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## ZONING ORDINANCE

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CASS COUNTY, MISSOURI

Zoning Ordinance

*Article I*

GENERAL PROVISIONS

- A. Title: This Ordinance shall be known as, referred to, and cited as the "Zoning Ordinance" for Cass County, Missouri.
- B. Purpose: The purpose of this Ordinance 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 Ordinance is adopted under the authority granted by R.S.Mo. 64.510, et. seq., of the Missouri Statutes and amendments thereto.
- D. Intent: It is the general intent of this Ordinance 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
  12. Bring about the gradual conformity of uses of land to the comprehensive plan and zoning regulations set forth in this Ordinance, 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 Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- F. Abrogation and Greater Restrictions:
1. Public Provisions: The provisions of this Zoning Ordinance 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 Ordinance 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 Ordinance are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that, where the provisions of this Zoning Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Zoning Ordinance shall govern.
- G. Interpretation: In their interpretation and application, the provisions of this Ordinance 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 Ordinance, the Cass County Comprehensive Amended Zoning Order of 1973, adopted \_\_\_\_\_, as amended, is hereby repealed.
- I. Savings Provision: This Zoning Ordinance shall not be construed as abating any action now pending under, or by virtue of, a prior existing Zoning Ordinance, 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 Ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County, except as follows:

If the applicable regulations of this ordinance or any amendment to the ordinance after issuance of a building permit, granting of a variance or issuance of a special permit make the proposed use under such building permit, variance or special permit non-conforming as the Use and Bulk Regulations, and no substantial construction or substantial operations for non-building uses have been undertaken on the structure or foundation, or conducted for the non-building uses, within one hundred twenty (120) days after the effective date of the adoption of this Ordinance and any amendments thereto, the building permit, special permit, or variance shall be invalid. If substantial construction or substantial operations have taken place and are continuing at the time, the proposed use may be completed.

- J. Application of Regulations: No building shall hereafter be erected unless it is on at least one lot, as herein defined, except in Industrial Districts.
- 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 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, greater land area may be required if soil conditions prove to be unsuitable, based upon percolation tests. This paragraph does not apply to land which was platted as a lot of less than three (3) acres prior to February 21, 1991.
- N. Mandatory Connections to Public Sewer System: On parcels of land less than three (3) acres in size, if a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley, abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

# CASS COUNTY, MISSOURI

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## ZONING ORDINANCE

*Article II*

**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.
- 1.1 Adult Entertainment Business: An establishment used for presenting material, selling material, or featuring entertainment that is distinguished or characterized by an emphasis on displaying, depicting, described, or relating to sexual activities or anatomical areas that are sexual in nature and which excludes minors by virtue of age. This shall include such uses that are commonly known as adult bookstores, adult theaters, massage parlors, rap centers, nude wrestling studios, painting studios, nude modeling studios, nude photography studios, peep shows, strip shows, escort services, and other similar uses.
2. Agricultural Purposes: The use of a tract of land of not less than forty (40) acres for the growing of crops, pasturage, nursery, or the raising of livestock and poultry, including the structures necessary for carrying out farming operations and 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).

3. 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.
4. 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.
5. 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.)
6. Apartment: (See Dwelling, Multiple.)
7. 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.
8. Area: A piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained.
9. Basement: That portion of a building having more than one-half of its height below grade.
10. 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.
11. Board of Adjustments: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.
12. 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.

13. 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.
14. Building: Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.
15. 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.
16. 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.
17. Clinic: (See Medical, Dental or Health Clinic).
18. 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.
19. 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.
20. 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.
21. County Engineer: The County Highway Engineer or such professional engineer as shall be appointed by the County Commission to administer these regulations.
22. County Health Officer: That person designated to administer the health regulations of the County.
23. 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 may be given in day care home or a day care center.

24. Day Care Center: A facility other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day, as defined in regulations issued by the State of Missouri.
25. Day Care Facility: A day care home or a day care center, whether known or under another title or name.
26. Day Care Home: A family home, occupied as a permanent residence by the day care provider, in which care is given to more than ten (10) children, not related to the day care provider, for any part of the twenty-four (24) hour day, as defined in regulations issued by the State of Missouri.
27. 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.
28. Dog: Any canine species over 12 months of age.
29. Dwelling: Any building or portion thereof, except mobile homes for purposes of use regulations, which is designed and used exclusively for residential purposes.
30. Dwelling, Single-Family: A building having accommodations for and occupied exclusively by one family.
31. Dwelling, Two-Family: A building having accommodations for and occupied by two families, independently.
32. Dwelling, Multiple: A building having accommodations for and occupied by more than two families, independently.
33. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
34. Enforcement Officer: See Zoning Officer.
35. 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.
36. 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 circum-

stances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel or motel.

37. Feed Lot: Any agricultural or commercial confined feeding operation which operates under a "Letter of Approval" from the State Department of Natural Resources, as provided in the State Clear Water Law.
38. Fence: An unroofed barrier or unroofed enclosing structure, including retaining walls.
39. 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 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 malls.

40. 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.
41. 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.
42. Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
43. Garage, Private: An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
44. 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.
45. Governing Body: The Cass County Commissioners.
46. 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 houseparents or guardians.
47. 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 more than one street, the grade shall be the average of the grades (as defined in a. above) 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 wall approximately parallel to and not more than five feet from a street line is considered as facing the street.
48. 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 nonbuilding 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 nonbuilding use), except as specifically exempted in this Order.

49. 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.
50. 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.
51. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
52. Junkyard: See Salvage Yard.
53. Kennel, Breeding: Any place, area, building, or structure where more than four dogs are kept for purposes of breeding, raising, or as pets.
54. 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.
55. Landfill: See Sanitary Landfill.
56. Lodging House: See Boarding House.
57. 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.
58. Lot, Corner: A lot abutting upon two or more streets at their intersection.
59. Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.
60. Lot, Double Frontage: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

61. Lot, 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.
62. Lot, Rear: The rear of a lot shall be that side opposite the front of the lot.
63. Lot, Zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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.
69. 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.

70. 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.
71. 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.
72. Municipality: For the purposes of these regulations, any City, Township, Village or County established pursuant to the Revised Statutes of Missouri.
73. 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.
74. 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.
75. 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.
76. 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.
77. 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.
78. 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.

79. Place: An open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.
80. Planning Commission: The Cass County Planning Commission.
81. 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.
82. 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.
83. 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.
84. Restaurant: A public eating establishment at which the primary function is the preparation and serving of food.
85. Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main; or for another special use.
86. 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.

86. Sanitary Landfill: 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.
88. Seats: The designed normal seating capacity of the establishment.
89. 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.
90. 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.
91. 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.
92. Standard Industrial Classification (SIC): Unless defined elsewhere in the regulation, definitions of uses listed in Appendix A shall be as described in the Standard Industrial Classification Manual, 1987, Executive Office of the President, Office of Management and Budget.
93. 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.
94. Street: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.
95. Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street.
96. Street Network:
- a. Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
  - b. Arterial: A street which provides for through traffic movement between and around areas which direct access to abutting

property, subject to necessary control of entrances, exists and curb uses.

- c. Collector: A street which provides for traffic movement between arterials and local streets, which 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.
97. 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.
98. 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.
99. 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.
100. 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.
101. 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.

102. Use: The term employed to refer to any purpose for which buildings or other structures or land may be occupied.
103. Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.
104. 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.
105. 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.
106. 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.
107. 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.
108. Zoning Enforcement Officer: See Zoning Officer.
109. Zoning Director: See Zoning Officer.
110. Zoning Officer: The person or persons authorized and empowered by the Governing Body to administer the requirements of these Zoning Regulations.
111. Zoning Regulations: The term "Zoning Regulations" or "this or these Regulations" shall mean the requirements stipulated in the Regulations herewith attached.

*CASS COUNTY, MISSOURI*

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ZONING ORDINANCE

*Article III*

**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 Commission has held a public hearing and submitted its recommendations.
2. Proposal of Amendments: Amendments may be initiated by the County Commission, the Planning Commission, 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: For the purpose of wholly or partially defraying the costs of the amendment proceedings, a fee of one hundred dollars (\$100.00) shall be paid upon the filing of 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 Commission 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.

**B. HEARINGS:**

1. Public Hearing: The Planning Commissions shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning Commission 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 proposed rezoning. If the record title owners of any lots included in such proposed change be 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 by the Zoning Officer.

The Planning Commission 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 Commission 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 Commission 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 Commission 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 Commission at least three (3) days before the date set for the public hearing. The Planning Commission 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 COMMISSION:

1. Recommendations: Upon the conclusion of the public hearing, the Planning Commission 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, 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 Commission 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 Commission 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, ordinances, 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.
- f. 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 Commission 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 Commission for further consideration and report.

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 Commission 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.

2. 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 Commission, 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 therefrom, 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.
3. 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 IV***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
R-A	Suburban Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multi-Family Residential District
MP	Manufactured Home Park District
MH	Manufactured Home Estate 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.
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.

AGRICULTURAL DISTRICTS:

**"A" - AGRICULTURAL DISTRICT**

- A. Intent: To preserve and protect land valuable for agriculture and as open space from urban-type activities. The intent is not the development of low density residential areas.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
1. Residential uses are permitted within this district with two 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. Height:
- Maximum height of farm structures: no restriction  
Maximum height of residences: thirty-five (35) feet  
Maximum number of stories of residences: two and one-half (2-1/2)  
Maximum height of 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.
- b. On corner lots, a front yard setback shall be maintained on both roads.
2. Side Yards: Shall be at least twenty-five (25) feet.
3. Rear Yards: Shall be at least fifty (50) feet.
- F. Lot Area (Minimum): Forty (40) acres or more provided; however, if one of the single-family residences is sold off, it shall not be less than five (5) acres.
- G. Parking Requirements: Listed in Article IX, Off-Street Parking and Loading Regulations.

H. Exceptions:

1. Farmsteads
2. Lots of record as of the adoption of the ordinance.

I. Density: Residential uses shall be limited to densities established in the Subdivision Regulations.

**"R-A" SUBURBAN RESIDENTIAL DISTRICT**

- A. Intent: To allow certain agricultural areas to be developed with low density single-family dwellings.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed In Appendix A.
- D. Height:
- Maximum height of farm structures: no restriction  
Maximum height of residences: thirty-five (35) feet  
Maximum number of stories of residences: two and one-half (2-1/2)  
Maximum height of accessory buildings other than farm structures: one (1) story, however, on lots with an area of one (1) acres or more, two (2) stories are permitted.
- E. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than forty (40) feet.
    - 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 at least ten (10) percent of the width of the lot on each side, except cannot be less than ten (10) feet and need not be more than twenty-five (25) feet.
  3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than fifty (50) feet.
- F. Lot Area (Minimum): 20,000 square feet (.46 acre)
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

RESIDENTIAL DISTRICTS:

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

- A. Intent: For development of certain low density areas for placement of one-family dwellings.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height:  
Maximum height of principal use: thirty-five (35) feet  
Maximum number of stories: two and one-half (2-1/2)  
Maximum height of accessory buildings: one (1) story, however, on lots with an area of one (1) acre or more, two (2) stories are permitted.
- E. Yards:  
1. Front Yards:  
a. Shall have a depth of not less than twenty-five (25) feet.  
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 at least ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.  
3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than forty (40) feet.
- F. Lot Area (Minimum): 7,500 square feet minimum (.10 acres).
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

"R-2" TWO-FAMILY RESIDENTIAL DISTRICT

- A. Intent: For development of certain low-density residential areas for one-family and two family dwellings.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height:
- Maximum height of principal use: thirty-five (35) feet  
Maximum number of stories: two and one-half (2-1/2)  
Maximum height of accessory buildings: one (1) story
- E. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet.
    - 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 not be less than ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.
  3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than forty (40) feet.
- F. Lot Area (Minimum):
1. 9,000 square feet minimum (.21 acre)
  2. A single family dwelling can be built upon a lot if the lot is at least 7,500 square feet (.10 acre) in area, it is held in single ownership on the effective date of this Order, and where all the land along the boundary lines of the lot is under other ownership.
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

**"R-3" MULTI-FAMILY RESIDENTIAL DISTRICT**

- A. Intent: To provide medium and high density residential areas for the development of various types of housing.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height:  
Maximum height of principal use: thirty-five (35) feet  
Number of stories of accessory use: one (1)
- E. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet.
    - 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 not less than ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.
  3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than twenty-five feet.
- F. Lot Area (Minimum):
1. 2,500 square feet (.06 acre) per family or dwelling unit and in no case less than 10,000 square feet.
  2. A single-family dwelling can be built upon a lot if the lot is at least 7,500 square feet (.10 acre) in area, it is held in single ownership on the effective date of this Order, and where all the land along the boundary lines of the lot is under other ownership.
- G. Density: Maximum of seventeen (17) dwelling units per acre.

- H. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

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

- A. Intent and Purpose of District: It is the intent of the "M-P" Manufactured Home Park District to permit low density manufactured home uses in a park-like atmosphere where such zones are recommended by the Planning Commission and approved by the Governing Body.
- 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. Use Regulations:
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 Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of two years following the approval by the Planning Commission and shall be completed within a period of five 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 Commission and Governing Body. This plan shall show the proposed development which shall conform with the following requirements:

- 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 space of 4,000 square feet shall be provided for each trailer.
- 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 that there shall be no less than a 5-foot setback from any manufactured home space boundary and that there shall be at least a 20-foot clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance shall not be less than 15 feet. No manufactured home shall be located closer than 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 of not less than 27 feet in width, which shall have unobstructed access to a public street, alley, or highway. Thirty feet of private roadway shall be required where parking is allowed in the roadway.
- f. Walkways not less than 30 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 200 square feet for each trailer space up to five trailers, thence 100 square feet per trailer 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 10-foot 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 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. 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.

**"M-H" MANUFACTURED HOME ESTATE DISTRICT**

- A. Intent: To permit manufactured homes on permanent foundations where a lot or a group of lots is owned by the mobile home owner.
- B. Permitted Uses:
1. Manufactured homes on permanent foundations.
  2. Chuches, synagogues, and other similar places of worship.
  3. Public and parochial schools.
  4. Home Occupations.
  5. Accessory buildings and uses.
- C. Height:
- Maximum height of principal use: thirty-five (35) feet  
Maximum number of stories: two and one-half (2-1/2)  
Maximum height of accessory buildings: one (1) story, however, on lots with an area of one (1) acre or more, two (2) stories are permitted.
- D. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet.
    - 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 at least ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.
  3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than forty (40) feet.
- E. Lot Area (Minimum): 7,500 square feet minimum (.10 acres); except shall not be less than three (3) acres if the lot has been approved for use of an individual septic tank sewage system by the Cass County Health Department.

# CASS COUNTY, MISSOURI

## ZONING ORDINANCE

- F. General Requirements: The tract to be used for a manufactured home estate district shall be not less than ten (10) acres.
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

"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: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height:  
  
Maximum height of principal use: thirty-five (35) feet  
Number of stories of accessory use: one (1)
- E. Yards:
  - 1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet.
    - 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: Fifteen (15) feet when adjacent to residential areas.
  - 3. Rear Yards: Twenty (20) feet minimum.
- F. Lot Area (Minimum): 40,000 square feet (.92 acre) with fifty percent (50%) maximum lot coverage.
- G. Lot Width: 100 feet minimum.
- H. Parking Requirements: Listed in Article 6, Off-Street Parking and Unloading Regulations.

"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. It is not the intent of this district to provide for medium and large commercial shopping centers in the rural areas of Cass County. (Planned Unit Development zoning is more appropriate for this purpose.)
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height:
- Maximum height of principal use: thirty-five (35) feet  
Number of stories of accessory use: one (1)
- E. Yards:
1. Front Yards:
    - a. Shall have a depth of not less than twenty-five (25) feet.
    - 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: Fifteen (15) feet when adjacent to residential areas.
  3. Rear Yards: Twenty (20) feet minimum.
- F. Lot Area (Minimum): 10,000 square feet (.23 acre) with fifty percent (50%) maximum lot coverage.
- G. Lot Width: 100 feet minimum.
- H. Parking Requirements: Listed in 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: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height: Seventy-five (75) feet.
- E. Yards:
  - 1. Front Yards: Thirty (30) feet minimum.
  - 2. Side Yards: No minimum: except if abutting agriculturally or residentially used or zoned property, a minimum of seventy (70) feet is required.
  - 3. Rear Yards: Twenty (20) feet, except if abutting agricultural or residential property, a minimum of forty (40) feet is required.
- F. Lot Area (Minimum): No minimum required.
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

**"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: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height: Seventy-five (75) feet.
- E. Yards:
  - 1. Front Yards: Thirty (30) feet minimum, except if abutting a residentially used or zoned property, a minimum of seventy (70) feet is required.
  - 2. Side Yards: Thirty (30) feet minimum, except if abutting a residentially used or zoned property, a minimum of seventy (70) feet is required.
  - 3. Rear Yards: Forty (40) feet minimum, except where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirements need not apply.
- F. Lot Area (Minimum): No minimum required.
- G. Parking Requirements: Listed in 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 one of the other zoning districts, 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 of the other zoning district or with any combination of 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 Commission.
- 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.
- 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 nor 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 Commission or Governing Body 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 ordinance. 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 Governing Body 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 Commission. If the Governing Body disagrees with the recommendation, the application shall be returned to the Planning Commission 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 Governing Body 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 ordinance of the zoning 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 Governing Body, 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 Planning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.

1. Open Space Requirements: If the Planning Commission requires open space, 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 any rezoning or 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 Planned Development District and shall further submit the following minimum information:
- a. The salvage yard shall be located on no less than ten (10) acres of land and at least 1,320 feet from a residential district or farmstead.
  - b. 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 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.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.

# CASS COUNTY, MISSOURI

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## ZONING ORDINANCE

Article V

FLOOD PLAIN MANAGEMENT ORDINANCE

A. Statutory Authorization: The Legislature of the State of Missouri has in R.S.Mo. Chapter 64 delegated the responsibility to local government units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the County Commission of Cass County, Missouri, ordains as follows.

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, (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 ordinance 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 ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) 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.

- b. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
  - c. Computation of the floodway required to convey this flood without increasing flood heights more than 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 ordinance 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 ordinance 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 Ordinance Applies: This ordinance shall apply to all lands within the jurisdiction of the Cass County Zoning Department of Cass County, Missouri, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AO and AH Zones) and within the Zoning Districts FW and FF established in section F of this ordinance. In all areas covered by this ordinance 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 Enforcement Officer: The Zoning Enforcement Officer of the County is hereby designated as the county's duly designated Enforcement Officer under this Ordinance.
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 Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of 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 ordinance and other applicable regulations.
5. Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, 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 ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body 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 ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions for the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance 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 ordinances shall not create liability on the part of Cass County Zoning Department or any officer or employee thereof for any

flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8. Severability: If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
9. Appeal: Where a request for a permit to develop is denied by the Cass County Zoning Department, the applicant may apply for such permit directly to the Board of Adjustment.

E. Development Permit:

1. Permit Required: No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development.
2. Administration:
  - a. The Cass County Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this ordinance.
  - b. Duties of the Cass County Zoning Enforcement 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 ordinance have been satisfied.
    - (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
    - (3) Notify adjacent communities and the Missouri Disaster Planning and Operations Office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Agency.
    - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
    - (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

- (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
    - (7) When floodproofing is utilized for a particular structure the Cass County Zoning Enforcement Officer shall be presented certification from a registered professional engineer or architect.
  3. 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 Enforcement Officer.
- F. Establishment of Zoning Districts: The mapped flood plain areas within the jurisdiction of this ordinance 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 ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones (including AO and AH zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.
- 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 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 ordinance. If Flood Insurance Study data is not available the community shall utilize any base flood elevation data currently available within its area of jurisdiction.
3. 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 so as to avoid impairment or contamination.
  - c. New development and substantial improvements to: a) use construction materials and utility equipment that are resistant to flood damage, and b) use construction methods and practices that will minimize flood damage, consistent with economic practicability.
  - d. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
  - e. That until a floodway has been designated, no development, including landfill, may be permitted within Zones AI-30 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 ordinance.
  - f. 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.

- (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.
- g. 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 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).
  - 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 1 to 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 floodproofed 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 ordinance. 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. 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 ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100, 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 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 ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations.

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

2. "Appeal" means a request for a review of the Cass County Zoning Enforcement Officer's interpretation of any provision of this ordinance 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 equalled or exceeded in any given year.
6. "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.
7. "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 FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."
8. "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.
9. "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.
10. "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 without cumulatively increasing the water surface elevation more than one foot.

11. "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).
12. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purpose of flood plain 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.
13. "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
14. "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.
15. "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.
16. "Structure" means a walled and roofed building that is principally above ground and a gas or liquid storage tank that is principally above ground.

17. "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.
18. "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".

Article VI

AIRPORT HEIGHT AND HAZARD ZONING ORDINANCE

A. Purpose and Intent:

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 extend legally possible, by the exercise of police power without compensation.

B. Definitions:

1. Airport: means all public and private airports within the County.
2. Airport Elevation: The highest point (M.S.L.) along existing operational runways at each airport location.
3. 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 zone height limitation slope set forth in section IV of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. Approach, Transitional Horizontal, and Conical Zones: These zones are set forth in section III of this Ordinance.
5. 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.
6. Hazard to Air Navigation: An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
7. Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

8. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
9. Larger than Utility Runway: A runway that is constructed for and intended to be used primarily by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft (F.A.A. Approach Categories C, D, and E).
10. Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
11. Nonprecision 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 nonprecision instrument approach procedure has been approved or planned.
12. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section D of this Ordinance.
13. 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.
14. 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.
15. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 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 end of the runway. The width of the primary surface is set forth in section C of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
16. Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.

17. 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.
18. Transitional Surfaces: These surfaces extend outward at 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 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
19. Utility Runway: A runway that is constructed for and intended to be used primarily by propeller-driven aircraft of 12,500 pounds maximum gross weight and less, i.e., F.A.A. Airport Approach Categories A and B.
20. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

C. The Airport Zones: In order to carry out the provisions of this Ordinance, 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 coincide with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
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 to a width of 2,000 feet at a horizontal distance 5,000 feet 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 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

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 to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  5. Precision Instrument Runway Approach Zone: 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 to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  6. Transition Zone: The transitional zones are the areas beneath the transitional surfaces.
  7. Horizontal Zone: The horizontal zone is established by swinging arcs of 5,000 feet radii for all runway designated utility or visual and 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 therefrom a horizontal distance of 4,000 feet.
- D. Airport Zone Height Limitations: Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance 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 extending to a horizontal distance of 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 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: 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 10,000 feet along the extended runway centerline.
  4. 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 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 40,000 feet along the extended runway centerline.
  5. 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 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 5,000 feet measured at 90 degree angles to the extended runway centerline.
  6. Horizontal Zone: Established at 150 feet above the airport elevation.
  7. Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- E. Use Restriction: Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance 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 Governing Body 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.

F. 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 Ordinance 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 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 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 Ordinance, 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 Ordinance 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 Governing Body determines that a nonconforming tree or structure has been abandoned or more than 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 Ordinance, may apply to the Board of 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 Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Governing Body for advice as to the aeronautical effects of the variance. If the Governing Body does not respond to the application within 15 days after receipt, the Board of 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 Ordinance 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 Governing Body, this condition 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.

CASS COUNTY, MISSOURI

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ZONING ORDINANCE

*Article VII*

**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 200 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 800 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 VIII 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 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)

2. Bulk Regulations Applicable to Accessory Structures and Uses:

- a. No accessory structure shall be located closer than ten (10) feet to a principal structure on the same lot;
- b. The maximum sidewall height for all accessory structures shall not exceed twelve (12) feet.

3. Use Limitations:

- a. Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located, but no accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
- b. No accessory structure shall be used as a dwelling.

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 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 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.
- 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 one (1) 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 ten (10) acres in size, or greater, in either the "A" or "R-A" districts, small construction contractors may be considered permitted home occupations, provided:
    - (1) No more than two (2) pieces of major equipment are kept on site (eg. dump truck, backhoe, cement maker, trenching machine, etc.), and that equipment is screened from view, to the degree possible, from both the street and any existing residence within 500 feet;
    - (2) All other equipment and/or materials are kept within an accessory structure or garage.
3. Day Care Home Provisions: Day care home 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.
  - 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. Day care for more than for (4) children in a family residence, as provided in these regulations, shall be subject to special use permit requirements.
- D. Day Care Center: Day care centers shall be allowed as permitted uses in C-1 and C-2 districts. Also, as accessory uses, only, in all districts permitting residences, and in industrial districts, if cited on the premises of an operating 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 accessor uses, shall be permitted provided 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.

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 a 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.
2. Bay windows, balconies, and chimneys may project a distance not exceeding three (3) feet in any side yard.

*Article VIII*

**SPECIAL USE PERMITS**

A General Considerations:

1. Delegation of Power: The Governing Body is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the Ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Ordinance; 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 Ordinance and the health, safety, and welfare of the community. The governing body shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of this Ordinance, 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 Commission or Governing Body 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 Commission 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 Ordinance 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 of one hundred (\$100.00) dollars.

3. Site Plan: All applicants for a special use permit shall submit with their application ten (10) copies of a development plan for the property which shall include the following:
  - a. A site plan showing:
    - (1) Approximate size and locations of all buildings.
    - (2) Access from streets.
    - (3) Parking arrangements and numbers of spaces.
    - (4) Interior drives and service areas.
    - (5) Landscaped areas.
    - (6) 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 Commission shall submit a recommendation to the Governing Body within sixty (60) days after the close of the public hearing.
5. Findings: In making a recommendation to the Governing Body, the Planning Commission 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.
6. Action by Governing Body: The Governing body shall consider the Planning Commission's recommendation at the next regularly scheduled Governing Body meeting for which the agenda item can be docketed. The Governing Body may adopt or may revise or amend and adopt such recommendation by resolution. If the governing body fails to act upon a recommendation within 60 days from the receipt thereof, 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:

Generally: Before any permit shall be granted the Planning Commission shall make written findings certifying that adequate provision has been made for the following:

1. 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.
2. 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.
3. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
4. 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.
5. The adequacy of required yard and open space requirements and sign provisions.
6. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.

- 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. Day care homes may obtain a special use permit for the care of more than four (4) children in zoning districts permitting residences provided that:
  - a. One (1) off-street parking space is provided for each non-resident or non-family member employee in addition to the two (2) spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.
  - b. If located on an arterial or collector street, an off-street drop-off/pick-up area must be provided.
  - c. The requirements for operating the Day Care Home as an accessory use are met.
2. 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 Commission 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 Governing Body approves a closer location by a majority vote of the full body.
3. 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 Cass County Commission.
- 4. 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 Commission. 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.

- 5. Microwave transmission towers, and radio and television broadcasting towers shall not be granted a special use permit until a plan has been submitted to and approved by the Planning Commission. Such plan shall indicate:
  - a. Precautions taken to protect nearby land and structures from the collapse of the tower;
  - b. Precautions taken to protect the health of area residents from electromagnetic radiation; and
  - c. Precautions taken to prevent radio and TV interference.
- 6. Adult entertainment businesses subject to the following conditions:
  - a. The applicant must specify the exact use proposed, i.e., adult bookstore, adult theater, modeling studio, strip show, etc.
  - b. The proposed use shall not be located closer than 2,500 feet to any church, school, public building, or residential district.
  - c. An adult entertainment business shall be located at least 2,500 feet from another adult entertainment business.

- d. The Commission may require any additional conditions that are deemed necessary.
7. 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 Governing Body 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 7:00 p.m. and 8:00 a.m., nor on Saturdays, Sundays or state holidays, except 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 duct 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.
- 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 Governing Body, 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 Governing Body. 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 Governing Body. Such surety shall be properly executed prior to any grading or construction, and shall be released in segments upon written approval of the County.

8. 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 County Commission, 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.
9. 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 Governing Body before reclamation work may begin. Said approval shall require a public hearing under the same procedures as the original application.

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

E. Time Limit:

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

# CASS COUNTY, MISSOURI

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## ZONING ORDINANCE

*Article IX*

**PARKING AND LOADING REQUIREMENTS**

A. Intent and Purpose: It is the intent and purpose of this Article to establish minimum requirements as to number of spaces, design, and construction for off-street parking and loading areas.

B. General Provisions:

1. Location: Parking shall not be permitted closer to any side property line than one-half the distance of the required side yard.
2. Accessory Use: Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this Article relating to off-street parking exceptions.

In no instance shall off-street parking required by this Article be located more than 300 feet (as measured along lines of public access) from the use which it serves.

3. Area: Off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drives or aisles; ramps, columns, office or work areas.
4. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
5. Design: Off-street parking spaces shall comply with such design standards relating to curb lengths, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Governing Body.
6. Surfacing: All open off-street parking and loading areas shall be graded and paved.
7. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
8. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.

9. Requirements: Off-street parking and loading space, as required in this Article, shall be provided for all new buildings and structures for additions to existing buildings or structures. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures or additions to existing buildings, structures, or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this Article.
  10. Plans and Approval Required: Plans showing the layout and design of all required off-street parking and loading areas shall be submitted to and approved by the Zoning Officer prior to issuance of a zoning or building permit. Before approving any parking layout, the Zoning Officer shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked.
  11. Curb Cuts: Before the issuance of a building permit, the number and location of curb cuts for a commercially zoned parcel must be approved by the Governing Body if such parcel is across a street from a residential zoned district.
- C. Required Spaces: Off-street parking spaces shall be provided as follows:
1. Dwelling and Lodging Uses:
    - a. Boarding or Lodging Houses: One parking space per each occupant.
    - b. Dormitories, Fraternities, Sororities: Two parking spaces for each three occupants based on the designed maximum capacity of the building.
    - c. Hotels and Motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.
    - d. Manufactured Home Parks: One parking space per each manufactured home.

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

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

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

D. Exception, Special Permit:

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

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

1. Spaces Required:

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

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### Gross Floor Areas of Establishment

### Required Number and Size of Loading Space

1,000- 10,000  
10,000- 25,000  
25,000- 40,000  
40,000-100,000

1 - (10'x25')  
2 - (10'x25' each)  
3 - (10'x70' each)  
4 - (10'x70' each)

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

### Gross Floor Areas of Establishment

### Required Number and Size of Loading Space

1,000- 10,000  
10,000- 40,000  
40,000-100,000

1 - (10'x25')  
1 - (10'x60')  
2 - (10'x70' each)

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

*Article X*

**SIGN REGULATIONS**

- A. Intent and Purpose: It is the intent and purpose of these Sign Regulations to qualify, supplement, or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this Regulation.
- B. Use Regulations: Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in Sign Use Regulations specified herein. All signs legally existing at the time of passage of these Regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this Regulation, no sign shall be erected, enlarged, constructed, or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this Sign Regulation. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Zoning Officer in application for a sign permit for all signs.
- C. Classification of Signs:
1. Functional Types:
    - a. Advertising Sign: A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
    - b. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected within, and announcement of persons, events, or activities occurring at the institution. Such sign may also present a greeting or similar message.
    - c. Business Sign: A sign which directs attention to a business or profession conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

- d. Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
- e. Identification Sign: A sign giving the name and address of a building, business, development, or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
- f. Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
- g. Real Estate Sign: A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures or a portion thereof on which the sign is located.

2. Structural Types:

- a. Awning, Canopy, or Marquee Sign: A sign that is mounted or painted on or attached to an awning, canopy, or marquee. No such signs shall project above, below, or beyond the awning, canopy, or marquee.
- b. Ground Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property, where the bottom edge of the sign is under six feet in height above the ground.
- c. Pole Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property where the bottom of the sign is six feet or more above the ground level.
- d. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- e. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.

- f. Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

D. General Standards:

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

For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

2. Sign Height: sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
3. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source.
- a. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district and any illuminated sign located on a lot adjacent to, in front of, or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11 P.M. and 7 A.M.
- b. Lighted signs in direct vision of a traffic signal shall not be in red, amber, or green illumination.
4. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this Regulation, any revolving, rotating, moving, animated, signs with moving lights, or signs which create the illusion of movement shall be considered as a flashing sign.
- a. Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.
- b. A sign whereon the current time and/or temperature is indicated, intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals indicating the time

and/or temperature and are not more frequent than every fifteen (15) seconds.

5. Driveway or Window: No sign shall block any required driveway or window.
6. Trees, Windows and Utility Poles: No sign shall be attached to a tree, window or utility pole whether on public or private property.
7. Metal Signs: Signs constructed of metal and illuminated by means of requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade.

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

8. Traffic Safety:
  - a. No sign shall be maintained at any location where by reason of its position, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
  - b. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way.
  - c. Under no circumstances shall any sign be placed in the sight triangle as defined by the Subdivision Regulations.
9. Setbacks: No advertising sign shall project beyond the front, side, or rear building setback lines for the district set forth in this Zoning Regulation.
10. Lineal Street Frontage: In those districts where gross area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one (1) street, the lineal street frontage shall be computed as follows:
  - a. For those tracts or parcels located on major streets as designated in the Circulation Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the major street.

- b. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all the street frontages.

E. Exemptions:

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

- f. Political campaign signs, not exceeding thirty-two (32) square feet in area, displayed during no more than an eight-week period proceeding and a one-week period following an election.

F. District Regulations:

1. "A" Agricultural District:

a. Functional Types Permitted:

- (1) Bulletin board signs.
- (2) Business signs pertaining only to the sale of agricultural products produced on the premises and home occupations.
- (3) Construction signs.
- (4) Identification signs.
- (5) Name plate signs.
- (6) Real estate signs.

b. Structural Types Permitted:

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

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

d. Maximum Gross Area:

- (1) Bulletin board and identification signs: 24 square feet.
- (2) Business signs, home occupations: 2 square feet;  
Agricultural: 20 square feet.
- (3) Construction signs: 20 square feet.
- (4) Name plate signs: 2 square feet.
- (5) Real estate signs: 32 square feet.

e. Maximum Height: 15 feet.

f. Required Setbacks: None.

- g. Illumination: Bulletin board and identification signs that do not exceed 12 square feet on one face for churches, hospitals, police stations, fire stations, and other similar public facilities.

2. "R-1" and "R-A" Single Family Dwelling Districts, "R-2" Two-Family Dwelling Districts, and "R-3" Multiple-Family Dwelling Districts"

a. Function Types Permitted:

- (1) Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this Regulation.
- (2) Bulletin board signs.
- (3) Construction signs.
- (4) Identification signs.
- (5) Name plate signs.
- (6) Real estate signs.

b. Structural Types Permitted:

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

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

d. Maximum Gross Area:

- (1) Business signs, home occupations: 2 square feet.
- (2) Bulletin board and identification signs: 24 square feet.
- (3) Construction signs: 20 square feet.
- (4) Name plate signs: 2 square feet.
- (5) Real estate signs: 6 square feet, provided that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. Said sign shall be removed at the end of three (3) years or when 75 percent of the lots have been sold, whichever occurs sooner.

- e. Maximum Height: 15 feet.
  - f. Required Setback: No sign, except real estate signs, shall be placed closer to the front property line than one-half the distance of the front yard.
  - g. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting.
3. "M-P" Manufactured Home Park District:
- a. Functional Types Permitted:
    - (1) Construction signs.
    - (2) Identification signs.
    - (3) Real estate signs.
  - b. Structural Types Permitted:
    - (1) Ground signs.
    - (2) Wall signs.
  - c. Number of Signs Permitted: One sign per zoning lot.
  - d. Maximum Gross Area: 20 square feet on one facade or not more than 40 square feet total.
  - e. Maximum Height: 20 feet.
  - f. Required Setbacks: No sign shall be placed closer to the front property line than one-half the distance of the front yard.
  - g. Illumination: Signs may be illuminated indirectly with incandescent or fluorescent lighting.
4. "PD" Planned Development District: Signs permitted as designated in approved Development Plans.
5. "C-1" Local Business District:
- a. Functional Types Permitted:
    - (1) Bulletin board signs.

- (2) Business signs.
- (3) Construction signs.
- (4) Identification signs.
- (5) Name plate signs.
- (6) Real estate signs.

b. Structural Types Permitted:

- (1) Awning, canopy, or marquee signs.
- (2) Ground signs.
- (3) Wall signs.

c. Number of Signs Permitted:

- (1) Awning, canopy, or marquee signs: No limitation
- (2) Ground signs: One per zoning lot.
- (3) Wall signs: No limitation.

d. Maximum Gross Area: One square foot of sign area for each one foot of lineal street frontage.

e. Maximum Height: 30 feet.

f. Required Setback: 10 feet.

g. Illumination: Illuminated signs shall be permitted.

6. "C-2" General Business District"

a. Functional Types Permitted:

- (1) Advertising signs.
- (2) Bulletin board signs.
- (3) Business signs.
- (4) Construction signs.

(5) Identification signs.

(6) Name plate signs.

(7) Real estate signs.

b. Structural Types Permitted:

(1) Awning, canopy, or marquee signs.

(2) Ground signs.

(3) Projecting signs.

(4) Wall signs.

c. Number of Signs Permitted:

(1) Awning, canopy, marquee or wall signs: No limitation.

(2) Ground signs: Two per zoning lot.

(3) Projecting signs: One per zoning lot.

d. Maximum Gross Surface Area: Two (2) square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface of 400 square feet.

e. Maximum Height: 30 feet.

f. Required Setback: None, except that advertising signs and any other sign that exceed 200 square feet in gross surface area shall maintain the same setback that is required for principal structures.

g. Illumination: Illuminated signs shall be permitted.

7. "I-1" Light Industrial and "I-2" Heavy Industrial Districts:

a. Functional Types Permitted:

(1) Advertising signs.

(2) Bulletin board signs.

(3) Business signs.

(4) Construction signs.

- (5) Identification signs.
- (6) Name plate signs.
- (7) Real estate signs.
- b. Structural Types Permitted:
  - (1) Awning, canopy, or marquee signs.
  - (2) Ground signs.
  - (3) Pole signs.
  - (4) Projecting signs.
  - (5) Wall signs.
- c. Number of Signs Permitted: Two per zoning lot.
- d. Maximum Gross Surface Area: Two (2) square feet per lineal foot of street, frontage, provided no single sign exceeds a gross surface area of 400 square feet.
- e. Maximum Height:
  - (1) Wall signs: Not above the highest point of the structure on which the sign is located.
  - (2) All other signs: 30 feet.
- f. Required Setbacks: None, except that advertising signs shall maintain the same setback that is required for principal structures.
- g. Illumination: Illuminated signs shall be permitted.

*CASS COUNTY, MISSOURI*

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ZONING ORDINANCE

Article XI

NONCONFORMANCES

- A. General: Nonconformities are of three (3) types: nonconforming lots of record, nonconforming structures, and nonconforming uses. A definition of each type is as follows:
1. Nonconforming Lot of Record: A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the original adoption of zoning and/or subdivision regulations in the County and neither said lot nor parcel complies with the lot width or area requirement for any permitted uses in the district in which it is located.
  2. Nonconforming Structure: A structure in existence at the adoption of these regulations which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
  3. Nonconforming Use: A structure or land in existence at the adoption of these regulations which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.
- B. Nonconforming Lots of Record: The Zoning Officer may issue a Building Permit for any nonconforming lot of record provided that:
1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
  2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by any zoning regulations, and
  3. Said lot can meet all yard regulations for the district in which it is located.
- C. Nonconforming Structures:
1. Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

2. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. Notwithstanding the above, a porch which is covered by a roof which extends into the front setback area may be enclosed but not in excess of the area covered by the existing roof.
3. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained within six (6) months, and restoration is actually begun one (1) year after the date of such partial destruction and is diligently pursued to completion.
4. Moving: No nonconforming structure shall be moved in whole or in part of any distance, whatever, to any other location on the same and any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

D. Nonconforming Uses:

1. Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.
2. Ordinary Repair and Maintenance:
  - a. Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
  - b. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

3. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
  - a. Extension of such use to any structure or land are other than that occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).
  - b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
4. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
5. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent that more than fifty percent (50%) of its structural value, such structure shall not be restored unless structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty percent (50%) or less, no repairs or restoration shall be made unless an occupancy certificate is obtained within six (6) months and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
6. Moving: No structure that is devoted in whole or in part to a nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
7. Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use. In permitting such change, the County Commission may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed,

it may no longer be returned to the original use or any other less appropriate use.

8. Abandonment or Discontinuance: When a nonconforming use is substantially discontinued or abandoned, for a period of twelve consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located; except that a feed lot use may be resumed if discontinued for a period of not more than thirty-six (36) consecutive months, on the condition that the operation is resumed under a "Letter of Approval" from the State Department of Natural Resources.
  9. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
  10. Nonconforming Residential Uses: Notwithstanding the provisions of the above, any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, enlarged, and rebuilt; provided that after any such remodeling, extension, expansion, enlargement, or rebuilding, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.
- E. Status of Special Uses: Where a previously permitted use exists at the effective date of these Regulations and is permitted by these Regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district, as provided by prior approval.

*Article XII*

*ZONING ADMINISTRATION*

- A. Zoning Enforcement: The Zoning Officer shall administer and enforce the provisions of these zoning regulations. The duties of the Zoning Enforcement Officer shall include:
1. Inspect any building, structure or land to determine whether any violations have been committed or exist, whether or not such building, structure or land is occupied, and whether or not a building permit has been issued;
  2. Issuing building permits when compliance is made with the regulations; to refuse to issue the same in the event of noncompliance; and give written notice of such refusal and the reason therefore to the applicant, which shall be endorsed on the application;
  3. Keeping the Governing Body advised of all matters pertaining to the enforcement of this regulation; to make and keep all records necessary and appropriate to the office, including but not limited to, all maps, amendments, special permits, records of the issuance and denial of all building permits and receipts of written complaints of violation of this regulation and action taken on the same, and shall keep a record of all permits issued, in a separate book that shall be available for public inspection;
  4. Issuing and posting notices of violations, stop orders, revocation of building permits and order the remedying of any condition or omission that is found to be in violation of this regulation;
  5. Forwarding to the appropriate officials, agencies or bodies all applications for special permits, variances, and amendments to this regulation that are initially filed with the Zoning Officer.
- B. Building Permit, When Required: A building permit shall be obtained from the Zoning Officer by any person or entity wishing to build or alter any structure except a farm building, within the jurisdiction of the regulations; provided, that the finished structure has at least one dimension larger than the following: (1) width, 4'-0"; (2) height, 4'-0"; or (3) length, 8'-0".
1. Application - Application for a building permit shall be made to the Enforcement Officer on forms provided by him and shall contain the following information:

- a. A description, agreeing with the Tax Map, if such a map is available, of the land on which the proposed work is to be done;
- b. A statement of the use or occupancy of all parts of the land and of the building or structure;
- c. The valuation of the proposed work;
- d. The full name and address of the owner and of the applicant, including the names and addresses of each officer and director of any corporation;
- e. A brief description of the nature of the proposed work;
- f. All applications shall be accompanied by the applicable site plan, subdivision plats, drainage, grade and elevation plans and all other documents, if required, for the development of the plot, building or structure.

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

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

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

2. Approval or Disapproval of Building Permit - The Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve the application within thirty (30) days of receipt of same. An appeal from the approval or disapproval of any application shall be made to the Board of

Zoning Adjustment within thirty (30) days after the determination of the enforcement Officer has been filed in the Office of the Enforcement Officer, or endorsed on the building plans filed in said office. Any final determination of disapproval shall be indicated in writing, together with the copies thereof, filed in the Office of the Enforcement Officer and mailed to the applicant.

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

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

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

C. Certification of Occupancy:

1. A certification of occupancy shall be obtained from the Zoning Officer by any person or entity wishing to occupy land, building or use, except for agricultural uses.
2. The certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and orders and with the provision of these regulations. No building or land will be occupied until the Cass County Health Department has made a final inspection of the waste water disposal system after installation and

has given approval to the Cass County Planning Commission for issuance of the certificate of occupancy. A record of all certificates shall be kept on file in the office of the Zoning Officer.

a. Certificate of occupancy for a building:

- (1) The certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations.
- (2) Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligation of the owners or of the county relating to the use of occupancy of the premises, or any other matter covered by this Order and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

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

D. Zoning Appeals:

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

E. Notification of Violation:

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

F. Penalties for Violation:

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

- G. Abatement and Injunctive Relief. In the event that any building or structure is constructed, reconstructed, relocated or maintained or any building, structure, lot or land is used in violation of any of the provisions of this Zoning Order, the County Commission, the Enforcement Officer, the Planning Commission, the Prosecuting Attorney, or the owner of any private property or any public body the property of whom or which is or may be affected by any such violation may

institute in the Circuit Court any appropriate action or proceeding in law or in equity to prevent such unlawful development or erection, construction, reconstruction, alteration, relocation or maintenance or use, or to restrain, abate, enjoin or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land and to prevent illegal act, conduct, business or use in or about the premises, and these remedies shall be in addition to other penalties prescribed in this ordinance.

*Article XIII*

**BOARD OF ADJUSTMENT**

- A. Creation: A Board of Adjustment is hereby created and shall consist of five (5) members. No more than two (2) may be residents of an incorporated area of the County; and no more than one (1) member may be a Planning Commissioner, appointed by the County Commission.
- B. Meetings and Voting: The Board shall adopt rules in accordance with this Order and shall annually appoint a Chairman and Vice Chairman from its membership. All meetings shall be open to the public and minutes shall be kept of all proceedings and official actions.
- C. Duties: In exercising the following mentioned powers, the Board of Adjustment may, in conformity with the provisions of this article and Section 64-660 of the Revised Statutes of Missouri, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Officer appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The Board of Adjustment may reverse any order, requirement, decision, or determination of any Zoning Officer. The Board of Adjustment shall be authorized to:

- 1. Appeals: Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the officer charged with the administration of this Order. Such order cannot be overturned by less than a four-fifths (4/5) vote of the Board.
- 2. Interpretation: Interpret the provisions of these regulations with regard to the zoning district boundaries shown on the zoning map that was made part of this Order by reference.
- 3. Variance of Height, Yard, Setback, Parking and Sign Regulations: Hear and decide upon petitions for variances and, subject to such standards, principles, and procedures provided in this Order, to vary the strict application of the height, yard, setback, parking or sign requirements to the extent necessary to permit the owner a reasonable use of his land. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises to be benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

- a. Grounds for variance: A request for a variance may be granted only where the strict application of height, yard, setback, parking, or sign regulations under this order would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property. A variance to the property from the strict application can be made so as to relieve such difficulties or hardships; if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any order or resolution. Grounds for variance are:
- (1) By reason of exceptional narrowness, shallowness, or shape of the specific piece of property at the time of the enactment of these zoning regulations, or
  - (2) By reason of exceptional topographic conditions, or
  - (3) By other extraordinary and exceptional situations or conditions of a piece of property.
- b. Findings of conditions: A request for a variance may be granted upon as finding of the Board that ALL of the following conditions have been met. The board shall make a determination on each condition, and the finding shall be entered in the record.
- (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily founds in the same zone or district or vicinity; and is not created by an action or actions of the property owner or applicant.
  - (2) The granting of the permit for the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by granting the variance.
  - (3) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute undue hardship upon the property owner represented in the application.
  - (4) The granting of the variance is based upon reason and demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

- (5) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- (6) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
- (7) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Regulations.

D. Appeals from the Board of Adjustment: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, or Commission of Cass County, Missouri, may present to the Circuit Court of Cass County, Missouri, a petition, duly verified, setting forth that any decision of the Board of Adjustment is illegal, in whole or in part, and specifying the grounds of such illegality. Such petitions must be presented to the Circuit Court within fifteen (15) days after the filing of the decision of the Board of Adjustment in the office of the Board of Adjustment. All such appeals to the District Court shall be governed by the provisions of R.S.Mo. Chapter 64.660, or as may be amended from time to time.

# CASS COUNTY, MISSOURI

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## ZONING ORDINANCE

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Lodging House (6), (9), (11)  
Lot (1), (3), (7), (9), (11-13), (15), (17), (23-25), (27-30), (35), (37-40), (44), (51), (67), (68),  
(70), (85), (90), (91), (94-99), (101-104), (109)  
Lot of Record (11), (12), (101)  
Manufactured Home (12), (13), (23), (32-36), (76), (84), (85), (96)  
Medical, Dental or Health Clinic (7), (12)  
Mobile Home (12), (13), (35)  
Mobile Home Park (13)  
Modular Home (13)  
Multiple Dwelling (6), (8), (85), (95)  
Nonconforming Structure (13), (63), (101), (102)  
Nonconforming Use (13), (60), (64), (101-104)

Nursing Home or Convalescent Home (13)  
Parking Space (13), (14), (71), (76), (83-87)  
Planning (14), (19-22), (32), (41), (42), (44), (50), (60), (73-77), (87), (108), (109), (111)  
Professional Office (14), (85)  
Protest (22)  
Public Utility (14)  
Purpose (1), (3), (5), (8), (13), (16), (17), (19), (21), (23), (32), (38), (41), (48), (51), (57), (59),  
(64), (65), (75), (76), (83), (89), (91), (111), (112)  
Rear Lot (11), (17)  
Rear Yard (17), (40), (72)  
Recreational Vehicle (14)  
Restaurant (14)  
Setbacks (70-72), (78), (80), (92), (94), (96), (99)  
Sign (15), (44), (69), (75), (89-99), (111), (112)  
Single-Family Dwelling (30), (44)  
Special Use Permit (6), (15), (25), (70), (71), (73-78), (81), (87)  
Story (7), (15), (25), (27-29), (35)  
Street Network (15)  
Structural Alterations (16), (103)  
Subdivision Regulations (26), (41), (76), (92), (101)  
Trailer or Recreation Vehicle (16)  
Treatment Facility for Drug and Alcohol Abuse (16)  
Two-Family Dwelling (93), (95)  
Yard (11), (14), (17), (25), (27-30), (35), (37), (38), (40), (42), (44), (45), (67-69), (71), (72),  
(75), (80), (83), (96), (101), (111), (112)  
Zoning Map (22), (23), (49), (59), (111)  
Zoning Regulations (2), (6), (15), (17), (47), (65), (101), (105), (112), (113)

*APPENDIX A*

			ZONING DISTRICTS								
GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
1	1	1 AGRICULTURE, FORESTRY & FISHING									
1	1	1 AGRICULTURAL PRODUCTION - CROPS									
1	13	13 Field Crops	P	P	P	P	P	P	P	P	P
1	16	16 Vegetables and Melons	P	P	P	P	P	P	P	P	P
1	17	17 Fruits & Tree Nuts	P	P	P	P	P	P	P	P	P
1	18	18 Horticultural Specialties	P	P	P	P	P	P	P	P	P
1	19	19 General Farms, Primarily Crops	P	P	P	P	P	P	P	P	P
2	2	2 AGRICULTURAL PRODUCTION - LIVESTOCK									
2	21	21 Livestock, Except Dairy & Poultry	P	S	N	N	N	N	N	N	N
2	211	211 Feedlots, Commercial	S	N	N	N	N	N	N	N	N
2	24	24 Dairy Farms	P	S	N	N	N	N	N	N	N
2	25	25 Poultry and Eggs	P	S	N	N	N	N	N	N	N
2	27	27 Animal Specialties	P	S	N	N	N	N	N	N	N
2	29	29 General Farms, Primarily Animal	P	S	N	N	N	N	N	N	N
7	7	7 AGRICULTURAL SERVICES									
7	71	71 Soil Preparation Services	S	N	N	N	N	S	S	P	P
7	72	72 Crop Services	S	N	N	N	N	S	S	P	P
7	74	74 Veterinary Services	S	N	N	N	N	S	S	P	P
7	75	75 Animal Services, Except Veterinary	S	N	N	N	N	S	S	P	P
7	76	76 Farm Labor & Management Services	S	N	N	N	N	P	P	P	P
7	78	78 Landscape & Horticultural Services	S	N	N	N	N	S	S	P	P
8	8	8 FORESTRY									
8	81	81 Timber Tracts	P	P	P	P	P	P	P	P	P
8	83	83 Forest Products	P	S	N	N	N	N	N	N	N
8	85	85 Forestry Services	S	N	N	N	N	S	S	P	P
9	9	9 FISHING, HUNTING & TRAPPING									
9	91	91 Commercial Fishing	P	N	N	N	N	N	N	N	N
9	92	92 Fish Hatcheries & Preserves	P	N	N	N	N	N	N	S	S

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			ZONING DISTRICTS								
GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
9	97	Hunting, Trapping, Game Propagation	P	N	N	N	N	N	N	N	N
10	10	MINING	S	N	N	N	N	N	N	S	S
10	10	METAL MINING	S	N	N	N	N	N	N	S	S
12	12	COAL MINING	S	N	N	N	N	N	N	S	S
13	13	OIL & GAS EXTRACTION									
13	131	Crude Petroleum & Natural Gas	S	N	N	N	N	N	N	S	S
13	132	Natural Gas Liquids	S	S	N	N	N	N	N	S	S
13	138	Oil & Gas Field Services	S	N	N	N	N	N	N	S	S
14	14	NONMETALLIC MINERALS, EXCEPT FUELS									
14	141	Dimension Stone	S	N	N	N	N	N	N	S	S
14	142	Crushed & Broken Stone	S	N	N	N	N	N	N	S	S
14	144	Sand & Gravel	S	N	N	N	N	N	N	S	S
14	145	Clay, Ceramic & Refractory Minerals	S	N	N	N	N	N	N	S	S
14	147	Chemical & Fertilizer Minerals	S	N	N	N	N	N	N	S	S
14	148	Nonmetallic Minerals Services	S	N	N	N	N	N	N	S	S
14	149	Nonmetallic Minerals, Misc.	S	N	N	N	N	N	N	S	S
15	15	CONSTRUCTION	N	N	N	N	N	N	N	P	P
15	15	BUILDING CONTRACTORS	N	N	N	N	N	N	P	P	P
16	16	HEAVY CONSTRUCTION, EX. BUILDING	N	N	N	N	N	N	N	P	P
17	17	SPECIAL TRADE CONTRACTORS									
17	171	Plumbing, Heating, Air-Conditioning	N	N	N	N	N	N	N	P	P
17	172	Painting & Paper Hanging	N	N	N	N	N	N	N	P	P
17	173	Electrical Work	N	N	N	N	N	N	N	P	P
17	174	Masonry, Stonework & Plastering	N	N	N	N	N	N	N	P	P
17	175	Carpentry & Floor Work	N	N	N	N	N	N	N	P	P
17	176	Roofing, Siding & Sheet Metal Work	N	N	N	N	N	N	N	P	P
17	177	Concrete Work	N	N	N	N	N	N	N	P	P
17	178	Water Well Drilling	N	N	N	N	N	N	N	P	P

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			ZONING DISTRICTS								
GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
17	179	Special Trade Contractors, Misc.	N	N	N	N	N	N	N	P	N
20	20	MANUFACTURING									
20	20	FOOD & KINDRED PRODUCTS									
20	201	Meat Products	N	N	N	N	N	N	N	S	P
20	202	Dairy Products	N	N	N	N	N	N	N	S	P
20	203	Preserved Fruits & Vegetables	N	N	N	N	N	N	N	S	P
20	204	Grain Mill Products	N	N	N	N	N	N	N	S	P
20	205	Bakery Products	N	N	N	N	N	N	N	S	P
20	206	Sugar & Confectionery Products	N	N	N	N	N	N	N	S	P
20	207	Fats & Oils	N	N	N	N	N	N	N	S	P
20	208	Beverages	N	N	N	N	N	N	N	S	P
20	209	Food & Kindred Products, Misc.	N	N	N	N	N	N	N	S	P
21	21	TOBACCO PRODUCTS									
22	22	TEXTILE MILL PRODUCTS	N	N	N	N	N	N	N	P	P
23	23	APPAREL & OTHER TEXTILE PRODUCTS	N	N	N	N	N	N	N	S	P
24	241	Logging	S	N	N	N	N	N	N	S	S
24	24	LUMBER & WOOD PRODUCTS									
24	242	Sawmills & Planing Mills	S	N	N	N	N	N	N	S	P
24	244	Wood Containers	N	N	N	N	N	N	N	P	P
24	245	Wood Buildings & Mobile Homes	N	N	N	N	N	N	N	P	P
24	249	Miscellaneous Wood Products	N	N	N	N	N	N	N	P	P
25	25	FURNITURE & FIXTURES	N	N	N	N	N	N	N	P	P
26	26	PAPER & ALLIED PRODUCTS									
26	261	Pulp Mills	N	N	N	N	N	N	N	N	S
26	262	Paper Mills	N	N	N	N	N	N	N	N	P
26	263	Paperboard Mills	N	N	N	N	N	N	N	N	P
26	265	Paperboard Containers & Boxes	N	N	N	N	N	N	N	S	P
26	267	Misc. Converted Paper Products	N	N	N	N	N	N	N	S	P

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			ZONING DISTRICTS								
GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
27	27	PRINTING & PUBLISHING									
27	271	Newspapers	N	N	N	N	N	N	S	P	P
27	272	Periodicals	N	N	N	N	N	N	S	P	P
27	273	Books	N	N	N	N	N	N	S	P	P
27	274	Miscellaneous Publishing	N	N	N	N	N	N	S	P	P
27	275	Commercial Printing	N	N	N	N	N	N	S	P	P
27	276	Manifold Business Forms	N	N	N	N	N	N	S	P	P
27	277	Greeting Cards	N	N	N	N	N	N	S	P	P
27	278	Blankbooks & Bookbinding	N	N	N	N	N	N	S	P	P
27	279	Printing Trade Services	N	N	N	N	N	N	S	P	P
28	28	CHEMICALS & ALLIED PRODUCTS									
28	281	Industrial Inorganic Chemicals	N	N	N	N	N	N	N	N	P
28	282	Plastics Materials & Synthetics	N	N	N	N	N	N	N	N	P
28	283	Drugs	N	N	N	N	N	N	N	P	P
28	284	Soap, Cleaners, & Toilet Goods	N	N	N	N	N	N	N	N	P
28	285	Paints & Allied Products	N	N	N	N	N	N	N	N	P
28	286	Industrial Organic Chemicals	N	N	N	N	N	N	N	N	P
28	287	Agricultural Chemicals	N	N	N	N	N	N	N	N	P
28	2875	Fertilizers, Mixing Only	S	N	N	N	N	N	N	S	P
28	289	Miscellaneous Chemical Products	N	N	N	N	N	N	N	N	P
29	29	PETROLEUM & COAL PRODUCTS									
29	291	Petroleum Refining	N	N	N	N	N	N	N	N	P
29	295	Asphalt Paving & Roofing Materials	S	N	N	N	N	N	N	S	P
29	299	Misc. Petroleum & Coal Products	N	N	N	N	N	N	N	N	P
30	30	RUBBER & MISC. PLASTICS PRODUCTS									
30	301	Tires & Inner Tubes	N	N	N	N	N	N	N	S	P
30	302	Rubber & Plastics Footwear	N	N	N	N	N	N	N	S	P
30	305	Hose, Belting, Gaskets & Packing	N	N	N	N	N	N	N	S	P

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		ZONING DISTRICTS								
GRP NO.	SIC NO. USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
30	306 Fabricated Rubber Products	N	N	N	N	N	N	N	S	P
30	308 Miscellaneous Plastics Products	N	N	N	N	N	N	N	S	P
31	31 LEATHER & LEATHER PRODUCTS									
31	311 Leather Tanning & Finishing	N	N	N	N	N	N	N	S	P
31	313 Footwear Cut Stock	N	N	N	N	N	N	N	P	P
31	314 Footwear, Except Rubber	N	N	N	N	N	N	N	P	P
31	315 Leather Gloves & Mittens	N	N	N	N	N	N	N	P	P
31	316 Luggage	N	N	N	N	N	N	N	P	P
31	317 Handbags & Personal Leather Goods	N	N	N	N	N	N	N	P	P
31	319 Misc. Leather Goods	N	N	N	N	N	N	N	P	P
32	32 STONE, CLAY & GLASS PRODUCTS									
32	321 Flat Glass	N	N	N	N	N	N	N	S	P
32	322 Glass & Glassware	N	N	N	N	N	N	N	S	P
32	323 Products of Purchased Glass	N	N	N	N	N	N	N	S	P
32	324 Cement, Hydraulic	N	N	N	N	N	N	N	S	P
32	325 Structural Clay Products	N	N	N	N	N	N	N	S	P
32	326 Pottery & Related Products	N	N	N	N	N	N	N	S	P
32	327 Concrete, Gypsum, & Plaster Products	N	N	N	N	N	N	N	S	P
32	328 Cut Stone & Stone Products	N	N	N	N	N	N	N	S	P
32	329 Misc. Nonmetallic Mineral Products	N	N	N	N	N	N	N	S	P
33	33 PRIMARY METAL INDUSTRIES									
34	34 FABRICATED METAL PRODUCTS									
34	341 Metal Cans & Shipping Containers	N	N	N	N	N	N	N	N	P
34	342 Cutlery, Handtools, & Hardware	N	N	N	N	N	N	N	N	P
34	343 Plumbing & Heating, Except Electric	N	N	N	N	N	N	N	N	P
34	344 Fabricated Structural Metal Products	N	N	N	N	N	N	N	N	P
34	345 Screw Machine Products, Bolts, Etc.	N	N	N	N	N	N	N	N	P
34	346 Metal Forgings & Stampings	N	N	N	N	N	N	N	N	P

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		ZONING DISTRICTS							
GRP	SIC	A	R	R	R	R	C	C	I
NO.	NO.	USE DESCRIPTION	A	1	2	3	1	2	1
34	347	Metal Services	N	N	N	N	N	N	N
34	348	Ordnance & Accessories	N	N	N	N	N	N	N
34	349	Misc. Fabricated Metal Products	N	N	N	N	N	N	N
35	35	INDUSTRIAL MACHINERY & EQUIPMENT							
35	351	Engines & Turbines	N	N	N	N	N	N	N
35	352	Farm & Garden Machinery	N	N	N	N	N	N	N
35	353	Construction & Related Machinery	N	N	N	N	N	N	N
35	354	Metalworking Machinery	N	N	N	N	N	N	N
35	355	Special Industry Machinery	N	N	N	N	N	N	N
35	356	General Industrial Machinery	N	N	N	N	N	N	N
35	357	Computer & Office Equipment	N	N	N	N	N	S	P
35	358	Refrigeration & Service Machinery	N	N	N	N	N	N	N
35	359	Industrial Machinery, NEC	N	N	N	N	N	N	N
36	36	ELECTRONIC & OTHER ELECTRIC EQUIPMENT							
36	361	Electric Distribution Equipment	N	N	N	N	N	N	P
36	362	Electrical Industrial Apparatus	N	N	N	N	N	N	P
36	363	Household Appliances	N	N	N	N	N	N	P
36	364	Electric Lighting & Wiring Equipment	N	N	N	N	N	N	P
36	365	Household Audio & Video Equipment	N	N	N	N	N	N	P
36	366	Communication Equipment	N	N	N	N	N	N	P
36	367	Electronic Components & Accessories	N	N	N	N	N	N	P
36	369	Misc. Electrical Equipment & Supplies	N	N	N	N	N	N	P
37	37	TRANSPORTATION EQUIPMENT							
37	371	Motor Vehicles & Equipment	N	N	N	N	N	N	N
37	372	Aircraft & Parts	N	N	N	N	N	N	N
37	373	Ship & Boat Building & Repairing	N	N	N	N	N	N	N
37	374	Railroad Equipment	N	N	N	N	N	N	N
37	375	Motorcycles, Bicycles, & Parts	N	N	N	N	N	N	N

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ZONING DISTRICTS

GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
37	376	Guided Missiles, Space Vehicles and Parts	N	N	N	N	N	N	N	N	P
37	379	Miscellaneous Transportation Equipment	N	N	N	N	N	N	N	N	P
38	38	INSTRUMENTS & RELATED PRODUCTS									
38	381	Seach and Navigation Equipment	N	N	N	N	N	N	N	P	P
38	382	Measuring & Controlling Devices	N	N	N	N	N	N	N	P	P
38	384	Medical Instruments & Supplies	N	N	N	N	N	N	N	P	P
38	385	Ophthalmic Goods	N	N	N	N	N	N	N	P	P
38	386	Photographic Equipment & Supplies	N	N	N	N	N	N	N	P	P
38	387	Watches, Clocks, Watchcases & Parts	N	N	N	N	N	N	N	P	P
39	39	MISC. MANUFACTURING INDUSTRIES									
39	391	Jewelry, Silverware, & Plated Ware	N	N	N	N	N	N	N	S	P
39	393	Musical Instruments	N	N	N	N	N	N	N	P	P
39	394	Toys & Sporting Goods	N	N	N	N	N	N	N	P	P
39	395	Pens, Pencils, Office & Art Supplies	N	N	N	N	N	N	N	P	P
39	396	Costume Jewelry & Notions	N	N	N	N	N	N	N	P	P
39	399	Miscellaneous Manufactures	N	N	N	N	N	N	N	P	P
40	40	TRANSPORTATION & PUBLIC UTILITIES									
40	40	RAILROADS									
40	401	Railroad, Swithching & Terminal Services	S	N	N	N	N	N	N	S	P
41	41	PASSENGER TRANSIT									
41	412	Taxi Cabs Terminal Services	N	N	N	N	N	N	S	P	P
41	413	Bus Service Terminal	N	N	N	N	N	N	S	P	P
42	42	TRUCKING & WAREHOUSING									
42	421	Trucking & Courier Services	N	N	N	N	N	N	N	P	P
42	422	Public Warehousing & Storage	N	N	N	N	N	N	N	P	P
42	423	Trucking Terminal Services	N	N	N	N	N	N	N	P	P
43	431	U.S. POSTAL SERVICE	N	N	N	N	N	P	P	P	P

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			ZONING DISTRICTS								
GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
44	44	WATER TRANSPORTATION									
44	449	Water Transportation Services	S	N	N	N	N	N	N	P	P
44	4493	Marinas	S	S	N	N	N	N	S	N	N
45	45	AIR TRANSPORTATION									
45	458	Airports, Flying Fields & Services	S	N	N	N	N	N	N	S	S
46	46	PIPELINES, EXCEPT NATURAL GAS									
46	461	Pipelines, Except Natural Gas	S	S	S	S	S	S	S	S	S
47	47	TRANSPORTATION SERVICES									
47	472	Travel Agencies & Tour Operators	N	N	N	N	N	P	P	N	N
47	473	Freight Transportation Arrangement	N	N	N	N	N	S	S	P	P
47	474	Railroad Car Rental	N	N	N	N	N	S	S	P	P
47	478	Misc. Transportation Services	S	N	N	N	N	N	N	P	P
48	48	COMMUNICATIONS									
48	481	Telephone Communications	S	N	N	N	N	P	P	P	P
48	482	Telegraph & Other Communications	S	N	N	N	N	P	P	P	P
48	483	Radio & Television Broadcasting	S	N	N	N	N	P	P	P	P
48	484	Cable & Other Pay TV Services	S	N	N	N	N	P	P	P	P
48	489	Miscellaneous Communications Services	S	N	N	N	N	P	P	P	P
49	49	ELECTRIC, GAS, & SANITARY SERVICES									
49	491	Electric Services	S	N	N	N	N	N	N	P	P
49	492	Gas Production & Distribution	S	N	N	N	N	N	N	P	P
49	493	Combination Utility Services	S	N	N	N	N	N	N	P	P
49	494	Water Supply	S	N	N	N	N	N	N	P	P
49	4952	Sewage Systems (not Septic Tanks)	S	S	S	S	S	S	S	S	S
49	4953	Sanitary Landfill	S	N	N	N	N	N	N	S	S
49	496	Steam and Air Conditioning Supply	N	N	N	N	N	N	N	P	P
49	497	Irrigation Systems	S	N	N	N	N	N	N	P	P

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ZONING DISTRICTS

GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
50	50	WHOLESALE TRADE									
50	50	WHOLESALE TRADE-DURABLE GOODS									
50	501	Motor Vehicles, Parts & Supplies	N	N	N	N	N	N	S	P	S
50	502	Furniture & Homefurnishings	N	N	N	N	N	N	S	P	S
50	503	Lumber & Construction Materials	S	N	N	N	N	N	S	P	S
50	504	Professional & Commercial Equipment	N	N	N	N	N	N	S	P	S
50	505	Metals & Minerals, Except Petroleum	N	N	N	N	N	N	S	P	S
50	506	Electrical Goods	N	N	N	N	N	N	S	P	S
50	507	Hardware, Plumbing & Heating Equipment	N	N	N	N	N	N	S	P	S
50	508	Machinery, Equipment & Supplies	N	N	N	N	N	N	S	P	S
50	509	Miscellaneous Durable Goods	N	N	N	N	N	N	S	P	S
50	5093	Salvage Yard	N	N	N	N	N	N	N	D	D
51	51	WHOLESALE TRADE - NONDURABLE GOODS									
51	511	Paper & Paper Products	N	N	N	N	N	N	S	P	S
51	512	Drugs, Proprieties & Sundries	N	N	N	N	N	N	S	P	S
51	513	Apparel, Piece Goods & Notions	N	N	N	N	N	N	S	P	S
51	514	Groceries & Related Products	N	N	N	N	N	N	S	P	S
51	5153	Grain, Field Beans & Hay	S	N	N	N	N	N	S	P	S
51	5154	Livestock & Other Farm Products	S	N	N	N	N	N	S	P	S
51	516	Chemicals & Allied Products	N	N	N	N	N	N	S	P	S
51	517	Petroleum & Petroleum Products	N	N	N	N	N	N	S	P	S
51	518	Beer, Wine & Distilled Beverages	N	N	N	N	N	N	S	P	S
51	519	Misc. Nondurable Goods	N	N	N	N	N	N	S	P	S
52	52	RETAIL TRADE									
52	52	BUILDING MATERIALS & GARDEN SUPPLIES									
52	521	Lumber & Other Building Materials	S	N	N	N	N	N	P	N	N
52	523	Paint, Glass & Wallpaper Stores	N	N	N	N	N	N	P	N	N
52	525	Hardware Stores	N	N	N	N	N	N	P	N	N

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Cass County, Missouri Zoning Ordinance -- Appendix A  
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		ZONING DISTRICTS								
GRP NO.	SIC NO. USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
52	526 Retail Nurseries & Garden Stores	S	N	N	N	N	N	P	N	N
52	527 Manufactured Home Dealers	N	N	N	N	N	N	P	P	N
53	53 GENERAL MERCHANDISE STORES									
53	531 Department Stores	N	N	N	N	N	N	P	N	N
53	533 Variety Stores	N	N	N	N	N	N	P	N	N
53	539 Miscellaneous Merchandise Stores	N	N	N	N	N	N	P	N	N
54	54 FOOD STORES									
54	541 Grocery Stores	N	N	N	N	N	P	P	N	N
54	542 Meat & Fish Market	N	N	N	N	N	N	P	N	N
54	543 Fruit & Vegetable Market	N	N	N	N	N	P	P	N	N
54	544 Candy, Nut & Confectionery Stores	N	N	N	N	N	P	P	N	N
54	545 Dairy Products Stores	N	N	N	N	N	P	P	N	N
54	546 Retail Bakeries	N	N	N	N	N	P	P	N	N
54	549 Miscellaneous Food Stores	N	N	N	N	N	P	P	N	N
55	55 AUTOMOTIVE DEALERS & SERVICE STATIONS									
55	551 New & Used Car Dealers	N	N	N	N	N	N	P	S	N
55	552 Used Car Dealers	N	N	N	N	N	N	P	S	N
55	553 Auto & Home Supply Stores	N	N	N	N	N	N	P	S	N
55	554 Gasoline Stations	N	N	N	N	N	P	P	S	N
55	555 Boat Dealers	N	N	N	N	N	N	P	S	N
55	556 Recreational Vehicle Dealers	N	N	N	N	N	N	P	S	N
55	557 Motorcycle Dealers	N	N	N	N	N	N	P	S	N
55	559 Automotive Dealers, NEC	N	N	N	N	N	N	P	S	N
56	56 APPAREL & ACCESSORY STORES	N	N	N	N	N	N	P	N	N
57	57 FURNITURE & HOMEFURNISHINGS STORES									
57	5712 Furniture Stores	N	N	N	N	N	N	P	S	N
57	5713 Floor Covering Stores	N	N	N	N	N	N	P	S	N
57	5714 Drapery & Upholstery Stores	N	N	N	N	N	N	P	S	N

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ZONING DISTRICTS

GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
57	572	Household Appliance Stores	N	N	N	N	N	N	P	S	N
57	5731	Radio, TV & Electronic Stores	N	N	N	N	N	N	P	S	N
57	5734	Computer & Software Stores	N	N	N	N	N	N	P	S	N
57	5735	Record & Tape Stores	N	N	N	N	N	N	P	S	N
57	5736	Musical Instrument Stores	N	N	N	N	N	N	P	S	N
58	58	EATING & DRINKING PLACES									
58	5811	Eating Places, Drive-In	N	N	N	N	N	S	P	S	N
58	5812	Eating Places	N	N	N	N	N	P	P	S	N
58	5813	Drinking Places	N	N	N	N	N	S	S	S	N
59	59	MISCELLANEOUS RETAIL									
59	591	Drug Stores & Proprietary Stores	N	N	N	N	N	S	P	N	N
59	592	Liquor Stores	N	N	N	N	N	S	S	N	N
59	593	Used Merchandise Stores	N	N	N	N	N	S	P	N	N
59	594	Miscellaneous Shopping Goods Stores	N	N	N	N	N	S	P	N	N
59	596	Nonstore Retailers	N	N	N	N	N	S	N	N	N
59	598	Fuel Dealers	N	N	N	N	N	S	P	P	S
59	599	Retail Stores, NEC	N	N	N	N	N	S	P	N	N
60	60	FINANCE, INSURANCE & REAL ESTATE									
60	60	DEPOSITORY INSTITUTIONS	N	N	N	N	N	P	P	N	N
60	601	Central Reserve Depositories	N	N	N	N	N	N	P	N	N
60	6021	Commercial Banks, Main Office	N	N	N	N	N	N	P	N	N
60	6022	Commercial Banks, Branch Offices	N	N	N	N	N	P	P	N	N
60	6035	Savings institutions, Federal	N	N	N	N	N	N	P	N	N
60	6036	Savings Institutions, Except Federal	N	N	N	N	N	N	P	N	N
60	606	Credit Unions	N	N	N	N	N	N	P	S	N
60	608	Foreign Banks, Branches & Agencies	N	N	N	N	N	N	P	N	N
60	609	Functions Closely Related to Banking	N	N	N	N	N	N	P	N	N

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Cass County, Missouri Zoning Ordinance -- Appendix A  
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March 31, 1994

		ZONING DISTRICTS							
GRP	SIC	A	R	R	R	R	C	C	I
NO.	NO. USE DESCRIPTION	A	A	1	2	3	1	2	1
									2
61	61 NONDEPOSITORY INSTITUTIONS								
61	611 Federal & Fed. Sponsored Credit	N	N	N	N	N	N	P	N
61	614 Personal Credit Institutions	N	N	N	N	N	N	P	N
61	615 Business Credit Institutions	N	N	N	N	N	N	P	N
61	616 Mortgage Bankers & Brokers	N	N	N	N	N	N	P	N
62	62 SECURITY & COMMODITY BROKERS & SERV	N	N	N	N	N	N	P	N
63	63 INSURANCE CARRIERS	N	N	N	N	N	N	P	N
64	64 INSURANCE AGENTS, BROKERS & SERVICE	N	N	N	N	N	P	P	N
65	65 REAL ESTATE								
65	651 Real Estate Operations and Lessors	N	N	N	N	N	P	P	N
65	653 Real Estate Agents & Managers	N	N	N	N	N	P	P	N
65	654 Title Abstract Offices	N	N	N	N	N	P	P	N
65	655 Subdividers & Developers	N	N	N	N	N	P	P	N
65	6553 Cemeteries and Mansoleums	S	S	S	S	S	N	N	N
67	67 HOLDING & OTHER INVESTMENT OFFICES	N	N	N	N	N	N	P	N
70	70 SERVICES								
70	70 LODGING PLACES								
70	701 Hotels & Motels	N	N	N	N	N	N	P	N
70	702 Rooming & Boarding Houses	N	N	N	N	N	N	P	N
70	703 Camps & Recreational Vehicle Parks	S	N	N	N	N	N	P	N
70	704 Membership-Basis Organization Hotels	N	N	N	N	N	N	P	N
72	72 PERSONAL SERVICES								
72	721 Laundry, Cleaning & Garment Services	N	N	N	N	N	P	P	S
72	722 Photographic Studios	N	N	N	N	N	P	P	N
72	723 Beauty Shops	N	N	N	N	N	P	P	S
72	724 Barber Shops	N	N	N	N	N	P	P	S
72	725 Shoe Repair & Shoe Shine Parlors	N	N	N	N	N	P	P	S
72	726 Funeral Service & Crematories	S	N	N	N	N	N	P	N

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Cass County, Missouri Zoning Ordinance -- Appendix A  
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		ZONING DISTRICTS								
GRP NO.	SIC NO. USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
72	729 Miscellaneous Personal Services	N	N	N	N	N	P	P	N	N
73	73 BUSINESS SERVICES									
73	731 Advertising	N	N	N	N	N	N	P	S	N
73	732 Credit Reporting & Collecting	N	N	N	N	N	N	P	N	N
73	733 Mailing, Reproduction, Stenographic	N	N	N	N	N	P	P	S	N
73	734 Services to Buildings	N	N	N	N	N	N	P	S	N
73	7352 Medical Equipment Rental	N	N	N	N	N	N	P	S	N
73	7353 Heavy Construction Equipment Rental	N	N	N	N	N	N	P	P	N
73	7359 Equipment Rental & Leasing, NEC	N	N	N	N	N	N	P	S	N
73	736 Personnel Supply Services	N	N	N	N	N	N	P	N	N
73	737 Computer & Data Processing Services	N	N	N	N	N	N	P	S	N
73	738 Miscellaneous Business Services	N	N	N	N	N	N	P	N	N
75	75 AUTO REPAIR, SERVICES & PARKING									
75	751 Automotive Rentals, No Drivers	N	N	N	N	N	N	P	S	N
75	752 Automobile Parking	S	N	N	N	N	N	P	N	N
75	753 Automotive Repair Shops	N	N	N	N	N	N	P	P	S
75	7542 Carwashes	N	N	N	N	N	S	P	S	S
75	7549 Automotive Services, NEC	N	N	N	N	N	N	P	S	N
76	76 MISCELLANEOUS REPAIR SERVICES									
76	762 Electrical Repair Shops	N	N	N	N	N	N	P	P	S
76	763 Watch, Clock & Jewelry Repair	N	N	N	N	N	P	P	N	N
76	764 Reupholstery & Furniture Repair	N	N	N	N	N	N	P	P	S
76	7692 Welding Repair	N	N	N	N	N	N	P	P	P
76	7699 Repair Services, NEC	N	N	N	N	N	N	P	S	N
78	78 MOTION PICTURES									
78	781 Motion Picture Production & Services	N	N	N	N	N	N	P	S	N
78	782 Motion Picture Distribution & Services	N	N	N	N	N	N	P	S	N
78	783 Motion Picture Theaters	N	N	N	N	N	N	P	N	N

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			ZONING DISTRICTS								
GRP NO.	SIC NO.	USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
78	784	Video Tape Rental	N	N	N	N	N	P	P	N	N
79		79 AMUSEMENT & RECREATION SERVICES									
79	791	Dance Studios, Schools & Halls	N	N	N	N	N	S	P	N	N
79	792	Producers, Orchestras, Entertainers	N	N	N	N	N	S	P	N	N
79	793	Bowling & Skating Centers	N	N	N	N	N	S	P	N	N
79	794	Commercial Sports Facilities	S	N	N	N	N	S	P	N	N
79	7991	Physical Fitness Facilities	N	N	N	N	N	S	P	S	N
79	7992	Public Golf Courses	P	P	N	N	N	N	N	N	N
79	7993	Coin-Operated Amusement Devices	N	N	N	N	N	S	P	S	N
79	7996	Amusement Parks	S	N	N	N	N	S	S	N	N
79	7997	Membership Sports & Recreation Clubs	S	N	N	N	N	S	S	N	N
79	7998	Adult Entertainment	N	N	N	N	N	N	S	S	N
79	7999	Amusement & Recreation, NEC	N	N	N	N	N	N	P	N	N
80		80 HEALTH SERVICES									
80	801	Offices & Clinics of Medical Doctors	N	N	N	N	N	P	P	N	N
80	802	Offices and Clinics of Dentists	N	N	N	N	N	P	P	N	N
80	803	Offices of Osteopathic Physicians	N	N	N	N	N	P	P	N	N
80	804	Offices of Other Health Practitioners	N	N	N	N	N	P	P	N	N
80	805	Nursing & Personal Care Facilities	N	N	N	N	N	P	P	N	N
80	806	Hospitals	N	N	N	N	N	P	P	N	N
80	807	Medical & Dental Laboratories	N	N	N	N	N	P	P	N	N
80	808	Home Health Care Services	N	N	N	N	N	P	P	N	N
80	809	Health & Allied Services, NEC	N	N	N	N	N	P	P	N	N
81		81 LEGAL SERVICES	N	N	N	N	N	N	P	N	N
82		82 EDUCATIONAL SERVICES									
82	821	Elementary & Secondary Schools	S	S	S	S	S	N	N	N	N
82	822	Colleges & Universities	S	S	S	S	S	N	N	N	N
82	823	Libraries	N	N	N	N	N	P	P	N	N

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		ZONING DISTRICTS								
GRP NO.	SIC NO. USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
82	824 Vocational Schools	S	N	N	N	N	S	N	N	N
82	829 Schools & Educational Services, NEC	S	N	N	N	N	N	P	N	N
83	83 SOCIAL SERVICES									
83	832 Individual & Family Services	N	N	N	N	N	N	P	N	N
83	833 Job Training & Related Services	N	N	N	N	N	N	P	S	N
83	8351 Group Day Care Homes	S	S	S	S	S	N	N	N	N
83	8352 Day Care Centers	N	N	N	N	N	P	P	N	N
83	836 Residential Care, Including Group Homes	N	S	S	S	S	N	N	N	N
83	839 Social Services, NEC	N	N	N	N	N	N	P	N	N
84	84 MUSEUMS, ZOOS, BOTANICAL GARDENS									
84	841 Museums & Art Galleries	S	N	N	N	N	S	S	N	N
84	842 Botanical & Zoological Gardens	S	N	N	N	N	N	S	N	N
86	86 MEMBERSHIP ORGANIZATIONS									
86	861 Business Associations	N	N	N	N	N	N	P	N	N
86	862 Professional Organizations	N	N	N	N	N	N	P	N	N
86	863 Labor Organizations	N	N	N	N	N	N	P	P	N
86	864 Civic & Social Organizations	N	N	N	N	N	N	P	N	N
86	865 Political Organizations	N	N	N	N	N	N	P	N	N
86	866 Religious Organizations	S	S	S	S	S	S	S	N	N
86	869 Membership Organizations, NEC	S	N	N	N	N	N	P	N	N
87	87 ENGINEERING & MANAGEMENT SERVICES									
87	871 Engineering, Planning, Architectural & Surveying	N	N	N	N	N	N	P	S	N
87	872 Accounting, Auditing & Bookkeeping	N	N	N	N	N	N	P	S	N
87	873 Research & Testing Services	S	N	N	N	N	N	P	S	P
87	874 Management & Public Relations	N	N	N	N	N	N	P	N	N
89	89 SERVICES, NEC	N	N	N	N	N	N	P	N	N
91	91 PUBLIC ADMINISTRATION	N	N	N	N	N	N	P	N	N
91	91 EXECUTIVE, LEGISLATIVE & GENERAL	N	N	N	N	N	N	P	N	N

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		ZONING DISTRICTS								
GRP NO.	SIC NO. USE DESCRIPTION	A	R A	R 1	R 2	R 3	C 1	C 2	I 1	I 2
92	92 JUSTICE, PUBLIC ORDER & SAFETY	S	N	N	N	N	N	S	S	N
92	921 Courts	S	N	N	N	N	N	P	S	N
92	9221 Police Protection	S	N	N	N	N	N	P	S	N
92	9222 Legal Counsel & Prosecution	N	N	N	N	N	N	P	N	N
92	9223 Correctional Institutions	S	N	N	N	N	N	S	S	N
92	9224 Fire Protection	S	N	N	N	N	N	P	P	N
92	9229 Public Order & Safety, NEC	N	N	N	N	N	N	S	S	N
94	94 ADMINISTRATIVE SERVICES, NEC	N	N	N	N	N	N	P	N	N
100	100 RESIDENTIAL									
100	1001 Single-Family Residential	P	P	P	P	P	N	N	N	N
100	1002 Two-Family Residential	N	N	N	P	P	N	N	N	N
100	1003 Multi-Family Residential	N	N	N	P	P	N	N	N	N
100	1004 Manufactured Homes	P	P	P	N	N	N	N	N	N
100	1005 Mobile Homes	N	N	N	N	N	N	N	N	N

Note: Manufactured homes in Districts "A", "R-A", and "R-1" shall be placed upon a permanent foundation and shall have a minimum floor area of 1,000 square feet. No manufactured home shall be permitted within an existing subdivision until on (1) year after the date of adoption of this ordinance. See District Regulations within the "M-P" and "M-H" sections for further information.

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