

1. Minimum lot width shall be as specified in the district regulations of the Cass County zoning regulation; however, corner lots shall be twenty (20) feet wider than that required in those regulations, unless otherwise specified. Lot width shall be measured at the building setback line.
2. Minimum depth shall be one hundred (100) feet. Lot depth shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
3. Minimum lot area shall be subject to the zoning regulations of the district in which the subdivision is located.
4. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under water and sewer.
5. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under water and sewer.
6. All side lot lines shall bear sixty (60) to ninety (90) degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
7. Corner lots, in residential subdivisions, shall observe the same setback on both streets.
8. Double frontage lots shall be avoided unless, in the opinion of the Planning Board, a variation to this rule will give better street alignment and lot arrangement.
9. Every lot shall abut on a street other than an alley.
10. Building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setback required by the zoning regulations.
11. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of the requirements of the zoning regulations.
12. The depth of the lot shall not exceed four (4) times its width.

SECTION 5. EASEMENTS:

1. Where alleys are not provided, permanent easements of not less than seven and one-half (7½) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way of at least fifteen (15) feet in width.
2. An additional twelve (12)-foot wide temporary construction easement (six (6) feet on each side of the lot line) shall be provided for initial construction of water, sewer, and other utility lines.

SECTION 6. DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES: In subdividing land or resubdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. All areas to be reserved for, or dedicated to, public use shall be indicated on the

## CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

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### ARTICLE 3: MINIMUM DESIGN STANDARDS

preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education may be required to be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.

**SECTION 7. ACCESS CONTROL:** In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Board shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat. Points of access to the hard-surfaced roadways, if not regulated by the State Highway and Transportation Commission (MODOT), shall be restricted by the Planning Board, upon recommendation from the County Engineer. In recommending restriction of access, the County Engineer shall refer to the American Association of State Highway and Transportation Officials (AASHTO) standards for the relation of sight distance to the design speed of the rural arterial roadway.

**SECTION 8. SUBDIVISION DESIGN:** The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Board shall have the authority to deny a plat or request redesign if, in its opinion, the layout is not suitable for the site.

**SECTION 9. STORMWATER RUNOFF PLAN:** For any development whose construction activities disturb an area of more than one (1) acre in size the subdivider shall be required to have an engineer's study prepared to determine the amount of increased storm water runoff that will be created by the proposed development, to determine the required width of easements and to determine how this runoff will be accommodated in accordance with the currently approved and adopted Section 5600 of the Kansas City Metropolitan Chapter of the APWA ( i.e., retention or detention ponds, etc). Such studies shall be based on a one hundred (100)-year storm. Under special circumstances, such as developments contained within basins that contain protected waters, the design modification of the proposed storm water system and subdivision may be required to maintain or reduce the increased amount of storm water runoff and properly control and handle increased runoff. A storm water runoff plan may also be required by the Zoning Director or Planning Board where unusual topographic or environmental conditions exist to warrant the need for such a plan.

Storm water National Pollutant Discharge Elimination System (NPDES) Phase II requirements shall be implemented for urbanizing portions of Cass County in the "Urban Service Areas" and "Mixed Use Areas"—as designated in the comprehensive plan—to implement the county stormwater management requirements. Specifically, the Big Creek, Mount Pleasant, and Raymore townships are classified within the Kansas City urbanized area and must obtain a permit to comply with NPDES storm water regulations.

**SECTION 10. SOIL EROSION AND SEDIMENT CONTROL:** The subdivider shall minimize soil erosion during construction by minimizing the amount of exposed soils; avoiding critical areas (highly erosive soil and steep slopes); properly scheduling construction activities, using mulches and using diversion structures to reduce runoff crossing bare areas. The subdivider shall utilize perimeter control and sediment control devices, such as silt fences, straw bale barriers and check dams, to intercept sediment leaving the construction site. The subdivider shall minimize long-term erosion of the subdivision by retaining as much vegetative cover as possible, constructing detention basins, planting vegetative buffer strips, shortening slopes and re-establishing vegetative cover as quickly as possible. The subdivider shall have a soil erosion and sediment control plan prepared by an engineer and submitted with the final plat.

## ARTICLE 4: SHORT-FORM PLATS

**SECTION 1. SHORT-FORM PLATS:** A short-form plat may be used to divide a previously platted lot by metes and bounds description, commonly known as a lot split, or as a means of approving a subdivision of land with five (5) or fewer lots, provided the subdivision of such lands meets the Subdivision Regulations in all other respects. A short form plat is a tool to expedite the review and approval process for minor divisions of land in the rural areas of the county. This process is not appropriate for development requiring the installation of infrastructure, or if in the judgment of county staff, the property requires additional study and review as outlined for a preliminary plat in order to protect the unincorporated area within Cass County from untimely, premature, or inappropriate development. Short-form lot splits and minor subdivision plats shall be considered by the Planning Board. Decisions of the Planning Board shall be final, unless said decision by the Planning Board is appealed to the County Commission.

1. A short-form lot split or minor subdivision plat shall not be approved if:
  - a. A new street or alley is needed or proposed.
  - b. A vacation of streets, alleys, setbacks lines, access control, or easements is required or proposed.
  - c. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
  - d. There is less street right-of-way than required by the Subdivision Regulations or the Cass County Master Plan, unless the required dedication of additional right-of-way is waived by the County Commission.
  - e. All easement requirements have not been satisfied.
  - f. Such split or subdivision will result in a tract or lot without direct access to a street.
  - g. A substandard-sized lot or parcel will be created.
  - h. The lot has been previously split in accordance with these Regulations.
2. No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been ratified in the manner provided by the subdivision regulations.

**SECTION 2. LOT SPLITS:** Requests for a short-form lot split approval shall be made by the owner of the land to the Zoning Officer. All lots produced by a lot split shall conform to all standards of the Cass County Subdivision Regulations and other applicable codes of the County. A lot shall only be divided one (1) time and by only one (1) new dividing lot line, and cannot again be divided without replatting; and a lot line shall not be shifted without replatting. A building permit shall not be issued for a lot produced by a short-form lot split until the lot split has been reviewed and approved by the Planning Board.

## CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

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### ARTICLE 4: SHORT-FORM PLATS

1. Lot Split Application: An application for a lot split shall include the following:

- a. Twelve (12) copies of a scale drawing of the lots involved if there are no structures thereon, or twelve (12) copies of a certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of the structure(s) thereon if structures are located on any part of the lot being split;
- b. Description of the precise nature, and location of the property;
- c. Legal description of the lots to be formed;
- d. Name, signature, and seal of the registered land surveyor who prepared the drawing.

**SECTION 3. MINOR SUBDIVISIONS:** A short-form plat application may be used to subdivide land as a minor subdivision plat with five or fewer lots. Typically such plats are used to subdivide rural acreage tracts resulting in acreage lots each with access from an existing rural roadway that does not require the dedication of additional right-of-way, nor the extension or construction of major public improvements such as water, sewer, and streets. Lots produced by a minor subdivision plat shall conform to all standards of the Cass County Subdivision Regulations, including Section 1 of this Article, and other applicable codes of the County. The submission and approval of a preliminary plat is not required as a prerequisite for a short-form minor subdivision plat approval. As such, a short-form minor subdivision plat shall serve as the final plat of the subdivision.

1. Minor Subdivision Plat Application and Contents: Applications for a minor subdivision plat are subject to the same application and approval procedures as a final plat, in accordance with Article 6 of these Regulations, except that decisions by the Planning Board are final unless said decision is appealed to the County Commission.

### SECTION 4. CONSIDERATIONS AND PROCEDURES OF SHORT-FORM PLAT APPROVAL OR DISAPPROVAL:

1. Upon submission of a completed application and payment of the application fee, the Zoning Officer shall schedule said short-form plat application on the agenda for the next available Planning Board meeting.
2. Notice of a short-form plat application shall be provided to any political subdivision and to any utility provider in which the property is located. When an application for short-form plat is located within an Urban Service Tier, or located within a Multi-Use Tier that is within one and one-half (1-½) miles of the corporate limits of a city, notice shall be sent to the City Clerk of the municipality. The Planning Board may give such additional notice to other persons as it may from time to time provide by its rules.
3. Upon review of a short-form minor subdivision plat application in relation to the specified criteria, county staff may recommend and the Planning Board may impose conditions of approval as deemed necessary to carry out the intent and purpose of existing land development regulations, the adopted Cass County Master Plan, and County Commission policy. Requirements may include, but not be limited to the dedication of easements and the submission of covenants for the protection of other landowners in the original subdivision.
4. The Planning Board shall report on, or take action in writing to either approve, with or without

conditions, or disapprove the short-form plat application within 30 days after the Submission Date of a plat. Such application shall be deemed to have been approved by the Planning Board if an action to approve, with or without conditions, or disapprove is not made within sixty (60) days after the short-form plat application has been submitted for consideration, except that the Board, with the consent of the applicant for the approval, may extend the sixty-day period.

5. Upon taking action to approve, the Planning Board shall sign and furnish a certificate of its decision to be affixed to the survey of the short-form lot split or minor subdivision plat, and a certified copy thereof shall be filed with the Recorder of Deeds, the official designated to issue building permits or occupancy permits, and a copy shall be furnished to the applicant. All conditions to approval of the short-form plat by the Planning Board shall be clearly stated on the document prior to recording.
6. If the Planning Board finds that the short-form lot split or minor subdivision plat does not conform to the requirements of the subdivision regulations, the Cass County Master Plan, or County Commission policy, it shall notify the owner or owners of such fact in writing within ten (10) days after the official Planning Board meeting at which time the plat was considered. The ground of disapproval of any short-form plat by the Board shall be made a matter of record and, the owner or owners shall be notified of what requirements shall be necessary to meet the approval of the Planning Board. Such disapproval action of the short-form plat may be overruled by the County Commission, after public hearing.
7. If within 10 days of the Planning Board action the Board of Trustees or Council of any municipality or political subdivision files with the Planning Board, a certified copy of a resolution of such Council or Board protesting against the action of the County Planning Board approving any such lot split or minor subdivision plat of any land lying within the political subdivision, within said municipality's Urban Service Tier, or within a Multi-Use Tier that is within one and one-half (1½) miles of the limits of the incorporated area of such municipality, such approval shall be deemed overruled, and such plat may be then approved upon public hearing only by a unanimous vote of the County Commission.
8. If the short-form plat is not recorded within twelve (12) months from the date of approval by the Planning Board, the approval will expire and the plat shall be resubmitted for approval as if it were a new plat with a new filing fee. Except that the subdivider may request an extension or extensions thereof, and upon the showing of sufficient cause the Planning Board may extend the time limit.
9. The Recorder of Deeds shall not file any lot split or minor subdivision plat for land located within any area governed by subdivision regulations as provided by law until such plat shall bear the endorsement hereinbefore provided.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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**ARTICLE 4: SHORT-FORM PLATS**

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## ARTICLE 5: PRELIMINARY PLATS

After reaching preliminary conclusions regarding the requirements for consideration of a proposed subdivision, the subdivider shall submit a preliminary plat together with any supplementary information necessary. Preliminary plats shall be considered for approval by the Planning Board. Decisions of the Planning Board shall be final, unless said decision of the preliminary plat application by the Planning Board is appealed to the County Commission. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of a final plat.

**SECTION 1. PRE-APPLICATION:** Prior to the filing of the preliminary plat, the subdivider shall contact the Zoning Officer to determine:

1. Procedure for filing plats;
2. Availability of public sewers and water;
3. Comprehensive Plan requirements for major streets, land use, parks, schools, and public open spaces;
4. Zoning requirements for the property in question and adjacent properties.

**SECTION 2. SUBMISSION OF A PRELIMINARY PLAT:**

1. **Number of copies:** The subdivider shall submit twelve (12) copies of the preliminary plat and twelve (12) copies of a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision. These plans shall be filed with the official authorized to administer the subdivision regulations at least thirty (30) days prior to a regular Planning Board meeting at which the preliminary plat is to be considered.
2. **Preliminary Plats Shall Contain:**
  - a. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision anywhere in the County);
  - b. The location of the boundary lines of the subdivision and reference to the section or quarter section lines;
  - c. The names and addresses of the developer, and the surveyor and/or engineer who prepared the plat;
  - d. North arrow, date of preparation, and scale of the plat, 1"=100' or larger;
  - e. Existing conditions:
    - (1) Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision shall be shown on the preliminary plat.

## **CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

### **ARTICLE 5: PRELIMINARY PLATS**

- (2) All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision or adjacent thereto, with pipe sizes and manhole locations, shall be shown.
- (3) Topography (unless specifically waved by the Engineer) with contour intervals of not less than one (1) foot nor more than five (5) feet as determined by the Engineer, referred to U.S.G.S. datum shall be shown; also location of water courses, bridges, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown;
- g. The general arrangement of lots and their approximate size;
- h. Location and width of proposed streets, alleys, pedestrian ways, and easements;
- I. The general plan of sewage disposal, water supply, and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed;
- j. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.

### **SECTION 3. CONSIDERATIONS AND PROCEDURES OF PRELIMINARY PLAT APPROVAL OR DISAPPROVAL:**

1. Upon submission of a completed application and payment of the application fee, the Zoning Officer shall schedule said preliminary plat application on the agenda for the next available Planning Board meeting.
2. Notice of a preliminary plat application shall be provided to any political subdivision and to any utility provider in which the property is located. When an application for preliminary plat is located within an Urban Service Tier, or located within a Multi-Use Tier that is within one and one-half (1-½) miles of the corporate limits of a city, notice shall be sent to the City Clerk of the municipality. The Planning Board may give such additional notice to other persons as it may from time to time provide by its rules.
3. Upon review of a preliminary plat application in relation to the specified criteria, the county staff may make recommendations and the County Planning Board may impose conditions of approval as deemed necessary to carry out the intent and purpose of existing land development regulations, the adopted Cass County Master Plan, and County Commission policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
4. The Planning Board shall report on, or take action in writing to either approve, with or without conditions, or disapprove the preliminary plat application within 30 days after the submission of a plat. Such application shall be deemed to have been approved by the Planning Board if an action to approve, with or without conditions, or disapprove is not made within sixty (60) days after the preliminary plat application has been submitted for consideration, except that the Board, with the consent of the applicant for the approval, may extend the sixty-day period.



5. If the Planning Board finds that the preliminary plat does not conform to the requirements of the subdivision regulations, the Cass County Master Plan, or County Commission policy, it shall notify the owner or owners of such fact in writing within ten (10) days after the official Planning Board meeting at which time the plat was considered. The ground of disapproval of any preliminary plat by the Board shall be made a matter of record, and the owner or owners shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Board. Such disapproval action of the plat may be overruled by the County Commission, after public hearing.
6. If within 10 days of the Planning Board action the Board of Trustees or Council of any municipality or political subdivision files with the Planning Board, a certified copy of a resolution of such Council or Board protesting against the action of the Planning Board approving any such preliminary plat of any land lying within the political subdivision, within said municipality's Urban Service Tier, or within a Multi-Use Tier that is within one and one-half (1½) miles of the limits of the incorporated area of said municipality, such approval shall be deemed overruled, and such preliminary plat may be then approved upon public hearing only by a unanimous vote of the County Commission.
7. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of twelve (12) months, unless an extension is granted by the Planning Board for up to an additional six (6)-month period.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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**ARTICLE 5: PRELIMINARY PLATS**

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## ARTICLE 6: FINAL PLAT

After approval of the preliminary plat, the subdivider shall submit a final plat for determination by the Planning Board and County Commission. Final plats must conform to the approved preliminary plat, the Subdivision Regulations, the Cass County Master Plan, and County Commission policy. A final plat may be submitted simultaneously with a preliminary plat.

### SECTION 1. SUBMISSION OF A FINAL PLAT:

1. The final plat shall include the following information in support of the application for approval:
  - a. A certified copy of the covenants, forming an association with the minimum purpose of creating a roadway maintenance fund for internal subdivision streets. Said covenant shall include the following minimum information:
    - 1) Certification that the covenant has been filed with the Cass County Recorder of Deeds;
    - 2) A statement indicating the covenant, as it relates to the road maintenance fund, cannot be amended without prior written consent of the Planning Board and County Commission; and
    - 3) The amount of annual dues collected for the road maintenance fund, where funds will be kept, how funds can be disbursed, and how the fee was determined.
  - b. One (1) reduced copy on 11 x 17" paper, and twelve (12) prints thereof shall be submitted to the official authorized to administer the Subdivision Regulations at least ten days prior to the Planning Board public hearing.
  - c. Certification from the appropriate water district, fire district, Missouri Department of Natural Resources and Cass County Health Department.
  - d. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.
  - e. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on the deposit with such officials or governing bodies to meet this requirement.
  - f. A copy of any deed restrictions applicable to the subdivision.
2. Final plats shall contain the following information:
  - a. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=100' or larger. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches.
  - b. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision anywhere in the County).

## CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

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### ARTICLE 6: FINAL PLAT

- c. Location of section, township, range, county, and state, and the exterior boundaries of the subdivision showing:
  - 1) Location and description of all monuments;
  - 2) Bearings and horizontal distances between the monuments; and
  - 3) Complete closure calculations.
- d. The location of monuments or bench marks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
- e. The location and horizontal calculations of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions shown in feet and decimals of feet with the length of radii and of arcs along with the intersection angle (delta) on all curves, and all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve on lot lines.
- f. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
- g. The exact locations, widths, and names of all streets and alleys to be dedicated.
- h. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.
- i. Building setback lines on the front and side streets with dimensions.
- j. Name, signature, certification, and seal of the registered land surveyor making the plat.
- k. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
- l. Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation, and basis for north.
- m. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.
- n. The following certificates, which may be combined where appropriate:
  - 1) A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.
  - 2) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.

CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

ARTICLE 6: FINAL PLAT

- 3) The acknowledgment of a Notary in the following form:

STATE OF      MISSOURI    )  
                                      )  
COUNTY OF    CASS        )

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for said County and State, came \_\_\_\_\_ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

My Commission Expires: \_\_\_\_\_

- 4) The certificate of the Planning Board in the following form:

This plat of \_\_\_\_\_ Addition has been submitted to and approved by the Planning Board this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Executive Secretary

(SEAL)

- 5) The acceptance of dedications by the County Commissioners, when required, in the following form:

The dedications shown on the plat accepted by the County Commissioners of Cass County, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commissioner

ATTEST:

County Clerk

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

## CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

### ARTICLE 6: FINAL PLAT

- 6) A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Clerk

- 7) The certificate of the Recorder of Deeds in the following form:

STATE OF MISSOURI)

COUNTY OF CASS )

This is to certify that this instrument was filed for record in the Recorder of Deeds Office on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_.

Recorder of Deeds

\_\_\_\_\_  
Deputy

SECTION 2. EXTENT AND MANNER OF PHYSICAL IMPROVEMENTS: As a condition to the approval of a final plat, the subdivider shall agree to install the following improvements. Said improvements may be based on the location of the property within the county in relation to the Cass County Master Plan "Land Use Tier Map".

1. Water: If the proposed subdivision is served by a water district, it shall install waterlines and fire hydrants in accordance with the standards of the water district and Building Codes Director. If the proposed subdivision is to be served by a city, it shall install waterlines and fire hydrants in accordance with city standards.
2. Waste Water Treatment: The provision of waste water treatment shall be provided based on the property location in relation to the Cass County Master Plan "Land Use Tier Map"
  - a. Urban Service Tier: See Article 3.
  - b. Multi-Use Tier: See Article 3.
  - c. Rural Density Tier: On-site discharge systems on 1-acre lots or larger (in platted rural subdivisions), depending on standards set by the County for various on-site waste water systems, subject to approval by the County health department; also, central sewer districts with alternative system designs, subject to approval by the County health department unless the nearest city petitions for municipal service to the area in response to the notice of subdivision plat filing
  - d. Agricultural Preservation Tier: On-site septic systems allowed for development at Ag-densities (larger than 20-acre lots) subject to approval by the County health department unless the nearest city petitions for municipal service to the area in response to the notice of subdivision plat filing.
3. Streets:
  - a. If the lots in the proposed subdivision are less than three acres in area, the streets shall be constructed according to the following standards:
    - 1) Curb and gutter is required and rollback curbs are permitted for residential streets but six inch

stand up curbs are required for collector streets.

- 2) Minimum street width is twenty eight (28) feet back of curb to back of curb for residential streets and thirty six (36) feet for collector streets.

- 3) Surface Standards:

Type A – Six (6) inch Portland cement concrete over six (6) inch compacted subgrade ninety-five (95) percent of standard maximum density; or

Type B – Two (2) inch Type (3) asphaltic concrete with six (6) inch Type (1) asphaltic concrete base course and six (6) inch compacted subgrade ninety-five (95) percent of standard maximum density; or

Type C- Three (3) inch Type (3) asphaltic concrete with five (5) inch stabilized aggregate base and six (6) inch compacted subgrade ninety-five (95) percent of standard maximum density.

- b. If the lots in the subdivision are three (3) acres or greater in area, the streets may be a slab and ditch section with the pavement width being twenty four (24) feet for residential streets and thirty two 32 feet for collectors. The surface standards shall be the same as above except that a minimum shoulder width of four (4) feet shall be provided on each side of the street.
- c. All streets shall be designed to the Kansas City Metro APWA Standard Specification and Design Criteria.
4. Storm Drainage/Storm Sewer: All subdivisions designed with curb and gutter streets shall include a storm sewer system designed by a licensed professional engineer in accordance with Kansas City Metro APWA, Section 5600, standards. All subdivisions designed with slab and ditch streets shall include appropriate ditches and drainage ways designed by a licensed professional engineer in accordance with APWA standards.
5. Lots: In those areas where municipal-type water and sanitary sewer systems will be available in the future, but are not yet available, the Planning Board may require that lots be laid out and arranged so that they can readily be converted to urban type building sites without replatting when said systems become available. When this situation occurs, land should be subdivided so that by combining lots, a building site is created with an area of not less than that required for individual sewage treatment systems which currently is three (3) acres and provisions should be made for appropriate utility easements and street rights-of-way when utilities become available. The creation of a building site through use of multiple lots shall be contingent upon the establishment of restrictive covenants satisfactory to the County Commission that no more than one dwelling unit shall be built on an aggregate group of lots having an area of at least three acres until such time as municipal-type water and sanitary sewer systems are available.
6. Design and Inspection: All required facilities will be designed and inspected by a licensed professional engineer. The installation of water and sewer lines shall be coordinated with the city or district providing the service and whatever additional inspection that entity may require shall be made.

## CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

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### ARTICLE 6: FINAL PLAT

7. Rural Subdivision: Subdivisions comprised of lots three (3) acres in size or smaller shall be no further than one-half (1/2) mile from a paved County or State road. If the access road to the subdivision is a County road, the county road shall be constructed to the minimum standard specified in Article 6, Section 3, Subsection 4. In addition, the subdivider shall participate in the improvement of the roadway, based upon the volume and intensity of traffic generated by the subdivision (assuming complete development) in comparison to the total traffic traveling the roadway.

Local streets in rural subdivisions shall be dedicated to the County unless the County Commissioners specifically require the streets to be privately maintained.

If a subdivision abuts a county road the surface of which shall be improved to chip and seal, asphalt, asphaltic concrete or another surface as specified by the County Engineer due to the volume of intensity of traffic generated by the proposed development. The subdivider shall participate in the resurfacing of the roadway for that portion of the road abutting the subdivision. The developer's minimum financial responsibility will be for one-half the cost of the new road surface abutting the subdivision. The County may accept responsibility for financing the remaining cost of the road surface improvements. Should the County elect not to participate in the road surface improvement during the current or next fiscal year, the developer shall either finance the entire adjacent roadway surface improvements or delay development of the subdivision until the remaining cost of the road surface improvement is provided.

8. Rural Areas: Subdivisions located outside of the Urban Service Areas and other urbanizing areas as designated in Cass County Comprehensive Plan shall develop infrastructure to the following standards, maintenance of which shall be provided through assurances provided to the County Commission.

a. Streets:

- (1) Streets in subdivisions comprised of lots smaller than twenty two thousand (22,000) square feet shall be improved with curb and gutter, and a Type A, Type B or Type C paved surface as specified in Section 3 of this article.
- (2) Streets in subdivisions comprised of lots between twenty two thousand (22,000) square feet but less than five (5) acres in size shall be improved with a Type A, Type B or Type C paved surface as specified in Section 3 of this article. Curbs and gutters shall not be required.
- (3) Streets in subdivisions comprised of lots five (5) acres and larger in size shall have a compacted base and be surfaced with chip and seal in conformance with the Engineer's standards and specifications.
- (4) Collector and arterial streets shall be dedicated to the public.

Arterial roads which directly connect with an existing asphalt or concrete surfaced street shall be constructed of two (2) inch Type 3 asphaltic concrete surface, ten (10) inch Type (1) asphaltic concrete case course and six (6) inch compacted subgrade ninety five (95) percent of standard maximum density.

Collector roads shall be shall be improved with a Type A, Type B or Type C paved surface as specified in Section 3 of this article.



- b. Water: Where a public water supply is proposed to serve the subdivisions, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way. The system shall meet standards set by the appropriate water district.

Where private water supplies are proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply.

- c. Sewer: Where a public sewer system is proposed to serve the subdivision, the sewer system shall be designed and constructed to provide service to each lot within the subdivision. The sewer system shall meet all standards established by the County Engineer and the Missouri DNR.

In subdivisions where individual private sewers are proposed, adequate provision shall be made for easements to allow the installation of a public system should the property be annexed in the future or required to develop a public system.

9. Street Signs: Street signs will be supplied and erected by the appropriate governing authority, but paid for by the Subdivider.
10. Sidewalks: Sidewalks shall be a minimum of five (5) feet in width where required by the Planning Board.
11. Other Improvements: If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the Planning Board, the conditions imposed by the County Commission, and the specifications of the Engineer having jurisdiction.
- a. All lot corners and deflection points shall be set with one-half ( $\frac{1}{2}$ ) inch diameter iron bars twenty-four (24) inches in length. All boundary and block corners shall be five eighths ( $\frac{5}{8}$ ) inch diameter iron bars thirty-six (36) inches long.
- b. All block corners and all curve points in the street alignment must be permanently set prior to acceptance of the plat by the County. Prior to any lot being sold, the total block must be monumented and corners set for all lots. Block corners shall be set a minimum of four (4) inches below the finished grade elevation.

For boundary corners, all such monuments shall be placed in the ground and encased within a concrete cylinder six (6) inches in diameter and thirty (30) inches in length. The top elevation of such cylinder shall be established to two (2) inches below the finished grade elevation. The iron bar shall extend above the top elevation of such cylinder no higher than two (2) inches. In the event of unusual topography, all such monuments may be established upon the completion of all grading or construction, provided however, that a satisfactory security for the actual placement of such monuments be first accepted by the Planning Board or County Commission.

- c. A minimum of two benchmarks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than forty (40) acres, one benchmark shall be installed for each additional twenty (20)-acre area. The monument shall be a three (3)-inch brass cap set permanently in concrete, ten (10) inches in diameter by twenty four (24) inches deep approved by the Engineer. The elevation of the monuments shall be identified on each.

## CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS

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### ARTICLE 6: FINAL PLAT

8. Improvement Procedure: After the approval, but prior to recording of the final plat, the subdivider shall make all required improvements.

In lieu of the actual construction of all physical improvements prior to the issuance of building permits, the County Commissioners may, at the option of the developer, accept a bond or other method of financial assurance acceptable by the County in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the County Commission. Such surety shall be properly executed prior to any grading or construction shall be released in segments upon written approval of the County.

Prior to issuance of building permits, all street paving, storm drainage, and utility lines must be installed in accordance with County requirements and plans approved by the appropriate utility company and all grading work completed. A phasing plan for installation of final street surfacing may be proposed by the developer to reduce deterioration during construction, provided, however, that each phase must be complete within three (3) years.

9. Acceptance of Improvements: Upon the receipt by the County Commission of the certificate of the inspecting official that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these Regulations, and all other applicable statutes, orders and regulations, the County Commission and/or such appropriate utility shall thereupon by resolution or by letter, respectively, formally accept such improvements, if not private. The improvements shall become the property of the County Commission or appropriate utility company involved.

### SECTION 3. CONSIDERATIONS AND PROCEDURES OF FINAL PLAT APPROVAL OR DISAPPROVAL:

1. Upon submission of a completed application and payment of the application fee, the Zoning Officer shall schedule said final plat application on the agenda for the next available Planning Board meeting.
2. Notice of a final plat application shall be provided to any political subdivision and to any utility provider in which the property is located. When an application for final plat is located within an Urban Service Tier, or located within a Multi-Use Tier that is within one and one-half (1-½) miles of the corporate limits of a city, notice shall be sent to the City Clerk of the municipality. The Planning Board may give such additional notice to other persons as it may from time to time provide by its rules.
3. Upon review of a final plat application in relation to the specified criteria, the Planning Board may make recommendations and the County Commission may impose conditions of approval as deemed necessary to carry out the intent and purpose of existing land development regulations, the adopted Cass County Master Plan, and County Commission policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
4. The Planning Board shall report on, or take action in writing to either recommend approval, with or without conditions, or disapproval of the final plat application within 30 days after the Submission Date of a plat; and such application shall be deemed to have been recommended for approval by the Planning Board if the Board does not report on the plat within that time period; except that, the Board may extend the thirty-day period with the consent of the applicant.
5. If the Planning Board finds that the final plat does not conform to the preliminary plat, the

requirements of the subdivision regulations, the Cass County Master Plan, or County Commission policy, it shall notify the owner or owners of such fact in writing within ten (10) days after the official Planning Board meeting at which time the plat was considered. The ground of disapproval of any final plat by the Board shall be made a matter of record, and the owner or owners shall be notified of what requirements shall be necessary to meet the approval of the Planning Board. Such disapproval action of the final plat may be overruled by the County Commission, after public hearing.

6. Upon the Planning Board making a recommendation, the final plat shall be forwarded to the County Commission for final action of approval, with or without conditions, or disapproval, which shall be taken within 30 days of receipt of the recommendation from the Planning Board.
7. If within 10 days of the Planning Board report on the plat the Board of Trustees or Council of any municipality or political subdivision files with the Planning Board, a certified copy of a resolution of such Council or Board protesting against the action of the Planning Board approving any such final plat of any land lying within the political subdivision, within said municipality's Urban Service Tier, or within a Multi-Use Tier that is within one and one-half (1½) miles of the limits of the incorporated area of said municipality, such approval shall be deemed overruled, and such final plat may be then approved upon public hearing only by a unanimous vote of the County Commission.
8. After final acceptance of the final plat by the County Commission, a certified copy thereof shall be filed with the Recorder of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant. All conditions to approval of a subdivision by the Planning Board or the acceptance of dedications of land by the County Commission shall be clearly stated on the final plat prior to its recording.
9. If the final plat is not recorded within twelve (12) months from the date of approval by the County Commission, the approval will expire and the plat shall be resubmitted for approval as if it were a new plat with a new filing fee. Except that the subdivider may request an extension or extensions thereof, and upon the showing of sufficient cause the County Commission may extend the time limit. If the final plat for any part of the area covered by the preliminary plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Board for approval.
10. The Recorder of Deeds shall not file a plat for land located within any area governed by subdivision regulations as provided by law until such plat bears the endorsement hereinbefore provided.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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**ARTICLE 6: FINAL PLAT**

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## ARTICLE 7: VACATION PETITION

A vacation is the termination of, or termination of interest in, an easement, right-of-way, or public dedication of land. Such vacation may include streets, avenues, roads, alleys, public easements, public square, or common marked on the recorded plat of said subdivision. The County Commission may vacate the streets, alleys, roads, public easements, public square or common or part of either upon petition of the owner or owners of the ground lying on both sides of or fronting on the street, avenue, road, alley, public easement, public square or common, or part thereof.

### SECTION 1. CONSIDERATION:

1. Upon submission of a completed application and payment of the application fee, the Zoning Officer shall schedule said application on the agenda for the next available Planning Board meeting.
2. Notice of the vacation application shall be provided to any political subdivision and to any utility provider in which the property is located. When an application is located within an Urban Service Tier, or located within a Multi-Use Tier that is within one and one-half (1-½) miles of the corporate limits of a city, notice shall be sent to the City Clerk of the municipality. The Planning Board may give such additional notice to other persons as it may from time to time provide by its rules.
3. Notice of consideration of a vacation petition shall be published in a newspaper published in Cass County, or written or printed notices posted in five public places in the county, at least fifteen days prior to the term of the County Commission at which such petition shall be presented. Said notice shall state distinctly the nature of the petition, when it is to be made, and what street, avenue, road, alley, public easement, public square or common or part thereof is proposed to be vacated.
4. If no person interested in such subdivision shall appear and show cause to the Commission why the vacation should not be made, the Commission may make the order for the vacation as requested in the petition.
5. In the event the County Commission orders the requested vacation, such order shall be filed with the Office of the County Recorder of Deeds.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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**ARTICLE 7: VACATION PETITION**

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## ARTICLE 8: RESUBDIVISIONS

SECTION 1. RE-PLATS: A resubdivision of an existing lot or parcel which results in the creation of two (2) but not more than five (5) additional lots or parcels shall require the submittals in accordance with Articles 4 these regulations; and a resubdivision of an existing lot or parcel which results in the creation of more than five (5) additional lots or parcels shall require the submittals of both a preliminary plat and a final plat in accordance with Articles 5 of these regulations.

SECTION 2. REVIEW: The County Engineer shall review said resubdivision to determine if the existing infrastructure (i.e. sewer lines, water lines, streets, etc.) needs to be upgraded as a result of the creation of an additional lot or lots. If upgrading is needed the resubdivider shall be responsible for the improvements.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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**ARTICLE 8: RESUBDIVISIONS**

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## ARTICLE 9: VARIANCES AND EXCEPTIONS

SECTION 1. VARIANCES: Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or impractical, the Planning Board may recommend to the County Commission, by letter of transmittal, authorization of variances or exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variances or exceptions, the Planning Board shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
4. Such request for variance shall be approved or disapproved by the County Commission after its consideration of the recommendation of the Planning Board. The decision of the County Commission shall be transmitted in writing to the subdivider and the Planning Board.

SECTION 2. APPEALS: The subdivider may appeal decisions made in the enforcement and administration of these regulations by the County Engineer to the Planning Board and by the Planning Board to the County Commission. The decision of the County Commission shall be final and shall be made in writing and transmitted to the subdivider and Planning Board.

SECTION 3. WAIVERS: Any waiver of the required improvements shall be only by the County Commission on a showing that such improvement is technically not feasible.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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**ARTICLE 9: VARIANCES AND EXCEPTIONS**

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## ARTICLE 10: AMENDMENTS

SECTION 1. AMENDMENT PROCEDURE: These regulations may be amended at any time after the Planning Board has held a public hearing on the proposed amendment. A notice of such public hearing shall be published fifteen (15) days in advance of the hearing in at least one newspaper having general circulation within the county, and notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one or more public areas of the courthouse of the county. Such hearing may be adjourned from time to time.

SECTION 2. PUBLIC HEARING: The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Board may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing.

SECTION 3. ACTION BY THE PLANNING BOARD: Upon the conclusion of the public hearing, the Planning Board shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing, to the County Commission.

SECTION 4. ACTION BY THE COUNTY COMMISSION: When the Planning Board submits a recommendation of approval or disapproval of such amendment, the County Commission may adopt such recommendation, return it to the Planning Board for further consideration, or take no further action.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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**ARTICLE 10: AMENDMENTS**

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**ARTICLE 11: MISCELLANEOUS PROVISIONS**

SECTION 1. SUBMISSION TO THE COUNTY COMMISSION: After the review of the final plat by the Planning Board, such final plat together with the certification of approval by the Planning Board, shall be transmitted to the County Commission for its acceptance.

SECTION 2. RECORDED PLATS: Twelve (12) copies of the recorded plat shall be provided by the subdivider and shall be submitted to the Zoning Officer for distribution to various public and quasi-public departments, offices, and agencies.

SECTION 3. SEVERABILITY: If any section of this Regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these Regulations, said section to be completely severable from the remaining provisions of these Regulations and the remaining provisions of these Regulations shall remain in full force and effect.

SECTION 4. PENALTY: Any person violating the provisions of the Subdivision Regulations shall be guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate offense.

SECTION 5. FEES: A filing fee and deposit shall be charged and collected from the applicant in an amount as established by the County Commission by separate order. A separate filing fee and deposit shall be required for each Plat submission. The Preliminary Plat shall not be accepted for filing until the filing fee and deposit has been paid by the subdivider.

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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*Article 11: MISCELLANEOUS PROVISIONS*

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**ARTICLE 12: EFFECTIVE DATE**

These Regulations shall take effect and be in force and after its passage, approval, and adoption.

Recommended by the Cass County Planning Board this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

(SEAL)

Secretary

\_\_\_\_\_  
Chair

Approved by the Cass County Commission this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

ATTEST:

County Clerk

(SEAL)

\_\_\_\_\_  
Presiding Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

**CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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*Article 12: EFFECTIVE DATE*

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**ARTICLE 13: IMPACT FEES**

**SECTION 1. COUNTY COMMISSION ACTION:** The County Commission of Cass County, Missouri has adopted an Impact Fee Order which finds and declares that:

- (a) Cass County, Missouri has experienced rapid population growth over the last decade that has strained the ability of the County to provide transportation facilities to meet the demand created by new development.
- (b) The comprehensive plan for the County, adopted in 2005 and census and population studies to date indicate that this growth will continue at a substantial rate and will place additional significant demands on the County to provide transportation facilities to support new development.
- (c) Funds collected pursuant to the Cass County Transportation Impact Fee Order shall be expended only on transportation facilities and facility expansions within the transportation road impact fee service area from which the property, with respect to which the road impact fee was paid, is located.
- (d) The transportation facilities and facility expansions constructed within the district have a "rational nexus" to and provide benefit to those properties with respect to which fees are imposed pursuant to this Order.
- (e) It is the intent of this Order that, by establishment of transportation impact fees, new development in the County will pay its fair share of the cost of transportation facilities and facility expansions required to serve such new development and that the fees paid with respect to each new development are, based on an individualized determination, roughly proportionate, both in nature and extent, to the demand that such new development will have on transportation facilities.
- (f) It is the intent of this Order that the transportation facilities and expansions financed through the transportation impact fees established hereby be based, when applicable, upon the County's comprehensive plan, Major Street Plan, and capital improvement program and are consistent therewith.
- (g) It is the intent of this Order to establish a system of transportation impact fees and not to levy a "tax" or "fee" as such term is used in Article X, Section 22 of the Missouri Constitution.
- (h) The County Commission has considered the matter of financing of new transportation facilities and facility expansions, the need for which is necessitated by new development. The Commission hereby finds and declares that a transportation impact fee imposed upon new development to finance County transportation facilities and facility expansions, the need for which is reasonably

## **CASS COUNTY, MISSOURI – SUBDIVISION REGULATIONS**

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### *Article 13: IMPACT FEES*

related to the new development, furthers the public health, safety and welfare of Cass County. The County Commission therefore deems it advisable to adopt the Cass County Transportation Impact Fee Order as hereinafter set forth.

**SECTION 2. SUBMISSION TO THE COUNTY COMMISSION:** An impact fee shall be charged and collected from the applicant in an amount as established by the County Commission by separate order. The Cass County Transportation Impact Fee Order is intended to impose an impact fee upon the approval of a final plat, if a final plat must be approved prior to issuance of a building permit pursuant to the Cass County Land Development Code, or to the issuance of a building permit, if approval of a final plat is not so required, in an amount based upon the demand for transportation facilities or facility expansions attributable to the new development and the cost of providing such facilities necessary to serve new development. The impact fee shall be payable upon issuance of a building permit. This Order shall not be construed to authorize imposition of fees for transportation facilities or facility expansions the need for which is attributable to existing development or "pass through" traffic.

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# *Cass County, Missouri*

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## Procedures Manual



*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 THE ROLE OF EACH PARTICIPANT

### INTRODUCTION

Cass County, Missouri has established and maintained a planning and zoning program for land use regulation for several decades. The County strives to define land use issues in the context of a countywide community by meeting long-standing objectives:

- Balance property rights with community rights;
- Accommodate development while encouraging it to occur in appropriate places; and
- Ensure that urban growth occurs in or near the cities, or—if in rural areas—it pays its own way.

As a first class, non-charter county, Cass County regulates land use under Missouri state laws R.S.Mo. 64.211, *et. seq.* These statutes provide the authority for non-charter first class counties to prepare and adopt a “Master Plan” (or Master Plan) through the same basic process as before. A new planning commission (now called a “Planning Board”) has been constituted. And the County’s zoning and subdivision regulations are being updated to fit the new statute.

However, the basic purpose of planning for land use and administering zoning and subdivision regulations is the same: to promote orderly growth and development in the Cass County. The degree to which the regulations are effective is largely dependent upon the caliber of implementation. The best regulations perform their functions only through proper administration on a day-to-day basis. Through the use of this Procedures Manual, the Zoning and Subdivision Regulations will be applied more equitably and consistently.

The power to enact zoning and subdivision regulations has been granted to cities and counties by the state enabling legislation. These statutes require the participation of three separate bodies in the process of administering the regulations: The Planning Board (referred to as “the Board”), the Board of Zoning Adjustment (or BZA), and the County Commission (or “the Commission”)—which serves as the BZA.

### Planning Board and the Master Plan

The Planning Board makes and adopts the Master Plan as the official public document for the physical development of the unincorporated areas of Cass County. The Master Plan (also referred to as “the Plan”) indicates, in general, how the citizens of the community want the County to improve in the near-term and long-term up to 20 years. The Plan is a rational and comprehensive guide for physical development that fosters economic growth, and encourages compatible and high quality land development.

The Plan continues a process whereby Cass County—the unincorporated areas under the jurisdiction of the Planning Board—is poised for continued growth in partnership with area cities, residents, business owners and landowners. Its underlying purpose is to preserve and enhance investment by all citizens. It intends not only to provide the foundation for economic growth and stability, but growth in a safe and healthful environment, to nurture future generations that will take pride and invest in Cass County.

Missouri state law provides the authority for non-charter first class counties to prepare and adopt a Master Plan through R.S.Mo. 64.231: *The county planning board shall have power to make, adopt, and may publish an official master plan for the county . . .*

***Article 1 – The Role of Each Participant***

Authority for land use regulation, which in Cass County is implemented through the zoning and subdivision regulations, stems from statutory authority. However, it must be clear that the Plan is not a set of regulations or Zoning Order. The plan is a guide for growth and development within the County, providing direction for its preferred future goals, objectives, and policies. For this reason the Plan must be continually reviewed and updated. The Planning Board should review or reconsider the Plan annually in order to ensure that the document is still valid and relevant. During this review the Planning Board should propose—if deemed appropriate—amendments, extensions or additions to the Plan following the same procedure as for adoption of the original Plan.

The Master Plan for Cass County is the official policy guide for growth and development in the County and its planning growth area. It includes goals, objectives, and policies that reflect the County's overall direction when planning for growth and infill development. The Plan presents recommendations for how to implement the policies; it is the legal framework on which the zoning and subdivision regulations are enacted and amended by the County Commission on recommendations from the Planning Board. These two land use regulatory Orders shape the locations, type, quality, and comprehensiveness of the physical development of Cass County. While the Plan outlines recommended modifications to current unified development code regulations in order to implement its recommendations, it should not be viewed as a zoning document.

**Adoption of the Master Plan**

The State Statutes call for the Planning Board to “make and adopt” the Master Plan. Before adopting the Master Plan, the Planning Board must hold a public hearing. A notice of the public hearing must be published in the official county newspaper at least 15 days prior to the public hearing. On the Planning Board's adoption of the Master Plan, a certified copy of the Plan, along with a written copy of the minutes of the public hearing, should be forwarded to the County Commission. In order to acknowledge the merits of the Master Plan and demonstrate support for its implementation, the County Commission should pass a resolution of support and agreement. Because the Plan is not binding as with the Zoning Order, subdivision regulations and other plan implementation tools, it should not be adopted by Order. However, a resolution stating the County Commission's concurrence is appropriate and necessary to ensure that both parties are in basic agreement as to the Plan's content and direction for the community. Without this buy-in from the County Commission, who in the case of zoning and special use permits has final approval authority, the implementation of the Plan by the Planning Board is greatly hampered.

Once a resolution has been passed by the County Commission, an official copy must be placed on file with the municipal clerk and filed or recorded with recorders of deeds office. Official copies of the Plan should include resolutions of both the Planning Board and the Commission to demonstrate the adoption and support to the public and future commissions and councils. The statutes specifically require the action taken by the Planning Board to be “recorded on the adopted plan” by “identifying the signature of the secretary of the commission.”

**Updates and Amendments to the Plan**

At least once each year, the Planning Board should review the Master Plan or any part thereof and propose amendments, extensions, or additions to the plan as necessary to ensure that the Plan is current and accurate. It is also advised that any official interpretations made by staff and accepted by the Planning Board be included in the update. All amendments to the Master Plan must be made in accordance with the process for the original adoption of the plan.

## **Zoning Regulations**

The Planning Board is primarily an advisory body. Under the zoning regulations, the primary duty of the Cass County Planning Board is to hold a public hearing where public opinion can be expressed regarding proposed rezoning, Special Use permits, and zoning regulation text amendments. In this sense, the Planning Board is a sounding board for community attitudes toward development. It is important for the Planning Board to establish the facts surrounding each development issue as clearly as possible so that decisions are not based on misinformation or conjecture. The Commission is required to adopt a recommendation to the County Commission regarding rezoning of land, Special Use permits, and changes to the zoning regulations.

The Zoning Regulations are a legislative tool used for implementing the Master Plan. The Missouri State Statutes permit the Governing Body to adopt Zoning Regulations dividing land into districts of such number, shape, area, and of such different classes, according to the use of land and buildings and the intensity of such uses, as deemed necessary to carry out the purposes of the adopted Master Plan.

Case law within Missouri and throughout the nation has effectively established that the Master Plan forms the basis for adoption of zoning regulations. In Missouri, for non-charter first class counties, a Zoning Order “*shall be made in accordance with a Master Plan . . .*” (R.S.Mo. 64.261). The primary purpose of the Zoning Order is to implement the goals, objectives, and policies of the community through the implementation of the Master Plan.

### **Adoption and Amendment of Zoning Regulations**

Before adopting or amending the Zoning Regulations, the Planning Board must hold a public hearing. A notice of the public hearing must be published at least 15 days prior to the public hearing in the official county newspaper. On adoption of the Zoning Regulations, or any amendment thereto, a certified copy of the regulations, along with a written copy of the minutes of the public hearing, must be forwarded to the County Commission for adoption by Order.

The Zoning Regulations, and any subsequent amendments, shall not become effective until it has been adopted by the County Commission and the adopting Order has been published in the official county newspaper.

## **Subdivision Regulations**

Subdivision regulations are another legislative tool to implement the Master Plan by guiding the subdivision and development of land. Subdivision regulations provide coordination of otherwise unrelated plans as well as internal design of individual sites. Under the subdivision regulations, the Planning Board is responsible for approving, conditionally approving or disapproving both preliminary and final plats. Guidelines to carry out this responsibility are provided by the plat submission standards set out in the subdivision regulations. The County is granted the authority to regulate subdivision of land by R.S.Mo 64.241 which states: “*The Planning Board may prepare (and adopt . . .) regulations governing the subdivision of land within the unincorporated area . . . including all division of land or lots into two or more parts, except the division of land resulting in tracts or lots, what smallest of which is an area of five acres or more . . .*”

**Article 1 – The Role of Each Participant**

The general purposes of the Subdivision Regulations is to:

1. protect and promote the public health, safety, convenience, comfort and general welfare;
2. guide the future growth and development;
3. provide for the proper location and width of streets, roads, building lines, open space and recreation and to avoid congestion of population;
4. protect and conserve the value of land, buildings and improvements and to minimize conflicts among the uses of land and buildings;
5. establish reasonable standards of design for subdivision in order to further the orderly layout and use of land;
6. ensure that public facilities, including roads, water, sewer and drainage facilities are adequate to serve the needs of proposed subdivisions.

**Adoption and Amendment of Subdivision Regulations**

Before adopting or amending the Subdivision Regulations, the Planning Board must recommend the subdivision regulations or amendments there to. The County Planning Board shall hold a public hearing prior to adopting the regulations. The public hearing notice shall given in the same manner as provided for other hearings, which is a public notice be published in the official county newspaper at least 15 days prior to the public hearing. Following the public hearing and approval, the Subdivision Regulations or amendment thereto shall become effective.

**Board of Zoning Adjustment**

The Board of Zoning Adjustment (BZA) shall be appointed by order of the County Commission, and consist of “three commissioners of the county commission . . .”. (Ref. R.S.Mo. 64.281). The role of the BZA is primarily a quasi-judicial body rather than an advisory or legislative one. In the case of an appeal, the responsibility of the Board of Zoning Adjustment is to rule on the interpretation of the zoning regulations whenever there is an ambiguous provision or an alleged error. In comparison, variances are granted for unusual physical constraints, and the role of the Board of Zoning Adjustment is to determine if a variance should be granted in a manner which is consistent with the intent of the zoning regulation and fair to the applicant. The Board of Zoning Adjustment is not involved in administering the subdivision regulations.

The Role of the Board of Zoning Adjustment is to serve as a quasi-judicial body rather than a legislative body. Therefore, the chairman “shall administer oaths and compel the attendance of witnesses . . .” (R.S.Mo. 64.281). The BZA is to provide determination in the following Zoning Administration matters only:

- Hear and decide appeals of an administrative decision or interpretation where it is alleged there is error of law in any order, requirement (such as an ambiguous provision), decision, or determination made by an administrative official in the enforcement of the county zoning regulations;
- Hear and decide on all matters referred to it or upon which it is required to pass judgment under the county zoning regulations; and
- The granting of variances for cases of unnecessary hardship or practical difficulty in the way of carrying out the strict letter of such order; as distinguished from merely granting a privilege, so that the intended purpose of the regulations shall be strictly observed, public safety and welfare secured, and substantial justice done.

### **County Commission**

The County Commission consists of the Presiding Commissioner and the Associate Commissioners and has responsibility for enacting and amending the county's Master Plan and the county zoning regulations after consideration of the recommendations of the Planning Board. This responsibility of the County Commission is summarized as follows:

1. Adopt a resolution of support of the Master Plan.
2. Enact and amend the Zoning Order and zoning district map after considering the Planning Board's recommendation.
3. Enact and amend the subdivision regulations after holding considering the Planning Board's recommendation. This responsibility does not include approving subdivision plats.
4. Approve special use permit applications following consideration of the Planning Board's recommendations.
5. Accept or reject dedications of easements, rights-of-way, and public lands on subdivision final plats after having been approved by the Planning Board.
6. Approve engineering plans for construction of public improvements.
7. Approve financial guarantees or financing mechanisms to ensure construction of all public improvements within subdivision plats.
8. Appoint itself as the Board of Zoning Adjustment.

***Article 1 – The Role of Each Participant***

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**ARTICLE 2**  
**THE BASIS OF DECISION-MAKING**

As with other "police powers," the exercise of subdivision regulations is subject to certain legal limitations. One of the most important of these limitations requires that zoning and subdivision regulations cannot be applied in an "arbitrary or capricious" manner. Decisions regarding zoning and subdivision issues cannot be fixed or arrived at through an exercise of will or by caprice without consideration or adjustment with reference to principles, circumstances, or significance.

Local government has a broad ability to mitigate the public impact of private development and promote the public welfare. The legitimate right of government to legislate land use for the protection and promotion of the public welfare must be balanced with a property owner's rights to promote the reasonable economic use of his property. The Plan balances the interests of all parties: considering the needs of individual property owners while promoting the good of the community-at-large.

The public also has a right to expect that the public benefits of non-development, or of development with conditions, must be balanced with individual economic interests. Preservation of historic structures or natural resources can be planned for the interests of both the public and individual interests. Inclusion of landscaping, lighting, drainage, buffering, sidewalks, and public spaces may be necessary to ameliorate the impact of a development proposal, and promote the public and private interests. The public also has a right to expect that development decisions will withstand the test of time. Will the development serve not only present but also future public needs?



*Article 2 – The Basis of Decision Making*

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**ARTICLE 3  
PLANNING BOARD BY LAWS**

1. Areas of Responsibility: It shall be the responsibility of the Planning Board (“the Board”) to:
  - A. Cause the preparation, development and recommendation for adoption of a Master Plan and subsequent amendments thereto;
  - B. Formulate subdivision regulations and zoning regulations for unincorporated areas of the county, and recommend boundaries of the various districts to the County Commission, including amendments thereto;
  - C. Conduct public hearings for adoption of a Master Plan, zoning and subdivision regulations, and for subsequent amendments thereto;
  - D. Appoint a Zoning Officer subject to approval by the County Commission.
  - E. Consider proposals for public improvements;
  - F. Recommend setback lines on major highways;
  - G. Consider approval of subdivision plats referred by the Zoning Officer;
  - H. Adopt bylaws as rules for the transaction of its business and keep a public record of its resolutions, transactions, findings and recommendations;
  - I. Upon written request of the legislative body of an incorporated area in which there is no municipal planning commission, pass upon subdivision plats within the incorporated areas and the plat shall be subject to all rules and regulations of the county planning board and shall not be recorded until it has been approved in the same manner as a subdivision plat in an unincorporated area.
2. Composition, Officers and Appointees:
  - A. The Planning Board shall be composed of eight (8) voting members as provided for by Cass County, Missouri. The County Planning Board shall consist of one of the commissioners of the county commission selected by the county commission, the county highway engineer, both of whom shall serve during their tenure of office, and six residents of the unincorporated territory of the county who shall be appointed by the county commission.
  - B. The Board shall elect a Chair and Vice-Chair from among its members.

*Article 3 – Planning Board By Laws*

- C. The Board shall appoint a Zoning Officer subject to approval by the County Commission, and other employees and consultants as needed, subject to approval by the County Commission.
- D. The Board shall appoint a Recording Secretary who shall keep the minutes of the Planning Board meetings;

3. Duties of Officers:

- A. Chair: The Chair shall preside at all meetings and public hearings of the Planning Board and shall:
  - (1) decide all points of order and procedure;
  - (2) certify plans and plats; and
  - (3) transmit reports and recommendations of the Planning Board to the County Commission.
- B. Vice-Chair: The Vice-Chair shall assume the duties of the Chair in his or her absence.

4. Duties of Appointed Staff:

- A. Zoning Officer: The Zoning Officer or his designate shall perform the following duties:
  - 1) Act as Executive Secretary of the Planning Board and the Board of Zoning Adjustment.
  - 2) Designate duties of the appointed Zoning Enforcement Officer, Recording Secretary and other employees and consultants who have been appointed by the Board with approval of the County Commission;
  - 3) Administer the zoning laws and regulations adopted by the county;
  - 4) Issue permits in conformity with the regulation adopted;
  - 5) Meet with applicants prior to application submittal and accept applications for Planning Board agenda items;
  - 6) Draft or have staff reports drafted on agenda items and sent to Planning Board members prior to each Planning Board meeting;
  - 7) Send or have agendas sent to members of the Planning Board;

- 8) Inform or have informed applicants of decisions;
- 9) Issue Certificate of authority, upon approval of the plat, and send it to the recorder of deeds
- 10) Examine all subdivision plats and determine whether the proposed development conforms to the regulations adopted, the plat shall be promptly approved by the Zoning Officer, or the plat may be referred by the Zoning Officer to the planning board for its approval, amendment or rejection.
- 11) Other duties as requested by the Planning Board.

B. Zoning Enforcement Officer:

- 1) The zoning enforcement officer is appointed by the county commission and serves at the pleasure of the commission.
- 2) The officer coordinates with the Zoning Officer and is charged with the enforcement of the zoning regulations, setback regulations, subdivision regulations and such other regulations as may be adopted.
- 3) The enforcement officer or his/her deputies files complaints of violations of the regulations with the county prosecuting attorney, in the name of the county, for appropriate action.

5. Meetings:

A. The Planning Board shall establish a regular monthly meeting date. A regular meeting of the Planning Board may be cancelled if:

- 1) It is determined that a quorum will not be present;
- 2) No subjects are scheduled for the agenda; or
- 3) Other reasonable circumstances.

B. The Planning Board may hold special meetings from time to time upon a majority vote of the full membership of the Board.

6. Conduct Of Meetings:

A. "Robert's Rules of Order" shall govern the conduct of meetings.

*Article 3 – Planning Board By Laws*

- B. There must be 5 of the 8 voting members present before a vote can be taken.
- C. The motion shall be restated by the Chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- D. An affirmative vote of a majority of a quorum is required to take action on a motion; except that an affirmative vote of a majority of the full Planning Board is required for certain actions, such as approving subdivision plats, recommending adoption or amendment of the Master Plan and for recommending adoption of new zoning regulations.
- E. Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the County Commission with an explanation of the failure to establish an official vote on the subject in question. All members including the Chair shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.

7. Agenda Subjects:

- A. The Zoning Officer shall set the agenda of a Planning Board meeting in consultation with the Chair, county planning and zoning staff, and the county presiding commissioner.
- B. A copy of the agenda and support materials shall ordinarily be mailed to the members of the Planning Board so that they may review them at least three days prior to the meeting.
- C. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chair may allow consideration of non-agenda items but not public hearings.
- D. Agenda for Regular Meeting:
  - 1) Meeting opened by Chair
    - (a) Meeting called to order by Chair;
    - (b) Roll call by Recording Secretary; and
    - (c) Motion to adopt minutes of previous meeting.
  - 2) Public Hearings
  - 3) Discussion of Non-agenda Items
  - 4) Old Business

5) Adjournment

- E. Attendance at Meetings: In the event any member of the Planning Board shall fail to attend at least sixty-six (66) percent of the meetings of the Board over any nine-month period, such absences shall be the grounds for forfeiture of the appointment. If a member of the Board is absent beyond the number of meetings allowable, it will be up to the Chair of the Board to recommend dismissal to the County Commission.

8. Hearings:

- A. Before recommending adoption or amendment of all or any part of the Master Plan, County Zoning Regulations, County Subdivision Regulations or Major Street Plan, the Planning Board shall hold a public hearing on the matter as required by law.
- B. The Zoning Officer shall cause a notice of such public hearings to be published once in the official county newspaper and at least fifteen (15) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such a hearing and shall describe the proposal in general terms.
- C. The following procedure for conducting public hearings shall be observed:
- 1) staff presents the agenda item;
  - 2) the Planning Board may ask questions regarding the staff presentation and report;
  - 3) proponents of the agenda item make presentation;
  - 4) opponents of the agenda item make presentations;
  - 5) applicant makes rebuttal;
  - 6) staff presents the findings and other matters to be considered;
  - 7) the Chair closes the hearing and restricts discussion to the Board, except that, Planning Board may ask questions of the public or staff;
  - 8) Board member makes a motion which, if seconded, may be discussed further, and then acted upon.

*Article 3 – Planning Board By Laws*

- D. Action by the Planning Board shall not be taken until the hearing has been concluded. Hearings may be continued to a date, time and place certain without republishing notice of the continued hearing.
- 9. Recommendations: The Zoning Officer or his designee, or in their absence, the County Commission representative on the Planning Board, shall appear before the County Commission for the purpose of reporting recommendations of the Planning Board.
- 10. Committees:
  - A. The Planning Board may establish such committees as it deems advisable and assign each committee specific duties or functions.
  - B. The Chair shall designate the members of each committee and shall name the Chair of each committee.
- 11. Expenses:
  - A. The Planning Board may expend county funds in amounts appropriated and budgeted by the County Commission.
  - B. The Board may contract with a planning consultant for services it may require subject to approval of the County Commission.
- 12. Records and Reports:
  - A. The Planning Board shall keep a record of all proceedings, resolutions, transactions, findings and determinations.
  - B. All records of the Planning Board shall be available for public review.
  - C. The Planning Board shall annually review the Master Plan to determine if any portion has become obsolete and shall make a report to the County Commission regarding same.
- 13. Amendments: These bylaws may be amended by an affirmative vote of a majority of the full Planning Board, provided such amendment has been submitted in writing to each member of the Board at least three days prior to the meeting at which action is to be taken.
- 14. Ethical Principles: Members of the Planning Board who shall legally have a conflict of interest or believe that they may have a substantial interest as defined by Missouri State Statute, in any matter that is on the Board's agenda, shall voluntarily excuse themselves, vacate their seat and refrain from discussion and voting on said item as a Board member. Conflict of interest includes:

- A. Ownership of property or business in which the Board is considering action;
  - B. Receipt of fees, salaries or gratuity from such business or businesses; or
  - C. A member of the Board member's immediate family is employed by or stands to receive a financial gain from the Planning Board's action.
15. Improvements to Conform to Plan
- A. From and after the adoption of the master plan or portion thereof and its proper certification and recording, then and thenceforth no improvement of a type embraced within the recommendations of the master plan shall be constructed or authorized without first submitting the proposed plans thereof to the county planning board and receiving the written approval and recommendations of the board; except that this requirement shall be deemed to be waived if the county planning board fails to make its report and recommendations within forty-five days after the receipt of the proposed plans.
  - B. If a development or public improvement is proposed to be located in unincorporated territory of the county by any municipality, county, public board or commission, the disapproval or recommendations of the county planning board may be overruled by the county commission, which shall certify its reasons thereof to the planning board, nor shall anything herein interfere with such development or public improvement as may have been, or may hereafter be, specifically authorized or permitted by a certificate of public convenience and necessity, or order issued by the public service commission, or by permit of the county commission after public hearing in the manner provided by the section **64.231**
16. Powers of County Commission on Review of Report of Planning Board
- A. The planning board shall file a recommendation and report with the county commission. The scope of review by the county commission shall be limited to the recommendation and report of the board; except that the county commission may hear and consider additional evidence, if the county commission finds that the evidence in the exercise of reasonable diligence could not be produced, or was improperly excluded at the hearing before the board.
  - B. Whenever the County Commission finds there is competent and material evidence, which was not produced or improperly excluded at the hearing before the Board, the county commission may remand the case to the board with directions to reconsider the same in the light of the evidence.

Subdivision Regulations, contents, how adopted—bond for compliance



**CASS COUNTY, MISSOURI – PROCEDURES MANUAL**

***Article 3 – Planning Board By Laws***

Subdivision Plat or instrument describing not to be recorded until approved

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Planning Board of Cass County, Missouri.

By: \_\_\_\_\_  
Chair

Address: \_\_\_\_\_

\_\_\_\_\_  
Area Code Telephone Number

Attest: \_\_\_\_\_  
Secretary

Address: \_\_\_\_\_

\_\_\_\_\_  
Area Code Telephone Number

**ARTICLE 4**  
**BOARD OF ZONING ADJUSTMENT BY LAWS**

1. Areas of Responsibility: It shall be the responsibility of the Board of Zoning Adjustment (“the Board”) to:
  - J. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer or other county official in the enforcement of the zoning regulations.
  - K. To authorize in specific cases, special permits and variances from the specific terms of the zoning regulations.
  - L. Adopt bylaws as rules for the transaction of its business and keep a public record of its resolutions, transactions, findings and recommendations.
2. Composition:
  - A. The Board of Zoning Adjustment shall consist of the County Commission.
  - B. The Chair, Vice-Chair and Secretary shall be elected by Board members.
3. Duties of Officers:
  - A. Chair: The Chair shall preside at all meetings and public hearings of the Board of Zoning Adjustment and shall:
    - (1) decide all points of order and procedure;
    - (2) inform petitioners of decisions.
  - B. Vice-Chair: The Vice-Chair shall assume the duties of the Chair in his or her absence.
  - C. Recording Secretary: The Recording Secretary shall be responsible for:
    - (1) Keeping the minutes of the Board of Zoning Adjustment meetings;
    - (2) perform other duties as the Board of Zoning Adjustment may require.
4. Duties of the Zoning Officer: The Zoning Officer shall perform the following duties:
  - A. Duties as set forth by the Board of Zoning Adjustment;

*Article 4 – Board of Adjustment By Laws*

- B. Meet with applicants prior to application submittal and accept applications for Board of Zoning Adjustment agenda items;
- C. Draft or have staff reports drafted on agenda items and sent to the members of the Board of Zoning Adjustment prior to each Board of Zoning Adjustment meeting;
- D. Send or have agendas sent to members of the Board of Zoning Adjustment;
- E. Inform applicants of decisions;
- F. Carry out written correspondence; and
- G. Maintain the records of the Board of Zoning Adjustment.

5. Meetings:

- A. “Robert’s Rules of Order” shall govern the conduct of meetings and the Chair shall serve as parliamentarian.
- B. A majority of the full Board of Zoning Adjustment shall constitute a quorum and must be present before a vote can be taken.
- C. The Board of Zoning Adjustment shall hold meetings at a time and place designated by the Board; except that the Chair may cancel a regular meeting with at least three (3) days prior notice if it is determined that a quorum will not be present.
- D. The motion shall be restated by the Chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- E. An affirmative vote of the majority of the full Board of Zoning Adjustment membership is required to take action on a matter:
- F. When procedural and parliamentary rules adopted by the Board of Zoning Adjustment conflict, parliamentary procedure shall be according to the “Robert’s Rules of Order.”

6. Agenda Subjects:

- A. Any interested party may request a place upon the agenda of a Board of Zoning Adjustment meeting.
- B. A copy of the agenda shall ordinarily be mailed to the members of the Board of Zoning Adjustment so that they may review them at least three days prior to the meeting.
- C. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chair may allow consideration of non-agenda items.

## D. Agenda for Regular Meeting:

- (1) Meeting opened by Chair
  - (a) Meeting called to order by Chair;
  - (b) Roll call by name; and
  - (c) Motion to adopt minutes of previous meeting.
- (2) Public Hearings
- (3) Other Business
- (4) Adjournment

7. Ethical Principles: Members of the Board of Zoning Adjustment who shall legally have a conflict of interest or believe that they may have a substantial interest as defined by Missouri State Statutes, in any matter that is on the Board's agenda, shall voluntarily excuse themselves, vacate their seat and refrain from discussion and voting on said item as a Board member. Conflict of interest includes:

- A. Ownership of property or business in which the Board is considering action;
- B. Receipt of fees, salaries or gratuity from such business or businesses; or
- C. A member of the Board member's immediate family is employed by or stands to receive a financial gain from the Board of Zoning Adjustment action.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Board of Zoning Adjustment of Cass County, Missouri.

By: \_\_\_\_\_

Chair

Address: \_\_\_\_\_

Area Code Telephone Number

Attest: \_\_\_\_\_

Secretary

Address: \_\_\_\_\_

Area Code Telephone Number



## ARTICLE 5 CODE OF CONDUCT

In administering the zoning regulations, it is crucial that the decisions are made fairly and that they also have the *appearance* of fairness. The credibility of the Planning Board, the Board of Zoning Adjustment, the County Commission and public support for zoning regulations in general will erode quickly if there is an appearance of unfairness or impropriety in members of these public bodies. For this reason, it is important that a code of conduct is established and followed as closely as possible.

**Conflicts of Interest:** In making zoning decisions, members of the Planning Board, Board of Zoning Adjustment, and the County Commission should be acting in the best interest of the entire community. Whenever a member of any of these bodies is acting on an issue in which he or she also has a personal interest, an important element of fairness is lost. In general, a conflict of interest is any situation in which a member is in a position to act upon or influence a development request which includes the potential for direct or indirect gain, financial or otherwise. In order to clarify this general rule, the following guidelines are recommended.

No member shall act on or influence any development request when:

1. The member has a potential for direct or indirect profit or financial gain from the development;
2. The member owns or is employed by any company which is an applicant, subdivider, developer or option holder;
3. The applicant, subdivider, developer or option holder is an established and regular client of the member or the member's place of employment;
4. One or more of a member's immediate family (parent, sibling, spouse or child) has a direct financial interest in the development or is an owner or officer of any company which is an applicant, subdivider, developer or option holder; or
5. The member has a potential for indirect financial gain or loss because of related property or business holdings.

Other situations not covered by these guidelines should be left to the judgment of the member involved. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality.

Ideally, citizens appointed to the Planning Board and Board of Zoning Adjustment should not include those who are likely to have repeated conflicts of interests. When a conflict of interest does occur, however, the following steps should be taken:

1. The member should declare and the record should show that a conflict of interest exists with respect to a particular issue and that the member will not participate in any discussion or action;

*Article 5 – Code of Conduct*

2. The member should step down from his or her regular seat and should not speak with any other members during the discussion of the issue at hand; and
3. The member should not represent or speak on behalf of the applicant, but may speak on his or her own behalf as a private citizen during the hearing.

**Acknowledgment of Outside Information.** During any public hearing, it is presumed that all sides will have the opportunity to hear the opposing side's information and arguments and to offer rebuttal. This right is lost when discussions are held or information is provided outside the public hearing. The possibility exists that a decision could be based on information that was never discussed publicly. To avoid this situation, Planning Board and Board of Zoning Adjustment members should not receive any information relating to a case or discuss a case with anyone who has an interest in the outcome. Where such a discussion or information is unavoidable, the member should declare during the hearing, and the record should show, the general nature and content of the discussion or information and the participants in the discussion or the source of the information.

These guidelines also apply to any personal knowledge which is relevant to the issue. If a member has any personal knowledge which will affect his or her decision, such information should be made public during the hearing and should be subject to rebuttal.

**Informed Participation.** All parties with an interest in a particular development issue have a right to a decision based on all of the available information. Any member who is not informed or aware of the available information should abstain from voting on that issue. This includes the following situations:

1. When a member has not reviewed the application or the information submitted with the application;
2. When a member has missed all or part of a public hearing and has not been able to review a transcript of the hearing; or
3. When a member has missed all or part of the discussion between members prior to the vote.

As a corollary to this policy, it is the duty of each member to attend normally scheduled meetings as regularly as possible. Without regular attendance, informed decision-making and full participation in the regulatory process is unlikely. The By-Laws of the Planning Board establish requirements and rules for attendance.

## ARTICLE 6

### ETHICAL PRINCIPLES, PLANNING BOARD AND STAFF

The following principles should govern the conduct of the Planning Board's business. These principles should be considered as advisory rather than mandatory. Should any questions arise about the interpretation and application of any of these principles, the County Attorney or planning staff should be consulted.

1. Serve the Public Interest. The primary obligation of Planning Board members and planning staff is to serve the public interest.
2. Support Citizen Participation in Planning. Because the definition of the public interest is modified continuously, Planning Board members and planning staff must recognize the right of citizens to seek to influence planning decisions that affect their well-being. Members should encourage a forum for meaningful citizen participation and expression in the planning process and assist in clarifying community goals, objectives, and policies.
3. Recognize the Comprehensive and Long Range Nature of Planning Decisions. Planning Board members and planning staff should recognize and give special consideration to the comprehensive and long-range nature of planning decisions. Planning Board members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. Planning Board members and the planning staff must gather all relevant facts, consider responsible alternative approaches, and evaluate the means of accomplishing them. Planning Board members and planning staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. Expand Choice and Opportunity for All Persons. Planning Board members and planning staff should strive to make decisions which increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions, and decisions which restrict choices and opportunities be changed.
5. Facilities Coordination through the Planning Process. Planning Board members and planning staff must encourage coordination of the planning process. The planning process should enable those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interests. Planning Board members and planning staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective planning decision receive adequate information far enough in advance of the decision to allow their meaningful participation.
6. Avoid Conflict of Interest. To avoid conflict of interest and even the appearance of impropriety, Planning Board members who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to an immediate relation. A member with a conflict of interest must make that interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and step down from the Planning Board and not



*Article 6 – Ethical Principles, Planning Board and Staff*

participate as a member of the public when such deliberations are to take place. The member must not discuss the matter privately with any other member voting on the matter.

7. Render Thorough and Diligent Planning Service. Planning Board members and planning staff must render thorough and diligent planning service. Should a Planning Board member or members of staff believe they can no longer render such service in a thorough and diligent manner, they should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member must not participate in that decision.
8. Not Seek or Offer Favors. Planning Board members and members of staff must seek no favor. Planning Board members and planning staff must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties; or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part. Individuals must not offer any gifts or favors intended to influence the recommendation or decision of Planning Board members or planning staff.
9. Not Disclose or Improperly Use Confidential Information for Financial Gain. Planning Board members and planning staff must not disclose or use confidential information obtained in the course of their planning duties for financial or other gain. A Planning Board member or staff must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (a) and (b) must not be made until after the Planning Board member or member of staff has made reasonable efforts to verify the facts and issues involved, obtain reconsideration of the matter, and obtain separate opinions on the issue from other planners or officials.
10. Ensure Access to Public Planning Reports and Studies on an Equal Basis. Planning Board members and planning staff must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to a member or planning staff must be made available in the same form to the public in a timely manner at reasonable or no cost.
11. Ensure Full Disclosure at Public Hearings. Planning Board members and staff members must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question (received in the mail, by telephone, or other communication) part of the public record. The Planning Board Chairman at the commencement of each public hearing ask if any member of has received any exparte communication. If any member has received exparte communication concerning the application at hand, that member must describe the nature of the information received.

12. Maintain Public Confidence. A Planning Board member or member of staff must conduct himself/herself publicly so as to maintain public confidence in the public planning body, Cass County, and the official's performance of the public trust.

In administering the zoning and subdivision regulations, it is crucial that the decisions be made fairly and that they have the appearance of fairness. The credibility of the Planning Board and the County Commission will erode quickly—as will public support for zoning and subdivision regulations in general—if there is an appearance of unfairness or impropriety in members of these public bodies. For this reason, it is important that a code of conduct be established and followed as closely as possible.

### CONFLICTS OF INTEREST

In making zoning and subdivision decisions, members of the Planning Board, Board of Zoning Adjustment, and the Governing Body should be acting in the best interest of the entire community. Whenever a member of any of these bodies is acting on an issue in which he or she also has a personal interest, an important element of fairness is lost. In general, a conflict of interest is any situation in which a member is in a position to act upon or influence a development request, which includes the potential for direct or indirect gain, financial or otherwise. In order to clarify this general rule, the following guidelines are recommended.

No member shall act on or influence any development request when:

1. The member has a potential for direct or indirect profit or financial gain from the development;
2. The member owns or is employed by any company, which is an applicant, subdivider, developer or option holder;
3. The applicant, subdivider, developer, or option holder is an established and regular client of the member or the member's place of employment;
4. One or more of a member's immediate family (parent, sibling, spouse or child) has a direct financial interest in the development or is an owner or officer of any company which is an applicant, subdivider, developer, or option holder; or
5. The member has a potential for indirect financial gain or loss because of related property or business holdings.

Other situations not covered by these guidelines should be left to the judgment of the member involved. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality.

When a conflict of interest does occur, however, the following steps should be taken:

1. The member should declare, and the record should show, that a conflict of interest exists with respect to a particular issue, and that the member will not participate in any discussion or action;
2. The member should step down from his or her regular seat and should not speak with any other members during the discussion of the issue at hand; and
3. The member should not represent or speak on behalf of the applicant, but may speak on his or her own behalf as a private citizen during the hearing.

### **ACKNOWLEDGMENT OF OUTSIDE INFORMATION**

During any public hearing, it is presumed that all sides will have the opportunity to hear the opposing side's information and arguments, and to offer rebuttal. This right is lost when discussions are held or information is provided outside the public hearing. The possibility exists that a decision could be based on information that was never discussed publicly. To avoid this situation, Planning Board and Board of Zoning Adjustment members should not receive any information relating to a case or discuss a case with anyone who has an interest in the outcome. Where such a discussion or information is unavoidable, the member should declare during the hearing, and the record should show, the general nature and content of the discussion or information and the participants in the discussion or the source of the information.

These guidelines also apply to any personal knowledge which is relevant to the issue. If a member has any personal knowledge which will affect his or her decision, such information should be made public during the hearing and should be subject to rebuttal.

### **INFORMED PARTICIPATION**

All parties with an interest in a particular development issue have a right to a decision based on all of the available information. Any member who is not informed or aware of the available information should abstain from voting on that issue. This includes the following situations:

1. When a member has not reviewed the application or the information submitted with the application;
2. When a member has missed all or part of a public hearing and has not been able to review a transcript of the hearing; or
3. When a member has missed all or part of the discussion between members prior to the vote.

As a corollary to this policy, it is the duty of each member to attend normally scheduled meetings as regularly as possible. Without regular attendance, informed decision-making and full participation in the regulatory process is unlikely.

## **ARTICLE 7 PROCEDURAL SUMMARY**

The final section of this manual is a step-by-step explanation of each type of development request. Also included are checklists to assist in the review of each request.

It is important to note that the official procedural requirements are contained in the Unincorporated Cass County Zoning and Subdivision Regulations themselves. This manual is a summary document intended to present the zoning and subdivision process in an easily understood format and applications needed for each zoning and subdivision process.

*Article 7 – Procedural Summary*

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## ARTICLE 8 ZONING & SUBDIVISION TEXT AMENDMENT PROCEDURE

Before making any recommendation or decision on a proposed amendment to the text of the zoning or subdivision regulations, the Planning Board must first hold a public hearing. The purpose of the hearing is to allow both sides to express their views on the proposed amendment. Just as a decision on rezoning request must be based on the best interests of the entire community, and not just the interests of a particular person or group of persons, amendments to the text of the zoning and subdivision regulations must also be based on the best interests of the entire community. The following are factors which are appropriate for consideration of proposed text amendments:

1. Whether the amendment is consistent with the intent and purpose of the zoning regulations and the specific article, section or subsection proposed to be amended.
2. What the impact will be on the areas that are most likely to be directly affected by the amendment.
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.
4. Whether the proposed amendment is consistent with the goals, objectives, policies, and recommendations of the adopted Master Plan.

A proposal for an amendment of the text of the zoning or subdivision regulations is initiated by either the Planning Board or the County Commission of Cass County. A citizen may also begin the amendment process by submitting the proposed change to the Zoning Officer, with a request for consideration by either the Planning Board or County Commission on the next regular meeting agenda.

1. If the text amendment is initiated by either the Planning Board or the County Commission:
  - A. A public hearing may be scheduled immediately.
  - B. The Office of the Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing; and for following the administrative procedures for a text amendment as prescribed in the adopted zoning or subdivision regulations.
  - C. The notice shall fix the time and place of the hearing and describe in general terms the proposed change.
  - D. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.
2. If the change is initiated by a private citizen and taken before the Planning Board:
  - A. The individual shall be allowed to present the proposed amendment at a regular meeting.
  - B. The Planning Board, based on the information presented, shall determine whether the proposal should be considered as an amendment.

*Article 8 – Zoning & Subdivision Text Amendment Procedure*

- C. If it is determined that the proposal has merit, the Planning Board may set a date for the public hearing and authorize the publication of the necessary public notice.
- 3. The public hearing may be adjourned from time to time and upon its conclusion the Planning Board shall prepare and adopt its recommendation to the County Commission. The recommendation shall be submitted along with an accurate record of the public hearing.
- 4. The County Commission shall consider the Planning Board's recommendation and may either approve the recommendation; override the Planning Board's recommendation by a 2/3 majority vote of the membership of the County Commission; or return the proposed amendment to the Planning Board for reconsideration, as prescribed in the adopted zoning or subdivision regulations. If received for reconsideration, the Planning Board shall consider the County Commission's reasons for failure to approve or disapprove and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the County Commission may approve or disapprove the proposed zoning or subdivision text amendment.
- 5. If the County Commission approves the requested change, it shall adopt an Order to that effect.

**CASS COUNTY, MISSOURI  
ZONING & SUBDIVISION TEXT AMENDMENT APPLICATION**

Return Form to:  
Office of Zoning Administration  
Cass County Courthouse  
102 East Wall Street  
Harrisonville, MO 64701  
(816) 380-8131  
[(816) 380-8130 Fax]

For Office Use Only  
Case ID.: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent: \_\_\_\_\_

---

**APPLICANT INFORMATION:**

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

**TEXT AMENDMENT PROPOSED:**

Amendment Proposed to (Check One):

\_\_\_\_\_ County Zoning Regulations                      \_\_\_\_\_ County Subdivision Regulations

Section to Be Amended:                      Article \_\_\_\_\_                      Section \_\_\_\_\_

Present Text: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Text: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for Amendment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional sheets as needed.



*Article 8 – Zoning & Subdivision Text Amendment Procedure*

**IMPACT OF AMENDMENT:**

Does the amendment add language to the Regulations?	Yes ____	No ____
Does the amendment supplement an existing section?	Yes ____	No ____
Does the amendment modify an existing section?	Yes ____	No ____
Does the amendment repeal a section?	Yes ____	No ____

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Area Code Telephone Number

*Article 8 – Zoning & Subdivision Text Amendment Procedure*

**(SAMPLE) OFFICIAL NOTICE**

Public Hearing for Cass County, Missouri *(Please specify either Zoning or Subdivision Regulations)*  
Text Amendment

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at \_\_\_\_\_ p.m. on \_\_\_\_\_, 200\_\_\_\_  
\_\_\_\_\_ Planning Board, Commission Chambers, County Courthouse, Harrisonville, Missouri, will  
consider amendment(s) to Section \_\_\_\_\_ of Article \_\_\_\_\_ of the  
\_\_\_\_\_ *(specify applicable regulation:  
Zoning Regulations or the Subdivision Regulations).*

As provided in the Zoning or Subdivision Regulations *(please specify)* of Cass County, Missouri, the  
above amendment will be discussed and considered by the Planning Board, and all persons interested in  
said matter will have an opportunity to be heard at this time concerning their views and wishes.

CERTIFIED, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Zoning Officer

Address: \_\_\_\_\_

\_\_\_\_\_  
Area Code Telephone Number

*Article 8 – Zoning & Subdivision Text Amendment Procedure*

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CASS COUNTY, MISSOURI – PROCEDURES MANUAL  
**Article 8 – Zoning & Subdivision Text Amendment Procedure**

(SAMPLE) ORDER NO.

**TEXT AMENDMENT**

AN ORDER AMENDING SECTION \_\_\_\_\_ OF ARTICLE \_\_\_\_\_ OF THE  
\_\_\_\_\_ (Insert either Cass County, Missouri Zoning Regulations; Cass  
County, Missouri Subdivision Regulations; whichever is applicable) **AS ADOPTED BY ORDER**  
\_\_\_\_\_ (Insert either the Order number for the Cass County Zoning Regulations or Cass County  
Subdivision Regulations) **OF CASS COUNTY, MISSOURI.**

BE IT ORDAINED BY THE COUNTY COMMISSION OF CASS COUNTY, MISSOURI:

**Section I**

That Section \_\_\_\_\_, of Article \_\_\_\_\_ of the \_\_\_\_\_, (Insert  
whichever is applicable) entitled \_\_\_\_\_ is hereby amended so as to read as follows:

(Insert new language here)

**Section II**

This Order shall take effect and be in force from and after its passage, approval, and publication as  
provided by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
200 \_\_\_\_\_.

\_\_\_\_\_  
Presiding Commissioner

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Area Code Telephone Number

\_\_\_\_\_  
Area Code Telephone Number

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## ARTICLE 9

### ZONING DISTRICT AMENDMENT (REZONING) PROCEDURE

A proposal for a change in district classification (rezoning) may be initiated by either the County Commission, the Planning Board or by application of the owner of property affected. Before making any recommendation or decision on a zoning request, the Planning Board must first hold a public hearing. The purpose of the hearing is to allow both sides to express their views on the issue and to discuss all relevant factors. Although the hearing is a valuable mechanism for gauging the community's attitudes toward development and for establishing the facts of each case, it is important that decisions not be based solely on the opinions of the largest or most vocal group of participants. Instead, zoning decisions must be based on the best interests of the entire community, and not just the interests of a particular property owner or neighboring property owners. In addition, the Planning Board should try to distinguish between facts and opinions at a public hearing. Unsubstantiated assertions ("This project would reduce the value of my property by 75 percent") or generalizations ("People who live in apartments always drive fast cars and race up and down the streets") should be analyzed for their validity. Even "expert witnesses" should be pressed to give as factual a basis as possible for their judgments.

Second, zoning decisions should include consideration of long-range community goals as well as short-range needs. The recommendations of the Master Plan should be the primary source for this information. Because of its importance in the zoning process, the Master Plan should be reviewed by the Cass County Planning Board on a regular basis and amended as necessary to ensure that it remains current.

Third, it is important to zone based on land use issues, not the issues affecting the individual applicant. An error frequently made is approval of a rezoning to accommodate an applicant's personal circumstances without consideration of land use conditions and characteristics. Such a rezoning is rarely in the public interest and, if challenged, can be held to be invalid. Instead, decisions should be based on whether the land is appropriate for the proposed zoning district. Appropriate matters that should be considered for each rezoning application include:

- a) The character of the neighborhood;
- b) The zoning and uses of properties nearby;
- c) The suitability of the subject property for the uses to which it has been restricted;
- d) The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property;
- e) The length of time the property has remained vacant as zoned;
- f) The relative gain to the public health, safety and welfare by not rezoning the property as compared to the hardship imposed on the property owner;
- g) The adequacy of public utilities and other needed public services;
- h) The recommendation of professional staff; and
- i) Compliance with the Master Plan.

When considering a rezoning application, all of the uses which the proposed zoning district permits should be considered rather than just the use the applicant proposes, since a change in ownership or in market conditions could easily result in a change of the proposed use.

*Article 10 – Planned Development Procedure*

1. The applicant shall first obtain the proper application form from the Office of Zoning Officer (or Zoning Administrator, as designated by the county).
2. The rezoning application form shall be completely filled out and returned to the Office of Zoning Administration with the appropriate filing fee and required information. **An application shall not be scheduled for public hearing until the application form has been fully completed, the filing fee paid, and all required information submitted.**
3. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The Office of the Zoning Officer shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested.

The applicant shall be responsible for submitting a list of surrounding property owners to the office of Zoning Administration. The office shall send a written notice to notify surrounding property owners of the public hearing and of their right to file protest petitions and shall explain the protest procedure. The written notice shall be sent to all owners of real property within 1,000 feet of the subject site.

This notice shall be mailed, return receipt requested. Said notice shall be sent at least fifteen (15) days before the hearing at which said rezoning application is scheduled to be considered. The notice shall state the intent of the request, fix the time and place for the hearing as determined by the Zoning Officer and shall contain the following:

- A. A statement regarding the proposed zoning classification;
  - B. A legal description or general description that is sufficient to identify the property under consideration; and
  - C. A statement that a complete legal description is available for public inspection in Cass County Zoning Administration office.
4. The Planning Board shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.
  5. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Board shall prepare and adopt its recommendation to the County Commission. This recommendation shall be submitted along with an accurate record of the public hearing.

**CASS COUNTY, MISSOURI  
REZONING APPLICATION**

Return Form to:

Office of Zoning Administration  
Cass County Courthouse  
102 East Wall Street  
Harrisonville, MO 64701  
(816) 380-8131  
[(816) 380-8130 Fax]

For Office Use Only

Case ID.: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent: \_\_\_\_\_

**APPLICANT INFORMATION:**

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

**PROPERTY INFORMATION:**

Street Address or General Location of Property: \_\_\_\_\_  
Property is Located In (Legal Description): \_\_\_\_\_  
\_\_\_\_\_

Present Zoning \_\_\_\_\_ Requested Zoning: \_\_\_\_\_ Acreage: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Character of the Neighborhood: \_\_\_\_\_



*Article 10 – Planned Development Procedure*

**SURROUNDING LAND USE AND ZONING:**

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

**RELATIONSHIP TO EXISTING ZONING PATTERN:**

1. Would the proposed change create a small, isolated district unrelated to surrounding districts? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain: \_\_\_\_\_

2. Are there substantial reasons why the property cannot be used in accordance with existing zoning? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain: \_\_\_\_\_

**CONFORMANCE WITH MASTER PLAN:**

1. Is the proposed change consistent with the goals, objectives and policies set forth in the Master Plan?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Is the proposed change consistent with the County Land Use Tier Map?

Yes \_\_\_\_\_ No \_\_\_\_\_

**TRAFFIC CONDITIONS:**

1. Identify the street(s) with access to the property: \_\_\_\_\_  
\_\_\_\_\_

*Article 10 – Planned Development Procedure*

2. Identify the classification of those street(s) as Arterial, Collector or Local and each Right-of-Way width:

Street Name

Classification

Right-of-Way Width

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3. Will turning movements caused by the proposed use create an undue traffic hazard?  
Yes \_\_\_\_\_ No \_\_\_\_\_

**IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:**

- |    |                                     |           |          |
|----|-------------------------------------|-----------|----------|
| 1. | Appropriately Sized Lots?           | Yes _____ | No _____ |
| 2. | Properly Sized Street Right-of-Way? | Yes _____ | No _____ |
| 3. | Drainage Easements?                 | Yes _____ | No _____ |
| 4. | Utility Easements:                  |           |          |
|    | Electricity?                        | Yes _____ | No _____ |
|    | Gas?                                | Yes _____ | No _____ |
|    | Sewers?                             | Yes _____ | No _____ |
|    | Water?                              | Yes _____ | No _____ |

5. Additional Comments: \_\_\_\_\_

**UNIQUE CHARACTERISTICS OF PROPERTY AND ADDITIONAL COMMENTS:**


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**THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:**

- One copy of a legal description of the property proposed to be rezoned.
- One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit Cass County.
- A list of property owners within 1,000 feet of the property.

*Article 10 – Planned Development Procedure*

4. If the proposed zoning requires a Special Use permit, the rezoning application shall be accompanied by a use permit application defining the specifically requested use or list of uses.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Area Code Telephone Number

**(SAMPLE) OFFICIAL NOTICE****Public Hearing for Zoning District Change (Rezoning)**

To whom it may concern and to all persons interested:

Notice is hereby given that at \_\_\_\_\_ p.m. on \_\_\_\_\_, 200\_\_, the Cass County Planning Board, County Courthouse, Cass County, Missouri, will consider the following application:

Case ID. \_\_\_\_\_

Zone change from the \_\_\_\_\_ district to the \_\_\_\_\_ district for property legally described and generally located as follows:

*(Insert legal description and general description of the location of the property including address if any, i.e. -- approximately 1/4 mile south of \_\_\_\_\_ Street on the southeast corner of the intersection of Lincoln and 6<sup>th</sup> Street more commonly known as \_\_\_\_\_)*

As provided in the \_\_\_\_\_ *(Insert name of applicable regulations proposed to be amended)* the above amendment will be discussed and considered by the Cass County Planning Board, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest against any of the provisions of the proposed changes to the \_\_\_\_\_ *(insert either zoning or subdivision)* regulation will be considered by the Commission. Property owners within 1,000 feet of such property described above, wanting to protest the proposed change shall submit a protest petition to the office of the Cass County Clerk. If a valid protest petition is filed with the County Clerk prior to the County Commission meeting, the change shall only be approved by a unanimous vote of the County Commission. Protest petitions are available in the office of the Zoning Officer of the Cass County.

Certified, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Address

\_\_\_\_\_  
Area Code Telephone Number

*Article 10 – Planned Development Procedure*

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(SAMPLE) ORDER  
ZONING DISTRICT CHANGE

Published in the on \_\_\_\_\_, 200\_\_.

ORDER NO. \_\_\_\_\_

AN ORDER CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN CASS COUNTY, MISSOURI, UNDER THE AUTHORITY GRANTED BY CASS COUNTY, MISSOURI ZONING REGULATIONS.

BE IT ORDAINED BY THE COUNTY COMMISSION OF CASS COUNTY, MISSOURI.

SECTION 1. That having received a recommendation from the Planning Board, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of Cass County, Missouri Zoning Regulations, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case ID. \_\_\_\_\_

Zone change from “\_\_\_” (\_\_\_\_\_ District) to “\_\_\_” (\_\_\_\_\_ District) for property legally described and generally located as follows:

(Insert Legal Description of Property Here)

SECTION 2. That upon the taking effect of this Order, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Regulation as amended.

SECTION 3. That this Order shall take effect and be in force from and after its adoption by the County Commission and publication in the official newspaper of Cass County.

PASSED by the County Commission, this \_\_\_\_ of \_\_\_\_\_, 200\_\_.

APPROVED by the Presiding Commissioner, this \_\_\_\_ of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Presiding Commissioner

ATTEST:

(SEAL)

\_\_\_\_\_  
County Clerk



**ARTICLE 10**  
**PLANNED DEVELOPMENT PROCEDURE**

The intent of the Planned Development District (PD) is to:

- A. Encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings;
- B. Encourage a more efficient use of land reflecting changes in the technology of land development;
- C. Encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and
- D. Provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

Although the specific conditions within the PD District shall be predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

- 1. The applicant shall first obtain the proper application form from the Office of the Zoning Officer.
- 2. The Planned Development (PD) application form shall be completely filled out and returned to the Office of the Zoning Officer with the appropriate application fee and required information. An application shall not be scheduled for public hearing until the application form has been fully completed, the fee paid, and all required information submitted.
- 3. An application for a Planned Development shall be handled in the same manner prescribed for amending the zoning regulations. The Office of the Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The Office of the Zoning Officer shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested.



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**CASS COUNTY, MISSOURI  
PRELIMINARY DEVELOPMENT PLAN APPLICATION**

**Return Form to:**

Office of Zoning Administration  
Cass County Courthouse  
102 East Wall Street  
Harrisonville, MO 64701  
(816) 380-8131  
[(816) 380-8130 Fax]

**For Office Use Only**

Case ID.: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent: \_\_\_\_\_

**APPLICANT INFORMATION:**

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

**PROPERTY INFORMATION:**

Street Address or General Location of Property: \_\_\_\_\_  
Property is Located In (Legal Description) (If additional space is needed, please attach on additional sheet):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present Zoning \_\_\_\_\_ Present Use of Property: \_\_\_\_\_

Proposed Use(s) (All uses are permitted in the Planned Development District; however, each use included in a particular "PD" must be specified below as well as on the Preliminary and Final Development Plans).  
\_\_\_\_\_  
\_\_\_\_\_

What is the acreage for each of the following types of use within the Planed Unit Development?

Residential \_\_\_\_\_ Commercial \_\_\_\_\_ Industrial \_\_\_\_\_

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**SURROUNDING LAND USE AND ZONING:**

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

**RELATIONSHIP TO EXISTING ZONING PATTERN AND NEIGHBORING AREA:**

1. Are there substantial reasons why the property cannot be used in accordance with existing zoning? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain: \_\_\_\_\_

2. Describe how the proposed Planned Development will not have a substantial adverse affect on the neighboring area. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONFORMANCE WITH MASTER PLAN:**

1. Is the proposed change consistent with the goals, objectives and policies set forth in the Master Plan? If yes, on a separate sheet of paper please explain how.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Is the proposed Planned Development consistent with the types of land uses indicated on the Future Land Use Map for the applicable tract of land? If yes, on separate sheet of paper please explain how.

Yes \_\_\_\_\_ No \_\_\_\_\_

**TRAFFIC CONDITIONS:**

1. Identify the street(s) with access to the property: \_\_\_\_\_  
\_\_\_\_\_

2. Identify the classification of those street(s) as Arterial, Collector or Local and each Right-of-Way width:

Street Name	Classification	Right-of-Way Width

3. Will turning movements caused by the proposed use create an undue traffic hazard?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

**UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENTS:**

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**THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:**

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the Cass County.
3. A list of property owners located within 1,000 feet of the property.
4. Fifteen (15) copies of the preliminary development plan for review and approval by the Planning Board, which said plan shall include the information as specified in the Zoning Regulations.

_____ Applicant's Signature	_____ Date
_____ Address	_____ Area Code Telephone Number

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**CASS COUNTY, MISSOURI  
FINAL DEVELOPMENT PLAN APPLICATION**

Return Form to:

Office of Zoning Administration

Cass County Courthouse

102 East Wall Street

Harrisonville, MO 64701

(816) 380-8131

[(816) 380-8130 Fax]

For Office Use Only

Case ID.: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Date Advertised: \_\_\_\_\_

Date Notices Sent: \_\_\_\_\_

*(A Final Development Plan application does not need to be submitted if the Final Development Plan is submitted in conjunction with a Final Plat application)*

**APPLICANT INFORMATION:**

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

**PROPERTY INFORMATION:**

Name of Planned Development: \_\_\_\_\_

Street Address or General Location of Development: \_\_\_\_\_

Name of Person who prepared the Final Development Plan: \_\_\_\_\_

Property is Located In (Legal Description) (If additional space is needed, please attach on additional sheet):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Preliminary Development Plan Approval: \_\_\_\_\_

The Lots or Portion of the approved Preliminary Development Plan that this application applies to: \_\_\_\_\_

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**CASS COUNTY, MISSOURI  
PRELIMINARY AND FINAL DEVELOPMENT PLAN CHECKLIST**

Return Form to:

Office of Zoning Administration

Cass County Courthouse

102 East Wall Street

Harrisonville, MO 64701

(816) 380-8131[(816) 380-8130 Fax]For Office Use Only

Case ID.: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Date Advertised: \_\_\_\_\_

Date Notices Sent: \_\_\_\_\_

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1. Name of Project: \_\_\_\_\_
  2. Location of Project: \_\_\_\_\_
  3. Name of Owner: \_\_\_\_\_
  4. Name of Person who prepared the Site Plan: \_\_\_\_\_
  5. Instructions: \_\_\_\_\_

The following checklist is to be completed by the Zoning Officer, or the County's planning consultant, and shall accompany the Site Plan when it is submitted to the Planning Board. The development plan shall include the following data, details and supporting information which are found to be relevant to the proposal. All development plans shall be prepared by an architect or landscape architect registered in the State of Missouri, or by a professional engineer licensed in the State of Missouri. The number of pages submitted will depend on the proposal's size and complexity.

Does the Development Plan comply with or show the following?		<u>Yes</u>	<u>No</u>
A.	Name of the project, address, boundaries, date, north arrow and scale of the plan.	_____	_____
B.	Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.	_____	_____
C.	Name and address of all owners of record of abutting parcels.	_____	_____
D.	All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.	_____	_____



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	<u>Yes</u>	<u>No</u>
E. The location and use of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations, and typical elevations and building materials.	_____	_____
F. The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown.	_____	_____
G. The location of required parking areas including parking stalls, setbacks and loading and service areas.	_____	_____
H. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties.	_____	_____
I. The location, height, size, materials, and design of all proposed signage.	_____	_____
J. A landscape plan showing all existing open space, trees forest cover and water sources, and all proposed changes to these features including the size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.	_____	_____
K. If required, a landscape plan in accordance with the provisions of the Cass County Zoning Regulations.	_____	_____
L. The location of all existing and proposed utility systems including:		
1. sewer lines and manholes;	_____	_____
2. water lines and fire hydrants;	_____	_____
3. telephone, cable and electrical systems; and	_____	_____
4. storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales.	_____	_____