

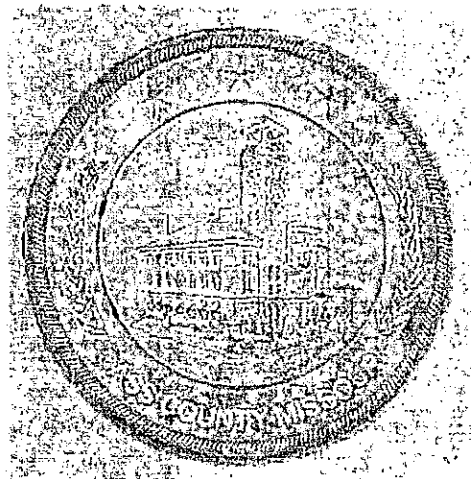
# *Cass County, Missouri*

## Zoning Order Subdivision Regulations

**FILED**

MAY 11 2006

Missouri Public  
Service Commission



*February 1, 2005*

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

Exhibit No. 119  
Case No(s). EA-2006-0309  
Date 5-3-06 Rptr Tw

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**CAUTION**

**FORMS AND FEES ARE SUBJECT TO**

**CHANGE**

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



## ARTICLE I - GENERAL PROVISIONS

- A. Title: This Order shall be known as, referred to, and cited as the "Zoning Order" for Cass County, Missouri.
- B. Purpose: The purpose of this Order is to promote the comfort, health, safety, prosperity, and general welfare of the citizens residing in the unincorporated areas of Cass County by dividing such into zones and districts and prescribing regulations and restrictions on the location and use of buildings and the use of land within each district or zone.
- C. Authority: This Order is adopted under the authority granted by R.S.Mo. 64.211, (and 64-905) et. seq., of the Missouri Statutes and amendments thereto.
- D. Intent: It is the general intent of this Order to:
1. Provide for agricultural uses in rural areas of the County while providing for more intense land uses near the incorporated places;
  2. Provide for urban uses outside incorporated places in response to market demand, provided development standards do not create a burden for the public.
  3. Regulate lot coverage, population density and distribution, and the location, height and size of all structures;
  4. Secure safety from fire, flooding, panic, and other dangers;
  5. Provide adequate light, air, sanitation, and drainage;
  6. Further the appropriate use of land and conservation of natural resources;
  7. Obtain the wise use, conservation, development, and protection of the County's water, soil, wetland, woodland, and wildlife resources, and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses;
  8. Stabilize and protect the natural beauty of the area;
  9. Encourage orderly growth while integrating new urban areas into the fabric of the community, maintaining a high quality environment, and promoting fiscal responsibility;
  10. Lessen congestion in and promote the safety and efficiency of the streets and highways;
  11. Facilitate the adequate provision of public facilities and utilities; and



## CASS COUNTY, MISSOURI – ZONING ORDER

### Article I – General Provisions

12. Bring about the gradual conformity of uses of land to the comprehensive plan and zoning regulations set forth in this Order, and to minimize the conflicts among uses of land and buildings.
- E. Severability and Non-liability: If any section, clause, provision, or portion of this Order is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Order shall not be affected thereby.
- F. Abrogation of Greater Restrictions:
  1. Public Provisions: The provisions of this Zoning Order are not intended to interfere with, abrogate, or annul any other County rule, regulation, statute, or other provision of law. Where any provision of this Order imposes restrictions different from those imposed by any other statute, rule, regulations, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.
  2. Private Provisions: The provisions for this Zoning Order are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that, where the provisions of this Zoning Order are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Zoning Order shall govern.
- G. Interpretation: In their interpretation and application, the provisions of this Order shall be liberally construed in favor of the County, and shall not be construed to be a limitation or repeal of any other power granted by the Missouri Statutes.
- H. Reservation and Repeals: Upon the adoption of this Zoning Order dated February 1, 2005, the Cass County Comprehensive Amended Zoning Order of 1991, as amended, is hereby repealed.
- I. Savings Provision: This Zoning Order shall not be construed as abating any action now pending under, or by virtue of, a prior existing Zoning Order, or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of this Order, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County, except as follows:
- J. Application of Regulations: No building shall hereafter be erected unless it is on at least one lot, as herein defined; and, except in Industrial Zoning Districts, no legal lot of record shall contain more than one principal structure.
- K. Other Nuisance Conditions: Any condition conducive to the breeding of rodents or insects or any other dangerous, noxious, injurious, or objectionable condition, substance or element which

## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 1 – General Provisions

would create any hazard to public health, peace, or comfort, or hinder the appropriate use of land, shall be prohibited.

- L. Minimum Floor Area: In order to provide the space essential for the healthful occupation of single-family residences by average families and to maintain the secondary purpose of preserving the character and aesthetics of neighborhoods, a minimum floor area of one thousand (1,000) square feet, excluding basements, open and screened porches, and garages, is hereafter required.
- M. Minimum Land Area: Any parcel of land proposed to be served by a private sewer system shall be a minimum of three (3) acres in size; provided, however, less land area may be required if technical provisions are made to meet on-site disposal needs as approved by the Cass County Health Department.
- N. Adequate Public Facilities: For development on parcels of land accessible to public sanitary sewer, where the local district authority allows connection to the sanitary sewer, the owner thereof shall be required to comply with the Adequate Public Facilities policies in Article 16 of these regulations.
- O. Prohibited Uses: All Adult Entertainment Establishment—Enhanced uses are hereby prohibited in all zoning districts within the jurisdiction of these regulations and no building, structure, premises or land shall be used, constructed, reconstructed, altered or expanded as or for an Adult Entertainment Establishment—Enhanced.
- P. Airport Overlay District: Development in any Airport Overlay District shall be reviewed to achieve the Standards for Review as shown in Appendix C (Airport Overlay District Standards) of the Cass County Master Plan, which shall be a part of these regulations by reference.
- Q. Development Under Prior Regulations: Land use applications for proposed new uses which were approved under the previously existing zoning districts and not requiring the subdivision of property, may be developed pursuant to the previously existing regulations for a period of one (1) year following the effective date of these regulations. Any such application that is allowed to lapse or expire and that must be resubmitted, will be processed pursuant to these regulations. Building permits issued under this provision may be renewed for a maximum of one year if construction is initiated within one year of adoption of these regulations.
- R. Sale or Development of Land: No person may use, occupy, develop, or sell any land or buildings or authorize or permit the use, occupancy, development, or sale of land or buildings under his or her control except in accordance with all of the applicable provisions of these regulations. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

**CASS COUNTY, MISSOURI – ZONING ORDER**

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*Article I – General Provisions*

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## ARTICLE 2 - DEFINITIONS

### A. Rules for Interpretation of Definitions:

1. Words and numbers used singularly shall include the plural and the plural, the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory.
4. The word "use", "occupy", or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.

### B. Definitions:

For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

1. Accessory Use or Building: A subordinate building or use which customarily is incidental to that of the main building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, garages, air conditioners, garden houses, children's play houses, barbecue ovens and fireplaces.
2. Adult Entertainment Establishment: Any business, premises or establishment including, without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, adult live performance theaters which has any of the following:
  - a. Thirty percent (30%) or less of its annual gross receipts derived from: (a) the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or (b) the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or
  - b. Thirty percent (30%) or less of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which

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## CASS COUNTY, MISSOURI – ZONING ORDER

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### Article 2-- Definitions

- are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or
- c. Thirty percent (30%) or less of its floor area at any time allocated to (a) entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or (b) the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined, and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined.

***Specified Anatomical Areas:*** Any of the following:

- (1) Less than completely or opaquely covered human genitals, pubic region, buttocks, anus, or female breast area below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

***Specified Sexual Activities:*** Any of the following:

- (1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (2) Acts actual or simulated of sexual intercourse, masturbation, sodomy, or oral copulation; or
- (3) Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 and 2 of this definition.

3. Adult Entertainment Establishment—Enhanced: Any adult entertainment establishment whose annual gross receipts, or its inventory on hand at any time, or of its floor area at any time used for the activities of adult entertainment exceed thirty percent (30%).
4. Agricultural Purposes: The use of a tract of land of not less than twenty (20) acres for the growing of crops, pasturage, nursery, or the raising of livestock and poultry, including the structures necessary for carrying out farming operations and maximum of two residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots as defined by State statute (additional residences may be permitted with a special use permit); or the use of smaller tracts of land, less than twenty (20) acres, zoned agriculture by the county for agriculture purposes; except that Agricultural—Personal Use may be

CASS COUNTY, MISSOURI – ZONING ORDER

Article 2– Definitions

permitted by the Zoning Officer and County Health Department on less than 20 acres in any district.

5. Agricultural—Personal Use: Keeping of livestock, such as horses, cows, pigs, goats and similar agricultural and recreational animals for personal and educational use, not for commercial use, upon approval by the Zoning Officer and County Health Department for compliance with grazing-land area requirements.
6. Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
7. Alteration: Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.
8. Animal Hospital or Clinic: An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. (This does not include open kennels or runs.)
9. Animal Units: A measure of agricultural livestock established by MDNR based on one dairy cow as equivalent to one unit, for purposes of regulating confined feeding operations.
10. Apartment: (See Dwelling, Multiple.)
11. Applicant: The owner or duly designated representative of land proposed to be subdivided, or for which a special permit; amendment, variance, building permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.
12. Area: A piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained.
13. Basement: That portion of a building having more than one-half of its height below grade.
14. Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline of waterways, or boundary lines of municipalities.
15. Board of Zoning Adjustment: That Board which has been created by the County Commission having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.

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CASS COUNTY, MISSOURI – ZONING ORDER

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Article 2– Definitions

16. Boarding or Lodging House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceed 20 persons. Individual cooking facilities are not provided.
17. Bond: Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the County Commission. All bonds shall be approved by the County Commission wherever a bond is required by these Zoning Orders.
18. Building: Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.
19. Building Codes Director: The person or persons authorized and empowered by the County Commission to administer and enforce the requirements of the county building codes.
20. Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
21. Cemetery: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.
22. Clinic: (See Medical, Dental or Health Clinic).
23. Concentrated Feeding Operation: A concentrated feeding operation as defined by the Missouri Department of Natural Resources (MDNR).
24. Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
25. Completely Enclosed Building: A building separated on all sides from adjacent open space, or from other buildings by fixed exterior walls, or party walls, pierced only by windows and entrance or exit doors, and covered by a permanent roof.
26. County (the): the political subdivision of Cass County, Missouri.

CASS COUNTY, MISSOURI – ZONING ORDER

Article 2– Definitions

27. County Attorney: The County Prosecuting Attorney or such licensed attorney designated by the Prosecuting Attorney or County Commission to furnish legal assistance for the administration of these regulations.
28. County Engineer: The County Highway Engineer or such professional engineer as shall be appointed by the County Commission to administer these regulations.
29. County Health Officer: That person designated to administer the health regulations of the County.
30. Day Care: Care of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Day care is a voluntary supplement to parental responsibility for the child's protection, development and supervision. Day care may be given in a family day care home, group day care home or day care center.
31. Day Care Facility: A day care home, day care center or group day care home or other place conducted or maintained by any person who advertises or holds himself out as providing care for more than four children during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment as a convenience for its customers; except that, a child day care facility shall not include any private or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four-and five-year-old children, a home school, as defined in section 167.031, R.S.Mo., a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization;
- A. Day Care Home: whether known or incorporated under another title or name, a day care home is a child care program where care is given by a person licensed as a day care home provider for less than ten (10) children not related to the provider for any part of the twenty-four (24)-hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.
- B. Group Day Care Home: whether known or incorporated under another title or name, is a child care program where care is given by a person licensed as a group day care home provider for ten (10), but not more than twenty (20), children not related to the child care provider for any part of the twenty-four (24)hour day. A group day care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be



## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 2– Definitions

licensed to operate no more than one (1) group day care home or family day care home.

C. *Day Care Center*: whether known or incorporated under another title or name, is a child care program where care is given by a group of persons licensed as a group day care center for more than twenty (20), children for any part of the twenty-four (24) hour day.

32. *Day Care (Child Care) Provider*: group day care home provider or provider is the person(s) licensed or required to be licensed under section 210.211, RSMO in order to establish, conduct or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the division:

A. Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and

B. Ultimate financial control of the operation of the facility.

33. *Department of Natural Resources*: The Missouri Department of Natural Resources (MDNR).

34. *District*: A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards, and the intensity of use are uniform.

35. *Dog*: Any canine species over 12 months of age.

36. *Dwelling*: Any building or portion thereof, except mobile homes for purposes of use regulations, which is designed and used exclusively for residential purposes.

37. *Dwelling, Single-Family*: A building having accommodations for and occupied exclusively by one family.

38. *Dwelling, Two-Family*: A building having accommodations for and occupied by two families, independently.

39. *Dwelling, Multiple*: A building having accommodations for and occupied by more than two families, independently.

40. *Dwelling, Transitional*: A single-family accessory dwelling, attached to the principal dwelling on the parcel or detached, occupied temporarily by an individual or a family which, due to human frailty, must accommodate transitional living needs, the housekeeping facilities for which shall consist of not more than one bath and one kitchen.

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CASS COUNTY, MISSOURI – ZONING ORDER

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Article 2– Definitions

41. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
42. Facility for Treatment of Drug and Alcohol Abuse is any facility which is certified by State of Missouri Division of Alcohol and Drug Abuse of the Department of Mental Health for such treatment.
43. Family: One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel or motel.
44. Farmstead: An existing residence as of the date of these regulations—and up to five acres of contiguous land on the same parcel—which was constructed as a farm residence, whether inhabited by a farm family or not.
45. Farm structure: A nonresidential building occupied or used by an individual or enterprise engaging in agricultural pursuits, located no less than 100 feet from the principal residence on the same parcel.
46. Federal Aviation Administration (FAA): The federal agency empowered to regulate airports and airspace.
47. Fence: An unroofed barrier or unroofed enclosing structure, including retaining walls.
48. Floor Area:
- a. For computing off-street parking requirements: Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two building and shall include the following area:
    - (1) The basement floor area;
    - (2) The area of each floor of the structure;
    - (3) Attic space having head room of 7'-10" or more.
  - b. Floor area for determining floor area ratio: As used herein shall be computed as the sum of the following areas:
    - (1) The gross horizontal areas of the several buildings measured from the exterior faces of exterior walls or from the centerline of wall separating

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## CASS COUNTY, MISSOURI – ZONING ORDER

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### Article 2– Definitions

two building which shall include floor area utilized for stairwells or elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof);

- (2) Penthouses;
  - (3) Basement floor area;
  - (4) Attic space having head room of 7'-10" or more;
  - (5) Interior balconies and mezzanines;
  - (6) Enclosed porches;
  - (7) Floor area devoted to accessory uses;
  - (8) Interior halls.
49. Floor Area Ratio: The maximum percentage of allowable floor area of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of said complex or buildings by the area of the building site.
50. Foster Home: A residence or building occupied on a full-time basis by no more than four children, two or more of which are unrelated to the foster parent. Foster homes shall be permitted in all residential structures, the same as would a family.
51. Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
52. Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. The garage may be located on the same parcel or the same "lot of record" as the primary structure or it may be located on an adjacent lot to the primary residence if the adjacent lot is under the same ownership.
53. Garage, Public: A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.
54. Governing Body: The Cass County Commissioners.
55. Group Care Home: A residence or building in which eight or fewer unrelated mentally retarded or physically handicapped persons reside, and may include two additional

persons as house parents or guardians, provided that, the care provider may be licensed to operate no more than one group home on the premises.

56. Grade:

- a. For buildings having walls facing one street only, the elevation of the sidewall at the center of the wall facing the street shall be the base grade.
- b. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in paragraph 49.a) of all walls facing each street.
- c. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade. Any building wall located approximately parallel to a street and not more than five (5) feet from the required building setback line of the underlying zoning district is considered as facing the street.

57. Hard surface: Asphalt or concrete road surface improvement of a public or private street in conformance with the County Engineer's standards and specifications.

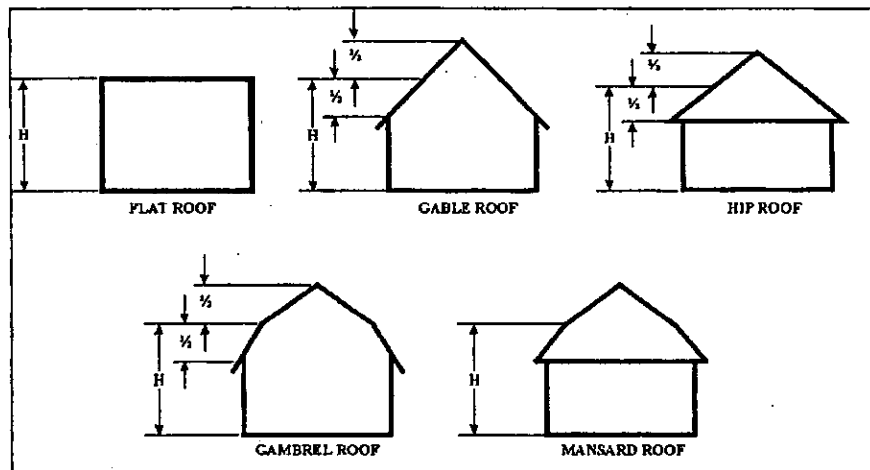
58. Hazardous Waste: means any waste or combination of wastes as defined by or listed in Missouri State Regulations 10 CSR 25-4 or 10 CSR 25-11; which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a threat to the health of humans or other living organisms.

59. Height: The vertical distance from the average elevation of the proposed finished grade along the wall of a building (or adjacent to the side of a non-building use) to the highest point of the roof for flat roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs of such building (or non-building use), except as specifically exempted in this Order.

## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 2– Definitions

**Illustration 1.**  
Vertical Dimensions of Structure Heights



60. Hotel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.
61. Home Occupation: An accessory, subordinate use of a residence or its accessory structure for gainful employment as permitted by these regulations.
62. Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the County Health Officer, the Missouri State Water Pollution Board and the County Engineer.
63. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
64. Junkyard: See Salvage Yard.
65. Kennel, Breeding: Any place, area, building, or structure where more than four dogs and four cats are kept for purposes of breeding, raising, or as pets.
66. Kennel, Boarding: Any place, area, building, or structure where dogs (including those under one year in age) are boarded, housed, cared for, fed, or trained by other than the owner.

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CASS COUNTY, MISSOURI – ZONING ORDER

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Article 2– Definitions

67. Landfill, Sanitary: A lot or parcel of land used primarily for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste.
68. Landfill, Demolition or Construction Debris: A lot or parcel of land used primarily for the disposal and burial of debris discarded from demolished structures or of deleterious material from construction sites, which debris shall be free of hazardous wastes or similarly regulated wastes.
69. Lighting: The following terms shall be used in administering the requirements of the lighting performance standards:
- A. Candlepower: The amount of light that will illuminate a surface one (1) foot distance from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.
  - B. Cutoff: The points at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.
  - C. Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
  - D. Cutoff-type Luminaire: A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety degrees.
  - E. Foot Candle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
  - F. Glare: The brightness of a light source which causes eye discomfort.
  - G. Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
  - H. Maximum Permitted Illumination: The maximum illumination measured in foot candles at the interior setback yard line at ground level in accordance with the standards of the Subsection.
70. Livestock: Generally accepted outdoor farm animals (i.e., cows, horses, pigs, goats, barnyard fowl, etc.) not to include dogs and cats and bees.
71. Living Area: The area within a residential building primarily used for habitation excluding basements, attics, garage, patios, decks, and porches.

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## CASS COUNTY, MISSOURI – ZONING ORDER

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### Article 2– Definitions

72. Lodging House: See Boarding House.
73. Lot: A parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by this Regulation, which may include more than one lot of record or metes and bounds described tract having its principal frontage upon a public street or officially approved place.
74. Lot, Corner: A lot abutting upon two or more streets at their intersection.
75. Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.
76. Lot, Double Frontage: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
77. Lot Line, Front: The front of a lot shall be that narrowest dimension abutting a street right-of-way. On corner lots which have two equal sides which abut on a street right-of-way, either side may be considered the front of the lot.
78. Lot, Width: The horizontal distance between the side lot lines, measured at the front setback line or the front platted building line, whichever is greater.
79. Lot Line, Rear: The rear of a lot shall be that side opposite the front of the lot.
80. Lot, Zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control.
81. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds prior to the adoption of this regulation.
82. Manufactured Home: A dwelling unit fabricated on or after June 1, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.
83. Medical, Dental, or Health Clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

84. Mini-storage Facilities: Warehousing facilities for goods stored by individuals on a rented-space basis that create commercial-level of traffic, rather than bulk industrial warehousing.
85. Mobile Home: A transportable structure larger than three hundred and twenty (320) square feet in floor area, designed to be used as year-around residential dwelling, and built prior to the enactment of the Federal Mobile home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 1, 1976.
86. Mobile Home or Manufactured Home, Double-Wide: A mobile or manufactured home that consists of two (2) or more sections that are transported separately and assembled at the site into one (1) structure of a width of not less than twenty (20) feet.
87. Mobile Home or Manufactured Home, Single-Wide: A mobile or manufactured home that consists of one (1) section which the main body, exclusive of expansions or extensions, is not more than sixteen (16) feet in width.
88. Mobile Home or Manufactured Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of mobile homes and offered for use by the owner or representative for mobile or manufactured home park purposes and/or ground upon which three or more mobile or manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term "mobile home park" does not include sales lots of which unoccupied mobile or manufactured homes are parked for the purpose of inspection and sale. See Supplementary District Regulations.
89. Modular Home: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard.
90. Motor vehicle: Any self-propelled vehicle designed primarily for transportation of persons or goods on public streets.
91. Motor vehicle—abandoned: Any motor vehicle that does not bear a current license plate unless said vehicle is stored within a completely enclosed building or unless it is stored in a bona fide sales or storage lot.
92. Municipality: For the purposes of these regulations, any City, Township, Village or County established pursuant to the Revised Statutes of Missouri.
93. Nonconforming Structure: A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.



## **CASS COUNTY, MISSOURI – ZONING ORDER**

### **Article 2– Definitions**

94. Nonconforming Use: An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto.
95. Noxious Matter: Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
96. Nuisance: A broad legal concept including anything that disturbs the reasonable use of a person's property or endangers life and health or is offensive.
97. Nursing Home or Convalescent Home: An institution or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
98. Owner: Any person, group of persons, firms or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
99. Parcel: One or more contiguous lots of record under single ownership, or portions of a lot or lots of record, or any combination thereof for development.
100. Parking Space: An area surface for all-weather use including gravel, sand, or comparable material for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of 9 feet and a minimum length of 20 feet. In computing off-street parking, additional space shall be required for access drives for each parking space.
101. Place: An open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.
102. Planning Board: The appointed Planning Board of Cass County, Missouri.
103. Planning Commission: See Planning Board.
104. Planning Director: The person or his designee who is authorized by the County to administer the planning policies and procedures of Cass County.
105. Principal Use: A land use or building in which is conducted the principal use of the lot on which it is situated. In a residential district, the largest dwelling shall be deemed to be the principal building.

106. Professional Office: Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, engineering, or other occupation customarily considered as a profession.
107. Public Utility: Any business which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, (f) cable television or (g) any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.
108. Recreational Vehicle: A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.
109. Recycling: The return of municipal solid waste items, most notably, glass, paper, aluminum, steel, other metals, motor oil, yard waste and plastics, for reuse or remanufacture as a usable product.
110. Recycling Collection Center: A building and/or site, with more than 1,000 square feet in area, in which source separated recoverable materials, such as newspapers, glassware and metal cans are collected, stored, flattened, crushed or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market.
111. Restaurant: A public eating establishment at which the primary function is the preparation and serving of food.
112. Right-of-Way: A strip of land occupied or intended to be occupied by a street, alley crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main; or for another special use.
113. Salvage Yard: An area of land with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as wastepaper, rags or scrap material; or used building materials, house furnishings, machinery, motor vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same. A deposit or the storage on a plot of two (2) or more wrecked or broken-down motor vehicles or parts of two (2) or more such motor vehicles for one (1) week in a residential district, or for three (3) weeks or more in any other district, shall be deemed a salvage yard.
114. Seats: The designed normal seating capacity of the establishment.

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## CASS COUNTY, MISSOURI – ZONING ORDER

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### Article 2– Definitions

115. Service Station: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; self-service pumps without buildings shall also be included. Such services may include tire recapping, body repairs, or major overhaul.
116. Sign: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business but shall not include any display of official notice or official flag.
117. Special Use Permit: A special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.
118. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
119. Street: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.
120. Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street right-of-way, commonly known as property line.
121. Street Network:
- a. Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a property access service function. Access to an expressway is provided through either interchanges or major streets.
  - b. Arterial: A street which provides for through traffic movement between and around areas which allows direct access to abutting property, subject to necessary control of entrances.
  - c. Collector: A street which provides for traffic movement between arterial and local streets, and which provides direct access to abutting property.
  - d. Local: A street which provides direct access to abutting land, and local traffic movement whether in business, industrial, or residential areas.

122. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.
123. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration.
- a. Attachment of a new front where structural supports are not changed.
  - b. Addition of fire escapes where structural supports are not changed.
  - c. New windows where lintels and support walls are not materially changed.
  - d. Repair or replacement of non-structural members.
124. Submission Date: The date of the meeting of the board or commission before which a zoning application is being considered.
125. Tavern: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served, only to members and their guests.
126. Trailer or Recreation Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Mobile homes and modular homes shall not be considered trailers or recreational vehicles.
127. Treatment Facility For Drug And Alcohol Abuse: Any facility which is certified by the State of Missouri Division of Alcohol and Drug Abuse of the Department of Mental Health for such treatment.
128. Use: The term employed to refer to any purpose for which buildings or other structures or land may be occupied.
129. Wind Energy Conversion Systems (WECS): A machine that converts the kinetic energy in the wind into a usable form commonly known as a wind turbine or windmill.
130. Wind Energy Conversion Systems—Home (WECS-H): A WECS for home use, as distinct from a commercial use, that complies with the limitations of these regulations.

## CASS COUNTY, MISSOURI – ZONING ORDER

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### Article 2– Definitions

131. Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.
132. Yard, Front: A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.
133. Yard, Rear: A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.
134. Yard, Side: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the side yard shall be measured horizontally, between the side lot line and the furthest architectural projection of the structure.
135. Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.
136. Zoning Enforcement Officer: The officer authorized and empowered by the County Commission to enforce these regulations, under the supervision of the Zoning Officer.
137. Zoning Director: See Zoning Officer.
138. Zoning Officer: The person or persons authorized and empowered by the County Commission to administer and enforce the requirements of these Zoning Regulations.
139. Zoning Regulations: The term "Zoning Regulations" or "these Regulations" shall mean the requirements stipulated in the Regulations herewith attached, adopted by the County as the Zoning Order.

## ARTICLE 3 - AMENDMENTS

### A. General Provisions:

1. Authority: The Cass County Commission may, by county order, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the County Commission until the Planning Board has held a public hearing and submitted its recommendations.
2. Proposal of Amendments: Amendments may be initiated by the County Commission, the Planning Board, or upon application by the owners of the property affected. Individuals representing owners shall have written authorization to do so, including acknowledgement of a notary.
3. Application: When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the Zoning Officer. Said application for such amendment shall be obtained from the Zoning Officer so that a public hearing date can be established.
4. Ownership List: The application for an amendment shall be accompanied by an ownership list listing the legal description of the property to be zoned, certificate of ownership, and the name and address of the owners of any real property located within one thousand (1000) feet of the boundaries of the property for which the zoning change is requested.
5. Fees: A filing fee and deposit shall be charged and collected from the applicant in an amount as established by the County Commission by separate order. A separate filing fee and deposit shall be required for each application for a change of district boundaries or classification.
6. Disposition of Amendment Proposals: Upon receipt of a proposed amendment from the County Commission, or an application for an amendment from the owner of the property affected, the Planning Board shall hold a public hearing on the proposed amendment, and forward to the County Commission its findings and recommendations with respect to the proposed amendment.
7. City/County Cooperation: The County shall coordinate with affected cities when considering proposed zoning district boundary amendments in Urban Service Tiers and Mixed Use Tiers near cities, as prescribed in the County Master Plan; and when considering land use changes in the Airport Overlay District.

## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 3 – Amendments

#### B. Hearings:

1. Public Hearing: The Planning Board shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning Board shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed amendments is referred to, filed with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.
2. Notice of Hearing: Public notice of a hearing on a proposed amendment shall be published once in a newspaper of general circulation and posted in one or more public areas of the courthouse at least fifteen (15) days prior to the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property.

When a proposed amendment will affect the zoning classification of specific property, in addition to the publication of the notice described above, such notice shall be given by certified mail to all owners of any real property within one thousand (1000) feet of the area proposed for rezoning. If the record title owners of any lots included in such proposed change are non-residents of the county, then a written notice of such hearing shall be mailed by certified mail to them, addressed to their last known addresses at least ten (10) days prior to such hearing.

The Planning Board shall also send such notice to the City Clerk of any municipality within one and one-half (1-1/2) miles of the property and to any political subdivision in which the property is located. The Planning Board may give such additional notice to other persons as it may from time to time provide by its rules.

3. Conduct of Hearing: The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Board may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Board may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the office of the Planning Board at least three (3) days before the date set for the public hearing. The Planning Board may also require such report after such public hearing if additional information is deemed necessary. Such reports shall again be made available to the applicant and any other interested persons.

C. Action By The Planning Board:

1. Recommendations: Upon the conclusion of the public hearing, the Planning Board shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the County Commission. Said recommendations may be for approval or disapproval, approve with conditions, or approval for less land area or a less intense zoning district, and reasons for the recommendation shall be included.
2. Amendments to Text: When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Board shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:
  - a. Whether such change is consistent with the intent and purpose of these regulations.
  - b. The areas that are most likely to be directly affected by such change and in what way they will be affected; and
  - c. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected.
3. Amendments to Zoning Districts: When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the Planning Board shall contain statements as to the present classification, the classification under the proposed amendment, and character of the neighborhood, the zoning and land uses of the properties nearby and findings to the following:
  - a. Whether the change in classification would be consistent with the intent and purpose of these Regulations, with the County's adopted Comprehensive Plan and other adopted County policies, programs, Orders, rules, and regulations.
  - b. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity; and whether the subject property is suitable for the uses to which it has been restricted.
  - c. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
  - d. Whether the proposed amendment would correct an error in the application of these Regulations.



## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 3 – Amendments

- e. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; and whether the proposed amendment provides a disproportionate loss to the individual land owners relative to the public gain.

#### D. Action By The County Commission:

1. Adoption of Amendments: The County Commission shall consider the request. Upon the receipt of the recommendation of the Planning Board and any protest petitions that have been submitted, the County Commission shall consider the application and may adopt the order with or without change or may refer it back to the Planning Board for further consideration and report.
2. Time Limit: If a proposed amendment is not acted upon finally by the County Commission within one hundred twenty (120) days after the recommendation of the Planning Board is submitted to it, such proposed amendment shall be deemed to have been approved, unless the applicant for such amendment shall have consented to an extension of such period of time. Whenever a proposed amendment is defeated, either by vote of the County Commission or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided by this Article.
3. Protest: If a written protest against a proposed amendment shall be filed in the office of the County Clerk within seven (7) days after the date of the conclusion of the hearing on a proposed amendment by the Planning Board, which protest is duly signed and acknowledged by any municipality with corporate limits within one and one-half (1-1/2) miles of the property proposed for amendment or the owners of thirty (30) percent or more, either of the area of the lots included in such proposed change, or of those immediately on the sides and in the rear thereof extending one thousand (1000) feet there from, and of those directly opposite thereto extending one thousand (1000) feet from the street frontage of such opposite lots, then such proposed amendment shall not be passed except by two-thirds (2/3) vote of the County Commission.
4. Approved Action: If the County Commission approves an application, it shall adopt an order to that effect. The official zoning map which has been adopted by reference shall be changed to reflect such amendment, and the section of the zoning order incorporating the same and shall reincorporate such map as amended.

## ARTICLE 4 - ZONING DISTRICTS

- A. Classification of Zones: In order to carry out the purpose and intent of these regulations, the unincorporated area within Cass County, Missouri, is hereby divided into the following zoning districts:

<u>Symbol</u>	<u>Name</u>
A	Agricultural District
RR	Residential—Rural District
R-S	Residential—Suburban District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
M-U	Mixed Use Residential
MP	Manufactured Home Park District
C-1	Local Business District
C-2	General Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
PD	Planned Development District

- B. Official Zoning Map: The location and boundaries of zoning districts are hereby established and shown on the official zoning maps entitled "Official Zoning Map of Cass County, Missouri" that together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this order.
- C. Boundaries of Zones: Where uncertainty exists to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public rights-of-way shall be construed to follow the centerlines.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
  3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  5. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow these centerlines.

## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 4 – Zoning Districts

6. Where a district boundary line divides a lot held in single and separate ownership at the effective date of these regulations, the use regulations applicable to the less restricted district shall extend over the portion of the lot into the more restricted district a distance of not more than fifty (50) feet beyond the district boundary line.
- D. Overlay Districts: Overlay Districts establish procedures and conditions on land use that overlay the regulations onto an established zoning district and shall apply to all territory in a designated Overlay District as set forth in these regulations and/or as may be shown on the Official Zoning Map. The overlay retains the procedures and conditions of the underlying district, and where district regulations may conflict, the stricter shall apply.
- E. Table of Equivalent Districts: For purposes of interpretation and administration of these regulations, the following districts shall be equivalent:

Table of Equivalent Districts	
Current Zoning Regulation Districts	Prior Repealed Regulation Districts
A	A & R-A
RR	R-A
R-S	R-A
R-1	R-A & R-1
R-2	R-2
M-U	R-3
MP	MP
C-1	C-1
C-2	C-2
I-1	I-1
I-2	I-2
PD	PD

"A" - AGRICULTURAL DISTRICT

- A. Intent: To preserve and protect land valuable for agriculture and as open space from urban-type activities. This district is not intended for the development of low density residential areas.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
1. Residential uses are permitted within this district with a maximum of two (2) single-family residences permitted on an agricultural tract of land of not less than forty (40) acres. Additional residences for persons or family members engaged in the agricultural operation may be permitted by special use permit.
- D. Maximum Height:
1. Farm structures: No restriction
2. Residences: Two and one-half (2-1/2) stories from finished grade, not exceeding thirty-five (35 feet)
3. Accessory buildings other than farm structures: One (1) story
- E. Yards:
1. Front Yards:
- a. Shall have a depth of not less than fifty (50) feet from street right-of-way.
- b. On corner lots, a front yard setback shall be maintained on both roads.
2. Side Yards: Shall be a minimum twenty-five (25) feet.
3. Rear Yards: Shall be a minimum fifty (50) feet.
- F. Lot Area:
1. Minimum Lot Area: Twenty (20) acres or more; provided, however, single-family residences may be developed on legal lots of record that conform with these regulations at lesser densities to no less than five (5) acre lots in existence as of January 1, 2005 if access management standards are met, and rural-residential subdivision improvements are made; provided, further, that farmsteads are exempt.
2. Minimum lot width: 400 feet.

**CASS COUNTY, MISSOURI – ZONING ORDER**

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*Article 4 – Zoning Districts*

- G.     Parking Requirements: See Article 9, Off-Street Parking and Loading Regulations.
- H.     Density: Residential uses shall be limited to densities established in the Subdivision Regulations.

**"R-R" RESIDENTIAL—RURAL DISTRICT**

- A. Intent: To allow certain agricultural areas—generally beyond “Urban Service Tiers” and the “Mixed-Use Tiers”—to be developed with rural-density, single-family dwellings with on-site individual wastewater systems.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height:
1. Farm structures: None
  2. Residences: Two and one-half (2-1/2) stories from finished grade, not to exceed thirty-five (35) feet
  3. Accessory buildings other than farm structures: Two story.
- E. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than forty (40) feet from street right-of-way.
    - b. When lots have a double frontage, the required front yard shall be provided on both streets.
    - c. On corner lots, a front yard setback shall be maintained on both streets.
  2. Side Yards: Shall be a minimum ten (10) percent of the width of the lot, provided no side yard shall be less than ten (10) feet, and need not be more than twenty-five (25) feet.
  3. Rear Yards: Shall be a minimum thirty (30) percent of the depth of the lot, but need not be more than fifty (50) feet.
- F. Lot Area:
1. Minimum Lot Area: 3 acres
  2. Minimum Lot Width: 220 feet
- G. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.

## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 4 – Zoning Districts

#### "R-S" RESIDENTIAL—SUBURBAN DISTRICT

- A. Intent: To allow certain transitional agricultural areas—generally in the “Urban Service Tiers” and the “Mixed-Use Tiers”—to be developed with low density, suburban single-family dwellings either on community sewers, or with on-site individual wastewater systems in cases where the relevant city has no near-term plans for municipal sewer system extension.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height:
1. Farm structures: None
  2. Residences: Two and one-half (2-1/2) stories from finished grade, not exceeding thirty-five (35) feet.
  3. Accessory buildings other than farm structures: Two story.
- E. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than forty (40) feet from street right-of-way.
    - b. When lots have a double frontage, the required front yard shall be provided on both streets.
    - c. On corner lots, a front yard setback shall be maintained on both streets.
  2. Side Yards: Shall be a minimum ten (10) percent of the width of the lot, provided no side yard shall be less than ten (10) feet, and need not be more than twenty-five (25) feet.
  3. Rear Yards: Shall be a minimum thirty (30) percent of the depth of the lot, but need not be more than fifty (50) feet.
- F. Lot Area:
1. Minimum Lot Area: 1 acres
  2. Minimum Lot Width: 200 feet
- G. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.

**"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT**

- A. Intent: For development of certain low density areas for placement of one-family dwellings.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height:
  - 1. Principal structure and use: Two and one-half (2-1/2) stories from finished grade, not exceeding thirty-five (35) feet.
  - 2. Accessory buildings: One (1) story. However, two (2) stories are permitted on lots with an area of one (1) or more acres.
- E. Yards:
  - 1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet from street right-of-way.
    - b. When lots have a double frontage, the required front yard shall be provided on both streets.
    - c. On corner lots, a front yard setback shall be maintained on both streets.
  - 2. Side Yards: Shall be a minimum of ten (10) percent of the width of the lot, provided no side yard shall be less than six (6) feet, and need not be more than fifteen (15) feet.
  - 3. Rear Yards: Shall be a minimum thirty (30) percent of the depth of the lot, but need not be more than twenty-five feet.
- F. Lot Area:
  - 1. Minimum Lot Area: 12,500 square feet (0.29 acres).
  - 2. Minimum Lot Width: 100 feet
- G. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.



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#### "R-2" TWO-FAMILY RESIDENTIAL DISTRICT

- A. Intent: For development of certain moderate-density residential areas for one-family and two-family dwellings.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height:
  - 1. Principal structure and use: Two and one-half (2-1/2) stories from finished grade, not exceeding thirty-five (35) feet.
  - 2. Accessory buildings: One (1) story.
- E. Yards:
  - 1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet from street right-of-way.
    - b. When lots have a double frontage, the required front yard shall be provided on both streets.
    - c. On corner lots, a front yard setback shall be maintained on both streets.
  - 2. Side Yards: Shall be a minimum ten (10) percent of the width of the lot, provided no side yard shall be less than six (6) feet, and need not be more than fifteen (15) feet.
  - 3. Rear Yards: Shall be a minimum thirty (30) percent of the depth of the lot, but need not be more than twenty-five feet.
- F. Lot Area:
  - 1. Minimum Lot Area:
    - a. Single-Family Residential: 10,000 square feet.
    - b. Two-Family Residential: 5,000 square feet per dwelling unit.
  - 2. Minimum Lot Width:
    - a. Single Family Residential: 75 feet

b. Two-Family Residential: 85 feet

G. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.

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#### "MIXED USE" OVERLAY DISTRICT

- A. Intent: To provide medium density residential areas and limited non-residential uses that are site-planned to be compatible with neighboring residential areas for the development of mixed uses; and for multifamily residences based on site plan review of PD District applications. It is to be applied as an overlay district in the areas designated in the Comprehensive Plan as "Urban Service areas" and mixed use areas. The underlying zoning would remain in place, while the mixed use overlay would be applied through site plan review.
- B. Permitted Uses: Uses allowed in the all residential districts, C-1, C-2, and I-1 districts, based on site plan review approval.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height:
1. Principal structure and use: Forty-five (45) feet.
  2. Accessory use: One (1) story.
- E. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet from street right-of-way.
    - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
    - c. On corner lots, a front yard setback shall be maintained on both streets.
  2. Side Yards: Shall be a minimum ten (10) percent of the width of the lot, provided no side yard shall be less than six (6) feet, and need not be more than fifteen (15) feet.
  3. Rear Yards: Shall be a minimum thirty (30) percent of the depth of the lot, but need not be more than twenty-five feet.
- F. Lot Area:
1. Minimum Residential Lot Area:
    - a. Based on site plan review of PD District and underlying district.
    - b. Based on site plan review of PD District and underlying district.

2. Minimum Residential Lot Width:

- a. Based on site plan review of PD District and underlying district.
- b. Based on site plan review of PD District and underlying district.

3. Minimum Non-Residential Lot Area:

- a. Based on site plan review of PD District and underlying district.
- b. Based on site plan review of PD District and underlying district.

G. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.

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### Article 4 – Zoning Districts

#### "M-P" MANUFACTURED HOME PARK DISTRICT

- A. Intent: To permit low-density manufactured home uses in a park-like atmosphere where such zones are recommended by the Planning Board and approved by the County Commission.
- B. District Regulations: In District "M-P", no structure or land shall be used and no structure shall be altered, enlarged, or erected which is arranged, intended, or designed for other than independent Manufactured Homes or Independent Trailer House Coaches and accessory service buildings.
- C. Permitted Uses:
1. Manufactured home parks (for residential purposes only).
  2. Churches, synagogues, and other similar places of worship.
  3. Public and parochial schools.
  4. Home occupations.
  5. Accessory buildings and uses.
- D. General Requirements: The manufactured home park shall have private streets and the tracts shall be held in the ownership of the park applicant or his successor. (The individual occupants other than said applicant cannot purchase and own said tracts.) A manufactured home park must meet the following regulations and must show evidence of same by acquiring an annual license for each manufactured home park and renew same each year.
1. The tract to be used for a manufactured home park shall be not less than ten (10) acres.
  2. The applicant of the manufactured home park must satisfy the Planning Board the developer has financial capability to carry out the proposed plan and shall prepare and submit a schedule of construction. Said construction shall commence within a period of two (2) years following the approval by the County Commission and shall be completed within a period of five (5) years.
  3. The applicant for a manufactured home park shall prepare or cause to be prepared a development plan and shall present three copies of said plan for review by the Planning Board and approval by the County Commission. This plan shall show the proposed development which shall conform with the following requirements:

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- a. The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- b. Manufactured home parks hereafter approved shall have a maximum density of eight (8) units per gross acre and a minimum area of 4,000 square feet per manufactured home.
- c. Each manufactured home space shall be at least 35 feet wide and clearly defined.
- d. Manufactured homes shall be so located on each space with no less than a five (5)-foot setback from any manufactured home space boundary and a minimum twenty (20)-foot clearance between manufactured homes; provided that with respect to manufactured homes parked end-to-end, the end-to-end clearance shall be a minimum of fifteen (15) feet. No manufactured home shall be located closer than twenty-five (25) feet from any building within the park or from any property line bounding the park.
- e. All manufactured home spaces shall front upon a private roadway. Said roadway shall have unobstructed access to a public street, alley, or highway. The private roadway shall be a minimum twenty-seven (27) feet in width if parking is prohibited on the roadway, or shall be a minimum thirty (30) feet in width where parking is allowed on the roadway.
- f. Walkways not less than forty eight (48) inches wide shall be provided from the manufactured homes spaces to the service buildings.
- g. All roadways and walkways within the manufactured home park shall be hard-surfaced and adequately lighted at night with electric lamps.
- h. Laundry facilities may be provided in a service building.
- i. A recreation area shall be provided at a central location in the manufactured home park area at the rate of two-hundred (200) square feet for each manufactured home space up to five homes, thence one-hundred (100) square feet per home thereafter.
- j. A solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and a minimum ten (10)-foot wide landscaped buffer which shall consist of trees, shrubs, evergreens, and grass shall be provided between the manufactured home park district and any adjoining property or property immediately across the street which is zoned for residential purposes. Said fence or wall shall be placed a minimum of 10 feet from the boundary of the "M-P" District (the interior line of the 10-foot landscape buffer) and shall not be reduced in height, but shall be so located as to observe the intersection sight triangle as

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defined by this Regulation. the fence or wall and landscape buffer shall be properly policed and maintained by the owner.

- k. A manufactured home park shall not be used for other than residential purposes as listed in Section (C) of this district. Manufactured homes may be offered for sale in the manufactured home park only by resident owners.
- l. Skirting: Each manufactured home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the manufactured home and is consistent with the quality of development of the park.
- m. Blocking: All manufactured homes shall be blocked and anchored in accordance with the requirements of the State of Missouri.

#### E. Service Buildings:

- 1. Service buildings, if provided, housing sanitation and laundry facilities, or any such facilities, shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
- 2. All service buildings, if provided, and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- 3. Service buildings and parking related to the service operations shall not occupy more than five percent (5%) of the area of the park and shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

"C-1" LOCAL BUSINESS DISTRICT

- A. Intent: To provide commercial locations for small clusters of convenience shopping facilities in and near residential neighborhoods. These convenience shopping facilities typically occupy small sites, at the intersection of or along a major street, and in an area that is otherwise wholly residential.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height:
  - 1. Principal structure and use: Thirty-five (35) feet.
  - 2. Accessory use: One (1) story.
- E. Yards:
  - 1. Front Yards:
    - a. Shall have a minimum depth of twenty-five (25) feet from street right-of-way.
    - b. When lots have a double frontage, the required front yard shall be provided on both streets.
    - c. On corner lots, a front yard setback shall be maintained on both streets.
  - 2. Side Yards: Minimum fifteen (15) feet when adjacent to residential areas.
  - 3. Rear Yards: Minimum twenty (20) feet.
- F. Minimum Lot Area: 40,000 square feet (0.92 acre).
- G. Maximum Lot Coverage: Fifty (50) percent.
- H. Minimum Lot Width: One-hundred (100) feet.
- I. Parking Requirements: See Article 6, Off-Street Parking and Unloading Regulations.



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#### "C-2" GENERAL BUSINESS DISTRICT

- A. Intent: To provide for commercial locations that serve as a convenience to the traveler or require a location on a highway or major arterial street for efficient operation. Further, the district is intended to provide for free-standing single-purpose commercial uses. Screening and off-street parking are required to reduce possible adverse effects on surrounding residential and agricultural areas. This district is not intended to provide for medium and large commercial shopping centers in the rural areas of Cass County. Such uses should be provided under a "PD" Planned Development District classification.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height:
1. Principal structure and use: Thirty-five (35) feet.
  2. Accessory use: One (1) story.
- E. Yards:
1. Front Yards:
    - a. Shall have a minimum depth of twenty-five (25) feet from street right-of-way.
    - b. When lots have double frontage, the required front yard shall be provided on both streets.
    - c. On corner lots, a front yard setback shall be maintained on both streets.
  2. Side Yards: Minimum fifteen (15) feet when adjacent to residential areas.
  3. Rear Yards: Minimum twenty (20) feet.
- F. Minimum Lot Area: 40,000 square feet (0.92 acre).
- J. Maximum Lot Coverage: Fifty (50) percent.
- G. Minimum Lot Width: One-hundred (100) feet.
- H. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.

**"I-1" LIGHT INDUSTRIAL DISTRICT**

- A. Intent: To provide locations for those manufacturing industries and related industrial activities in which the finished product is generally produced from semi-finished materials and requires little or no outside material storage. The effect of the production process upon the surrounding area normally is that of traffic generated by the receipt and delivery of materials and goods, and by employees. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height: Seventy-five (75) feet.
- E. Yards:
1. Front Yards: Thirty (30) feet minimum.
  2. Side Yards: None, except minimum thirty (30) feet if abutting a residentially used or zoned property.
  3. Rear Yards: Twenty (20) feet, except if abutting agricultural or residential property, a minimum of forty (40) feet is required.
- F. Minimum Lot Area:
1. Two acre minimum per commercial development.
  2. Five acre minimum per industrial development.
- G. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.

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#### "I-2" HEAVY INDUSTRIAL DISTRICT

- A. Intent: To provide locations for all manufacturing, warehousing and distribution industries. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.
- B. Permitted Uses: See Appendix A.
- C. Special Use Permits: See Appendix A.
- D. Maximum Height: Seventy-five (75) feet.
- E. Yards:
  - 1. Front Yards: Minimum thirty (30) feet, except if abutting a residentially used or zoned property, a minimum of seventy (70) feet is required.
  - 2. Side Yards: None, except minimum thirty (30) feet if abutting a residentially used or zoned property.
  - 3. Rear Yards: Minimum forty (40) feet, except where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirements need not apply.
- F. Minimum Lot Area:
  - 1. Two acre minimum per commercial development.
  - 2. Five acre minimum per industrial development.
- G. Parking Requirements: See Article 6, Off-Street Parking and Loading Regulations.

**"PD" PLANNED DEVELOPMENT DISTRICT**

- A. Purpose: The purpose of this district is to provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in planned districts; to provide a framework within which the buildings and uses in the planned district may be interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open space.
- B. Use of the "PD" District: The Planned Development District must always be used in conjunction with another zoning district, known as the "underlying district." The requirements of the "PD" District shall be in addition to the requirements of the underlying district, except that the "PD" District may modify some of the regulations of the underlying district in specific situations. A "PD" District may be used in conjunction with any combination of zoning districts.

An application for rezoning to the "PD" District shall include a Preliminary Development Plan and may include a concurrent request to change the underlying zoning classification. If the rezoning is approved, the new district shall include the designation of the underlying district followed by "PD". For example, a Planned Development District of an "R-2" District shall be known as "R-2-PD."

Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. No building or occupancy permit shall be issued until a Final Development Plan has been approved. The use of the "PD" district shall be separate from the Subdivision Regulations of the County, and the Development Plans required by the "PD" District shall not be construed as plats. It is recommended that the subdivision process follow the Rezoning/Preliminary Plan approval, but precede the approval of the Final Development Plan. Resubdivision may be a prerequisite to approval of the Final Development Plan.

- C. Use Regulations: Any use permitted in the underlying zone may be permitted. The uses permitted may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning Board.
- D. Height Regulations: The height regulations provided for the underlying zoning district shall be required, provided that the allowed height may be increased by one (1) floor or fifteen (15) feet upon a showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property.
- E. Yard Regulations: The yard regulations provided for the underlying zoning district shall be required, provided that the yard regulations may be reduced upon a showing of sufficient open space accessible to occupants; a separation between structures for fire-fighting purposes; and that there is consistency with the visual character of the community. No yard reductions shall be permitted for those yard spaces which abut another district.

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#### F. Use Regulations:

1. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition or inconvenience in the area.
2. Structures and traffic shall be arranged so that all principal buildings are accessible to emergency vehicles.
3. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.
4. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
5. Approval of the Final Development Plan may be conditioned by the Planning Board and the County Commission to minimize any negative impact on the community.

G. Application for Rezoning: A petition to change to a "PD" Planned District shall be filed with the County, along with the filing fee as set forth by separate Order. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The process for approval shall be the same as for any rezoning as provided by these regulations.

H. Approval Procedure: The approval by the County Commission of the Preliminary Development Plan and the concurrent rezoning to the "PD" District shall be preceded by the publication and mailing of notice, a public hearing, and a recommendation by the Planning Board. If the County Commission disagrees with the recommendation, the application shall be returned to the Planning Board for reconsideration. Approval of the Preliminary Development Plan shall be valid for two (2) years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Plan shall extend the period of validity an additional two (2) years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.

I. Preliminary Development Plan: The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1"=100', and shall include:

1. Boundaries of project with dimensions to scale;
2. Contour intervals of two (2) feet;

3. Proposed size, height, location and arrangement of buildings, parking areas with proposed arrangement of stalls and number of cars, entrance and exist driveways and their relationship to existing and/or proposed streets;
4. Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;
5. General landscape plan to include location and height of all walls, fences, signs and screen plantings;
6. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the County prior to approval of a Final Development Plan;
7. Phases of final development;
8. Name and address of owner, applicant and engineering firm which prepared the plan;
9. Seal of engineering firm licensed in the State of Missouri developing the plan, scale, north point and date of plan;
10. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the building materials to be used or other similar factors; and
11. Ten (10) copies shall be submitted.

J. Final Development Plan: The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

1. Contour lines shall show finished grading only;
2. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and
3. Drawings showing the size, appearance and method of illumination for each sign.

The Final Development Plan shall substantially conform to the approved Preliminary Plan, shall be in final form for the issuance of a building permit, shall have been previously reviewed by the appropriate County staff and shall include a Construction Schedule Development. A final approval by the County Commission shall authorize construction to begin according to the Construction Schedule providing all appropriate permits have been received. Construction of at least the first stage of development shall begin within three (3) years from the date the Order of the zoning

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change was published in the newspaper. If construction does not begin within this period and no effort is made for an extension of time by the owner, the Final Development Plan shall be voided.

- K. Building Permits: On final approval by the County Commission, the owner shall provide five (5) copies of the approved Final Development Plan to the County.

The Zoning Officer or his/her designee shall issue building permits only in accordance with the approved Final Development Plan.

- L. Amendments: If any substantial variation or rearrangement of buildings, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

- M. Open Space: The provision of open space to buffer dissimilar uses may be required to protect environmentally sensitive areas or to counterbalance any reduction in lot area, yard size or bulk limitations.

1. Open Space Requirements: If the provision of open space is required, the County and the applicant shall enter into an agreement providing for the establishment of any agency to maintain the open space. Such agreement shall include provision for default, cure by the County, and enforcement.
2. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the County.

The development plan process shall be required prior to issuance of a building permit for other than a single-family dwelling.

- N. Time Limit: A site plan approval shall expire automatically unless a building permit is taken within twelve (12) months after the approved date for commencement to effectuate such site plan.

- O. Mandatory Planned Development District: Requests for salvage yards shall be required with a "PD" Planned Development District with an underlying I-2 Industrial District, and shall further submit the following minimum information:

1. The salvage yard shall be located on property with a minimum area of ten (10) acres and said property shall be at least 1,320 feet from a residential district or farmstead.
2. The salvage yard shall be screened by natural objects, plantings, fences, or other appropriate means so as to not be visible from the main traveled way of the street, or a

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highway, on the interstate or the primary system, or any other state, county, or township highway, street or road, or a city street; or from adjoining property.

3. No junk salvaged materials shall be loaded, unloaded or stored, either temporarily or permanently, outside the enclosed building, fence or wall or within public right-of-way.
4. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the appropriate fire district, except when prohibited by the state Department of Health. Burning, when permitted, shall be done only during daylight hours.
5. The applicant shall maintain a valid state license to operate the salvage yard and if the license lapses for a period of time more than six (6) months, the use shall cease and all salvage materials shall be removed from the site.
6. Prior to obtaining a building permit for any new buildings the applicant shall prepare a site plan and submit it with the permit application for review and approval by the Zoning Officer. The site plan shall address the additional requirements for salvage yard permit applications.



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## ARTICLE 5 - FLOOD PLAIN MANAGEMENT ORDER

- A. Applicability: The provisions of this sub-section shall apply to all unincorporated areas of Cass County identified on the Flood Insurance Rate Maps (FIRM) or Floodway Maps as promulgated by the Federal Emergency Management Agency (FEMA) and determined to be within the FW and FF districts as defined in this Zoning Development Code. The County shall enforce these floodplain regulations to meet provisions of 44 CFR Part 60, §60.3.(d) relating to floodplain management criteria for flood-prone areas.

B. Findings of Fact:

1. Flood Losses Resulting from Periodic Inundation.

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.

2. General Causes of These Flood Losses.

These flood losses are caused by: 1) The cumulative effect of obstruction in floodways causing increases in flood heights and velocities, and (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

3. Methods Used to Analyze Flood Hazards.

This Order uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- a. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this Order is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Order. It is in the general order of a flood which could be expected to have a one (1) percent chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated March, 1980, as amended.

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### Article 5 – Flood Plain Management Order

- b. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.
- c. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which is subject to inundation by the regulatory flood.

C. Statement of Purpose: It is the purpose of this Order to promote the public health safety and general welfare and to minimize those losses described in section B.1. by applying the provisions of this Order to:

- 1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 4. Assure that eligibility is maintained for property owners in the county to purchase flood insurance in the National Flood Insurance Program.

D. General Provisions:

- 1. Lands to Which Order Applies: This Order shall apply to all lands within the jurisdiction of the Cass County Planning and Zoning Department of Cass County, Missouri, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered 'A' Zones (also including 'AO', 'AE', 'AR', 'A99', 'A1-A30 if established by a special study, and 'AH' Zones) and within the Zoning Districts 'FW' and 'FF' established in section F of this Order. In all areas covered by this Order no development shall be permitted except upon a permit to develop granted by the Cass County Commission or its duly designated representative under such safeguards and restriction as the Cass County Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the county and where specifically noted in sections G, H, and I.

2. The Zoning Officer: The Zoning Officer of the County is hereby designated as the county's duly designated Zoning Officer under this Order.
3. Rules for Interpretation of District Boundaries: The boundaries of the floodway and floodway fringe districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for examples where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence, if he so desires.
4. Compliance: 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 Order and other applicable regulations.
5. Abrogation and Greater Restrictions: This Order is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Order and other Order, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. Interpretation: In their interpretation and application, the provisions of this Order shall be held to be minimum requirements and shall be liberally construed in favor of the County Commission and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
7. Warning and Disclaimer of Liability: the degree of flood protection required by this Order is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This Order does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Order shall not create liability on the part of Cass County Planning and Zoning Department or any officer or employee thereof for any flood damages that may result from reliance on this Order or any administrative decision lawfully made hereunder.
8. Severability: If any section, clause, provision or portion of this Order is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Order shall not be affected thereby.

## **CASS COUNTY, MISSOURI – ZONING ORDER**

### ***Article 5 – Flood Plain Management Order***

9. 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.
- E. Permit Required: No person, firm or corporation shall initiate any development, construction or substantial improvement or cause the same to be done within the FW or FF without first obtaining a separate permit for development under these floodplain management provisions and in compliance with FEMA regulations.
  1. Administration:
    - a. The Cass County Zoning Officer is hereby appointed to administer and implement the provisions of this Order.
    - b. Duties of the Cass County Zoning Officer shall include, but not be limited to:
      - (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Order 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 MDNR prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management 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.
      - (7) Require verification, recording and updating of records of the actual elevation (in relation to mean sea level) of the lowest floor (including

basement) of all new or substantially improved structures, using reference marks ("RM") established by FEMA.

- (8) Require verification, recording and updating of records of the actual elevation (in relation to mean sea level) using reference marks ("RM") established by FEMA, to which the new or substantially improved structures have been flood-proofed and certified by a qualified individual as defined by FEMA when flood-proofing as defined herein is utilized or a particular structure.
- (9) 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.

2. Application for Permit: To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. 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.

F. Establishment of Zoning Districts: The mapped flood plain areas within the jurisdiction of this Order are hereby divided into the two following districts: a floodway district (FW) and a floodway fringe district (FF) identified in the Flood Insurance Study (and accompanying map(s)). Within these districts all uses not meeting the standards of this Order and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered 'A' Zones (also including 'AO', 'AE', 'AR', 'A99', 'A1-A30 if established by a special study, and 'AH' Zones) as identified on the official Flood Insurance Rate Map (FIRM) and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.

## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 5 – Flood Plain Management Order

#### G. Standards for the Floodway District and the Floodway Fringe District:

1. No permit for development shall be granted for new construction, substantial improvements and other improvements within all numbered and unnumbered A zones unless the conditions of this Section are satisfied.
2. All residences to be placed *or substantially improved* (more than 50% of the value) within the FW, FF and the A zone districts shall be elevated on a permanent foundation such that the lowest floor of the home is at least Two (2) feet above base flood elevation and shall be permanently anchored to said foundation. Where no Base Flood Elevation is known, The Applicant will hire a Registered Engineer to determine the B.F.E. An as-built Elevation Certificate (Lowest Floor) from a Land Surveyor will be required upon completion of the building. An Occupancy Certificate shall not be issued until this document is provided.
3. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this Order. If Flood Insurance Study data is not available the community shall utilize any base flood elevation data currently available within its area of jurisdiction.
4. New construction, substantial improvements, prefabricated building and other developments shall require:
  - a. Design or anchorage to prevent flotation, collapse or lateral movement due to flooding.
  - b. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and dischargers from the system into flood waters, and on-site waste disposable systems be located no less than one-hundred (100) feet from the nearest floodway fringe (FF) district, or if necessary in the judgment of the Zoning Officer, a greater distance to avoid impairment or contamination; except that lagoons and evaporation ponds may be allowed within the flood fringe by floodplain development permit, improved with a berm no less than two (2) feet above the base flood elevation, and a as-built plans certifying the elevation as approved by the county health department, provided that no sanitary sewer lateral collection lines shall be allowed closer than one-hundred (100) feet from the nearest floodway fringe (FF) district.
  - c. New development and substantial improvements to: a) use construction materials and utility equipment that are resistant to flood damage, and b) use construction

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*Article 5 – Flood Plain Management Order*

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methods and practices that will minimize flood damage, consistent with economic practicability.

- d. All utility and sanitary facilities be elevated or flood-proofed up to the regulatory flood protection elevation.
- e. Until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-A30 on the county's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference; section B.3 of this Order.
- f. Construction and encroachments shall be prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
- g. Notwithstanding any other provisions of 44 CFR Part 60, §60.3.(d), the County may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the county first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of the code of federal regulations, and receives the approval of the FEMA Administrator. All manufactured homes proposed to be placed within Zone A on the County's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to any applicable State and local anchoring requirements for resisting wind forces.
- h. Storage and Material and Equipment
  - (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.



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- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (3) Recreational vehicles placed on site within all unnumbered and numbered A zones and AE zones on the county's FIRM must either:
  - a. Be on the site fewer than 180 consecutive days, but fully licensed, and be on wheels or jacking systems and attached to the site only by quick-disconnect type utilities and security devices, and not have permanently attached additions; or
  - b. Meet the permitting elevations and the anchoring requirements for manufactured homes of these regulations.
- i. Subdivision proposals and other proposed new development shall be required to assure that: (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, a water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development of five (5) acres or two (2) lots, whichever lesser, include within such proposals the regulatory flood elevation.

#### H. Floodway Fringe District (Including 'AO' and 'AH' Zone):

- 1. Permitted Uses: Any use permitted in section I shall be permitted in the Floodway Fringe District. No use shall be permitted in the district unless the standards of section G are met.
- 2. Standards for the Floodway and Flood Fringe District:
  - a. Require new construction or substantial improvement of residential structures to have the lowest floor, including basement elevated to or above two (2) feet above the base flood elevation.
  - b. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, to be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section E.2.b.(7).

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- c. Within 'AH' zones adequate drainage paths around structures on slopes shall be required in order to guide flood waters around and away from proposed structures.
- d. Located within the areas of special flood hazard established in section 2.1 are areas designated as 'AO' Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within 'AO' Zones:
  - (1) All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified.)
  - (2) All new construction and substantial improvements of non-residential structures shall:
    - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
    - (b) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in section E.2.b.(7).
  - (3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

**I. Floodway District:**

- 1. Permitted Uses: Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway District to the extent that they are not prohibited by any other Order. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

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No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of section G. and H.

- a. Agricultural uses such as general farming, pasture, nursery, forestry.
- b. Residential uses such as lawns, gardens, parking and play areas.
- c. Non-residential areas such as loading areas, parking, airport landing strips.
- d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

- J. Penalties for Violation: Violation of the provisions of this Order 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 Order 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.

- K. Amendments: The regulations, restrictions, and boundaries set forth in this Order 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 Order are in compliance with the National Flood Insurance Program Regulations.

- L. Definitions: Unless specifically defined below, words or phrases unused in this Order shall be interpreted so as to give them the meaning they have in common usage and to give this Order its most reasonable application.

- 1. "Actuarial or Risk Premium Rates" mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

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2. "Appeal" means a request for a review of the Cass County Zoning Officer's interpretation of any provision of this Order or a request for a variance.
3. "Area of Shallow Flooding" means a designated 'AO' or 'AH' zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
4. "Area of Special Flood Hazard" is the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.
5. "Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year. A 100-year flood is a flood that has a 1-percent chance of being equaled or exceeded in any given year. A base flood may also be referred to as a 100-year storm and the area inundated during the base flood is sometimes called the 100-year floodplain.
6. Base Flood Elevation (BFE) is the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.
7. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
8. "Existing Construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
9. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation of runoff of surface waters from any source.
10. "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
11. "Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood

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without cumulatively increasing the water surface elevation more than one foot as shown on the FIRM.

12. "Floodway Fringe" is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year) as shown on the FIRM.
13. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purpose of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed, which for these regulations is two (2) feet above Base Flood Elevation.
14. "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
15. "Lowest Adjacent Grade" means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure, including bottoms of window wells and outside stairways.
16. "New Construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
17. "Start of Construction" means the first placement of permanent constructions of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure of any part thereof on its piling or foundation. For insurance rating purposes the terms PRE FIRM and POST FIRM may be used. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

18. "Structure" means a walled and roofed building that is principally above ground and a gas or liquid storage tank that is principally above ground.
19. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
20. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
  - (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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## ARTICLE 6- AIRPORT HEIGHT AND HAZARD ZONING AND LAND USE OVERLAY DISTRICT

A. Purpose and Intent:

These *Height and Hazard Zoning* regulations are adopted pursuant to the current Federal Aviation Regulation (FAR) Part 77 Airspace Drawing for each and every Publicly Owned, Public Use Airport in Cass County. FAR Part 77 – Objects Affecting Navigable Airspace, is codified under Subchapter C, Aircraft of Title 14 of the Code of Federal Regulations. These standards are established to determine obstructions to air navigation and to provide due process for determining the effect of proposed construction or alterations to existing land uses on the safe and efficient use of airspace near public airports. Further, these regulations are imposed in recognition:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by area public and private airports.
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

The *Airport Overlay District* is to ensure a regulatory means of facilitating airport compatible land uses in the vicinity of any public airport in the County. These guidelines are written to:

1. Encourage airport-compatible land uses through regulatory measures;
2. Assist the applicant for land development in creating airport-compatible development; and
3. Assist relevant authorities and Political Subdivision promote airport-compatible development.

B. Applicability: All non-farm development within the Airport Overlay District shall comply with the standards and procedures of this Section; except that, existing land uses shall be considered legal, conforming uses. These zoning district overlay regulations shall apply to all territory in an established Airport Transition Zone and Airport Horizontal Zone.

C. Use Limitations: Land development proposals shall comply with the following limitations:

1. Proposed land uses shall be Airport-Compatible Land Uses which generally shall be industrial uses that do not attract large groups of people, or other non-residential uses of a



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similar low-intensity land use; and which meet height and hazard zoning requirements regarding setbacks and structure heights.

2. Towers and structure shall not exceed the height limitation of the requirements of the FAA or any applicable state or federal agency.
  3. Proposed land uses shall not constitute a Hazard to Air Navigation as defined in these regulations.
- D. Notice of Tower Application: Prior to any application for the construction of a new telecommunications towers, support structures, or antennae in the overlay district, a copy of the application or a summary containing the height, design, location and type and frequency of antennae shall be delivered by certified mail to the County and the airport owner of record.
- E. Development Procedures: All non-farm development within the Airport Overlay District shall be subject to special use permit approval and site plan review procedures; and shall require submission of a subdivision plat or re-plat for land ownership transfer of contiguous parcels less than 20 acres. Existing uses may continue either in compliance with these regulations or as legal non-conforming uses; except that, no such non-conforming uses shall be allowed to expand in height or bulk.
- F. Definitions:
1. Airport: means the City of Harrisonville, Missouri public airport open for public use, or any other publicly funded airport in Cass County where navigable airspace restrictions extend into unincorporated territory of the county.
  2. Airport Elevation: The highest point (M.S.L.) along existing operational runway centerline at each airport location.
  3. Airport Overlay District: A zoning district overlay applied to all territory in established Airport Transition Zones and Airport Horizontal Zones, wherein airport-compatible land uses shall be encouraged through regulatory measures.
  4. Airport-Compatible Land Uses: Generally, industrial uses that do not attract large groups of people, or other non-residential uses of a similar low-intensity land use; and which meet height and hazard zoning requirements regarding setbacks and structure heights.
  5. Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach height limitation slope set forth in section IV of this Order. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

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6. Approach, Transitional Horizontal, and Conical Surfaces: These zones are set forth in section 3 of this Order.
7. Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
8. Hazard to Air Navigation: An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
9. Height: For the purpose of determining the height limits in all zones set forth in this Order and shown on the zoning map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.
10. Horizontal Surface: A horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
11. Larger than Utility Runway: A runway that is constructed for and intended to be used primarily by aircraft of greater than 12,500 pounds maximum gross weight.
12. Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Order or an amendment thereto.
13. Non-precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
14. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Order.
15. Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
16. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
17. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each

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end of the runway. The width of the primary surface is set forth in section C of this Order. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

18. Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.
  19. Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
  20. Transitional Surfaces: These surfaces extend outward at ninety (90)-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five-thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.
  21. Utility Runway: A runway that is constructed for and intended to be used primarily by aircraft of 12,500 pounds maximum gross weight and less.
  22. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.
- G. The Airport Surfaces: In order to carry out the provisions of this Order, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Cass County airport locations. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
1. Utility Runway Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is two-hundred fifty (250) feet wide. The approach zone expands outward uniformly along the extended runway centerline to a width of one-thousand two-hundred fifty (1,250) feet at a horizontal distance of five-thousand (5,000) feet from the primary surface.
  2. Utility Runway Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly along the extended runway centerline to a width of two-thousand (2,000) feet at a horizontal distance five-thousand (5,000) feet

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from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is five-hundred (500) feet wide. The approach zone expands outward uniformly along the extended runway centerline to a width of three-thousand five-hundred (3,500) feet at a horizontal distance of ten-thousand (10,000) feet from the primary surface.
  4. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone - Precision Runway: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly along the extended runway centerline to a width of three-thousand five-hundred (3,500) feet at a horizontal distance of ten-thousand (10,000) feet from the primary surface.
  5. Precision Instrument Runway Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one-thousand (1,000) feet wide. The approach zone expands outward uniformly along the extended runway centerline to a width of sixteen-thousand (16,000) feet at a horizontal distance of fifty-thousand (50,000) feet from the primary surface.
  6. Transition Zone: The transitional zones are the areas beneath the transitional surfaces, which extend outward from the primary surface area at a 7:1 slope.
  7. Horizontal Zone: The horizontal zone is established by swinging arcs of five-thousand (5,000) feet radii for all runway designated utility or visual and ten-thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
  8. Conical zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four-thousand (4,000) feet.
- H. Airport Zone Height Limitations: Except as otherwise provided in this Order, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Order to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
1. Utility Runway Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and

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## CASS COUNTY, MISSOURI – ZONING ORDER

### Article 6– Airport Height and Hazard Zoning Order

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extending to a horizontal distance of five-thousand (5,000) feet along the extended runway centerline.

2. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten-thousand (10,000) feet along the extended runway centerline.
3. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone - Precision Runway:
4. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten-thousand (10,000) feet along the extended runway centerline.
5. Precision Instrument Runway Approach Zone: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten-thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty-thousand (40,000) feet along the extended runway centerline.
6. Transitional Zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one-hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five-thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
7. Horizontal Zone: Established at 150 feet above the airport elevation and extends at radii of five-thousand (5,000) feet (utility and visual) or ten-thousand (10,000) feet (all others) beyond each runway end.
8. Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one-hundred fifty (150) feet above the airport elevation and extending to a height of three-hundred fifty (350) feet above the airport elevation.

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- I. Use Restriction: Notwithstanding any other provisions of this Order, no use may be made of land or water within any zone established by this Order in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.
1. Marking and Lighting: Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the County Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the appropriate governing body, agency, or owner.
- J. Permits:
1. Future Uses: Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Order shall be granted unless a variance has been approved in accordance with section F, 4.
- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than four-thousand two-hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- c. In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than

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seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Order, except as set forth in section D.8.

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Order or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. Nonconforming Uses Abandoned or Destroyed: Whenever the County Commission determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Order, may apply to the Board of Zoning Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justices, and will be in accordance with the spirit of this Order. Additionally, no application for variance to the requirements of this Order may be considered by the Board of Zoning Adjustment unless a copy of the application has been furnished to the County Commission for advice as to the aeronautical effects of the variance. If the County Commission does not respond to the application within 15 days after receipt, the Board of Zoning Adjustment may act on its own to grant or deny said application.
5. Obstruction Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Order and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the County Commission, this condition

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may be modified to require the owner to permit the County, at its own expense, to install, operate, and maintain the necessary markings and lights.



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## ARTICLE 7 - SUPPLEMENTARY REGULATIONS

- A. Accessory Uses and Structures: Accessory uses and structures shall be subject to setback requirements as prescribed in the district regulations except as provided in this section. The following permitted accessory uses and structures shall be allowed in any zoning district in connection with any permitted principal use:

1. Permitted accessory uses and structures include, but are not limited to, the following:
  - a. One structure for storage incidental to a permitted use, provided, however, that no storage structure that is accessory to a residential building shall exceed 400 square feet in gross floor area, it shall be in keeping with the principal structure, and no part of such structure shall be located in the front yard setback.
  - b. One child's playhouse, provided it shall not be more than 120 square feet in gross floor area, and it shall not be located in the front yard setback.
  - c. One detached garage or other accessory structure, provided that no part of such structure exceeds 1,000 square feet in gross floor area; or ten (10) percent of the lot area, whichever is greater.
  - d. One private swimming pool and bathhouse, provided that a swimming pool shall be allowed within required rear and side yards.
  - e. Statuary, arbors, trellises, flagpoles, fences walls and hedges shall be allowed within the required setback areas.
  - f. Signs, when permitted by these regulations and by the individual district regulations.
  - g. Off-street parking and loading spaces, as permitted by Article 8 of these regulations.
  - h. Restaurants, drug stores, gift shops, clubs, and lounges and newsstands, when located in a permitted hotel, motel, or office building.
  - i. Employee restaurants and cafeterias, when located in a permitted business, manufacturing or industrial building.
  - j. Storage of not more than one (1) of each accessory vehicle, such as a boat, boat trailer, camping trailer, or converted bus or truck; such uses shall be allowed within required rear yards and within established side and front yards if placed

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upon a hard surface as defined in the off-street parking regulations. Such uses shall not include the outdoor storage or parking of commercial trucks or buses which exceed a three (3) ton manufacturer's rating hauling capacity in a residential district or in a residential section of a PDD..

- k. Satellite dish antennas, except that such accessory structures shall not be allowed within established front yards.
- l. Home occupations (subject to limitations).
- m. Recycling Collection Stations: Recycling Collection Stations shall be allowed as industrial uses in accordance with the following standards.
  - (1) Maximum Size and Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed 1,000 square feet in area and only if shown on a Site Plan that has been reviewed and approved in accordance with add Site Plan Review Section Article 11.
  - (2) Screening: All collection stations shall be screen from public view of adjoining properties or any street right-of-way with a six foot tall, 100 percent opaque, solid screen or be wholly contained within a structure.
  - (3) Separation from Residential: Recycling collection station structures shall be located at least 150 feet from adjacent property zoned R-1, R-2, or Mixed Use district.
  - (4) Reverse Vending Machines: Reverse vending machines shall be located or soundproofed such that the noise of operation is imperceptible from the property line of property zoned or used for residential purposes.
  - (5) Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycle materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.
  - (6) Hours of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

- (7) Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

2. Bulk Regulations Applicable to Accessory Structures and Uses:

- a. No detached accessory structure shall be located closer than ten (10) feet to a principal structure on the same lot; or if closer, it shall meet distance requirements and other applicable Cass County Codes regulations;
- b. The maximum sidewall height for all accessory structures shall not exceed fourteen (14) feet; except that, farm structures shall be exempt from height and bulk restrictions.

3. Use Limitations:

- a. Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located.
- b. No accessory structure shall be used as a dwelling; except that, on a conforming lot zoned AG, RR or RS District, one Transitional Living Dwelling no larger than 900 square feet may be allowed as an accessory structure.

B. Temporary Uses: The following temporary uses of land are permitted subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

1. Christmas tree sales in any commercial or industrial district for a period not to exceed sixty (60) days; display of such trees need not comply with the yard and setback requirements of these regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two streets.
2. Contractors' office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
3. Real estate offices (containing no sleeping or cooking accommodations) incidental to a new housing development to continue for no more than two (2) years, unless an extension is granted by the Board of Zoning Adjustment.
4. Seasonal sale of farm produce (including Christmas trees) grown on the premises in districts where permitted, to continue for not more than four (4) months per year. Structures incidental to such sale need not comply with the applicable front yard requirements

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if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.

5. Seasonal sale of fireworks in any zoning classification shall not to exceed two weeks prior to, and one week after the Fourth of July (Independence Day); provided, such seasonal uses shall be setback no less than 100 feet from a neighboring structure.
6. Motor vehicle—abandoned: Any motor vehicle that does not bear a current license plate and is not stored within a completely enclosed building or in a bona fide auto sales lot shall be considered abandoned; except that, such motor vehicles may be stored openly on any premises for up to 14 days in a calendar year while they are being repaired or restored.

C. Home Occupations: Permitted home occupations are considered accessory uses and are subject to the following limitations:

1. Structure and Use Limitations:

- a. No home occupation sales or deliveries shall generate vehicular traffic which is abnormal to a residential district, or which alters the character thereof, or creates the need for additional parking.
- b. No alteration of the principal residential structure shall be made which changes its residential character or appearance, as viewed from the public right-of-way or adjacent parcels.
- c. The home occupation shall be subordinate to the residential use of the dwelling, and permitted accessory structures.
- d. No mechanical or electrical equipment greater than five (5) horsepower shall be used, nor any business activity permitted which creates a nuisance from noise, smell, dust or other disturbance uncharacteristic of a residential district.
- e. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
- f. The home occupation shall be conducted by and involve the employment of only the residents of the dwelling unit plus not more than one non-resident.
- g. The home occupation may display one wall sign as provided in the sign regulations.

2. Permitted Home Occupations: In particular, home occupations may include, but are not limited to:
  - a. Dressmaker, seamstress, tailor.
  - b. Music and dancing teaching limited to a single pupil at a time; except that a group of individual students may gather once each season.
  - c. Artists, sculptors, authors, composers, photographers.
  - d. Ministers, rabbis, priests.
  - e. Office for lawyer, planner, engineer, architect, accountant, or other professional service.
  - f. Office facility for sales representative, manufacturer's representative, when no wholesale, exchange of goods is transacted on the premises.
  - g. Home crafts.
  - h. Day care home subject to additional provisions, (may be subject to Special Use Permit as well).
  - i. Barber and beauty shops.
  - j. Antique Sales.
  - k. On lots of five (5) acres in size, or greater, in either the "A" or "R-R" districts, small construction contractors may be considered permitted home occupations provided:
    - (1) No more than two (2) pieces of major equipment (e.g. dump truck, backhoe, cement maker, trenching machine, trailers, etc.), are kept outside or within an enclosed building or structure. All equipment stored outside shall be screened from view, to the greatest degree possible, from both the street and any existing residence within 500 feet;
    - (2) All minor equipment and/or materials (tools, building materials, office equipment, etc.) are kept within an accessory structure or garage.
3. Day Care Home Provisions: Day care homes shall be permitted by right as accessory uses in all zoning districts permitting residences, provided that:
  - a. State licensing requirements are met, including those pertaining to building, fire safety, and health codes.

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- b. Lot size, building size, setbacks, and lot coverage conform to those applicable to the zoning district.
  - c. Signage, if any, conforms to the requirements for the zoning district.
  - d. A copy of the Child Care License form, if applicable, is filed with the County.
  - e. No structural or decorative alteration is made to the residential structure which will alter its single-family character or make it incompatible with surrounding residences.
  - f. A maximum of 10 children other than the provider's children may be cared for as a day care home. A day care center classification shall apply for the care of more than 10 children.
- D. Day Care Center: Day care centers shall be allowed as permitted uses in C-1 and C-2 districts. Also, as accessory uses in all industrial districts and on the premises of a community service activity, such as, but not limited to, a private or public school, place of worship, community center, or library; or, as part of an employer-sponsored day care service. Day care centers, whether principal or accessory uses, shall provide that:
- 1. State licensing standards and requirements are met, including those pertaining to building, fire safety, and health codes.
  - 2. Setbacks, screening and landscaping shall conform to the pertinent portions of the zoning code.
  - 3. Structures shall meet building, sanitation, health, traffic safety and fire safety code requirements.
  - 4. A minimum of one (1) off-street parking space shall be provided for each employee, plus an off-street drop-off/ pick-up area.
  - 5. A copy of the Child Care License form, if applicable, is filed with the County.
- E. Building Setback Lines: Setback lines shall be as established in this section or as established in the Zoning District Regulations for the district in which the property is located, whichever requirements are more restrictive.
- 1. Arterial Streets: No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus 50 feet.

2. Collector Streets: No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus 40 feet.
3. Realigned U.S. 58 Highway: As authorized by R.S.Mo. 64.251, no building or structure which fronts or sides on the designated future U.S. 58 Highway right-of-way, as established in Cass County engineering studies and on display in the office of the Zoning Officer, shall be located nearer than 200 feet from the centerline of the future U.S. 58 Highway right-of-way.

F. Fences, Walls and Hedges: May be located in required yards as follows:

1. Residential Districts:
  - a. Fences, hedges and walls may be located in side, rear or front yards if not exceeding eight (8) feet in height above the elevation of the surface of the ground; except that rear yard fences shall conform to established front yard setbacks if they are adjacent to a neighboring front yard.
  - b. Electric fences shall be permitted on lots of three (3) acres or greater in size and must be powered by an Underwriters Laboratory approved system.
2. Commercial and Industrial Districts: They may be located in any yard if not exceeding eight (8) feet in height above the elevation of the surface of the ground.

G. Private Swimming Pools:

1. The pool shall be intended solely for the use of the occupants of the property on which it is located and their guests.
2. The swimming pool shall be walled or fenced by a detached wall or fence at least four (4) feet high and no closer to the perimeter walls of the pool than four (4) feet of any point, to prevent uncontrolled access by children from the street, or adjacent properties. The enclosure of the entire property upon which the pool is located by such wall or fence is compliance with this section.

H. Yard Projections: In any residential district, the following architectural features may project into any required yard:

1. Cornices, canopies, eaves or other architectural features may project a distance not exceeding three (3) feet.



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2. Bay windows, balconies, and chimneys may project a distance not exceeding three (3) feet in any side yard.
- I. All proposed Concentrated Feeding Operations: that are designed to accommodate Class I and Class II concentrations of animal units shall be subject to Missouri Department of Natural Resources (MDNR), Division of Environmental Quality review and approval. All wastes from a concentrated animal feeding operation shall be subject to review by the County Health Department upon complaint from the public, and shall be controlled so that there is no discharge of waste (including storm water runoff that comes in contact with animal waste) from the property; and no discharge of wastes, directly or indirectly, to surface or subsurface waters, including sinkholes, dry stream beds, flowing streams, wet weather tributaries, and drainage ditches. The no-discharge requirements of the Missouri Department of Natural Resources (MDNR), Division of Environmental Quality, under the Missouri Clean Water Law, shall be met. A copy of the Missouri Department of Natural Resources (MDNR) "Letter of Approval", if required, shall be submitted to the County upon complaint from the public. Separation requirements of the Missouri Department of Natural Resources (MDNR) for Concentrated Feeding Operations shall be met.
- J. Stand-alone Storage Structure: On 5-acre or larger conforming lots zoned AG, RR or RS, one non-residential structure no greater than 1,000 square feet may be allowed for storage as a principal structure, or prior to construction of a principal structure, subject to building permit approval and bulk regulations applicable to accessory structures.

## ARTICLE 8 - SPECIAL USE PERMITS

### A. General Considerations:

1. Delegation of Power: The Board of Zoning Adjustment is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the Order; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Order; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of this Order and the health, safety, and welfare of the community. Cass County finds it in the public interest—for the protection of the Cass County health, safety, and welfare—to hold public hearings for certain designated land use proposals, and has so specified the designation in Appendix A of these regulations. The Board of Zoning Adjustment shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Board. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of this Order, or where the standards of this Article are not met.
2. Conditions and Guarantees: Prior to the granting of any special use permit the Planning Board or Board of Zoning Adjustment may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Board may recommend or Governing Body may require such evidence and guarantees as may be deemed necessary to insure that the conditions stipulated are being and will be fully complied with.

### B. Procedures:

1. Application: A written application for a special use permit shall be filed with the Zoning Officer and shall include a statement indicating the section of the Order under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth in the section regulating special uses. The application shall be accompanied by an area map and site plan of the subject property, and list of owners of property within 1000 feet of the subject site. Procedures for considering the applications shall be the same as for a zoning district amendment; including notification of owners within 1,000 feet.
2. Fees: Every application for a special use permit shall be subject to a filing fee charged and collected from the applicant in an amount as established by the County Commission by separate order.

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### *Article 8 – Special Use Permits*

3. Site Plan: All applicants for a special use permit shall submit with their application twelve (12) copies of a development plan for the property, all site plan drawings shall be prepared by a design professional using survey quality drawn to a standard engineer's scale, which shall include the following:
  - a. A site plan showing:
    - (1) A survey by a licensed land surveyor in the state of Missouri, for all nonresidential sites.
    - (2) Approximate size and locations of all buildings.
    - (3) Access from streets.
    - (4) Parking arrangements and numbers of spaces.
    - (5) Interior drives and service areas.
    - (6) Landscaped areas.
    - (7) All proposed signs.
  - b. Location map showing development and zoning of adjacent property within one hundred (100) feet.
  - c. The full legal description of the boundaries of said development area.
  - d. A description of the general character of all buildings.
4. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Officer shall call a public hearing and shall follow the same procedures as for a zoning district amendment. The Planning Board shall submit a recommendation to the Board of Zoning Adjustment within sixty (60) days after the Submission Date of the application.
5. Findings: In making a recommendation to the Board of Zoning Adjustment, the Planning Board shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in the section regulating special uses. In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community-at-large.

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

C. Standards for Issuance of Special Use Permits:

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

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### ***Article 8 – Special Use Permits***

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

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

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

4. Communication Towers: Communication towers that are less than 35 feet in height shall be allowed as a permitted use in an "A", "C-1", "C-2", "I-1", and "I-2" district. Communication towers of less than 35 feet may be permitted by special use permit in an "R-1", "R-2", or "Mixed Use" district if they are designed to the satisfaction of the Planning Director as an architecturally compatible accessory element to an existing non-residential use such as a school, church, etc. communication towers over 35 feet in height may be constructed in an "A", "C-1", "C-2", "I-1", "I-2" or "PD" district upon approval of a special use permit. A special use permit for a communication tower shall not be granted until an application has been submitted to and approved by the Planning Board. At the time the application is filed, the applicant shall submit the following information:
  - a. A study comparing all potential sites within an approximate 1/2 mile radius of the proposed application area. The study shall include:
    - (1) The location and capacity of existing towers;
    - (2) Potential surrounding sites;
    - (3) A discussion of the ability or inability of the tower site, to host additional communications facility; and
    - (4) Reasons why certain sites were excluded from consideration.
    - (5) The study must demonstrate to the Planning Board's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed tower as well as other existing and proposed towers.

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

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

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

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

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

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



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

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

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

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

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

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