

	<u>Yes</u>	<u>No</u>
M. Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.	_____	_____
N. Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (U.S.G.S.) datum. No building shall be located in the 100-year flood plain.	_____	_____
O. Existing and proposed zoning district boundaries adjacent to the sites perimeter shall be drawn and identified on the plan.	_____	_____
P. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.	_____	_____
Q. The Zoning Officer may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:		
1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.	_____	_____
2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and	_____	_____
3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.	_____	_____
R. The following items when said items are applicable:		
(1) Net area -- _____ square feet or _____ acres. (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)	_____	_____

Article 10 – Planned Development Procedure

	<u>Yes</u>	<u>No</u>
(2) Density shall not exceed _____ dwelling units per acre or a total of _____ dwelling units for the entire plan. No parcel or unit of the plan shall exceed a density of _____ units per acre for the individual parcel by more than 20%.	_____	_____
(3) Building coverage shall not exceed _____ of the net area of the Planned Development by individual parcel or total development.	_____	_____
(4) A minimum of _____% of the development plan shall be provided for common open space as defined by this regulation. (Note: Normally, this figure should be approximately 50%).	_____	_____
(5) A minimum of 50% of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.	_____	_____
(6) If more than one parcel is proposed, a statement relating to the sequence of development shall be included.	_____	_____
(7) Required number of off-street parking spaces.	_____	_____
(8) Gross floor area proposed: _____ square feet. (Commercial "PD" only.)	_____	_____
(9) All proposed land uses listed by area or parcel.	_____	_____
S. A statement or adequate drawings describing the manner for disposal of sanitary waste and storm water.	_____	_____
T. The full legal description of the boundaries of the property or properties to be included in the Planned Development.	_____	_____
U. A description, rendering or drawing of the general characteristics of the proposed buildings.	_____	_____

	<u>Yes</u>	<u>No</u>
V. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.	_____	_____
W. A statement describing the provision that is to be made for the care and maintenance for any proposed open space or recreational facilities.	_____	_____
X. Copies of proposed articles of incorporation and bylaws of any entity that is to own and/or maintain any proposed common space, or recreational facilities unless said common space or recreational facility is to be owned and/or maintained by a governmental authority.	_____	_____
Y. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.	_____	_____
Z. A schedule showing the proposed time and sequence within which the applications for final approval of all sections of the Planned Development are intended to be filed if the Planned Development calls for construction in units over a period of years.	_____	_____

Article 10 – Planned Development Procedure

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**ARTICLE 11
SPECIAL USES**

Certain uses or exceptions are permitted in some zoning districts only when a Special Use permit has been obtained from the County Commission. Such uses require special study with respect to specific location and design considerations to assure that they will have minimal negative impact on surrounding properties.

1. The applicant shall first obtain the proper application form from the Office of the Zoning Officer.
2. The Special Use permit application form shall be completely filled out and returned to the Office of the Zoning Officer 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 fee paid, and all required information submitted.
3. 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 and the notification of all property owners within 1,000 feet of the subject property 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 Special Use permit as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the Special Use permit requested.
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.

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CASS COUNTY
SPECIAL USE PERMIT 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:

Location of Property: _____
Legal Description: _____

Present Zoning Classification: _____ Acreage: _____
Present Use of Property: _____

Proposed Land Use Activity: _____

Article, Section and sub-section (if applicable) allowing for said Special Use to be applied for: _____

Article 11 – Special Uses

ADJACENT ZONING AND LAND USE:

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

Should this Special Use be valid only for a specific time period? Yes _____ No _____

If Yes, what length of time? _____

DOES THE PROPOSED SPECIAL USE MEET THE FOLLOWING STANDARDS? IF YES, ATTACH A SEPARATE SHEET EXPLAINING WHY.	Yes	No
Does the proposed Special Use complies with all applicable provisions of the regulations, including intensity of use regulations, yard regulations and use limitations?		
Does the proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public?		
Does the proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located?		
Does the location and size of the Special Use, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it have been planned so that the Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations?		
Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect?		
Adequate utility, drainage, and other such necessary facilities will be provided?		
Adequate access roads or entrance and exit drives will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys?		
Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises?		

ATTACHMENTS REQUIRED:

1. A site plan as specified in Section of the Zoning Regulations as well as any other information which would be helpful to the Planning Board in consideration of the application.
2. List of property owners located within 1,000 feet of the property.

Applicant's Signature

Date

Address

Area Code Telephone Number

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CASS COUNTY, MISSOURI
SPECIAL USE PERMIT
REASONS FOR DETERMINATION

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: _____

ON _____, 20____, CASS COUNTY PLANNING BOARD AT ITS
REGULAR MEETING, RECOMMENDED _____
_____(ACTION: APPROVAL, CONDITIONAL APPROVAL, DENIAL) OF A
SPECIAL USE PERMIT FOR A(N) ____
(USE) TO BE LOCATED AT _____
(ADDRESS OR LOCATION).

THE COUNTY COMMISSION WILL CONSIDER THE RECOMMENDATION OF THE
PLANNING BOARD AT THE _____ 20____
MEETING OF THE COUNTY COMMISSION.

IN RECOMMENDING _____
(ACTION) OF THIS SPECIAL USE PERMIT, THE PLANNING BOARD CONSIDERED ALL
STANDARDS LISTED IN THE ZONING REGULATION, AND ALL OTHER CONDITIONS LISTED
FOR THAT USE IN OTHER SECTIONS OF THESE REGULATIONS. IN ADDITION, THE
PLANNING BOARD FOUND THAT THE PROPOSED USE _____
_____(DID/DID NOT) PROVIDE SAFEGUARDS TO ASSURE ITS COMPATIBILITY WITH THE
SURROUNDING AREA.

CONDITIONS (IF ANY): _____

Planning Board Chairman

Address

Area Code Telephone Number

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(SAMPLE) OFFICIAL NOTICE

Public Hearing for Special Use Permit

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 20__ Cass County Planning Board, County Courthouse, Cass County, Missouri, will consider a Special Use Permit application for a _____.

The property to which the application applies is legally described and generally located as follows:

Case ID. _____

(Insert legal description and general description of the location of the property including address if any)

As provided in the _____ (Insert name of applicable regulations proposed to be amended) Moberly Zoning Regulations the above proposed Special Use permit 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 Special Use Permit will be considered by the Commission. Property owners within 1,000 feet of such property described above, wanting to protest the proposed Special Use permit shall submit a protest petition to the office of Cass County Clerk. If a valid protest petition is filed with the County Clerk prior to the County Commission meeting, the Special Use Permit shall only be approved by a unanimous vote of the County Commission. Protest petitions are available in the office of the Zoning Officer for Cass County.

Certified, this _____ day of _____, 200__.

Zoning Officer

Address

Area Code Telephone Number

Article 11 – Special Uses

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(SAMPLE) ORDER
SPECIAL USE PERMIT

Published in the on _____, 200_____.

ORDER NO. _____

AN ORDER GRANTING APPROVAL OF A SPECIAL USE PERMIT FOR THE OPERATION OF _____
_____*(Insert type of use(s) approved)* ON CERTAIN LANDS
LOCATED IN CASS COUNTY, MISSOURI, UNDER THE AUTHORITY GRANTED BY THE
ZONING REGULATIONS OF CASS COUNTY, MISSOURI.

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 Zoning Regulations a Special Use Permit for the operation of _____
_____*(Insert type of use(s) approved)* is hereby approved subject to the
following conditions:

(List any conditions or approval here)

SECTION 2. That this Special Use permit shall be valid for property legally described as follows:

SPECIAL USE PERMIT ID. _____

(Insert legal description here)

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 county newspaper.

PASSED by the Commission this _____ day of _____, 200_____

APPROVED by the Presiding Commissioner this _____ day of _____, 200_____

ATTEST: (seal) _____

County Clerk

Address

Area Code Telephone Number

Article 11 – Special Uses

(This page left blank intentionally)

ARTICLE 12 SITE PLAN REVIEW

The Zoning Officer shall require that all applications for building permits for new buildings or expansion of any existing buildings in multifamily, commercial and industrial zoning districts be subject to Site Plan Review in accordance with these regulations. Developments shall implement the applicable regulations and requirements specified in the Zoning Regulations, shall be encouraged to implement the objectives of the County's Master Plan and to foster compatibility among land uses in Cass County.

The provisions specified for site plan applications within this manual are only intended to be a summary of the requirements specified in the adopted zoning regulations for Cass County. Developers should consult the applicable zoning regulations for a complete list of submittal requirements for site plan applications.

An application fee shall be paid at the time the site plan application is submitted. The fee shall be used to cover expenses incurred by the County in the processing and review of the application.

In order to request approval of a site plan application:

1. The applicant shall first meet with the Zoning Officer, the Director of Streets, the Director of Utilities, the County's planning consultant, and all other applicable county staff members to receive a complete explanation of the zoning requirement in question, the site plan application procedure and the application form and to discuss all relevant issues relating to the site plan application.
2. The applicant shall submit a completed site plan application form along with 5 copies of the proposed site plan and payment of the appropriate application fee. The Site Plan shall include data, details, and supporting plans which are found relevant to the proposal as specified in Article 12 Site Plan Review of the Cass County Zoning Regulations. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. **An application shall not be processed unless it has been fully completed, the site plan submitted and the application fee is paid.**
3. Site Plans shall be prepared by a registered professional engineer, architect, land surveyor or landscape architect at a scale of 1-inch equals 20 feet, on standard 24" x 36" sheets. In addition, the site plan is required to comply with all other applicable provisions of the zoning regulations. The additional provisions include, but are not limited to, Landscape and Buffer Requirements specified in Article 8 Landscaping, Screening and Buffering Regulations of the Cass County Zoning Regulations.

Article 12 – Site Plan Review

4. Review of the site plan shall be performed by the Zoning Officer or the County's planning consultant and submitted to the Planning Board for approval. The Planning Board shall perform their review of the site plan and staff findings at the next regularly scheduled meeting of the Planning Board for which the item may be scheduled and shall adjourn and reconvene as is determined necessary.

**CASS COUNTY, MISSOURI
SITE PLAN REVIEW**

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:

Address of Property: _____

Legal Description: _____

Present Zoning Classification: _____ Acreage: _____

Present Use of Property: _____

Proposed Use of Property: _____

Article 12 – Site Plan Review

ADJACENT ZONING AND LAND USE:

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

Does the proposed site plan meet the following criteria? If yes, attach a separate sheet explaining why (To be completed by the applicant).	Yes	No
1. Does the proposal conform with the provisions of the County's Zoning regulations?		
2. Will the development be compatible with the surrounding area?		
3. Does the proposal conform with the provisions of the County's Subdivision Regulations?		
4. Does the proposal conform to the goals, objectives and policies of the Master Plan?		
5. Does the proposal conform with the customary engineering standards used in the County?		
6. Are the streets, paths, walkways, and driveways located such that they enhance safety and minimize any adverse traffic impact on the surrounding area?		
7. Have the proposed buildings, structures, walkways, roads, driveways, open space (if any), and parking lots been located to preserve existing off-site views and create desirable on-site views, conserve natural resources and amenities including prime agricultural land, minimize any adverse flood impact, ensure that proposed structures are located on suitable soils, minimize any adverse environmental impact, and minimize any present or future cost to the County and private providers of utilities in order to adequately provide public utility services to the site.		

ATTACHMENTS REQUIRED:

- A. Site Plan Review Checklist
- B. 5 copies of site plan

Applicant's Signature

Date

Address

Area Code Telephone Number

Article 12 – Site Plan Review

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**CASS COUNTY, MISSOURI
SITE 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: _____

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. The Site Plan shall include the following data, details and supporting information which are found to be relevant to the proposal. All site 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.

A. Site Plan Content Requirements: Does the Site Plan comply with or show the following?

	<u>Yes</u>	<u>No</u>
1. Name of the project, address, boundaries, date, north arrow and scale of the plan.	_____	_____
2. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.	_____	_____
3. Name and address of all owners of record of abutting parcels.	_____	_____
5. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.	_____	_____
6. 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.	_____	_____
	<u>Yes</u>	<u>No</u>

Article 12 – Site Plan Review

- | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 7. | 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. | _____ | _____ |
| 7. | The location of required parking areas including parking stalls, setbacks and loading and service areas. | _____ | _____ |
| 8. | 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. | _____ | _____ |
| 9. | The location, height, size, materials, and design of all proposed signage. | _____ | _____ |
| 9. | 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. | _____ | _____ |
| 11. | The location of all existing and proposed utility systems including: | | |
| a. | sewer lines and manholes; | _____ | _____ |
| b. | water lines and fire hydrants; | _____ | _____ |
| c. | telephone, cable and electrical systems; and | _____ | _____ |
| 10. | storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales. | _____ | _____ |
| 11. | Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable. | _____ | _____ |
| 12. | Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (U.S.G.S.) datum. No building shall be located in the 100-year flood plain. | _____ | _____ |
| | | <u>Yes</u> | <u>No</u> |

- 13. Existing and proposed zoning district boundaries adjacent to the site’s perimeter shall be drawn and identified on the plan. _____
- 14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. _____
- 15. A detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas, if required by the Zoning Officer, to include: _____
- 16. The projected number of motor vehicle trips to enter or exit the site, estimated for daily and peak hour traffic level. _____
- 17. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and _____
- 18. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given. _____
- B. Design Standards:
 - 1. Is the proposed development located in Downtown?
If the answer to letter B.1 above is no, go to letter C below. _____
- 19. Does the building roof top have at least two of the following features: Parapets concealing flat roofs and roof top equipment; overhanging eaves; sloped roofs; and three or more roof slope planes? _____
- 20. Are roof mounted equipment, including ventilators and satellite dishes, screened from view (100 percent opacity) or isolated so as to not be visible from ground level of any adjacent public thorough-fare or residentially-zoned area, up to a maximum of 300 feet away and is the appearance of the roof screens coordinated with the building to maintain a unified appearance? _____

Article 12 – Site Plan Review

	<u>Yes</u>	<u>No</u>
21. Are all electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or residentially-zoned area screened from view (100 percent opacity), up to a maximum of 300 feet away and are such screens and enclosures treated as integral elements of the buildings appearance?	_____	_____
22. Except for meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction, are all telephone and cable television lines, electrical services and distribution lines placed underground?	_____	_____
6. Are all gas meters in any front yards, located within three feet of the building foundation?	_____	_____
23. Is the form and proportion of buildings consistent or compatible with the scale, form and proportion of existing development in the immediate area?	_____	_____
24. Pedestrian access shall be an integral part of the overall design of each multifamily, commercial, and industrial development.		
a. Does the pedestrian access provide safe and convenient access to and from off-street parking areas?	_____	_____
25. Does the pedestrian access connect with abutting properties and developments so as to create an alternative means of transportation for residents of the County?	_____	_____
26. Are sidewalks at least 5 feet in width provided along all sides of a lot abutting a dedicated public or private street?	_____	_____
27. Is there a continuous internal pedestrian sidewalk provided from the perimeter public sidewalk to the principal customer entrance(s)?	_____	_____
28. Does the internal sidewalk feature landscaping, benches, and other such materials and facilities for no less than 50 percent of its length?	_____	_____

	<u>Yes</u>	<u>No</u>
29. Are sidewalks provided along the full length of the building along any I featuring a customer entrance and along any I abutting a public parking areas?	_____	_____
30. Are sidewalks located at least five feet away from the building I to provide planting areas for landscaping along the foundation of the building?	_____	_____
31. Are internal pedestrian sidewalks distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the sidewalks?	_____	_____
32. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes.		
a. Will the buildings have a variation of detail, form, and siting to provide visual interest?	_____	_____
33. Are loading docks, trash enclosures, outdoor storage and similar facilities and functions incorporated into the over-all design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public streets?	_____	_____
34. Do building facades 100 feet or greater in length incorporate recesses and projections along at least 20 percent of the length of the building I?	_____	_____
35. Do windows, awnings, and arcades total at least 60 percent of the I length abutting any public street?	_____	_____
36. Does any building I 100 feet or greater in length abutting a residential district, have an earth berm of at least six feet in height installed between the building I and the abutting residential district and is the earth berm landscaped with evergreen trees at intervals of at least 20 feet on center, or in clusters?	_____	_____

Article 12 – Site Plan Review

	<u>Yes</u>	<u>No</u>
37. Minimum Exterior Building Material Standards: Does a minimum of 50% of each exterior wall consist of one or more of the following materials?:		
38. Masonry: Masonry construction which include solid cavity faced or veneered-wall construction, or similar materials.	_____	_____
b. Glass Walls: Glass walls shall include glass curtain walls or glass block construction.	_____	_____
c. Wood other than exposed plywood paneling.	_____	_____
39. Concrete finish or precast concrete panel (tilt wall) that has exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating.	_____	_____
40. Metal panels with a depth of one inch or more; or a thickness of U.S. Standard 26 gauge or more.	_____	_____

ARTICLE 13
HOME OCCUPATION PERMIT PROCEDURE

Home occupations shall be permitted in specific Zoning Districts. The provisions specified for home occupations within this manual are intended to be only a summary of the requirements specified in the adopted zoning regulations for Cass County. If there are any questions regarding the following provisions, the applicable zoning regulations should be consulted.

In order to request a home occupation permit:

1. The applicant shall first meet with the Zoning Officer to receive a complete explanation of the home occupation definitions and zoning requirements and to discuss the restrictions and limitations relating to the home occupations.
2. The applicant shall submit a completed home occupation permit application form.
3. The Zoning Officer shall review the submitted application with respect to the restrictions and limitations specified for home occupations in the Zoning Regulations in order to determine if the proposed home occupation will comply with said restrictions and limitations.
4. If the Zoning Officer determines that the home occupation will comply with the restrictions and limitations specified by the Zoning Regulations, a home occupation permit shall be issued. Issuance of a home occupation permit shall be subject to continued compliance with the restrictions and limitations for home occupations specified in the Zoning Regulations. Non-compliance with any restriction and limitation shall cause the home occupation permit to automatically become null and void.
41. Standard of Review: Approval or denial of a home occupation permit shall be based on the adopted standards in the Cass County, Missouri zoning regulation:

Article 13 – Home Occupation Permit Procedure

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**CASS COUNTY
HOME OCCUPATION PERMIT 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: _____
Address: _____ Zip: _____
Phone: _____

PROPERTY INFORMATION:

Address of Property: _____

Zoning Classification: _____
Present Use of Property: _____
Proposed Home Occupation: _____

Article 13 – Home Occupation Permit Procedure

A home occupation permit shall not be issued if the answer is yes to any of the following questions:	Yes	No
Will the home occupation be incidental and subordinate to the principal residential use of the premises and not occupy more than twenty-five percent (25%) of the floor area of any one floor of the dwelling unit, or one room, whichever is the smaller?		
Will any materials or equipment used in conjunction with the home occupation be stored outdoors?		
Will the home occupation result in the alteration of the exterior of the principal residential building that changes the character thereof as a residence?		
Will the home occupation be carried on entirely within the principal residential structure?		
Will any sign installed exceed two (2) square feet in area, be illuminated, or be placed other than flat against the main wall of the building?		
Will any person be engaged in the home occupation other than a person occupying the dwelling unit as their residence?		
Will any equipment be utilized that creates a nuisance due to noise, noxious odor or electrical interference?		
Will the home occupation involve any retail sales other than those that are incidental to the home occupation?		

Article 13 – Home Occupation Permit Procedure

By signing below I hereby affirm that the information I have provided on this application is true and upon approval of the home occupation requested in this application I agree to abide by the conditions and limitations specified for home occupations in the zoning regulations and any provisions specified by the Zoning Officer as a condition to approval of the application.

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

For Office Use Only

Based upon the information provided in this application, the home occupation requested is hereby _____
_____ (approved / denied) subject to the following conditions.

Conditions of approval: _____

_____	_____
Zoning Officer	Date
_____	_____
Address	Area Code Telephone Number

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ARTICLE 14 VARIANCE PROCEDURE

When an applicant feels that the strict application of the requirements of the Zoning Regulations would create an undue hardship, he or she may request a variance from the Board of Zoning Adjustment. The Board of Zoning Adjustment must base its decision, to as great a degree as possible, on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Regulations and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

In order to request a variance from the Board of Zoning Adjustment:

1. The applicant shall first meet with the Zoning Officer or his designee, and all applicable county staff members and county consultants to receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form.
2. The applicant shall submit a completed application form and pay the appropriate application fee. As a part of the application, a sketch map shall be submitted showing the lot dimensions proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties.

The application fee shall be used to cover expenses incurred by the county in the processing and review of the application. An application shall not be processed unless it has been fully completed, the application fee is paid, and all required information submitted.

3. Upon submittal of a completed application form and attachments and payment of the appropriate application fee, the Zoning Officer shall schedule a regular meeting of the Board of Zoning Adjustment. Fifteen (15) days prior to the Board of Zoning Adjustment meeting, an official notice to the public shall be published in a newspaper of general circulation in the county explaining the variance request and the time and place of the scheduled hearing.

In addition, a copy of the public hearing notice shall be mailed by the county, to each party of interest, owners of all property located within one hundred and eight-five (185) feet of the boundaries of the property included in the application—or within 1,000 feet if required—and to each Board of Zoning Adjustment member at least fifteen (15) days prior to the date of the public hearing.

Article 14 – Variance Procedure

4. At the scheduled meeting, the Board of Zoning Adjustment shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Adjustment shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support **all** of the following findings:
 - A. **UNIQUENESS:** The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.
 - B. **ADJACENT PROPERTY:** The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.
 - C. **HARDSHIP:** The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.
 - D. **PUBLIC INTEREST:** The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - E. **SPIRIT AND INTENT:** Granting the requested variance will not be opposed to the general spirit and intent of the Zoning Regulations.
 - F. **MINIMUM VARIANCE:** The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.
5. Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Zoning Adjustment, shall be kept. The Board of Zoning Adjustment may grant the application, grant it conditionally, or deny the application for a variance. The written determination of the Board of Zoning Adjustment shall be sent to all affected parties, including the Planning Board.

COUNTY OF CASS COUNTY, MISSOURI
VARIANCE APPLICATION
BOARD OF ZONING ADJUSTMENT

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:

Location of Property: _____
Legal Description: _____

ADJACENT ZONING AND LAND USE:

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

Article 14 – Variance Procedure

Present Use of Property: _____

Proposed Use of Property: _____

Utility Lines or Easements that would restrict proposed development: _____

PLEASE INDICATE BELOW THE EXTENT TO WHICH THE FOLLOWING STANDARDS ARE MET, IN THE APPLICANT'S OPINION. PROVIDE AN EXPLANATION ON A SEPARATE SHEET FOR EACH STANDARD WHICH IS FOUND TO BE MET.	Yes	No
<p>UNIQUENESS: The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.</p>		
<p>ADJACENT PROPERTY: The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.</p>		
<p>HARDSHIP: The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.</p>		
<p>PUBLIC INTEREST: The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.</p>		
<p>SPIRIT AND INTENT: Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.</p>		
<p>MINIMUM VARIANCE: The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.</p>		

Applicant's Signature

Date

Address

Area Code Telephone Number

CASS COUNTY, MISSOURI
DETERMINATION OF VARIANCE REQUEST
BY THE BOARD OF ZONING ADJUSTMENT

Return Form To:

Zoning Officer
Cass County
1102 East Wall Street
Harrisonville, MO 64701
(816) 380-8160
(816) 380-8101 (fax)

For Office Use Only

Case ID.: _____
Date Advertised: _____
Public Hearing Date:: _____

ON _____, 20_____, THE COUNTY BOARD OF ZONING
ADJUSTMENT AT ITS REGULAR MEETING _____
_____(ACTION: APPROVED, CONDITIONALLY APPROVED, DENIED) THE VARIANCE
REQUESTED FROM SECTION _____ OF THE ZONING REGULATIONS FOR THE
PROPERTY AT _____ (ADDRESS
OR LOCATION) AS REQUESTED BY _____
_____ (APPLICANT).

IN _____ (ACTION) THIS REQUEST, THE BOARD OF ZONING
ADJUSTMENT FOUND THAT THE VARIANCE (DID/DID NOT) FULFILL THE NECESSARY
FIVE CONDITIONS FOR VARIANCE APPROVAL. SPECIFICALLY, THE BOARD OF ZONING
ADJUSTMENT FOUND:

FINDINGS OF BOARD OF ZONING ADJUSTMENT ON EACH OF THE FOLLOWING
CONDITIONS:

	Approved	Denied
a. Uniqueness	_____	_____
b. Adjacent Property	_____	_____
c. Hardship	_____	_____
d. Public Interest	_____	_____
e. Spirit and Intent	_____	_____
f. Minimum Variance	_____	_____

Article 14 – Variance Procedure

Conditions (if any): _____

Please call the Zoning Officer's office at _____ with any questions.

Chairman of the Board of Zoning Adjustments

Address

Area Code Telephone Number

(SAMPLE) OFFICIAL NOTICE
Public Hearing for Variance Request

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 200__ the Cass County Board of Zoning Adjustment, at the County Courthouse, Harrisonville, Missouri, will consider a request for a variance of _____ *(Insert amount of variance being requested)* to Section _____ of Article _____ of the Cass County Zoning Regulations. Said variance request relates to _____ *(Insert general description of variance being requested i.e. variance to the front yard setback requirements of the R-1, Single-Family Dwelling District.)* The property to which the application applies is legally described and generally located as follows:

Case ID. _____

(Insert legal description and general description of the location of the property including address if any, i.e. -- approximately 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street more commonly known as 201 South Main)

As provided in the Cass County Zoning Regulations the above variance will be discussed and considered by the County Board of Zoning Adjustment, and all persons interested in said matter will be heard at this time concerning their views and wishes.

CERTIFIED, this _____ day of _____, 200__.

Zoning Officer

Address

Area Code Telephone Number

Article 14 – Variance Procedure

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ARTICLE 15
APPEAL OF ADMINISTRATIVE DECISION

APPEAL PROCEDURE

Where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Regulations, or of any Order adopted pursuant thereto, that interpretation may be appealed to the Board of Zoning Adjustment. In its deliberations, the Board of Zoning Adjustment must only consider whether or not the interpretation in question conformed to what was actually written in the regulations. The Board of Zoning Adjustment may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board of Zoning Adjustment can clarify ambiguities or resolve conflict between opposing sections. Since the Board of Zoning Adjustments decisions will affect future applications of the regulation in question, the specific hardships of the applicant should not be considered when reaching a determination.

The applicant shall first meet with the Office of the Zoning Officer to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, an application shall be obtained. An application for an appeal shall be filed within 30 days after a ruling has been made by the Zoning Officer. A clear and accurate written description of the proposed use, work, or action in which the appeal or interpretation is involved and a statement justifying the appellant's position must be submitted with the application. Where necessary a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

After having met with the Zoning Officer, the applicant shall file a completed application with the Office of the Zoning Officer and pay the appropriate fee. **An application shall not be scheduled for public hearing until the application form has been fully completed, the filing fee is paid, and all required information submitted. The fee shall be used to cover expenses incurred by the County in the processing and review of the application.**

When an application has been fully completed, the fee paid and all required information submitted, the Zoning Officer shall then schedule a regular meeting of the Board of Zoning Adjustment and send copies of the application to members of the Board of Zoning Adjustment.

At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal must be heard by the Board within a reasonable period of time from the date that the completed application, application fee is submitted and a written decision must be rendered without unreasonable delay.

The Board of Zoning Adjustment may either affirm, reverse or modify the order, requirement or interpretation at issue. The determination, in written form, shall be sent to all affected parties including the Planning Board and the Office of the County Clerk. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

Any person, official, or governmental agency dissatisfied with any order or determination of the Board may bring an action in the District Court to determine the reasonableness of any such order or determination. Such appeals must be filed in the District Court within thirty (30) days after the date that the decision of the Board has been filed in the Office of the County Clerk.

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CASS COUNTY, MISSOURI
APPEAL OF ADMINISTRATIVE DECISION 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: _____

PROPERTY INFORMATION:

Location of Property to which Appeal Applies: _____
Legal Description of Property to which Appeal Applies: _____

Section of Zoning Regulation Being Appealed: _____

Explanation of Decision Being Appealed:

Present Use of Property: _____
Proposed Use of Property: _____

Applicant's Signature Date

Address Area Code Telephone Number

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CASS COUNTY, MISSOURI
APPEAL OF ADMINISTRATIVE DECISION
REASONS FOR DETERMINATION

ON _____, 20____, CASS COUNTY BOARD OF ZONING
ADJUSTMENT; AT ITS REGULAR MEETING _____ (AFFIRMED, REVERSED,
MODIFIED) THE DECISION OR DETERMINATION BY _____
(APPROVING/DENYING) THE APPEAL BROUGHT BEFORE THEM AS CASE ID. _____ BY
THE APPLICANT, _____
(NAME).

IN MAKING THIS DECISION, THE BOARD FOUND:

Board of Zoning Adjustments Chairman

Date

Address

Area Code Telephone Number

Article 15 – Appeal of Administrative Decision

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(SAMPLE) OFFICIAL NOTICE
Public Hearing for Appeal of Administrative Decision

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 20__ the Cass County Board of Zoning Adjustment, County Courthouse, Cass County, Missouri, will consider an appeal of an administrative decision regarding _____

(Insert description of appeal).

The property to which the application applies is legally described and generally located as follows:

Case ID. _____

(Insert legal description and general description of the location of the property including address if any, i.e. -- approximately 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street more commonly known as 201 South Main)

As provided in the Cass County Zoning Regulations the above appeal will be discussed and considered by the Cass County Board of Zoning Adjustment, and all persons interested in said matter will be heard at this time concerning their views and wishes concerning said appeal.

CERTIFIED, this _____ day of _____, 200__.

Zoning Officer

Address

Area Code Telephone Number

Article 15 – Appeal of Administrative Decision

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ARTICLE 16 SHORT-FORM PLATS

This section is intended to provide an expedited method for 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.

A short form plat may be used to divide a previously platted lot by metes and bounds description, commonly known as a lot split. The lot may only be divided one (1) time and by only one (1) new dividing lot line, and cannot not again be divided without replatting.

A short-form plat may also be used to subdivide land into five or fewer lots, commonly known as a minor subdivision. 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.

All lots produced by a lot split must conform to all standards of the Cass County Subdivision Regulations and other applicable codes of the County. 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. The applicant must first meet with the Zoning Officer, and all applicable county staff members and county consultants to receive an explanation of the short-form plat procedure, including its requirements and limitations, and an application form.
2. **An application for a short-form plat will not be processed until it has been fully completed, the appropriate application fee is paid, and all requested information submitted to the Office of the Zoning Officer.** The application fee is used to cover expenses incurred by the count in the processing and review of the application, and it must be paid at the time application is submitted.
3. **A Short-Form Lot Split or Minor Subdivision Plat cannot 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.

Article 16 – Short-Form Plat

- 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.
4. **LOT-SPLIT**: A short-form plat application intended to split a previously platted lot must include four (4) copies of a scale drawing, and the following information:
- A. Boundaries of the existing parcel;
 - B. Location of all existing structures;
 - C. Precise nature of the proposed split;
 - D. Legal description of the lots to be formed; and
 - E. Name, signature, and seal of the registered land surveyor who prepared the drawing.
5. **MINOR SUBDIVISIONS**: 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 the Subdivision Regulations, except that decisions by the Planning Board are final unless said decision is appealed to the County Commission.
6. **CONSIDERATIONS AND PROCEDURES OF SHORT-FORM PLAT APPROVAL OR DISAPPROVAL**: In accordance with Article 4 of the Subdivision Regulations, the following procedures must occur with the consideration of a short-form plat application.
- A. Notice shall be provided to any political subdivision in which property in question is located, or any nearby municipality if the property is located in the municipality's Urban Service Tier, or located within a Multi-Use Tier that is within one and one-half (1-½) miles of its corporate limits.
 - B. The County Planning Board shall consider the application within 30 days of filing a complete application and payment of the required application fee, and shall take action within 60 days, unless the applicant agrees to extend the review period beyond that period.

- C. 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 Board meeting. The Planning Board must provide grounds for disapproval of the application and indicate what requirements are necessary to meet the approval of the Board. An action to disapprove an application may be overruled by the County Commission, after public hearing.

- D. A political subdivision or nearby municipality may file a protest against the Planning Board action within 30 days of the Board's action. In such an event, 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.

- E. If the Planning Board approves the application, the 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 Register 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.

- F. The short-form plat must be recorded within twelve (12) months from the date of approval by the Planning Board, or the approval will expire and the plat must be resubmitted for approval as if it were a new plat with a new filing fee. The subdivider may request an extension or extensions thereof. Upon showing of sufficient cause, the Planning Board may extend the time limit.

Article 16 – Short-Form Plat

CASS COUNTY, MISSOURI
SHORT-FORM PLAT
LOT SPLIT 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.: _____

Date Notices Sent: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

1. General Location of Property _____
2. Legal Description _____

3. Existing Zoning _____
4. Gross Acreage _____
5. Existing Street Right-of-Way Width : _____
6. Lot Frontage:
Tract A: _____ Tract B: _____
7. Lot Area:
Tract A: _____ Tract B: _____
8. Is there a public water supply available to serve the proposed lots?
Yes _____ No _____

9. Is there a public sanitary sewer available to serve the proposed lots?

Yes _____ No _____

j) Other materials:

- a) _____ Certified list of property owners within 1,000 feet
- b) _____ Twelve copies of scale drawing
- c) _____ Corners et and actual surey done of all buildings
- d) _____ Location of all structures and on-site wastewater systems
- e) _____ floodplain shown if applicable
- f) _____ Name and seal of registered land surveyor
- g) _____ Filing fee

The owner herein agrees to comply with the Cass County, Missouri Subdivision Regulations and all other pertinent Orders or resolutions of the County as are determined to be applicable, and the Statutes of the State of Missouri. It is agreed that all costs of recording the lot split and supplemental documents thereto with the Recorder of Deeds shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for the lot split.

Owner's Signature

Agent (if any)

Address (if different from above)

Area Code Telephone Number (if different from above)

Article 16 – Short-Form Plat

CASS COUNTY, MISSOURI
 SHORT-FORM PLAT
 LOT SPLIT 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.: _____
 Date Notices Sent: _____

INSTRUCTIONS:

The following shall be completed by the applicant or designated engineer, and shall accompany the short-form lot-split application when it is submitted to the Zoning Officer.

- | | Yes | No |
|----------------------------------------------------------------------------------------------|-----|-----|
| A. Have the four (4) required copies of the survey or drawing been submitted? | ___ | ___ |
| B. Has the filing fee been submitted? | ___ | ___ |
| C. A lot split shall not be approved if the answer is yes to any of the following questions: | | |

	Yes	No
Is a new street or alley required or proposed?		
Is a vacation of streets, alleys, setback lines, access control or easements required or proposed?		
Will the lot split result in significant increases in service requirements or interfere with maintaining existing service levels?		
Is there less street right-of-way than required by these regulations or the Master Plan and such dedication cannot be made by separate instrument?		
Are easement requirements unsatisfied?		
Will such subdivision result in a tract without direct access to a street?		
Will a substandard-sized lot or parcel be created?		
Has the lot been previously split?		

OFFICE USE ONLY:

Planning Board Action: _____ Date: _____

County Commission Action: _____ Date: _____

Date filed with Recorder of Deeds: _____

Article 16 – Short-Form Plat

CASS COUNTY, MISSOURI
LOT SPLIT APPROVAL CERTIFICATE

Lot Split Certificate - _____

Know all men by these presents that we, the undersigned owners of the property legally described herein have caused this Lot Split to be prepared and hereby certify that no other Lot Split has been previously filed on said property.

Owner's Signature

State of _____) SS
County of _____)

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(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same to be his/her/their voluntary act and deed.

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: _____

Page 2, Lot Split Certificate - _____

Legal Description:

This Lot Split approved by the Cass County, Missouri Planning Board this _____ day of _____, 20_____.

Chair

Secretary

This Lot Split approved by the County Commission of Cass County, Missouri this _____ day of _____, 20_____.

Presiding Commissioner

This instrument was filed for record in the office of the Recorder of Deeds on the _____ day of _____, 20_____ in Book _____, Page _____.

Recorder of Deeds

Article 16 – Short-Form Plat

CASS COUNTY, MISSOURI
SHORT-FORM PLAT APPLICATION
MINOR SUBDIVISION
(Subdivision of five or fewer lots)

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.: _____

Date Notices Sent: _____

APPLICANT INFORMATION:

Name of Subdivision: _____

Applicant: _____ Phone: _____
Address: _____ Zip: _____

Owner: _____ Phone: _____
Address: _____ Zip: _____

Name of Subdivider: _____
Name of Person who prepared the Plat: _____

Instructions:

The following checklist is to be completed by the applicant and shall accompany the Plat when it is submitted to the Zoning Officer. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

- | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 1. | Does the Plat show the following information? | <u>Yes</u> | <u>No</u> |
| | A. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision anywhere in the County). | _____ | _____ |
| | B. Location of section, township, range, county and state, including the description boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in five thousand (5,000). | _____ | _____ |
| | C. The location of existing monuments or bench marks shall be shown and described on the 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. | _____ | _____ |
| | D. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. | _____ | _____ |
| | E. Lots shall be clearly numbered. | _____ | _____ |
| | G. 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. | _____ | _____ |
| | H. Building setback lines on the front and side streets with dimensions. | _____ | _____ |
| | I. Name, signature and seal of the licensed land surveyor preparing the plat. | _____ | _____ |
| | L. 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 must be 24 inches by 36 inches. | _____ | _____ |
| | J. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point. | _____ | _____ |
| | | <u>Yes</u> | <u>No</u> |

Article 16 – Short-Form Plat

- K. Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated. ____ ____

- 2. Are two original copies on mylar, and ten (10) prints submitted? ____ ____

- 3. Have all acknowledgments been signed? ____ ____
 - A. Owner or owners and all mortgager. ____ ____
 - B. Dedications or reservations. ____ ____
 - C. Registered surveyor preparing plat. ____ ____
 - D. County Clerk and County Collector. ____ ____

- 4. Title Opinion:
 - A. Submitted (Date) _____ ____ ____
 - B. Have all owners and mortgager signed plat? ____ ____

- 5. Has certification been submitted stating that all taxes and special assessments due and payable have been paid? ____ ____

- 6. Deed Restrictions:
 - A. Are any deed restrictions planned for subdivision? ____ ____
 - B. If so, has a copy been submitted? ____ ____

- 7. Are additional comments attached? ____ ____

- 6. How has installation of the following improvement been guaranteed?

	<u>Letter of Credit</u>	<u>Surety Bond</u>	<u>Petition(%)</u>
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Other, as required	_____	_____	_____
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

(SAMPLE LETTER OF NOTIFICATION OF SHORT-FORM PLAT APPLICATION WITHIN
CASS COUNTY, MISSOURI)

(Current Date)

(Name of Applicant)

(Address)

(City, State Zip)

(Salutation and Name) Dear _____:

Notice is hereby given that at _____ p.m. on _____, 20__, the Cass County Planning Board, County Commission Chambers, County Courthouse, Harrisonville, Missouri, will consider the application of _____ (*Insert name of applicant*) for the _____ (*Insert name of proposed subdivision*) Preliminary Plat. The subdivision as proposed would consist of _____ (*Insert number of proposed lots*) lots that are _____ (*Insert approximate size of proposed lots*).

The property to which this preliminary plat application applies is generally located _____ (*Insert general description of the location of the property including address if any, i.e. -- on a 40 acre tract of land, 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street.*)

As provided in the _____ (*Insert name of applicable subdivision regulations*) 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.

A copy of the proposed preliminary plat for _____ (*Insert name of proposed subdivision*) and the legal description for the property on which the proposed subdivision is proposed are available for public review in the office of the Zoning Officer for Cass County between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,

Applicant's name and signature

ARTICLE 17 PLAT APPROVAL

PLAT APPROVAL PROCESS

Any subdivision of land within the jurisdiction of Cass County must, with certain exceptions, follow the procedures outlined below. The simple division of one lot into two lots may qualify for a Short-Form Plat Lot Split, as explained Article 16 of this Procedures Manual and in the applicable subdivision regulations. The subdivision process involves submittal of a preliminary plat, engineering plans for any public improvements and a final plat.

Preliminary plats are 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. Final plats are considered by both the Planning Board and accepted by the County Commission. The following provides a more detailed overview of the subdivision process.

A. Preliminary Plat Process:

A preliminary plat is a conceptual plan of a proposed development. Therefore, it is critical to carefully review and consider the layout and design of the proposed development at the time of preliminary plat review. In general, the Planning Board should approve a preliminary plat of a proposed subdivision if the applicant proves by clear and convincing evidence that:

1. The requirements of the standards and requirements of the subdivision regulations can be met;
2. The layout conforms to generally accepted planning, design and engineering principles;
3. Provisions have been made for adequate public facilities;
4. All areas of the proposed subdivision that may involve soil or topographic conditions presenting hazards or special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
5. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels; and
6. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on the public health, safety and welfare.

Note: If these conditions are not met, the Planning Board is authorized to disapprove the Preliminary Plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the Master Plan.

1. The applicant shall first meet with the Zoning Officer, the county's planning consultant, the county engineer and all other applicable county staff members to discuss the following:
 - A. Procedure for filing plats.
 - B. Availability of sewer, water, gas and other applicable public services.

Article 17 – Plat Approval

- C. Master Plan requirements for major streets, land use, parks, schools and public open spaces.
 - D. Zoning requirements for the property in question and adjacent properties.
 - E. Special setback requirements for arterial, collector and local streets.
 - F. Any other issues that may be applicable to the development.
2. The preliminary plat application form shall be completely filled out and returned to the Office of the Zoning Officer with the appropriate application fee and required information. As a part of the application, ten (10) copies of a preliminary plat conforming to the requirements of the subdivision regulations and a vicinity map showing the location of the proposed subdivision shall be submitted.

An application shall not be scheduled for consideration by the County Planning Board until the application form has been fully completed, the fee is paid, and all required information submitted. The fee shall be used to cover expenses incurred by the county in the processing and review of the application.

3. The Planning Board, based on the standards set out in the Cass County Subdivision Regulations, must consider the application within 30 days of receiving the plat and must take action to approve, approve conditionally, or disapprove the preliminary plat within 60 days of receiving the plat at a regularly scheduled meeting, unless the applicant agrees to an extension of the 60 days period.
4. 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, 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.

B. Engineering Plan Review Process:

1. Upon the approval of the preliminary plat by the Planning Board, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for all proposed and required improvements containing the data and information specified in the applicable subdivision regulations. The engineering drawings shall be submitted to the Zoning Officer for review and approval by the county. If the proposed subdivision is to be developed in phases, engineering drawings need only be for the applicable phase of the development to which the subsequent final plat will apply unless otherwise specified by the Zoning Officer, County Engineer or Planning Board.
2. The County Engineer shall review the submitted engineering drawings in order to determine their compliance with county design standards. After having reviewed the submitted engineering drawings, the County Engineer shall notify the subdivider and the

Zoning Officer as to their compliance. In the event that the drawings do not so conform or comply, the County Engineer shall specify the manner in which such drawings do not so comply. The subdivider shall then have corrections made of the defective drawings and resubmit the corrected drawings.

3. The Planning Board shall approve a final plat only after consideration of the County Engineer's opinion that the drawings are consistent with the approved preliminary plat and comply with their design standards.

C. FINAL PLAT PROCESS

1. The subdivider shall submit the final plat application form, along with the appropriate fee and any required supplemental information. Included as part of the application shall be the original and ten (10) copies of the final plat prepared in accordance with the subdivision regulations.

A final plat application shall not be scheduled for consideration by the Planning Board until the application form has been fully completed, the fee is paid, and all required information submitted. The fee shall be used to cover expenses incurred by the county in the processing and review of the application.

Because general layouts are approved with the preliminary plat, approval of the final plat is an administrative function of the Planning Board. Requiring changes to the design or layout of the proposed subdivision at the time of final plat review could cause the need for revisions to be made to the engineering plans. This in turn increases cost to the developer and ultimately increases the cost to the future land owner in the development. For this reason, the Planning Board should approve a final plat if:

- a) The plat meets the requirements of the subdivision regulations; and
 - b) The plat is in compliance with the approved Preliminary Plat.
2. The Planning Board shall review the final plat and approve or deny the final plat, based on the approved preliminary plat, standards set out in the Subdivision and Zoning Regulations, the adopted Cass County Master Plan, and County Commission policy.
 3. The final plat shall then come before the County Commission for their consideration of any dedications from the subdivider of street rights-of-way, drainage easements, park lands, or other property to be used for public purposes.
 4. Once the final plat is approved by the Planning Board and the County Commission, the Zoning Officer issues a certificate of authority, which is required before it may be recorded. [Note: R.S.Mo 64.245 statutes for first class non-charter counties make no provision for the County Commission to accept or refuse the dedication of land for public purpose, easements and rights-of-way. This is a concern, and should be "fixed" in Jefferson City. In any case, it is important to note that R.S.Mo 64.245 provides that the Planning Board shall "report upon the plat within 30 days." Otherwise it is deemed approved. However, if the plat is denied, the County Commission may over rule the

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Board after public hearing. Finally, the Board may approve subdivision plats for small cities that do not have a planning commission.]

CASS COUNTY, MISSOURI
PRELIMINARY PLAT 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.: _____

Date Notices Sent: _____

APPLICANT INFORMATION:

Name of Subdivision: _____

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

Name of Subdivider: _____

Surveyor: _____

Instructions:

The following checklist is to be completed by the applicant and shall accompany the Preliminary Plat when it is submitted to the Zoning Officer. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

- | | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 1. | Does the Preliminary Plat show the following information? | <u>Yes</u> | <u>No</u> |
| A. | The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name of an existing subdivision anywhere within 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 subdivider, developer, owner, and the land surveyor who prepared the plat. | _____ | _____ |
| D. | Scale of the plat, 1"-100' or larger. | _____ | _____ |

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	<u>Yes</u>	<u>No</u>
E. Date of preparation and north arrow.	_____	_____
F. 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.	_____	_____
2. All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location.	_____	_____
3. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.	_____	_____
4. Topography with contour intervals of not more than two feet, referred to U.S.G.S. datum. Where the ground is too flat for contours, spot elevations shall be provided.	_____	_____
5. Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.	_____	_____
6. Current zoning classification.	_____	_____
G. The general arrangements of lots and their approximate size.	_____	_____
H. Location and width of proposed streets, alleys, and pedestrian ways and easements.	_____	_____
I. The general plan of sewage disposal, water supply and drainage, including a map showing the drainage area of each major drainage way.	_____	_____
J. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.	_____	_____
K. General street layout of adjacent property within 1,000 feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property.	_____	_____

	<u>Yes</u>	<u>No</u>
L. Approximate gradient of streets.	_____	_____
M. Vicinity map showing streets within 500 feet of the boundaries of the proposed subdivision.	_____	_____
2. Does the proposed subdivision design conform to the Cass County Master Plan?	_____	_____
3. Will the proposed subdivision make the development of adjacent property more difficult?	_____	_____
4. Are lots sized appropriately for existing zoning district?	_____	_____
5. Are all lots free from floodplain encroachment?	_____	_____
6. Are drainage ways and other drainage facilities sufficient to prevent flooding both on-site and off-site?	_____	_____
7. Are all lots buildable with respect to topography, drainage ways, bedrock, and soil conditions?	_____	_____
8. Do proposed street grades and alignment meet all requirements?	_____	_____
9. Is the proposed subdivision with a municipality’s Urban Service Tier or within a Multi-Use Tier that is within 1 ½ miles of the corporate limits of municipality?	_____	_____
10. Were ten (10) copies of the preliminary plat submitted?	_____	_____
11. Was the preliminary plat fee of \$_____ paid?	_____	_____

Article 17 – Plat Approval

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(SAMPLE LETTER OF NOTIFICATION OF PRELIMINARY PLAT APPLICATION)

(Current Date)

(Name of Applicant)

(Address)

(City, State Zip)

(Salutation and Name) Dear _____:

Notice is hereby given that at _____ p.m. on _____, 20__, the Cass County Planning Board, County Courthouse, Cass County, Missouri, will consider the application of _____ (Insert name of applicant) for the _____ (Insert name of proposed subdivision) Preliminary Plat. The subdivision as proposed would consist of _____ (Insert number of proposed lots) lots that are _____ (Insert approximate size of proposed lots).

The property to which this preliminary plat application applies is generally located _____ (Insert general description of the location of the property including address if any, i.e. -- on a 40 acre tract of land, 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street.)

As provided in the _____ (Insert name of applicable subdivision regulations) 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.

A copy of the proposed preliminary plat for _____ (Insert name of proposed subdivision) and the legal description for the property on which the proposed subdivision is proposed are available for public review in the office of the Zoning Officer for Cass County between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,

Applicant's name and signature

Article 17 – Plat Approval

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**CASS COUNTY, MISSOURI
FINAL PLAT 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]
(660) 263-9398 (fax)

For Office Use Only
Case ID.: _____

Date Notices Sent: _____

APPLICANT INFORMATION:

Name of Subdivision: _____

Applicant: _____ Phone: _____
Address: _____ Zip: _____

Owner: _____ Phone: _____
Address: _____ Zip: _____

Name of Subdivider: _____
Name of Person who prepared the Plat: _____

Article 17 – Plat Approval

Instructions:

The following checklist is to be completed by the applicant and shall accompany the Final Plat when it is submitted to the Zoning Officer. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

- | | | <u>Yes</u> | <u>No</u> |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 1. | Does the Final Plat show the following information? | | |
| A. | Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision anywhere within the County). | ___ | ___ |
| B. | Location of section, township, range, county and state, including the description boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in five thousand (5,000). | ___ | ___ |
| C. | The location of existing 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. | ___ | ___ |
| D. | The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. | ___ | ___ |
| E. | Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block. | ___ | ___ |
| F. | The exact locations, widths and names of all streets and alleys to be dedicated. | ___ | ___ |
| G. | 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. | ___ | ___ |
| H. | Building setback lines on the front and side streets with dimensions. | ___ | ___ |
| I. | Name, signature and seal of the licensed land surveyor preparing the plat. | ___ | ___ |
| J. | Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point. | ___ | ___ |

- | | <u>Yes</u> | <u>No</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| K. Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated. See sample final plat for terminology. | _____ | _____ |
| 2. Were 2 copies of the original on mylar and ten (10) prints submitted? | _____ | _____ |
| 3. Have all acknowledgments been signed? | _____ | _____ |
| A. Owner or owners and all mortgager. | _____ | _____ |
| B. Dedications or reservations. | _____ | _____ |
| C. Registered surveyor preparing plat. | _____ | _____ |
| D. County Clerk and County Collector. | _____ | _____ |
| 4. Title Opinion: | | |
| A. Submitted (Date) _____ | _____ | _____ |
| B. Have all owners and mortgager signed plat? | _____ | _____ |
| 5. Has certification been submitted stating that all taxes and special assessments due and payable have been paid? | _____ | _____ |
| 6. Deed Restrictions: | | |
| A. Are any deed restrictions planned for subdivision? | _____ | _____ |
| B. If so, has a copy been submitted? | _____ | _____ |
| 7. Are additional comments attached? | _____ | _____ |
| 7. How has installation of the following improvement been guaranteed? | | |

	<u>Letter of Credit</u>	<u>Surety Bond</u>	<u>Petition(%)</u>
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Other, as required	_____	_____	_____
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

Article 17 – Plat Approval

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ARTICLE 18 PROTEST PETITIONS

A protest petition may be used to protest a recommendation of the Planning Board on a zoning district amendment (rezoning) or Special Use permit prior to the County Commission meeting, duly signed and acknowledged by the owners of fifteen percent (15%) or more of any real property to which the case applies or by the owners of fifteen percent (15%) of the total area, excepting public streets and ways, located within 1,000 feet of the subject site. Protested amendments shall not be passed except by a unanimous vote of the County Commission. Any person wishing to file a protest petition shall file it with the Office of the County Clerk.

IN FILLING THIS FORM, PLEASE:

1. Enter in Section I of the petition the information about the property against which the protest is being made.
2. Use a separate form for each property owner(s) submitting a protest. In the case of joint or multiple ownership of a single lot, each owner petitioning shall sign the same protest petition.
3. Enter the following in Section II of the petition:
 - A. Your full name (all names of joint or multiple owners).
 - B. The full legal description by lot, block and addition (or by metes and bounds description) of your property.
 - C. Have each of the signatures acknowledged by a notary public.

Article 18 – Protest Petitions

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PROTEST PETITION

SECTION 1. The undersigned property owners protest the proposed action considered for property described in Case ID. _____, _____
(describe action).

SECTION 2. Protestor(s).

Property Owned

Lot(s) Block(s) Addition

A) _____
(Signature)

(Printed Name)

B) _____
(Signature)

(Printed Name)

(If the land is not platted, attach a metes and bounds or legal description on a separate sheet.)

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

Be it remembered that on this _____ day of _____, 200____, 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 the same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public _____
Print Name _____
My Commission Expires _____

Article 18 – Protest Petitions

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**ARTICLE 19
ZONING VIOLATIONS**

The owner or agent of a building or premises in or upon which a violation of any provision of the Zoning Regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of the Zoning Regulations, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

An initial notification letter is to be sent upon initial discovery of the violation. If the action which is to be taken to resolve the violation is not completed within thirty (30) days of the date of the initial notification letter, then a stop order shall be served. Further action shall be taken as described in the Zoning Regulations if the action which is to be taken to resolve the violation is still unresolved within ten (10) days of the service of the stop order. Following are samples of the Initial Notification of Violation, and the Zoning Violation Stop Order letters.

Article 19 – Zoning Violations

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(SAMPLE LETTER OF INITIAL NOTIFICATION OF VIOLATION)

(Current Date)

(Name of Person in Violation)

(Address)

(City, State Zip)

(Salutation and Name) Dear _____:

It has recently come to the attention of Cass County that you have _____
_____ (insert general description of violation).

The Cass County Zoning Regulations prohibit _____ (insert general description of violation). Article _____, Section _____ of the Cass County, Missouri Zoning Regulations requires that “ _____ (Insert language from the applicable Section and Article of the Zoning Regulations).

Due to these violations, it is requested that _____ (list action to be taken) within thirty days of the date of this letter, or the County will be forced to send a Zoning Violation Stop Notice. In addition, please contact this office upon completion of this action.

Should you have any questions regarding this matter, please feel free to contact this office at (816) 380-8131 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Sincerely,

Zoning Officer
Cass County, Missouri

Article 19 – Zoning Violations

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(SAMPLE LETTER OF ZONING VIOLATION STOP ORDER)

Cass County, Missouri
Zoning Violation Stop Order

DATE: (Current Date)

TO: (Name of Person in Violation)
(Address)
(City, State Zip)

1. Pursuant to power and authority vested by the provisions of R.S.MO. 64-211. et. seq. as amended and the Cass County, Missouri Zoning Regulations you are hereby notified that you are in violation of the zoning regulations of Cass County, Missouri.
2. You are also in violation of Article _____, Section _____, Subsection _____ of the Cass County Zoning Regulations which requires _____

(Insert language from the applicable Section and Article of the Zoning Regulations).

3. You are hereby ordered to correct or remove the aforementioned violation. Unless action is taken to correct the violation within ten (10) days of the service of this stop order upon you, such violation shall constitute a misdemeanor as provided in R.S.MO. 64-211, et. Seq. of the Revised Statutes of Missouri, and of the zoning regulations of Cass County, Missouri, and appropriate legal proceedings shall be instituted in the Circuit Court to abate or correct such violation as provided in the zoning regulations of Cass County, Missouri.
4. You are further advised that a misdemeanor is punishable by a fine of from one dollar to five hundred dollars, by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

Sincerely,

Zoning Officer
Cass County, Missouri

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ARTICLE 20

AGENDAS AND STAFF REPORTS

CASS COUNTY PLANNING BOARD
REGULAR MEETING AGENDA

Cass County Courthouse
1102 East Wall Street
Harrisonville, Missouri

Date _____, 200__ 7:30 p.m.

- 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
- F. 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.

STAFF REPORT

TO: Planning Board
FROM: Planning Staff
SUBJECT: AGENDA ITEM NO. _____
MEETING: _____, 200__

Public Hearing to consider:

COMMENTS:

The applicant is proposing _____:

The property is located:

The site contains approximately _____ sq. ft. and is developed as follows:

The Planning Board should consider the following matters:

In order to recommend, approve or disapprove a proposed zoning district amendment, the Planning Board shall make findings of fact to determine whether the application is found to be compatible with the following:

- A. Character of the neighborhood.
- B. Consistency with the Master Plan and Orders of Cass County.
- C. Adequacy of public utilities and other needed public services.
- D. Suitability of the uses to which the property has been restricted under its existing zoning.
- E. Compatibility of the proposed district classification with nearby properties.
- F. The extent to which the zoning amendment may detrimentally affect nearby property.
- G. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.

Staff Findings:

Based on the relevant regulations, the Master Plan and accepted planning practices, staff finds that:

The Planning Board needs to consider the following:

The Planning Board needs to consider the following issues and/or standards in recommending action:

**CASS COUNTY BOARD OF ZONING ADJUSTMENT
MEETING AGENDA**

**Cass County Courthouse
1102 East Wall Street
Harrisonville, Missouri**

Date _____, _____ p.m.

1. Call to Order:

2. Roll Call.

3. General Business:

A. Consider the minutes of the _____ regularly scheduled meeting.

4. Public Comment Section:

5. Public Hearings:

6. Old Business:

7. New Business:

8. Calendar:

9. Adjournment.

STAFF REPORT

TO: Board of Zoning Adjustment

FROM: Planning Staff

SUBJECT: AGENDA ITEM NO. _____

MEETING: _____, 200__

COMMENTS:

The applicant is requesting a variance to _____:

The lot is located:

The lot contains, approximately _____ sq. ft. and is improved as follows:

In considering a request for variance, the Board may grant such variance upon the finding that all of the five following conditions have been met:

- A. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant. In order for a property to meet the condition of uniqueness, it must have some peculiar physical surroundings, shape or topographical condition that would result in a practical difficulty as distinguished from a mere inconvenience to utilize the property without granting the variance.*
- B. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*
- C. That the strict application of the provisions of these regulations of which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.*
- D. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*
- E. That granting of the variance desired will not be opposed to the general spirit and intent of these regulations.*

The Board of Zoning Adjustment needs to consider the following:

After consideration of the testimony during the public hearing, if the Board finds that all the five conditions can be met as required by state statutes, then it can grant the variance. If the Board does approve the variance, however, it should be only for the proposed addition.

**ARTICLE 21
FENCES**

Fences are regulated in all areas of the County. In some subdivisions, fences are regulated by deed restrictions that run with the land and which are not related to County regulations.

A permit is required before a fence is installed or rebuilt and the location, height, and alignment of the fence are set out in the zoning regulations. Generally, fences up to six feet in height are permitted for rear yard fencing; only small, low profile ornamental fences and walls are permitted in the front yard.

FENCES

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.: _____

APPLICANT: _____ PHONE: _____

ADDRESS: _____ ZIP: _____

OWNER: _____ PHONE: _____

ADDRESS: _____ ZIP: _____

LOCATION OF PROPOSED FENCE: _____

SITE SKETCH ATTACHED: _____ YES _____ NO

ADJACENT LAND USE:

North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property: _____

SIGNATURE: _____ DATE: _____

BY: _____

TITLE: _____

**ARTICLE 22
SIGN PERMIT**

Signs are regulated in all incorporated areas of the County. A permit is required before a sign is installed or rebuilt and the location, height, and alignment of the sign are set out in the zoning regulations. Generally, one freestanding business sign is permitted per lot or parcel.

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SIGN PERMIT

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.: _____

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

Parcel zoning: _____

Location of proposed sign and all easements and right-of-ways: _____

Height of the proposed sign: _____

Proposed outline of the sign in square feet: _____

Will the sign be illuminated: _____ Yes _____ No

For all existing businesses list and show all existing signs: _____

Sketch of proposed sign attached (required): _____ Yes _____ No

Present Use of Property: _____

Signature: _____ Date: _____

By: _____ Title: _____

ARTICLE 23
FLOODPLAIN DEVELOPOMENT PERMITTING

The flood hazard areas of Cass County, Missouri, are subject to inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare. The following procedures apply:

1. No development located within known flood hazard areas of this county shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
2. Appeal: Where a request for a permit to develop is denied by the Cass County Planning and Zoning Department, the applicant may apply for such permit directly to the Board of Zoning Adjustment.
3. Permit Required: No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development.
 - a. Cass County Zoning Officer shall:
 - (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - (3) Notify adjacent communities and the Missouri Disaster Planning and Operations Office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Agency.
 - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.

Article 23 – Floodplain Development Permitting

- (7) When flood-proofing is utilized for a particular structure the Cass County Zoning Officer shall be presented certification from a registered professional engineer or architect.
4. Application for Permit: To obtain a permit, the applicant shall first file an application in writing on the form furnished herein. Every such application shall:
 - a. Identify and describe the work to be covered by the permit.
 - b. Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 - c. Indicate the use or occupancy for which the proposed work is intended.
 - d. Be accompanied by plans and specifications for proposed construction.
 - e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - f. Give such other information as reasonably may be required by the Cass County Zoning Officer.
5. Penalties for Violation: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred dollars (\$100.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Cass County Planning and Zoning Department or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
6. Amendments: The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations.

Cass County, Missouri Flood Plain Development Permit / Application

Application # _____ Date _____

TO the ADMINISTRATOR: The undersigned hereby makes application for a Permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Floodplain Management Ordinance and will all other applicable county/city ordinances and the regulations of the State of Missouri.

Owner or Agent	Date	Builder	Date
Address		Address	
Phone		Phone	

Site Data

1. Location _____ ¼; _____ ¼; _____ Section _____; Range _____; Township _____
 Street Address _____

2. Type of Development:
 Filling _____ Grading _____ Excavation _____ Min. Improvement _____
 Routine Maintenance _____ Substantial Improvement _____ New Const. _____ Other _____

3. Description of Development _____

4. Premises: Structure size _____ ft. X _____ ft. Area of Site _____ sq. ft.
 Principle use _____ Accessory uses (Storage, Parking, etc.) _____

5. Value of improvement (fair Market) \$ _____ Pre-improvement / Assessed value of structure \$ _____

6. Property located in a designated FLOODWAY? Yes _____ No _____
 If answered Yes Certification must be provided prior to the issuance of a permit to develop, that the proposed Development will result in NO increase in the base flood (100year) elevation.

7. Property located in a designated floodplain Fringe ? Yes _____ No _____

8. Elevation of the 100 year flood (ID source) _____ MSL/NGVD

9. Elevation of the proposed development site _____ MSL/NGVD

10. Elevation / flood proofing requirement _____ MSL/NGVD

11. Other floodplain information (ID and describe source) _____

This permit is issued with the condition that the lowest floor (Including basement) of a new or substantially improved non-residential building will be elevated or flood proofed above the base flood elevation.

Other Permits Required?

Corps of Engineers 404 Permit	Yes _____	No _____
State Permit	Yes _____	No _____
Local Levee District	Yes _____	No _____
Local Drainage District	Yes _____	No _____
Other _____		

All provisions of the community of _____, Flood plain Management Ordinance (Ordinance Number _____) shall be complied with.

This permit is issued with the condition that the Developer/Owner will provide certification by a registered engineer of the "As-Built" lowest floor (including basement) elevation of any new or substantially improved building covered by this permit.

Plans and Specifications Approved this) _____ day of _____, 200__.

Signature Reg. Engineer	Date	Authorizing Official Name/Title	Date
			Affix SEAL Here