove all waste and scrap that is the product of construction, operation, restoration, and maintenance from the site and properly dispose of it upon completion of each task. Bottles, paper, and other litter deposited by site personnel shall be removed on a daily basis.
8. Lighting and Utility Standards. No light source greater than (1) one foot-candle shall be directed onto any public right-of-way, directed so as to cause glare onto any vehicle roadway, or cause light trespass onto any residentially used or zoned property. Security or safety lighting shall also be designed to avoid excess light trespass and glare. Lighting sources of all kinds shall be adequately shielded and positioned to avoid glare or direct visibility of the light source from adjoining property.
9. Noise. The WECS shall not exceed 55 decibels at all times measured at the property line, or other noise standards that may be promulgated by Cass County, whichever is most restrictive. Turbines shall be moved, or modified, or removed (and decommissioned) from service if necessary to comply with this condition.

- J. ***Electromagnetic Interference:*** Applicant shall not operate the WECS and its associated facilities so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event the WECS and its associated facilities or its operations cause such interference, Applicant shall take timely measures necessary to correct the problem.

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ARTICLE 15 — ADEQUATE PUBLIC FACILITIES

- A. Generally. Land proposed for development shall be served by public facilities and services which are adequate to support the proposed development. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service and streets.
- B. Master Plan Consistency Required. Proposed public improvements shall conform to and be properly related to the County's Master Plan and applicable capital improvements plans.
- C. Water. All habitable buildings and buildable lots shall be connected to a public water system which is capable of providing water for health and emergency purposes, including adequate fire protection as required in the County Subdivision Regulations.
- D. Wastewater. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment as required in the County Subdivision Regulations.
- E. Stormwater Management. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The County may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development, pursuant to the County Subdivision Regulations.
- F. Streets. Proposed streets shall provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation, shall be properly related to the Master Plan, and shall be appropriate for the particular traffic characteristics of each proposed development. Adequate street capacity shall be provided as required in the County Subdivision Regulations.
- G. Phasing. The County may require the phasing of development or improvements in order to maintain current levels of service for existing public services and facilities or for other reasons based upon maintaining the health, safety and general welfare of the County's inhabitants.
- H. Extension Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The County may require the applicant of a subdivision to extend off-site improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

CASS COUNTY, MISSOURI – ZONING ORDER

Article 15– Adequate Public Facilities Regulations

- I. Easements/Rights-of-Way. Except as otherwise provided in these regulations, an applicant for a development approval shall ensure that adequate on-site and off-site easements are provided for future roadways, water, wastewater and other public utilities.

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Cass County, Missouri

Appendix A



February 1, 2005

Adopted by:
The Board of County Commissioners
The County Planning Board

CASS COUNTY, MISSOURI – ZONING ORDER

Appendix A—Land Use Table

Appendix A Table: The Appendix A *Table of Permitted Uses by District* provides a tabular summary of the land use types allowed within each base zoning district. The table is definitive as to uses allowed in each district; however, it does not reflect all of the regulations that may apply to particular uses or districts. The entire regulation should be referenced for all district requirements and stipulations as to use. In the event of conflict between the use regulations of the table and the zoning district regulations, the text of the zoning district regulations shall prevail.

Designation:

- P Permitted (by-right): Uses identified in a zoning district column of the Use Table with a “P” are “permitted by-right” and shall be permitted in such zoning district, subject to other requirements of the zoning regulations.
- S Special Use Permits: Uses identified in a zoning district column of the Use Table with an “S” are uses permitted only upon approval of a “special use permit” and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of Article 8. Specially permitted uses shall be subject to other requirements of the zoning regulations.
- n Not Permitted: Uses identified in a zoning district column of the Use Table with an “n” are not allowed in such zoning district unless otherwise expressly permitted by other regulations of the zoning regulations.
- C Used Permitted with Conditions: A letter “C” in a cell of the Use Table refers to conditions applicable to a particular use in one or more of the districts in which such use is allowed. The referenced conditions are throughout the regulations which should be consulted for specific stipulations for that use, many of which are in the Supplemental Regulations chapter.

Cass County, Missouri Zoning Order -- Appendix A

Listing of Uses By Zoning District

GRP NO.	SIC NO.	USE DESCRIPTION	ZONING DISTRICTS										
			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
		Home Occupations	C	C	C	C	C	C	C	C	C	C	C
1	01	AGRICULTURE, FORESTRY & FISHING	P	P	P	P	P	P	P	P	P	P	P
1	01	AGRICULTURAL PRODUCTION - CROPS											
1	013	Field Crops	P	P	P	P	P	P	P	P	P	P	P
1	016	Vegetables and Melons	P	P	P	P	P	P	P	P	P	P	P
1	017	Fruits & Tree Nuts	P	P	P	P	P	P	P	P	P	P	P
1	018	Horticultural Specialties	P	P	P	P	P	P	P	P	P	P	P
1	019	General Farms, Primarily Crops	P	P	P	P	P	P	P	P	P	P	P
2	2	AGRICULTURAL PRODUCTION - LIVESTOCK											
2		Agriculture-Personal Use	P	C	C	C	C	C	C	C	C	C	C
2	0211	Feedlots, Commercial	S	n	n	n	n	n	n	n	n	P	P
2	0212	Livestock, Except Dairy & Poultry	P	n	n	n	n	n	n	n	n	P	P
2	024	Dairy Farms	P	n	n	n	n	n	n	n	n	P	P
2	025	Poultry and Eggs	P	n	n	n	n	n	n	n	n	P	P
2	027	Animal Specialties-all including equine	P	n	n	n	n	n	n	n	n	P	P

P = Permitted Use, S = Special Use Permit Required, C= Permitted, however, Conditions apply, n=Not Permitted

			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
2	029	General Farms, Primarily Animal	P	n	n	n	n	n	n	n	n	P	P
7	07	AGRICULTURAL SERVICES											
7	071	Soil Preparation Services	P	C	n	n	n	S	n	S	P	P	P
7	072	Crop Services	P	P	n	n	n	S	n	S	S	P	P
7	0741	Veterinary Services Livestock	S	S	n	n	n	S	n	S	S	P	P
7	0742	Veterinary Services Animal Specialties	S	S	n	n	n	S	n	S	S	P	P
7	075	Animal Services, Except Veterinary	S	S	n	n	n	S	n	S	S	P	P
7	076	Farm Labor & Management Services	S	S	n	n	n	P	n	P	P	P	P
7	078	Landscape & Horticultural Services	S	S	n	n	n	S	n	S	S	P	P
8	08	FORESTRY											
8	081	Timber Tracts	P	P	P	P	P	P	n	P	P	P	P
8	083	Forest Products	P	S	S	n	n	P	n	S	P	P	P
8	085	Forestry Services	S	n	n	n	n	S	n	S	S	P	P
9	09	FISHING, HUNTING & TRAPPING											
9	091	Commercial Fishing	P	n	n	n	n	n	n	P	P	P	P
9	092	Fish Hatcheries & Preserves	P	n	n	n	n	n	n	n	P	P	P
9	097	Hunting, Trapping, Game Propagation	P	n	n	n	n	n	n	n	P	P	P
10	10	METAL MINING	S	n	n	n	n	n	n	n	n	P	P
10	10	MINING	S	n	n	n	n	n	n	n	n	P	P
12	12	COAL MINING	S	n	n	n	n	n	n	n	n	P	P
13	13	OIL & GAS EXTRACTION											
13	131	Crude Petroleum & Natural Gas	S	S	n	n	n	n	n	n	n	P	P

P = Permitted Use, S = Special Use Permit Required, C= Permitted, however, Conditions apply, n=Not Permitted

			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
13	132	Natural Gas Liquids	S	S	n	n	n	n	n	n	n	P	P
13	138	Oil & Gas Field Services	S	n	n	n	n	n	n	n	n	P	P
14	14	NONMETALLIC MINERALS, EXCEPT FUELS											
14	140	Top Soil	P	C	C	n	n	P	n	P	P	P	P
14	141	Dimension Stone	S	n	n	n	n	n	n	n	n	P	P
14	142	Crushed & Broken Stone	S	n	n	n	n	n	n	n	n	P	P
14	144	Sand & Gravel	S	n	n	n	n	n	n	n	n	P	P
14	145	Clay, Ceramic & Refractory Minerals	S	n	n	n	n	n	n	n	n	P	P
14	147	Chemical & Fertilizer Minerals	S	n	n	n	n	n	n	n	n	P	P
14	148	Nonmetallic Minerals Services	S	n	n	n	n	n	n	n	n	P	P
14	149	Nonmetallic Minerals, Misc.	S	n	n	n	n	n	n	n	n	P	P
15	15	BUILDING CONTRACTORS	P	P	C	n	n	P	n	P	P	P	P
15	15	CONSTRUCTION	P	P	C	n	n	P	n	P	P	P	P
16	16	HEAVY CONSTRUCTION, EX. BUILDING										P	P
17	17	SPECIAL TRADE CONTRACTORS											
17	171	Plumbing, Heating, Air-Conditioning	P	P	C	n	n	P	n	P	P	P	P
17	172	Painting & Paper Hanging	P	P	C	n	n	P	n	P	P	P	P
17	173	Electrical Work	P	P	C	n	n	P	n	P	P	P	P
17	174	Masonry, Stonework & Plastering	P	P	C	n	n	P	n	P	P	P	P
17	175	Carpentry & Floor Work	P	P	C	n	n	P	n	P	P	P	P
17	176	Roofing, Siding & Sheet Metal Work	P	P	C	n	n	P	n	P	P	P	P
17	177	Concrete Work	P	P	C	n	n	P	n	P	P	P	P

P = Permitted Use, S = Special Use Permit Required, C= Permitted, however, Conditions apply, n=Not Permitted

			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
17	178	Water Well Drilling	P	P	C	n	n	P	n	P	P	P	P
17	179	Special Trade Contractors, Misc.	P	P	C	n	n	P	n	P	P	P	
20	20	FOOD & KINDRED PRODUCTS											
20	20	MANUFACTURING											
20	201	Meat Products	C	n	n	n	n	n	n	n	n	P	P
20	202	Dairy Products	C	C	n	n	n	n	n	n	n	P	P
20	203	Preserved Fruits & Vegetables	C	C	n	n	n	n	n	n	n	P	P
20	204	Grain Mill Products	C	C	n	n	n	n	n	n	n	P	P
20	205	Bakery Products	C	C	n	n	n	C	n	P	P	P	P
20	206	Sugar & Confectionery Products	n	n	n	n	n	n	n	n	n	P	P
20	207	Fats & Oils	n	n	n	n	n	n	n	n	n	P	P
20	208	Beverages (Non Alcoholic)	C	C	n	n	n	n	n	n	P	P	P
20	209	Food & Kindred Products, Misc.	C	C	n	n	n	n	n	n	P	P	P
21	21	TOBACCO PRODUCTS											
22	22	TEXTILE MILL PRODUCTS	n	n	n	n	n	n	n	n	n	P	P
23	23	APPAREL & OTHER TEXTILE PRODUCTS										P	P
24	241	Logging	P	P	n	n	n	n	n	n	n	P	P
24	24	LUMBER & WOOD PRODUCTS	P/C	n	n	n	n	n	n	n	n	n	n
24	242	Sawmills & Planing Mills	S	S/C	n	n	n	n	n	n	n	P	P
24	243	Kitchen Cabinets	C	C	n	n	n	P	n	P	P	P	P
24	244	Wood Containers	n	n	n	n	n	n	n	n	n	P	P
24	245	Wood Buildings & Mobile Homes	n	n	n	n	n	n	n	n	n	P	P

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
24	249	Miscellaneous Wood Products	n	n	n	n	n	n	n	n	n	P	P
25	25	FURNITURE & FIXTURES	C	C	n	n	n	P	n	P	P	P	P
26	26	PAPER & ALLIED PRODUCTS											
26	261	Pulp Mills	n	n	n	n	n	n	n	n	n	n	P
26	262	Paper Mills	n	n	n	n	n	n	n	n	n	n	P
26	263	Paperboard Mills	n	n	n	n	n	n	n	n	n	n	P
26	265	Paperboard Containers & Boxes	n	n	n	n	n	n	n	n	n	P	P
26	267	Misc. Converted Paper Products	n	n	n	n	n	n	n	n	n	P	P
27	27	PRINTING & PUBLISHING											
27	271	Newspapers	C	C	n	n	n	C	n	C	C	P	P
27	272	Periodicals	S	S	n	n	n	C	n	S	S	P	P
27	273	Books	S	S	n	n	n	C	n	S	S	P	P
27	274	Miscellaneous Publishing	n	n	n	n	n	n	n	S	S	P	P
27	275	Commercial Printing	n	n	n	n	n	n	n	S	S	P	P
27	276	Manifold Business Forms	n	n	n	n	n	n	n	S	S	P	P
27	277	Greeting Cards	n	n	n	n	n	n	n	S	S	P	P
27	278	Blank-books & Bookbinding	n	n	n	n	n	n	n	S	S	P	P
27	279	Printing Trade Services	n	n	n	n	n	n	n	S	S	P	P
28	28	CHEMICALS & ALLIED PRODUCTS											
28	281	Industrial Inorganic Chemicals	n	n	n	n	n	n	n	n	n	n	P
28	282	Plastics Materials & Synthetics	n	n	n	n	n	n	n	n	n	n	P
28	283	Drugs	n	n	n	n	n	n	n	n	n	P	P

P = Permitted Use, S = Special Use Permit Required, C= Permitted, however, Conditions apply, n=Not Permitted

			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
28	284	Soap, Cleaners, & Toilet Goods	n	n	n	n	n	n	n	n	C	P	P
28	285	Paints & Allied Products	n	n	n	n	n	n	n	n	n	n	P
28	286	Industrial Organic Chemicals	n	n	n	n	n	n	n	n	n	n	P
28	287	Agricultural Chemicals	n	n	n	n	n	n	n	n	n	n	P
28	2875	Fertilizers, Mixing Only	S	n	n	n	n	n	n	n	n	P	P
28	289	Miscellaneous Chemical Products	n	n	n	n	n	n	n	n	n	n	P
29	29	PETROLEUM & COAL PRODUCTS	n	n	n	n	n	n	n	n	n	n	P
29	291	Petroleum Refining	n	n	n	n	n	n	n	n	n	n	P
29	295	Asphalt Paving & Roofing Materials	S	n	n	n	n	n	n	n	C	P	P
29	299	Misc. Petroleum & Coal Products	n	n	n	n	n	n	n	n	n	n	P
30	30	RUBBER & MISC. PLASTICS PRODUCTS											
30	301	Tires & Inner Tubes	n	n	n	n	n	n	n	n	n	P	P
30	302	Rubber & Plastics Footwear	n	n	n	n	n	n	n	n	n	P	P
30	305	Hose, Belting, Gaskets & Packing	n	n	n	n	n	n	n	n	n	P	P
30	306	Fabricated Rubber Products	n	n	n	n	n	n	n	n	n	P	P
30	308	Miscellaneous Plastics Products	n	n	n	n	n	n	n	n	n	P	P
31	31	LEATHER & LEATHER PRODUCTS											
31	311	Leather Tanning & Finishing	n	n	n	n	n	n	n	n	n	P	P
31	313	Footwear Cut Stock	n	n	n	n	n	n	n	n	n	P	P
31	314	Footwear, Except Rubber	C	C	n	n	n	P	n	P	P	P	P
31	315	Leather Gloves & Mittens	C	C	n	n	n	P	n	P	P	P	P
31	316	Luggage	n	n	n	n	n	n	n	n	n	P	P

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
31	317	Handbags & Personal Leather Goods	C	C	n	n	n	P	n	P	P	P	P
31	319	Misc. Leather Goods	C	C	n	n	n	P	n	P	P	P	P
32	32	STONE, CLAY & GLASS PRODUCTS											
32	321	Flat Glass	n	n	n	n	n	n	n	n	n	P	P
32	322	Glass & Glassware	n	n	n	n	n	n	n	n	n	P	P
32	323	Products of Purchased Glass	n	n	n	n	n	n	n	n	n	P	P
32	324	Cement, Hydraulic	n	n	n	n	n	n	n	n	n	P	P
32	325	Structural Clay Products	n	n	n	n	n	n	n	n	n	P	P
32	3262	Pottery & Related Products (Ornamental)	C	C	n	n	n	C	n	C	P	P	P
32	327	Concrete, Gypsum, & Plaster Products- ornamental only	C	C	n	n	n	C	n	C	P	P	P
32	328	Cut Stone & Stone Products-ornamental and statuary only	C	C	n	n	n	C	n	C	P	P	P
32	329	Misc. Nonmetallic Mineral Products	n	n	n	n	n	n	n	n	n	P	P
33	33	PRIMARY METAL INDUSTRIES											
34	34	FABRICATED METAL PRODUCTS											
34	341	Metal Cans & Shipping Containers	n	n	n	n	n	n	n	n	n	n	P
34	342	Cutlery, Hand-tools, & Hardware	n	n	n	n	n	n	n	n	n	n	P
34	343	Plumbing & Heating, Except Electric	n	n	n	n	n	n	n	n	n	n	P
34	344	Fabricated Structural Metal Products	n	n	n	n	n	n	n	n	n	n	P
34	345	Screw Machine Products, Bolts, Etc.	n	n	n	n	n	n	n	n	n	n	P
34	346	Metal Forgings & Stampings	n	n	n	n	n	n	n	n	n	n	P
34	347	Metal Services	n	n	n	n	n	n	n	n	n	n	P

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
34	348	Ordnance & Accessories	n	n	n	n	n	n	n	n	n	n	P
34	349	Misc. Fabricated Metal Products	n	n	n	n	n	n	n	n	n	n	P
35	35	INDUSTRIAL MACHINERY & EQUIPMENT											
35	351	Engines & Turbines	n	n	n	n	n	n	n	n	n	n	P
35	352	Farm & Garden Machinery	n	n	n	n	n	n	n	n	n	C	P
35	353	Construction & Related Machinery	n	n	n	n	n	n	n	n	n	C	P
35	354	Metalworking Machinery	n	n	n	n	n	n	n	n	n	C	P
35	355	Special Industry Machinery	n	n	n	n	n	n	n	n	n	C	P
35	356	General Industrial Machinery	n	n	n	n	n	n	n	n	n	C	P
35	357	Computer & Office Equipment	n	n	n	n	n	n	n	n	n	P	P
35	358	Refrigeration & Service Machinery	n	n	n	n	n	n	n	n	n	C	P
35	359	Industrial Machinery, NEC	n	n	n	n	n	n	n	n	n	C	P
36	36	ELECTRONICS											
36	361	Electric Distribution Equipment	n	n	n	n	n	n	n	n	n	P	P
36	362	Electrical Industrial Apparatus	n	n	n	n	n	n	n	n	n	P	P
36	363	Household Appliances	n	n	n	n	n	n	n	n	n	P	P
36	364	Electric Lighting & Wiring Equipment	n	n	n	n	n	n	n	n	n	P	P
36	365	Household Audio & Video Equipment	n	n	n	n	n	n	n	n	n	P	P
36	366	Communication Equipment	n	n	n	n	n	n	n	n	n	P	P
36	367	Electronic Components & Accessories	n	n	n	n	n	n	n	n	n	P	P
36	369	Misc. Electrical Equipment & Supplies	n	n	n	n	n	n	n	n	n	P	P
37	37	TRANSPORTATION EQUIPMENT											

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
37	371	Motor Vehicles & Equipment	n	n	n	n	n	n	n	n	n	P	P
37	372	Aircraft & Parts	n	n	n	n	n	n	n	n	n	P	P
37	373	Ship & Boat Building & Repairing	C	C	n	n	n	C	n	C	P	P	P
37	374	Railroad Equipment	n	n	n	n	n	n	n	n	n	n	P
37	375	Motorcycles, Bicycles, & Parts	n	n	n	n	n	n	n	n	n	n	P
37	379	Miscellaneous Transportation Equipment	n	n	n	n	n	n	n	n	n	n	P
38	38	INSTRUMENTS & RELATED PRODUCTS											
38	382	Measuring & Controlling Devices	n	n	n	n	n	n	n	n	n	P	P
38	384	Medical Instruments & Supplies	n	n	n	n	n	n	n	n	n	P	P
38	385	Ophthalmic Goods	n	n	n	n	n	n	n	n	n	P	P
38	386	Photographic Equipment & Supplies	n	n	n	n	n	n	n	n	n	P	P
38	387	Watches, Clocks, Watchcases & Parts	n	n	n	n	n	n	n	n	n	P	P
39	39	MISC. MANUFACTURING INDUSTRIES											
39	391	Jewelry, Silverware, & Plated Ware	n	n	n	n	n	n	n	n	n	P	P
39	393	Musical Instruments	C	C	C	C	n	C	C	C	C	P	P
39	394	Toys & Sporting Goods	C	C	C	n	n	C	n	P	P	P	P
39	395	Pens, Pencils, Office & Art Supplies	n	n	n	n	n	n	n	n	n	P	P
39	396	Costume Jewelry & Notions	n	n	n	n	n	n	n	n	n	P	P
39	399	Miscellaneous Manufactures	n	n	n	n	n	n	n	n	n	P	P
40	40	TRANSPORTATION & PUBLIC UTILITIES											
40	401	Railroad, Switching & Terminal Services	S	n	n	n	n	n	n	n	n	P	P
41	41	PASSENGER TRANSIT											

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
41	412	Taxi Cabs Dispatch	n	n	n	n	n	n	n	n	S	P	P
41	413	Bus Service Terminal	n	n	n	n	n	n	n	n	S	P	P
42	42	TRUCKING & WAREHOUSING											
42	421	Trucking & Courier Services	C	C	C	n	n	C	n	P	P	P	P
42	422	Public Warehousing & Storage	n	n	n	n	n	n	n	n	n	P	P
		Mini Warehousing	n	n	n	n	n	C	n	P	P	P	P
42	423	Trucking Terminal Services	S	n	n	n	n	n	n	n	C	P	P
43	431	U.S. POSTAL SERVICE	n	n	n	n	n	P	n	P	P	P	P
45	458	Airports, Flying Fields & Services	S	n	n	n	n	n	n	n	n	p	P
46	46	PIPELINES, EXCEPT NATURAL GAS											
46	461	Pipelines, Except Natural Gas	S	S	S	S	n	S	S	S	S	p	p
47	47	TRANSPORTATION SERVICES											
47	472	Travel Agencies & Tour Operators	C	C	n	n	n	P	n	P	P	n	n
47	473	Freight Transportation Arrangement	S	n	n	n	n	S	n	S	S	P	P
47	474	Railroad Car Rental	n	n	n	n	n	S	n	S	S	P	P
47	478	Misc. Transportation Services	S	n	n	n	n	n	n	n	n	P	P
48	48	COMMUNICATIONS											
48	481	Telephone Communications	S	n	n	n	n	P	n	P	P	P	P
48	482	Telegraph & Other Communications	S	n	n	n	n	P	n	P	P	P	P
48	483	Radio & Television Broadcasting	S	n	n	n	n	P	n	P	P	P	P
48	484	Cable & Other Pay TV Services	S	n	n	n	n	P	n	P	P	P	P
48	489	Miscellaneous Communications Services	S	n	n	n	n	P	n	P	P	P	P

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A R-R R-S R-1 R-2 M-U M-P C-1 C-2 I-1 I-2

49	49	ELECTRIC, GAS, & SANITARY SERVICES											
49	491	Electric Services & Power Generation- including wind systems	S	n	n	n	n	n	n	n	n	P	P
35	3511	Wind Energy Conversion Systems	n	n	n	n	n	n	n	n	n	n	P
49	4911	Home Wind Energy Conversion Systems	P	C	C	C	C	C	C	n	n	n	n
49	492	Gas Production & Distribution	S	n	n	n	n	n	n	n	n	P	P
49	493	Combination Utility Services	S	n	n	n	n	n	n	n	n	P	P
49	494	Water Supply	S	n	n	n	n	C	n	C	P	P	P
49	4952	Sewage Systems (not Septic Tanks)	S	S	S	S	S	S	S	S	S	P	P
49	4953	Sanitary Landfill	S	n	n	n	n	n	n	n	n	P	P
50	50	WHOLESALE TRADE - DURABLE GOODS											
50	50	WHOLESALE TRADE											
50	501	Motor Vehicles, Parts & Supplies	C	C	n	n	n	n	n	n	P	P	P
50	502	Furniture & Home furnishings	C	C	n	n	n	n	n	n	P	P	P
50	503	Lumber & Construction Materials	S	n	n	n	n	n	n	n	S	P	P
50	504	Professional & Commercial Equipment	n	n	n	n	n	n	n	n	S	P	P
50	505	Metals & Minerals, Except Petroleum	n	n	n	n	n	n	n	n	S	P	P
50	506	Electrical Goods	n	n	n	n	n	n	n	n	S	P	P
50	507	Hardware, Plumbing & Heating Equipment	C	C	n	n	n	n	n	n	P	P	P
50	508	Machinery, Equipment & Supplies	n	n	n	n	n	n	n	n	S	P	P
50	509	Miscellaneous Durable Goods	n	C	n	n	n	n	n	n	S	P	p

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
50	5093	Salvage Yard	n	n	n	n	n	n	n	n	n	S/C	S/C
51	51	WHOLESALE TRADE - NONDURABLE GOODS											
51	511	Paper & Paper Products	n	n	n	n	n	n	n	n	S	P	p
51	512	Drugs, Proprieties & Sundries	n	n	n	n	n	n	n	n	S	P	p
51	513	Apparel, Piece Goods & Notions	n	n	n	n	n	n	n	n	S	P	p
51	514	Groceries & Related Products	n	n	n	n	n	n	n	n	S	P	p
51	516	Chemicals & Allied Products	n	n	n	n	n	n	n	n	S	P	p
51	517	Petroleum & Petroleum Products	n	n	n	n	n	n	n	n	S	P	p
51	518	Beer, Wine & Distilled Beverages	n	n	n	n	n	n	n	n	S	P	p
51	519	Misc. Nondurable Goods	n	n	n	n	n	n	n	n	S	P	p
51	5153	Grain, Field Beans & Hay	C	C	n	n	n	n	n	n	P	P	p
51	5154	Livestock & Other Farm Products	S	n	n	n	n	n	n	n	S	P	p
52	52	RETAIL TRADE											
52	52	BUILDING MATERIALS & GARDEN SUPPLIES											
52	521	Lumber & Other Building Materials	S	n	n	n	n	n	n	C	P	n	n
52	523	Paint, Glass & Wallpaper Stores	n	n	n	n	n	C	n	C	P	n	n
52	525	Hardware Stores	n	n	n	n	n	C	n	C	P	n	n
52	526	Retail Nurseries & Garden Stores	S	C	n	n	n	C	n	C	P	n	n
52	527	Manufactured Home Dealers	n	n	n	n	n	n	n	n	P	P	n
53	53	GENERAL MERCHANDISE STORES											
53	531	Department Stores	n	n	n	n	n	n	n	n	P	n	n

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A R-R R-S R-1 R-2 M-U M-P C-1 C-2 I-1 I-2

53	533	Variety Stores	n	n	n	n	n	n	n	n	P	n	n
53	539	Miscellaneous Merchandise Stores	C	C	n	n	n	n	n	n	P	n	n
54	54	FOOD STORES											
54	541	Grocery Stores	C	C	n	n	n	P	n	P	P	n	n
54	542	Meat & Fish Market	C	C	n	n	n	P	n	P	P	n	n
54	543	Fruit & Vegetable Market	C	C	n	n	n	P	n	P	P	n	n
54	544	Candy, Nut & Confectionery Stores	C	C	n	n	n	P	n	P	P	n	n
54	545	Dairy Products Stores	C	C	n	n	n	P	n	P	P	n	n
54	546	Retail Bakeries	C	C	n	n	n	P	n	P	P	n	n
54	549	Miscellaneous Food Stores	C	C	n	n	n	P	n	P	P	n	n
55	55	AUTOMOTIVE DEALERS & SERVICE											
55	551	New & Used Car Dealers	n	n	n	n	n	n	n	n	P	P	n
55	552	Used Car Dealers	n	n	n	n	n	n	n	n	P	P	n
55	553	Auto & Home Supply Stores	n	n	n	n	n	C	n	C	P	P	n
55	554	Gasoline Stations	n	n	n	n	n	P	n	P	P	P	n
55	555	Boat Dealers	n	n	n	n	n	n	n	n	P	P	n
55	556	Recreational Vehicle Dealers	n	n	n	n	n	n	n	n	P	P	n
55	557	Motorcycle Dealers	n	n	n	n	n	n	n	n	P	P	n
55	559	Automotive Dealers, NEC	n	n	n	n	n	n	n	n	P	S	n
56	56	APPAREL & ACCESSORY STORES	n	n	n	n	n	P	n	P	P	n	n
57	57	FURNITURE & HOMEFURNISHINGS STORES											
57	572	Household Appliance Stores	n	n	n	n	n	n	n	n	P	P	n

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
57	5712	Furniture Stores	n	n	n	n	n	n	n	n	P	P	n
57	5713	Floor Covering Stores	n	n	n	n	n	C	n	C	P	P	n
57	5714	Drapery & Upholstery Stores	n	n	n	n	n	C	n	C	P	P	n
57	5731	Radio, TV & Electronic Stores	n	n	n	n	n	C	n	P	P	P	n
57	5734	Computer & Software Stores	n	n	n	n	n	C	n	P	P	P	n
57	5735	Record & Tape Stores	n	n	n	n	n	C	n	P	P	P	n
57	5736	Musical Instrument Stores	n	n	n	n	n	C	n	P	P	P	n
58	58	EATING & DRINKING PLACES											
58	5811	Eating Places, Drive-In	n	n	n	n	n	C	n	C	P	P	P
58	5812	Eating Places	n	n	n	n	n	P	n	P	P	P	P
58	5813	Drinking Places	n	n	n	n	n	S	n	S	S	P	n
59	59	MISCELLANEOUS RETAIL											
59	591	Drug Stores & Proprietary Stores	n	n	n	n	n	C	n	C	P	n	n
59	592	Liquor Stores	n	n	n	n	n	S	n	S	S	n	n
59	593	Used Merchandise Stores	n	n	n	n	n	S	n	S	P	n	n
59	594	Miscellaneous Shopping Goods Stores	n	n	n	n	n	C	n	C	P	n	n
59	596	Non-store Retailers	n	n	n	n	n	C	n	C	n	n	n
59	598	Fuel Dealers	n	n	n	n	n	C	n	C	P	P	P
59	599	Retail Stores, NEC	n	n	n	n	n	C	n	C	P	n	n
60	60	DEPOSITORY INSTITUTIONS	n	n	n	n	n	P	n	P	P	n	n
60	60	FINANCE, INSURANCE & REAL ESTATE											
60	601	Central Reserve Depositories	n	n	n	n	n	n	n	n	P	n	n

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
60	606	Credit Unions	n	n	n	n	n	n	n	n	P	P	n
60	608	Foreign Banks, Branches & Agencies	n	n	n	n	n	n	n	n	P	n	n
60	609	Functions Closely Related to Banking	n	n	n	n	n	n	n	n	P	n	n
60	6021	Commercial Banks, Main Office	n	n	n	n	n	n	n	n	P	n	n
60	6022	Commercial Banks, Branch Offices	n	n	n	n	n	P	n	P	P	n	n
60	6035	Savings institutions, Federal	n	n	n	n	n	n	n	n	P	n	n
60	6036	Savings Institutions, Except Federal	n	n	n	n	n	n	n	n	P	n	n
61	61	NONDEPOSITORY INSTITUTIONS											
61	611	Federal & Fed. Sponsored Credit	n	n	n	n	n	n	n	n	P	n	n
61	614	Personal Credit Institutions	n	n	n	n	n	n	n	n	P	n	n
61	615	Business Credit Institutions	n	n	n	n	n	n	n	n	P	n	n
61	616	Mortgage Bankers & Brokers	n	n	n	n	n	n	n	n	P	n	n
62	62	SECURITY & COMMODITY BROKERS & SERVICES	n	n	n	n	n	n	n	n	P	n	n
63	63	INSURANCE CARRIERS	n	n	n	n	n	n	n	n	P	n	n
64	64	INSURANCE AGENTS, BROKERS & SERVICE	C	C	n	n	n	P	n	P	P	n	n
65	65	REAL ESTATE											
65	653	Real Estate Agents & Managers	C	C	n	n	n	P	n	P	P	n	n
65	654	Title Abstract Offices	n	n	n	n	n	P	n	P	P	n	n
65	655	Subdividers & Developers	n	n	n	n	n	P	n	P	P	n	n
65	6553	Cemeteries	S	S	S	S	n	n	S	n	n	n	n
67	67	HOLDING & OTHER INVESTMENT OFFICES	n	n	n	n	n	n	n	n	P	n	n

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
70	70	SERVICES											
70	70	LODGING PLACES (Bed and Breakfast)	P	P	P	n	n	C	n	C	N	n	n
70	701	Hotels & Motels	n	n	n	n	n	n	n	n	P	n	n
70	702	Rooming & Boarding Houses	S	S	n	n	n	C	n	n	P	n	n
70	703	Camps & Recreational Vehicle Parks	S	n	n	n	n	C	n	P	P	n	n
70	704	Membership-Basis Organization Hotels	n	n	n	n	n	n	n	n	P	n	n
72	72	PERSONAL SERVICES											
72	721	Laundry, Cleaning & Garment Services	n	n	n	n	n	P	C	P	P	P	n
72	722	Photographic Studios	C	C	n	n	n	P	n	P	P	n	n
72	723	Beauty Shops	C	C	C	n	n	P	C	P	P	P	n
72	724	Barber Shops	C	C	n	n	n	P	C	P	P	P	n
72	725	Shoe Repair & Shoe Shine Parlors	C	C	n	n	n	P	n	P	P	P	n
72	726	Funeral Service & Crematories	S	n	n	n	n	n	n	n	n	P	n
72	729	Miscellaneous Personal Services	n	n	n	n	n	P	n	P	P	n	n
73	73	BUSINESS SERVICES											
73	731	Advertising	n	n	n	n	n	n	n	n	P	P	n
73	732	Credit Reporting & Collecting	n	n	n	n	n	n	n	n	P	n	n
73	733	Mailing, Reproduction, Stenographic	n	n	n	n	n	P	n	P	P	P	n
73	734	Services to Buildings	C	C	n	n	n	P	n	n	P	P	n
73	736	Personnel Supply Services	n	n	n	n	n	n	n	n	P	n	n
73	737	Computer & Data Processing Services	n	n	n	n	n	n	n	n	P	P	n
73	738	Miscellaneous Business Services	n	n	n	n	n	n	n	n	P	n	n

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
73	7352	Medical Equipment Rental	n	n	n	n	n	n	n	n	P	P	n
73	7353	Heavy Construction Equipment Rental	n	n	n	n	n	n	n	n	P	P	n
73	7359	Equipment Rental & Leasing, NEC	n	n	n	n	n	n	n	n	P	P	n
75	75	AUTO REPAIR, SERVICES & PARKING											
75	751	Automotive Rentals, No Drivers	n	n	n	n	n	n	n	n	P	P	n
75	752	Automobile Parking	S	n	n	n	n	n	n	n	P	n	n
75	753	Automotive Repair Shops	C	C	n	n	n	P	n	n	P	P	P
75	7542	Carwashes	n	n	n	n	n	P	n	S	P	P	P
75	7549	Automotive Services, NEC	C	C	n	n	n	P	n	n	P	P	n
76	76	MISCELLANEOUS REPAIR SERVICES											
76	762	Electrical Repair Shops	C	C	n	n	n	P	n	n	P	P	P
76	763	Watch, Clock & Jewelry Repair	C	C	n	n	n	P	n	P	P	n	n
76	764	Re-upholstery & Furniture Repair	C	C	n	n	n	P	n	n	P	P	P
76	7692	Welding Repair	C	C	n	n	n	P	n	n	P	P	P
76	7699	Repair Services, NEC	C	C	n	n	n	P	n	n	P	P	n
78	78	MOTION PICTURES											
78	781	Motion Picture Production & Services	n	n	n	n	n	n	n	n	P	P	n
78	782	Motion Picture Distribution & Services	n	n	n	n	n	n	n	n	P	P	n
78	783	Motion Picture Theaters-Indoor	n	n	n	n	n	n	n	n	P	n	n
78	784	Video Tape Rental	n	n	n	n	n	P	C	P	P	n	n
79	79	AMUSEMENT & RECREATION SERVICES											
79	791	Dance Studios, Schools & Halls	C	C	n	n	n	C	n	P	P	n	n

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
79	792	Producers, Orchestras, Entertainers	n	n	n	n	n	S	n	S	P	n	n
79	793	Bowling & Skating Centers	n	n	n	n	n	S	n	S	P	n	n
79	794	Commercial Sports Facilities	S	n	n	n	n	S	n	S	P	n	n
79	7991	Physical Fitness Facilities	n	n	n	n	n	S	n	S	P	P	n
79	7992	Public Golf Courses	P	P	P	n	n	n	n	n	n	n	n
79	7993	Coin-Operated Amusement Devices	n	n	n	n	n	C	n	C	P	P	n
79	7996	Amusement Parks	S	S	n	n	n	S	n	S	S	n	n
79	7997	Membership Sports & Recreation Clubs	S	n	n	n	n	S	n	S	S	n	n
79	7998	Adult Entertainment Establishment	n	n	n	n	n	n	n	n	n	S/C	S/C
79	7998	Adult Entertainment Establishment – Enhanced	n	n	n	n	n	n	n	n	n	n	n
79	7999	Amusement & Recreation, NEC	S	n	n	n	n	S	n	S	P	S	n
80	80	HEALTH SERVICES											
80	801	Offices & Clinics of Medical Doctors	C	C	n	n	n	P	n	P	P	n	n
80	802	Offices and Clinics of Dentists	C	C	n	n	n	P	n	P	P	n	n
80	803	Offices of Osteopathic Physicians	C	C	n	n	n	P	n	P	P	n	n
80	804	Offices of Other Health Practitioners	C	C	n	n	n	P	n	P	P	n	n
80	805	Nursing & Personal Care Facilities	C	C	n	n	n	P	n	P	P	n	n
80	806	Hospitals	n	n	n	n	n	P	n	P	P	n	n
80	807	Medical & Dental Laboratories	n	n	n	n	n	P	n	P	P	n	n
80	808	Home Health Care Services	C	C	n	n	n	P	n	P	P	n	n
80	809	Health & Allied Services, NEC	n	n	n	n	n	P	n	P	P	n	n
81	81	LEGAL SERVICES	C	C	n	n	n	P	n	P	P	n	n

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A R-R R-S R-1 R-2 M-U M-P C-1 C-2 I-1 I-2

82	82	EDUCATIONAL SERVICES											
82	821	Elementary & Secondary Schools	S	S	S	S	n	n	S	n	n	n	n
82	822	Colleges & Universities	S	S	S	S	n	n	S	n	n	n	n
82	823	Libraries	n	n	n	n	n	P	n	P	P	n	n
82	824	Vocational Schools	S	n	n	n	n	S	n	S	n	n	n
82	829	Schools & Educational Services, NEC	S	n	n	n	n	n	n	n	P	n	n
83	83	SOCIAL SERVICES											
83	832	Individual & Family Services	n	n	n	n	n	n	n	n	P	n	n
83	833	Job Training & Related Services	n	n	n	n	n	n	n	n	P	P	n
83	836	Residential Care, Including Group Homes	n	S	S	S	n	n	S	n	n	n	n
83	839	Social Services, NEC	n	n	n	n	n	n	n	n	P	n	n
83	8351	Group Day Care Homes	C	C	C	C	C	C	n	n	n	n	n
83	8352	Day Care Centers	n	n	n	n	n	C	n	C	C	C	C
84	84	MUSEUMS, ZOOS, BOTANICAL GARDENS											
84	841	Museums & Art Galleries	S	n	n	n	n	S	n	S	P	n	n
84	842	Botanical & Zoological Gardens	S	C	n	n	n	S	n	n	P	n	n
86	86	MEMBERSHIP ORGANIZATIONS											
86	861	Business Associations	n	n	n	n	n	n	n	n	P	n	n
86	862	Professional Organizations	n	n	n	n	n	n	n	n	P	n	n
86	863	Labor Organizations	n	n	n	n	n	n	n	n	P	P	n
86	864	Civic & Social Organizations	C	C	n	n	n	P	n	P	P	n	n
86	865	Political Organizations	n	n	n	n	n	n	n	n	P	n	n

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			A	R-R	R-S	R-1	R-2	M-U	M-P	C-1	C-2	I-1	I-2
86	866	Religious Organizations except churches	S	S	S	S	S	S	S	S	S	n	n
86	869	Membership Organizations, NEC	S	n	n	n	n	S	n	n	P	n	n
87	87	ENGINEERING & MANAGEMENT SERVICES											
87	871	Engineering, Planning, Architectural & Surveying	C	C	n	n	n	P	n	P	P	P	n
87	872	Accounting, Auditing & Bookkeeping	C	C	n	n	n	P	n	n	P	P	n
87	873	Research & Testing Services	S	n	n	n	n	n	n	n	P	P	P
87	874	Management & Public Relations	n	n	n	n	n	n	n	n	P	n	n
89	89	SERVICES, NEC	n	n	n	n	n	n	n	n	P	n	n
91	91	PUBLIC ADMINISTRATION	n	n	n	n	n	n	n	n	P	n	n
91	91	EXECUTIVE, LEGISLATIVE & GENERAL	n	n	n	n	n	n	n	n	P	n	n
92	92	JUSTICE, PUBLIC ORDER & SAFETY	S	n	n	n	n	n	n	n	S	P	n
92	921	Courts	S	n	n	n	n	n	n	n	P	P	n
92	9221	Police Protection	S	n	n	n	n	n	n	n	P	P	n
92	9222	Legal Counsel & Prosecution	n	n	n	n	n	n	n	n	P	n	n
92	9223	Correctional Institutions	S	n	n	n	n	n	n	n	S	P	n
92	9224	Fire Protection	S	n	n	n	n	n	n	n	P	P	n
92	9229	Public Order & Safety, NEC	n	n	n	n	n	n	n	n	S	P	n
94	94	ADMINISTRATIVE SERVICES, NEC	n	n	n	n	n	n	n	n	P	n	n
100	100	RESIDENTIAL											
100	1001	Single-Family Residential	P	P	P	P	P	P	P	P	n	n	n
100	1002	Two-Family Residential	n	n	n	n	P	C	C	n	n	n	n

P = Permitted Use, S = Special Use Permit Required, C= Permitted, however, Conditions apply, n=Not Permitted

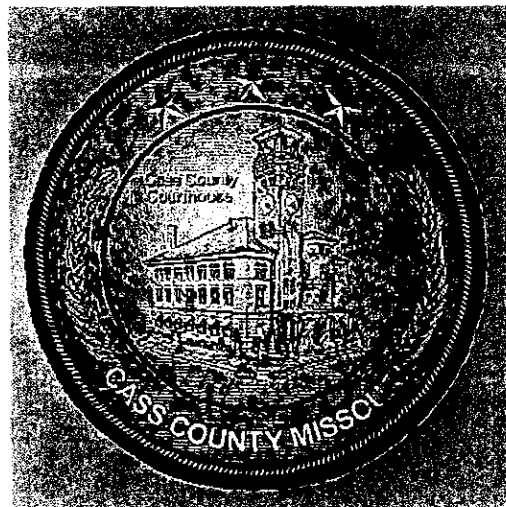
A R-R R-S R-1 R-2 M-U M-P C-1 C-2 I-1 I-2

100	1003	Multi-Family Residential	n	n	n	n	S	S	n	n	n	n	n
100	1004	Manufactured Homes	P	P	P	P	n	P	P	P	C	C	n
		Transitional Living Unit	C	C	C	n	n	n	n	n	n	n	n
100	1005	Mobile Homes	n	n	n	n	n	n	P	n	n	n	n
Note: Manufactured homes in Districts "A", "R-R", "R-S", "R-1" and "M-U" shall be placed upon a permanent foundation and shall													
	have a minimum floor area of 1,000 square feet												

P = Permitted Use, S = Special Use Permit Required, C= Permitted, however, Conditions apply, n=Not Permitted

Cass County, Missouri

Subdivision Regulations



February 1, 2005

Adopted by:
The Board of County Commissioners
The County Planning Board

CAUTION

FORMS AND FEES ARE SUBJECT TO

CHANGE

**CHECK WITH THE ZONING OFFICE
BEFORE MAKING APPLICATION TO
INSURE YOU HAVE THE LATEST FORMS
AND FEE SCHEDULE AVAILABLE.**

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ARTICLE 1: GENERAL PROVISIONS

SECTION 1. TITLE: These subdivision regulations shall be known as, referred to, and cited as the "Subdivision Order" for Cass County, Missouri.

SECTION 2. AUTHORITY: This Ordinance is adopted under the authority granted by R.S.Mo. 64.211, (64.905) et. seq., of the Missouri Statutes and amendments thereto.

SECTION 3. JURISDICTION: All plans, plats, or replats of land laid out in building lots, hereafter made for each subdivision or each part thereof lying within the jurisdiction of the Cass County Planning Board shall be prepared, presented, and recorded as herein described.

SECTION 4. PURPOSE AND INTENT: The purpose and intent of these Regulations is to provide for the harmonious development of the unincorporated areas of the County; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities and drainage; for the avoidance of congestion of population through requirements of minimum lot width, depth, and area, and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sanitary sewers, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure to the County Commission, the actual construction of such physical improvements.

SECTION 5. APPLICABILITY: The owner or owners of any land located within the jurisdiction of these Regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivision, suburban lots, building lots, tracts, or parcels or any owner of any land establishing any street, alley, park, or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these Regulations.

SECTION 6. EXEMPTIONS: These Regulations shall not apply in the following instances:

1. The division of any parcel with twenty (20) acres or more for the purpose of dividing an agricultural tract from a habitable residence existing prior to the adoption of these regulations, provided that no subdivided lot is less than five (5) acres in area.
2. A change in the boundary between adjoining land which does not create an additional lot.
3. Land used for streets or railroad right-of-way, a drainage easement, or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
4. Whenever any lot, parcel, or tract of land located within the area governed by these Regulations has been subdivided, resubdivided, or replatted prior to the adoption of these Regulations.
5. Any transfer by operation of law.
6. Land which is to be used for cemetery purposes.

CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

ARTICLE I: GENERAL PROVISIONS

7. The division of land resulting in tracts or lots, the smallest of which is an area of five acres or more; except that, such lots or tracts shall have direct access to a local street, or minimum 100 feet of frontage for an interior lot; depth-to-width ratios of no less than 4-to-1; and adequate provisions for street and driveway spacing in conformance with county access management standards; and shall be zoned for residential uses. Further, sell-offs of five-acre tracts or larger may be allowed in Agricultural Zoning Districts shall be surveyed to the following specifications with a copy supplied to the Planning and Zoning Department:
 - a. Legal description of the tract being created and of property that it is being sold off;
 - b. Corners set and an actual survey done if there are structures on the property;
 - c. Locations of structures on the tract, including use and dimensions, as well as ponds and on-site wastewater facilities;
 - d. Floodplain date, if applicable, for 100-year and 500-year designations; and
 - e. Name, signature, and seal of the registered land surveyor of the drawing.

SECTION 7. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS: All plans, plats, or replats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Board for its consideration, and its recommendation shall be submitted to the County Commission for their official consideration and action.

SECTION 8. REFERRAL TO CITIES: In order to protect the area around all incorporated cities within Cass County from untimely, premature, or inappropriate development, all proposed preliminary and final plats—other than short-form plats—on any property within the designated “Urban Service Tiers” of all cities within Cass County shall be submitted to said city for official review and recommendation. The notification area for each city may be mutually agreed upon by said city and Cass County for territory other than the Urban Service Tiers. The notification area may be revised by mutual agreement at any time.

The Zoning Officer shall submit the application along with all supporting documentation and any proposed plats, to the appropriate city once the application has been determined to be complete. The application shall not be set for public hearing by the Cass County Planning Board until the expiration of the review and comment period provided herein for said city; however, the required notices may be published to set the public hearing as soon after the expiration of the 30-day review and comment period as is practical.

Said city shall review said proposed preliminary, final and/or short-form plat and, within 30 days of receipt thereof, may submit a written recommendation regarding said application to the Cass County Planning Board; or may appear before the Cass County Planning Board and present its recommendation in person; or may elect to make no comments regarding said request. Any recommendation submitted may be from either the Planning Board or the County Commission, whichever said city so chooses.

Notwithstanding any other provision of these Regulations or of state law; and in addition to all other rights granted to the applicant and to adjoining landowners; in the event a city recommends that a preliminary, final and/or short-form plat proposed within said notification area be denied; then approval of such request shall not be passed except by three-fourths majority vote of the County Commission.

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided

without replatting. The Planning Board may approve or disapprove lot splits in accordance with these regulations

SECTION 9. SEVERABILITY:

Each article, section, and subdivision of a section of these Regulations is hereby declared to be independent of every other article, section, or subdivision of a section, so far as inducement for the passage of these Regulations is concerned.

SECTION 10. EFFECTIVE DATE:

These Regulations, being designated as the "Subdivision Regulations of Cass County, Missouri," shall be in full force and effect from and after its passage.

SECTION 11. REPEALING CLAUSE:

These Regulations repeals the Subdivision Regulations of Cass County, Missouri, in their entirety.

SECTION 12. ADEQUATE PUBLIC FACILITIES

No development approval shall be granted nor subdivision plat approval accepted by the County unless adequate public facility procedures, as established in the zoning regulations, have been met. No regulatory approval shall be granted for development in designated stream buffer areas until the objectives of stream buffering as outlined in the County Comprehensive Plan have been met, and requirements of the County "stream buffer order" been met. No final plat shall be approved until requirements of the Impact Fee Order have been met

CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

ARTICLE I: GENERAL PROVISIONS

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ARTICLE 2: - DEFINITIONS

SECTION 1. DEFINITIONS: Definitions for the interpretation of these rules and regulations as follows:

1. Agricultural Purposes: The use of a tract of land of not less than forty (40) acres for the growing of crops, pasturage, nursery, or the raising of livestock and poultry, including the structures necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots as defined by State statute.
2. Alley: A public or private right-of-way which affords only a secondary means of access to abutting property.
3. Arterial Street: A street serving major traffic movements, designed primarily as a traffic carrier between various sections of the county and which forms part of the through-street network.
4. Block: A tract of land bounded entirely by public highway, streets, streams, railroad rights-of-way, or parks, etc., or a combination thereof.
5. Building Line: See Setback Line.
6. Collector Street: Any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.
7. County (the): the political subdivision of Cass County, Missouri.
8. Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround.
9. Design: The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
10. Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
11. Engineer: Shall mean the County Engineer or designated engineering consultant.
12. Final Plat: A plan or map prepared in accordance with the provisions of this Regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Recorder of Deeds of the County in which any part of the subdivision is located.
13. County Commission: The Cass County Commissioners.

CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

ARTICLE 2: DEFINITIONS

14. Improvements: Street work and utilities that are to be installed, or agreed to be installed by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.
15. Local Street: A street or road which provides direct access to adjoining properties and is designed to serve minor traffic needs.
16. Lot: A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.
17. Major Thoroughfare: A street, highway, or roadway designated as such on the official Major Street Plan.
18. Marginal Access Streets or Frontage Roads: A minor street which is generally parallel to or adjacent to a major traffic thoroughfare, highway, or railroad right-of-way and provides access to abutting properties.
19. Multi-Use Tier: As defined by the Cass County Master Plan.
20. Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
21. Planning Area: That area on a map prepared and maintained for or by the Planning Board describing the planning area limits.
22. Planning Board: Shall mean the Cass County Planning Board, unless otherwise specified.
23. Planning Commission: See Planning Board.
24. Political Subdivision: Any township, city, town, village, school, public library, road, drainage, sewer, levee, or fire district, soil and water conservation district, watershed sub-district, or any other public corporation providing community infrastructure services with the power to tax.
25. Preliminary Plat: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.
26. Setback Line: A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provided in the Zoning Regulations.
27. Short-form Plat: A lot split or plat of five (5) or fewer lots that qualifies for the expedited platting procedures of these regulations.
28. Sight Triangle: A triangular area at the intersection of two streets, in which nothing shall be erected, placed, planted, or allowed to grow high enough above the elevation of the adjacent roadway to constitute a sight obstruction. The area included in a Sight Triangle shall be bounded on two sides by the centerline of each street, and on the third side by a line connecting the two lines. The unobstructed sight distance must be sufficient to allow the operator of

vehicles approaching the intersection simultaneously, to see each other in time to prevent a collision. The sight distance must be related to vehicle speeds and to the resultant distances traversed considering perception, reaction time and braking. (See the Transportation and Traffic Engineering Handbook, Second Edition, Institute of Transportation Engineers, 1982, or most recent edition).

29. Street: A right-of-way, dedicated to the public use, which provides principal vehicular and pedestrian access to adjacent properties.
30. Street Network:
- a. Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a property access service function. Access to an expressway is provided through either interchanges or major streets.
 - b. Arterial: A street which provides for through traffic movement between and around areas which allows direct access to abutting property, subject to necessary control of entrances.
 - c. Collector: A street which provides for traffic movement between arterial and local streets, and which provides direct access to abutting property.
 - d. Local: A street which provides direct access to abutting land, and local traffic movement whether in business, industrial, or residential areas.
31. Subdivider: A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself or for others.
32. Subdivision: The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision", and the term "resubdivision" as used herein shall include any further subdivision of a lot of parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest approved subdivision of the same.
33. Submission Date: For all subdivision plats and lots splits, the date of the Planning Board meeting at which the application is first considered, shall constitute the official submission date of the plat on which the statutory period required for reporting on the Plat shall begin.
34. Urban Service Tier: As defined by the Cass County Master Plan.
35. Zoning Officer: The Administrator or other individual as designated by the County Commission who administers and enforces the subdivision regulations.

CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

ARTICLE 2: DEFINITIONS

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ARTICLE 3: MINIMUM DESIGN STANDARDS

SECTION 1. WATER AND SEWER:

1. The area of the lots shall be determined by the availability of public sewer and a public water supply, and by the district regulations of the zoning order. Prior to the submission of a preliminary plat, the subdivider shall obtain information as to whether adequate public sewer and water supply are available, and whether designation of an "Urban Service Tier" mandates coordination with a neighboring municipality for extension of public water and/or sewer service.

Urban Service Tiers: Waste Water Treatment should be provided through a community system built to county standards, compatible with city standards. Individual on-site septic systems should not be allowed in cases where city services are provided, planned for, or may be cost-effectively extended in a timely manner. In other cases, individual on-site septic systems may be allowed provided, however, that easements are dedicated for future sanitary sewer trunk mains and road rights-of-way alignments are indicated for future major streets, as demonstrated and provided by the developer at the request of the County.

Mixed Use Tiers: Waste Water Treatment should be provided through a community system built to county standards, compatible with city standards up to 1 ½ miles from a city where the city services are provided or currently planned for by the city. Individual on-site septic systems should not be allowed in cases where city services are provided, planned for, or may be cost-effectively extended in a timely manner. In other cases, individual on-site septic systems may be allowed provided, however, that easements are dedicated for future sanitary sewer trunk mains and road rights-of-way alignments are indicated for future major streets, as demonstrated and provided by the developer at the request of the County.

Other Tiers: In other tiers, individual on-site septic systems may be allowed, unless the nearest city petitions for municipal service to the area in response to the notice of subdivision plat filing.

2. If the proposed subdivision is serviced by a public water supply and a public sewer system, the minimum lot area requirements shall be subject to those set forth herein in the Zoning Regulations.
3. If the proposed subdivision is serviced with a private or individual sewage disposal system, the preliminary plat and final plat shall be prepared on the basis of minimum three (3) acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests; provided further, that less lot area may be required on a finding that the applicant satisfies accepted standards for servicing the private or individual sewage disposal system as proposed.
4. All water and sewer systems shall be reviewed for approval by the Cass County Health Department.
5. The following requirements shall apply to subdivisions served by individual on-site sewage disposal systems when located near public water supply lakes and other public water supply sources:

CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

ARTICLE 3: MINIMUM DESIGN STANDARDS

- a. For the purpose of implementing this regulation, a water supply lake shall be defined as a body of water that can be identified by a specific design elevation and shall not include the rivers, streams or drainage ways that flow into the lake. Other public water supply sources are defined as the intake location on a river or stream or a well location.
 - b. Lots platted adjacent to a water supply lake or other public water supply source shall be a minimum of 8 acres.
 - c. Lots platted adjacent to a water supply lake shall have a minimum lake frontage of 500 feet.
 - d. Lots platted adjacent to a water supply lake or other public water supply sources shall have a minimum 500 feet setback from the shoreline of the lake or other public water supply source, to any structure that is connected to a sanitary sewer system or individual sewage disposal system.
 - e. All individual sewage disposal systems designed on properties platted next to a water supply lake or other public water supply source shall be a low pressure system designed by an engineer and approved by the County Health Department.
 - f. Properties platted within five hundred (500) feet of a water supply lake or other public water supply source, but not adjacent to the lake shall have five-acre minimum lots.
6. Water mains and laterals, extended for community use, whether public or private, shall be no less than six (6) inches in diameter, improved with fire hydrants to local codes.

SECTION 2. BLOCKS:

1. Length: Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts where no existing plats are recorded, the blocks shall not exceed one thousand two hundred (1,200) feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Blocks for business use should normally not exceed six hundred (600) feet in length.
2. Width: In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

SECTION 3. STREETS, ALLEYS, AND PUBLIC WAYS:

1. Relations to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required and street arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half

street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.

2. Street Names: Streets that are obviously in alignment with others already existing and named shall bear the same alpha-numeric designation adopted by the County Commission.
3. Arterial and Collector Streets: Major streets through subdivisions shall conform to the Major Street Plan as adopted by the Planning Board and the County Commission.
4. Local Streets: Minor streets shall be so designed to discourage through or non-local traffic.
5. Cul-de-sacs: An adequate turnaround of not less than a one hundred (100) foot diameter right-of-way shall be provided at the closed end of a dead-end street longer than one lot in length. Such local street segment shall not exceed five hundred (500) feet in length from the center line of an intersection of a cross street to the center of the cul-de-sac for subdivisions with lots of three (3) acres in size or less and one thousand (1,000) feet for all others.
6. Right-Angle Intersections: Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be sixty (60) degrees.
7. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, State or Federal Highway: Where lots front or side, but do not back, on railroad rights-of-way, limited access freeways, or principal highways, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration, to minimum distance required for approach connections to future grade separation.
8. Half Streets: Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the Major Street Plan and other requirements of these Regulations.
9. Alleys: Alleys may be required in commercial and industrial districts, and in certain residential areas. Dead-end alleys shall be avoided, wherever possible.
10. Minimum Requirements: The right-of-way grades, horizontal curves, and vertical curves for streets and alleys dedicated and accepted shall not be less than the minimum for each classification as follows:

a. Rural Arterial Streets:

Minimum right-of-way width	100 ft
Maximum gradient	5%
Minimum radii of horizontal curves	500 ft.
Minimum sight distance on vertical curves	350 ft.
Minimum distance between points of access*	350 ft.

b. Collector Streets:

Minimum right-of-way width	80 ft.
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CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

ARTICLE 3: MINIMUM DESIGN STANDARDS

Maximum gradient	7%
Minimum radii of horizontal curves	380 ft.
Minimum sight distance on vertical curves	300 ft.
Minimum distance between points of access*	200 ft.

c. Local Streets:

Minimum right-of-way width	60 ft.
Maximum gradient	10%
Minimum radii of horizontal curves	270 ft.
Minimum sight distance on vertical curves	200 ft.

*ITE Transportation and Land Development Manual

d. Cul-de-sacs:

Minimum right-of-way width	50 ft.
Maximum gradient	10 %
Minimum radii of turnaround	50 ft.

e. Frontage Roads:

Minimum right-of-way width	60 ft.
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f. Alleys:

Minimum right-of-way width	20 ft.
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g. Pedestrian Way:

Minimum right-of-way	10 ft.
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h. The absolute minimum gradient on a street shall be one-half (0.5) percent and minimum gradient shall be one (1.0) percent wherever practical.

11. Additional Requirements: When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated.
12. Street Alignment: On streets with reverse curves, an appropriate tangent shall be provided between curves to permit a smooth flow of traffic.
13. Intersections: Local nonaligned intersections shall be spaced at a minimum of one hundred fifty (150) feet (centerline to centerline).
14. Drainage Easements: A storm water easement or right-of-way may be required if a subdivision is traversed by a water course, drainage way or channel. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and to provide for access for maintenance thereof.

SECTION 4. LOTS: