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Article I

GENERAL PROVISIONS

SECTION 1. JURISDICTION: All plans, plats, or replats of land laid out in building lots, hereafter made for each subdivision or each part thereof lying within the jurisdiction of the Cass County Planning Commission shall be prepared, presented, and recorded as herein described.

SECTION 2. PURPOSE AND INTENT: The purpose and intent of these Regulations is to provide for the harmonious development of the unincorporated areas of the County; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities and drainage; for the avoidance of congestion of population through requirements of minimum lot width, depth, and area, and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sanitary sewers, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure to the Governing Body, the actual construction of such physical improvements.

SECTION 3. APPLICABILITY: The owner or owners of any land located within the jurisdiction of these Regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivision, suburban lots, building lots, tracts, or parcels or any owner of any land establishing any street, alley, park, or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these Regulations.

SECTION 4. EXEMPTIONS: These Regulations shall not apply in the following instances:

1. The division of any parcel with forty (40) acres or more for the purpose of dividing an agricultural tract from a habitable residence existing prior to the adoption of these regulations, provided that no subdivided lot is less than five (5) acres in area.
2. A change in the boundary between adjoining land which does not create an additional lot.
3. Land used for streets or railroad right-of-way, a drainage easement, or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
4. Whenever any lot, parcel, or tract of land located within the area governed by these Regulations has been subdivided, resubdivided, or replatted prior to the adoption of these Regulations.
5. Any transfer by operation of law.
6. Land which is to be used for cemetery purposes.

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SECTION 5. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS: All plans, plats, or replats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission for its consideration, and its recommendation shall be submitted to the Governing Body for their official consideration and action.

Article II

DEFINITIONS

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

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

12. Improvements: Street work and utilities that are to be installed, or agreed to be installed by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.
13. Local Street: A street or road which provides primarily for direct access to adjoining properties and is designed to serve minor traffic needs.
14. Lot: A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.
15. Major Thoroughfare: A street, highway, or roadway designated as such on the official Major Street Plan.
16. Marginal Access Streets or Frontage Roads: A minor street which is generally parallel to or adjacent to a major traffic thoroughfare, highway, or railroad right-of-way and provides access to abutting properties.
17. Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
18. Planning Area: That area on a map prepared and maintained for or by the Planning Commission describing the planning area limits.
19. Planning Commission: Shall mean the Cass County Planning Commission, unless otherwise specified.
20. Preliminary Plat: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.
21. Setback Line or Building Line: A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provided in the Zoning Regulations.
22. Sight Triangle: A Sight Triangle is a triangular area at the intersection of two streets in which nothing shall be erected, placed, planted, or allowed to grow high enough above the elevation of the adjacent roadway to constitute a sight obstruction. The area included in a Sight Triangle shall be bounded on two sides by the centerlines of each street, and on the third side by a line connecting the two lines. The unobstructed sight distance must be sufficient to allow the operator of vehicles approaching the intersection simultaneously, to see each other in time to prevent a collision. The sight distance must be related to vehicle speeds and to the resultant distances traversed considering perception, reaction time and braking. (See the Transportation and Traffic Engineering Handbook,

Second Edition, Institute of Transportation Engineers, 1982, or most recent edition).

23. Street: A right-of-way, dedicated to the public use, which provides principal vehicular and pedestrian access to adjacent properties.
24. Subdivider: A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself or for others.
25. Subdivision: The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision", and the term "resubdivision" as used herein shall include any further subdivision of a lot of parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest approved subdivision of the same.
26. Zoning Enforcement Officer: Administrator who enforces the subdivision regulations, or other individual as designated by the Governing Body.

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Article III

MINIMUM DESIGN STANDARDS

SECTION 1. WATER AND SEWER:

1. The area of the lots shall be determined by the availability of public sewer and a public water supply, and by the district regulations of the zoning ordinance. Prior to the submission of a preliminary plat, the subdivider shall obtain information as to whether adequate public sewer and water supply are available.
2. If the proposed subdivision is serviced by a public water supply and a public sewer system, the minimum lot area requirements shall be subject to those set forth herein in the Zoning Regulations.
3. If the proposed subdivision is serviced with a private or individual sewage disposal system, the preliminary plat and final plat shall be prepared on the basis of minimum three (3) acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.
4. All water and sewer systems shall be reviewed for approval by the Cass County Health Department.
5. For public water supply lakes and other public water supply sources, the following requirements shall apply:
 - a. For the purpose of implementing this regulation, a water supply lake shall be defined as a body of water that can be identified by a specific design elevation and shall not include the rivers, streams or drainageways that flow into the lake. Other public water supply sources are defined as the intake location on a river or stream or a well location.
 - b. Lots platted adjacent to a water supply lake or other public water supply source shall be a minimum of 8 acres.
 - c. Lots platted adjacent to a water supply lake shall have a minimum lake frontage of 500 feet.
 - d. Lots platted adjacent to a water supply lake or other public water supply sources shall have a minimum 500 feet setback from the shoreline of the lake or other public water supply source, to any structure that is connected to a sanitary sewer system or individual sewage disposal system.

- e. All individual sewage disposed systems designed on properties platted next to a water supply lake or other public water supply source shall be a low pressure system designed by a engineer and approved by the County Health Department.
- f. Properties platted within 500 feet of a water supply lake or other public water supply source, but not adjacent to the lake shall have five-acre minimum lots.

SECTION 2. BLOCKS:

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

SECTION 3. STREETS, ALLEYS, AND PUBLIC WAYS:

- 1. Relations to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required, and street arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.
- 2. Street Names: Streets that are obviously in alignment with others already existing and named shall bear the same alpha-numeric designation adopted by the Governing Body.
- 3. Arterial and Collector Streets: Major streets through subdivisions shall conform to the Major Street Plan as adopted by the Planning Commission and the Governing Body.

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

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

Minimum right-of-way width	80 ft.
Maximum gradient	7%
Minimum radii of horizontal curves	380 ft.
Minimum sight distance on vertical curves	300 ft.
Minimum distance between points of access*	200 ft.

- c) Local Streets:
 - Minimum right-of-way width 60 ft.
 - Maximum gradient 10%
 - Minimum radii of horizontal curves 270 ft.
 - Minimum sight distance on vertical curves 200 ft.
- d) Cul-de-sacs:
 - Minimum right-of-way width 50 ft.
 - Maximum gradient 10 %
 - Minimum radii of turnaround 50 ft.
- e) Frontage Roads:
 - Minimum right-of-way width 60 ft.
- f) Alleys:
 - Minimum right-of-way width 20 ft.
- g) Pedestrian Way:
 - Minimum right-of-way 10 ft.
- h) The absolute minimum gradient on a street shall be 0.5% and minimum gradient shall be 1.0% wherever practical.
- 11. Additional Requirements: When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated.
- *ITE Transportation and Land Development Manual
- 12. Street Alignment: On streets with reverse curves, an appropriate tangent shall be provided between curves to permit a smooth flow of traffic.
- 13. Intersections: Local nonaligned intersections shall be spaced at a minimum of 150 feet (centerline to centerline).
- 14. Drainage Easements: If a subdivision is traversed by a water course, drainage way or channel, then a stormwater easement may be required. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and to provide for access for maintenance thereof.

SECTION 4. LOTS:

- 1. Minimum lot width shall be as specified in the district regulations of the Cass County zoning regulation; however, corner lots shall be 20 feet wider than that required in those regulations, unless otherwise specified. Lot width shall be measured at the building setback line.

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

SECTION 5. EASEMENTS:

1. Where alleys are not provided, permanent easements of not less than 7½ feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way of at least 15 feet in width.

2. An additional 12-foot temporary construction easement (6 feet on each side of the lot line) shall be provided for initial construction of water, sewer, and other utility lines.

SECTION 6. DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES: In subdividing land or resubdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education may be required to be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.

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

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

SECTION 9. STORMWATER RUNOFF PLAN: The subdivider shall be required to have an engineer's study prepared to determine the amount of increased stormwater runoff that will be created by the proposed development, to determine the required width of easements and to determine how this runoff will be accommodated; i.e., retention or detention ponds, etc. Such study shall be based on a 100-year storm. The County Commission may require design modification of the proposed stormwater system and subdivision to properly control and handle increased runoff.

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

Article IV

LOT SPLITS

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning Commission may approve or disapprove lot splits in accordance with these regulations.

SECTION 1. APPLICATION PROCEDURE: Requests for lot split approval shall be made by the owner of the land to the Zoning Enforcement Officer. Four copies of a scale drawing of the lots involved if there are no structures thereon or, if structures are located on any part of the lot being split, four copies of a certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.

SECTION 2. APPROVAL GUIDELINES: Approval or disapproval of lot splits shall be made, based on the following guidelines:

1. No lot splits shall be approved if:
 - a) A new street or alley is needed or proposed.
 - b) A vacation of streets, alleys, setbacks lines, access control, or easements is required or proposed.
 - c) If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 - d) There is less street right-of-way than required by these Regulations or the Comprehensive Plan unless such dedication can be made by separate instrument or is waived by the Governing Body.
 - e) All easement requirements have not been satisfied.
 - f) If such split will result in a tract without direct access to a street.
 - g) A substandard-sized lot or parcel will be created.
 - h) If the lot has been previously split in accordance with these Regulations.
2. The Zoning Enforcement Officer may recommend such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and

easements, and submission of covenants for the protection of other landowners in the original subdivision.

3. The Planning Commission shall, in writing, either approve, with or without conditions, or disapprove the lot split within 60 days of application. If approved, and after all conditions have been met, the Planning Commission shall sign and furnish a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the Recorder of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.

SECTION 3. FILING FEE:

1. The filing fee for lot split shall be Fifty Dollars (\$50.00).
2. Cost of recording documents, publications, writs, and engineering costs are payable in addition to filing fees. These costs will be billed to the applicant.

Article V

PRELIMINARY PLATS

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a preliminary plat together with any supplementary information necessary.

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

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

SECTION 2. SUBMISSION OF A PRELIMINARY PLAT:

1. Number of copies: The subdivider shall submit ten copies of the preliminary plat and ten copies of a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the official authorized to administer the subdivision regulations at least 15 days prior to a regular Planning Commission meeting at which the preliminary plat is to be considered.
2. Preliminary Plats Shall Contain:
 - a) The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision);
 - b) The location of the boundary lines of the subdivision and reference to the section or quarter section lines;
 - c) The names and addresses of the developer, and the surveyor and/or engineer who prepared the plat;
 - d) Scale of the plat, 1"=100' or larger;
 - e) Date of preparation and basis for north;
 - f) Existing conditions:

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

SECTION 3. APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT: Action by the Planning Commission shall be conveyed to the subdivider in writing within ten days after the official Planning Commission meeting at which time the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.

The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of 12 months, unless an extension is granted by the Planning Commission for up to an additional six-month period. If the final plat for any part of the area covered by the preliminary plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Commission for approval.

Article VI

FINAL PLAT

SECTION 1. SUBMISSION: After approval of the preliminary plat, the subdivider shall submit a final plat for determination by the Planning Commission of conformance with the Subdivision Regulations, such determination to be made within ninety (90) days after the final plat has been submitted for consideration. Preliminary and final plats may be submitted simultaneously.

1. A certified copy of the covenants, forming an association with the minimum purpose of creating a roadway maintenance fund for internal subdivision streets. Said covenant shall include the following minimum information:
 - a) Certification that the covenant has been filed with the Cass County Recorder of Deeds;
 - b) A statement indicating the covenant, as it relates to the road maintenance fund, cannot be amended without prior written consent of the Planning Commission and County Commission; and
 - c) The amount of annual dues collected for the road maintenance fund, where funds will be kept, how funds can be disbursed, and how the fee was determined.
2. Two originals (on mylar) and ten prints thereof shall be submitted to the official authorized to administer the Subdivision Regulations at least ten days prior to the Planning Commission public hearing.
3. Certification from the appropriate water district, fire district, Missouri Department of Natural Resources and Cass County Health Department.
4. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
5. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=100' or larger. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches.
6. Final Filing Fee: \$35.00 per lot.

SECTION 2. INFORMATION: The final plat shall show and contain the following information:

1. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).

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

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- c) The acknowledgement of a Notary in the following form:

STATE OF MISSOURI)
COUNTY OF CASS)

BE IT REMEMBERED that on this day of 19 , before me, a Notary Public in and for said County and State, came to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

NOTARY PUBLIC

(SEAL)

My Commission Expires:

- d) The certificate of the Planning Commission in the following form:

This plat of Addition has been submitted to and approved by the Planning Commission this day of , 19 .

Chairman

Secretary

(SEAL)

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

The dedications shown on the plat accepted by the County Commissioners of Cass County, Missouri (State), this day of , 19 .

Commissioner

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ATTEST:

County Clerk

Commissioner

Commissioner

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

Entered on transfer record this _____ day of _____,
19____.

County Clerk

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

STATE OF MISSOURI)

COUNTY OF CASS)

This is to certify that this instrument was filed for record in the Recorder of Deeds Office on the _____ day of _____, 19____,
in Book _____, Page _____.

Recorder of Deeds

Deputy

13. Supplemental Information to be Submitted with Final Plat: The following additional data shall be submitted with the final plat:

- a) A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.
- b) A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on the deposit with such officials or governing bodies to meet this requirement.

- c) A copy of any deed restrictions applicable to the subdivision.

SECTION 3. EXTENT AND MANNER OF PHYSICAL IMPROVEMENTS: As a condition to the approval of a final plat, the subdivider shall agree to install the following improvements:

1. Urban Reserve-Primary: Developments at a density greater than one "sell-off" in 40 acres within one-half mile of and adjacent to an incorporated city in Cass County shall petition for annexation to the City. Subdivisions not annexed by the adjacent city shall be developed according to regulations for Urban Reserve Secondary developments.
2. Urban Reserve - Secondary: A map is incorporated into these regulations that designates the Urban Reserve - Secondary Areas of Cass County and this map may be amended and revised from time to time. Subdivisions located within the designated Urban Reserve - Secondary Areas shall develop water, sewer, streets and storm drainage improvements according to the following requirements:
 - a) Water: If the proposed subdivision is served by a water district, it shall install waterlines and fire hydrants in accordance with the standards of the water district. If the proposed subdivision is to be served by a city, it shall install waterlines and fire hydrants in accordance with city standards.
 - b) Sewers: If the proposed subdivision is within four hundred (400) feet of a city sewer and that sewer has the capacity to accommodate the subdivision, the subdivision shall connect to that sewer system and the sewer lines within the subdivision as well as the connecting line will be built to the standards of the city.

If the proposed subdivision is farther than four hundred (400) feet from a city sewer line and the lots are less than three (3) acres, the subdivision shall either connect to the city system if that line has adequate capacity, or build a treatment facility adequate to handle the proposed subdivision.

If the proposed subdivision is platted in lots of three acres or more, individual sewage disposal systems will be permitted provided they are approved by the County Health Department.

- c) Streets:
 - 1) If the lots in the proposed subdivision are less than three acres in area, the streets shall be constructed according to the following standards:
 - Curb and gutter is required and rollback curbs are permitted for residential streets but six inch standup curbs are required for collector streets.

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- Minimum street width is 28 feet back of curb to back of curb for residential streets and 36 feet for collector streets.
 - Surface Standards:
 - Type A - 6" portland cement over 6" compacted subgrade 95% of standard maximum density; or
 - Type B - 2" Type 2 asphaltic concrete with 6" asphaltic concrete base course and 6" compacted subgrade 95% of standard maximum density; or
 - Type C - 3" Type 2 asphaltic concrete with 5" stabilized aggregate base and 6" compacted subgrade 95% of standard maximum density.
- 2) If the lots in the subdivision are three (3) acres or greater in area, the streets may be a slab and ditch section with the pavement width being 24 feet for residential streets and 32 feet for collectors. The surface standards shall be the same as above except that a minimum shoulder width of four (4) feet shall be provided on each side of the street.
- 3) All streets shall be designed to the Kansas City Metro..APWA Standard Specification and Design Criteria.
- d) Storm Drainage/Storm Sewer: All subdivisions designed with curb and gutter streets shall include a storm sewer system designed by a licensed professional engineer in accordance with APWA standards. All subdivisions designed with slab and ditch streets shall include appropriate ditches and drainageways designed by a licensed professional engineer in accordance with APWA standards.
- e) Lots: In those areas where municipal-type water and sanitary sewer systems will be available in the future, but are not yet available, the Planning Commission may require that lots be laid out and arranged so that they can readily be converted to urban type building sites without replatting when said systems become available. When this situation occurs, land should be subdivided so that by combining lots, a building site is created with an area of not less that required for individual sewage treatment systems which currently is three acres and provisions should be made for appropriate utility easements and street rights-of-way when utilities become available. The creation of a building site through use of multiple lots shall be contingent upon the establishment of restrictive covenants satisfactory to the County Commission that no more than one dwelling unit shall be built on an aggregate group of lots having an area

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of at least three acres until such time as municipal-type water and sanitary sewer systems are available.

- f) **Design and Inspection:** All required facilities will be designed and inspected by a licensed professional engineer. The installation of water and sewer lines shall be coordinated with the city or district providing the service and whatever additional inspection that entity may require shall be made.

- 3. **Rural Subdivision:** Subdivisions comprised of lots three (3) acres in size or smaller shall be developed within one-half (1/2) mile of a paved County or State road. If the access road to the subdivision is a County road, it shall be constructed to the minimum standard set by the County Engineer. In addition, the subdivider shall participate in the improvement of the roadway, based upon the volume and intensity of traffic generated by the subdivision (assuming complete development) in comparison to the total traffic travelling the roadway. Should the County elect not to participate in the improvement, no improvement shall be required.

Local streets in rural subdivisions, regardless of lot size, shall be privately-owned unless the County Commissioners specifically request dedication. Provided, however, that it is understood that the street standards described in paragraph 4 below will require maintenance and the County Engineer may require streets dedicated to the County to be constructed to a higher standard.

If a subdivision abuts a county road and the road needs to be upgraded in width or base because of the volume of intensity of traffic generated by the proposed development, the subdivider shall participate in the improvement of the roadway for that area upon which the subdivision abuts. The developer's minimum financial responsibility will be for one-half the cost of the road. The County may accept responsibility for financing up to one-half of the cost of the improvements. Should the County elect not to participate in the improvement during the current or next fiscal year, the developer shall be required to finance the entire adjacent roadway improvements.

- 4. **Rural Areas:** Subdivisions located outside of the Urban Reserve - Secondary Area in Cass County shall develop private utilities and streets to the following standards, maintenance of which shall be provided through assurances provided to the Governing Body.

Streets:

- a) Streets in subdivisions comprised of lots smaller than 22,000 square feet shall be improved with curb and gutter, and a paved surface according to the Engineer's standards and specifications. It is the policy of Cass County that roadways in subdivisions comprised of lots smaller than 22,000 square feet shall be comprised of a

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minimum of six (6) inches of compacted aggregate base and four (4) inches of asphaltic concrete surface.

- b) Streets in subdivisions comprised of lots between 22,000 square feet but less than five (5) acres in size shall be improved with a paved surface in conformance with the Engineer's standards and specifications. Curbs and gutters shall not be required. It is the policy of Cass County that roadways in subdivisions in this category shall be comprised of a minimum of six (6) inches of compacted aggregate base and two (2) inches of asphaltic concrete surface.
- c) Streets in subdivisions comprised of lots five (5) acres and larger in size shall have a compacted base and be surfaced with rock and gravel in conformance with the Engineer's standards and specifications. It is the policy of Cass County that roadways in subdivisions in this category shall be constructed by scarifying the first four (4) inches of topsoil, mixing in and compacting with four (4) inches of aggregate, and surfacing with an additional two (2) inches of aggregate.
- d) Collector and arterial streets shall be dedicated to the public and improved to standards and specifications as established by the County Engineer.

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

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

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

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

5. Street Signs: Street signs will be supplied and erected by the appropriate governing authority, but paid for by the Subdivider .
6. Sidewalks: Sidewalks shall be a minimum of four feet in width where required by the Planning Commission.
7. Other Improvements: If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the Engineer having jurisdiction.

- a. All lot corners and deflection points shall be set with one-half inch ($\frac{1}{2}$ ") diameter iron bars twenty-four inches (24") in length. All boundary and block corners shall be five eighths inch ($\frac{5}{8}$ ") diameter iron bars thirty-six inches (36") long.
- b. All block corners and all curve points in the street alignment must be permanently set prior to acceptance of the plat by the County. Prior to any lot being sold, the total block must be monumented and corners set for all lots. Block corners shall be set a minimum of four inches (4") below the finished grade elevation.

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

- c. A minimum of two benchmarks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than 40 acres, one benchmark shall be installed for each additional 20-acre area. The monument shall be a 3-inch brass cap set permanently in concrete, 10 inches in diameter by 24 inches deep approved by the Engineer. The elevation of the monuments shall be identified on each.
8. Improvement Procedure: After the approval, but prior to the recording of the final plat, the subdivider must make all required improvements.

In lieu of the actual construction of all physical improvements prior to the issuance of building permits, the County Commissioners may, at the option of the developer, accept a bond or other method of financial assurance acceptable by the

County in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Governing Body. Such surety shall be properly executed prior to any grading or construction shall be released in segments upon written approval of the County.

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

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

SECTION 4. CONSIDERATION BY THE PLANNING COMMISSION: If the Planning Commission does not make a determination of approval or disapproval of the final plat within ninety (90) days after the final plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the Planning Commission upon demand. If the Planning Commission shall find that the plat does not conform to the requirements of the subdivision regulations, it shall notify the owner or owners of such fact. If the plat does conform to the regulations, it shall have endorsed thereon the fact that it has been submitted to and approved by the county Planning Commission. The Recorder of Deeds shall not file any plat for land located within any area governed by subdivision regulations as provided by law until such plat shall bear the endorsement hereinbefore provided. If the council or Board of Trustees of any municipality files with the Planning Commission, a certified copy of a resolution of such council or board protesting against the action of the county Planning Commission approving any such plat of any land lying within one and one-half miles of the limits of the incorporated area of such municipality, such approval shall be deemed overruled, and such plat may be then approved only by a unanimous vote of the County Commission.

If the Final Plat is not recorded within twelve (12) months from the date of approval by the Planning Commission, the approval will expire and the plat shall be resubmitted for approval as if it were a new plat with a new filing fee. Except that the subdivider may request an extension or extensions thereof, and upon the showing of sufficient cause the Planning Commission may extend the time limit.

Article VII

RESUBDIVISIONS

SECTION 1. LOT SPLIT: A resubdivision of an existing lot or parcel which results in the creation of no more than one (1) additional lot or parcel shall only require the submittal of a final plat in accordance with lot split requirements of these regulations.

SECTION 2. RE-PLATS: A resubdivision of an existing lot or parcel which results in the creation of two (2) or more additional lots or parcels shall require the submittal of both a preliminary plat and a final plat in accordance with Articles V and VI of these regulations.

SECTION 3. REVIEW: The County Engineer shall review said resubdivision to determine if the existing infrastructure (i.e. sewer lines, water lines, streets, etc.) needs to be upgraded as a result of the creation of an additional lot or lots. If upgrading is needed the resubdivider shall be responsible for the improvements.

Article VIII

VARIANCES AND EXCEPTIONS

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

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

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

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

Article IX

AMENDMENTS

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

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

SECTION 3. ACTION BY THE PLANNING COMMISSION. 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, to the Governing Body.

SECTION 4. ACTION BY THE GOVERNING BODY. When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Governing Body may adopt such recommendation, return it to the Planning Commission for further consideration, or take no further action.

Article X

MISCELLANEOUS PROVISIONS

SECTION 1. SUBMISSION TO THE GOVERNING BODY: After the review of the final plat by the Planning Commission, such final plat together with the recommendations of the Planning Commission, shall be transmitted to the Governing Body as required by law for its review.

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

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

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

CASS COUNTY, MISSOURI

SUBDIVISION REGULATIONS

Article XI

EFFECTIVE DATE

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

Approved by the Cass County Planning Commission this ____ day of _____, 19__.

(SEAL)

Secretary

Chairman

Approved by the Cass County Commissioners this ____ day of _____, 19__.

ATTEST:

(SEAL) County Clerk

Chairman

Commissioner

Commissioner

Alley (1), (3), (8), (11), (13), (24)
Amendments (31)
Application (13-15)
Authority (12), (25)
Board of Adjustment (12), (25), (26)
Building Permits (1), (2), (4), (5), (10), (11), (13), (14), (18), (22), (25), (26)
Depth of Lot (11)
Dwelling (22)
Family (3)
Fee (14), (17), (26)
Frontage (4), (7), (9-11)
Governing Body (1-3), (5), (8), (13), (23), (26), (29), (31), (33)
Grade (9), (25)
Intent (1), (13)
Lot (1), (3-5), (7), (9-14), (17), (18), (23-25), (27)
Multiple Dwelling (22)
Planning (1), (2), (4), (8), (11-17), (19), (22), (25), (26), (29), (31), (33), (35)
Protest (20)
Purpose (1), (3-5), (7), (13), (17)
Rear Lot (11)
Setbacks (13)
Sign (14)
Street Network (3)
Subdivision Regulations (5), (15), (17), (26), (33)
Zoning Regulations (4), (7), (11)

CASS COUNTY, MISSOURI

PROCEDURAL MANUAL

February 1991

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Article 1

THE ROLE OF EACH PARTICIPANT

INTRODUCTION

The purpose of zoning and subdivision regulations is to promote orderly growth and enhance the livability of Cass County. The degree to which these regulations are effective is largely dependent upon the caliber of implementation. The best regulations are ineffective by themselves and perform their functions only through proper administration on a day-to-day basis.

The purpose of this Procedure Manual is to set forth guidelines for the proper administration of the Zoning and Subdivision Regulations, and the management of floodplain regulations. Included are descriptions of the general role of each participant, a discussion of the decision-making process, a recommended code of conduct, and a step-by-step outline of the most common development requests. Through the use of the Procedure Manual, the Zoning Ordinance and Subdivision Regulations will be more efficient, as well as applied more equitably and consistently.

The power to enact zoning and subdivision regulations has been granted to cities and counties by the state enabling legislation. These statutes require the participation of three separate bodies in the process of administering the regulations: The Planning Commission, the Board of Zoning Appeals, and the Governing Body.

Cass County Planning Commission. By State of Missouri statutes, the first duty of a planning commission is to adopt a plan for the physical development of the unincorporated areas of the county. Before adopting or amending the plan, the planning commission must hold a public hearing. After adoption, a copy is certified to the county commission and county clerk, and a copy recorded in the office of the county recorder of deeds.

Under R.S. Mo. 64-510, a planning commission is primarily an advisory body. Under the Zoning Ordinance, the Cass County Planning Commission's first duty is to hold a public hearing where public opinion can be expressed regarding proposed rezoning.

In this sense, the Planning Commission is a sounding board for community attitudes toward development. It is important for the Planning Commission to establish the facts surrounding each development issue as clearly as possible so that decisions are not based on misinformation or conjecture. The Planning Commission is required to adopt a recommendation to the Governing Body regarding rezoning.

Under the Subdivision Regulations, the Planning Commission has responsibility for approving or disapproving both preliminary and final plats. Guidelines to carry out this responsibility are provided by the design standards set out in the regulations.

Board of Adjustments. The Board of Adjustment is primarily a quasi-judicial body rather than an advisory or legislative one. Its role in zoning administration is specifically limited to two types of tasks:

1. The appeal of an administrative decision or interpretation; and
2. The granting of variances for cases of hardship.

In the first case, the responsibility of the Board of Adjustment is to rule to the interpretation of the zoning regulations whenever there is an ambiguous provision or an alleged error. Variances are granted for unusual physical constraints, and the role of the Board of Adjustment is to determine if a variance should be granted in a manner which is consistent with the intent of the zoning ordinance and fair to the applicants. The Board of Adjustment is not involved in administering the subdivision regulations.

The County Commission. The Governing Body has responsibility for enacting and amending the zoning and subdivision regulations after consideration of the recommendations of the Planning Commission. This responsibility includes amending the zoning regulations or the zoning district maps, but does not include approving subdivision plats. The role of the Governing Body in the subdivision process is limited to accepting or rejecting dedications of easements, rights-of-way and the public lands, approving financial guarantees or financing mechanisms to ensure construction of all public improvements, and approving engineering drawings.

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

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

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

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

Third, it is important to zone for land, not people. An error frequently made is approval of a rezoning to accommodate an applicant's personal circumstances

without consideration of land use conditions and characteristics. Such rezoning are rarely in the public interest and, if challenged, can be held to be invalid. Instead, decisions should be based on whether the land proposed to be rezoned is appropriately suited to the list of permitted uses in the proposed zoning district. Appropriate factors for consideration of a rezoning application include:

1. The character of the neighborhood;
2. The zoning and uses of properties nearby;
3. The suitability of the subject property for the uses to which it has been restricted;
4. The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property;
5. The length of time the property has remained vacant as zoned;
6. The relative gain to the public health, safety and welfare by not rezoning the property as compared to the hardship imposed on the property owner;
7. The recommendation of staff; and
8. Compliance with the Comprehensive Plan.

It should also be pointed out that the entire class of uses which the zoning district permits should be considered rather than just the use the applicant proposes, since a change in ownership or in market conditions could easily result in a change of the proposed use.

Appeals, Variances and Special Uses. The Board of Adjustment has the important task of interpreting the Zoning Ordinance in situations where the language of the ordinance is alleged to be ambiguous, the specifics of the case are unusual enough to warrant special consideration, or an appeal is made. Thus, the decisions made by the Board of Adjustment must be carefully thought out and clearly stated in order to safeguard the integrity and purpose of the Zoning Ordinance.

In deciding an appeal, the Board of Adjustment must interpret sections of the Zoning Ordinance, as well as preserve the intent and consistency of the regulations. The specifics of the applicant's situation are largely irrelevant, since the ruling of the Board of Adjustment will affect not only the case at hand, but will also set precedent, and so will affect each subsequent use of that section of the Zoning Ordinance.

The granting of a variance requires a very careful examination of the applicant's situation. Although the Board of Adjustment should be careful to avoid setting any unintentional precedents, the variance process requires a case-by-case approach. Before a variance can be granted, facts must be presented supporting the standards set forth in the Cass County zoning ordinance. These conditions require the existence of practical difficulties or unnecessary hardship, and that any variance granted be consistent with the intent of the regulations, the general welfare of the community, and the rights of adjacent property owners.

The granting of a special use permit also requires a case-by-case approach. The zoning ordinance sets forth conditions which must be met before a special use may be granted. The district regulations also may establish additional conditions. The recommendation to grant a special use permit should be made to the County Commission only after the Planning Commission has found all the standards as set forth in the ordinance have been met.

In each of the duties described above, it is important to point out that it is not the role of the Board of Adjustment or Planning Commission to change or weaken the intent of the zoning ordinance. If the ordinance needs changing, an amendment should be passed by the Governing Body after the Planning Commission's review and recommendation.

Subdivision Plats. The decision to approve or disapprove a preliminary or final plat should be based on technical standards that can be set out in written form. Standards for subdivision design are included in the subdivision regulations. Standards for engineering design and construction should be available from the Zoning Officer. There are other elements of "good subdivision design", however, that are not easily quantified or expressed in writing. These include aesthetics, compatibility with adjoining subdivisions, relationship to topographic conditions, efficiency of the utility layout, and general suitability of the lot and block design to

the intended use of the land. These issues will have to be resolved in the best judgment of the Planning Commission after consideration of the plans for the subdivider.

In reviewing a subdivision plat, there are two distinct sets of interests to be considered: the interests of the property owner or owners and the county-at-large. Initially the subdivider is the property owner, but eventually lots in the subdivision are likely to be sold to a variety of people. The property owner(s) needs a subdivision design that can be developed easily and economically. This means an efficient street and utility layout, and lots which have the appropriate size, shape and topography to develop and maintain for their intended use. The broader community needs a subdivision design that blends well with the development pattern of the County, and that will not be a financial drain on local government. This means that the subdivider must adhere to appropriate standards for design and construction, and give adequate financial guarantees to ensure that all public improvements are installed.

*Article 3***CODE OF CONDUCT**

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

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

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

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

owner or officer of any company which is an applicant, subdivider, developer or option holder; or

5. The member has a potential for indirect financial gain or loss because of related property or business holdings.

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

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

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

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

general nature and content of the discussion or information and the participants in the discussion or the source of the information.

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

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

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

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

Article 4

PROCEDURAL SUMMARY

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

It is important to note that the official procedural requirements are contained in the zoning and subdivision regulations themselves. This manual is a summary document intended to present the zoning and subdivision process in an easily understood format.

ZONING TEXT AMENDMENT

PROCEDURE

*Article 5***ZONING TEXT AMENDMENT PROCEDURE**

A proposal for an amendment of the text of the Zoning Ordinance is normally initiated by either the Planning Commission or the County Commission. A citizen may also begin the amendment process by submitting the proposed change to the Zoning Officer.

1. If the change is initiated by a private citizen, the normal procedure is for the Planning Commission to permit the individual to present the proposed amendment and the case for it at a regular meeting. The Planning Commission, based on the information presented, determines whether the proposal should be considered as an amendment. If it is determined that the proposal has merit, the Planning Commission may set a date for the public hearing and authorize the publication of the necessary public notice.
2. If the text amendment is initiated by either the Planning Commission or the Governing Body, a public hearing may be scheduled immediately. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.
3. The public hearing may be adjourned from time to time, and upon its conclusion the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.
4. The Governing Body shall consider the Planning Commission's recommendation and may either approve or disapprove the recommendation; or return the proposed amendment to the Planning

Commission for reconsideration. If the Governing Body disapproves the recommendation, the application may be returned to the Planning Commission for reconsideration. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for disapproval and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the Governing Body may approve or disapprove the proposed zoning district amendment.

If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

CASS COUNTY, MISSOURI

For Office Use Only

ZONING TEXT AMENDMENT FORM

Case No.:

Filing Fee:

Date Advertised:

Public Hearing Date:

APPLICANT OR AGENCY:

ADDRESS:

ZIP:

TELEPHONE #:

Present Text:

PROPOSED AMENDMENT:

ZONING DISTRICT

CHANGE

Article 6

ZONING DISTRICT CHANGE

A proposal for a change in district classification (rezoning) may be initiated by either the County Commission, the Planning Commission, or the owner of the property affected.

1. The applicant shall first obtain the proper application form from the office of the Zoning Officer. The rezoning application form shall be completely filled out and returned to the office of the Zoning Officer with the appropriate filing fee, a certified list of owners of property within one thousand (1000) feet and other required information.

AN APPLICATION SHALL NOT BE SCHEDULED FOR PUBLIC HEARING UNTIL THE APPLICATION FORM HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.

2. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and shall describe generally the change requested. A written notice shall also be mailed to notify surrounding property owners of the public hearing and of their right to file protest petitions and shall explain the protest procedure.
3. Such notice shall be given by certified mail to all owners of any real property within one thousand (1000) feet of the proposed rezoning. A notice shall also be posted in a conspicuous place in the County Courthouse.
4. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its

recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.

The Planning Commission shall inform protestors at the public hearing of their right to submit protest petitions. 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.

The Governing Body shall consider the Planning Commission's recommendation and may either approve or disapprove the recommendation or return the proposed amendment of the Planning Commission for reconsideration. If the Governing body disapproves the recommendation, the application may be returned to the Planning commission for reconsideration. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for disapproval and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the Governing Body may approve or disapprove the proposed zoning district amendment.

If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

**CASS COUNTY, MISSOURI
REZONING APPLICATION FORM**

For Office Use Only

Case No.:
Filing Fee:
Date Advertised:
Date Notices Sent:
Public Hearing Date:

APPLICANT:
ADDRESS:
OWNER:
ADDRESS:
LOCATION OF PROPERTY:
LEGAL DESCRIPTION:

PHONE:
ZIP:
PHONE:
ZIP:

Present Zoning
Present Use of Property:

Requested Zoning:

SURROUNDING LAND USE AND ZONING:

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

CHARACTER OF THE NEIGHBORHOOD:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
If yes, explain:

1. **Consistent with Development Policies?**
2. **Consistent with Future Land Use Map?**

Topographic contours, structures (existing and proposed), parking, drives, walks, screening, drainage, access, easements, dimensions between improvements, signage and landscaping.

1. **Street(s) with Access to Property:**
2. **Classification of Street(s):**

Arterial	Collector	Local
-----------------	------------------	--------------
3. **Right-of-Way Width:**
4. **Will turning movements caused by the proposed use create an undue traffic hazard?**

1. Appropriately Sized Lots?
2. Properly Sized Street Right-of-Way?
3. Drainage Easements?
4. Utility Easements:
 - Electricity?
 - Gas?
 - Sewers?
 - Water?
5. Additional Comments:

OTHER:

Certified list of property owners within 1000 feet.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENTS:

SIGNATURE:

DATE:

BY:

TITLE:

APPEAL OF ADMINISTRATIVE

DECISION

*Article 7***APPEAL OF ADMINISTRATIVE DECISION****APPEAL PROCEDURE**

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

1. The applicant shall first meet with the Zoning Officer to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, an application shall be obtained.
2. The applicant shall file a completed application with the Zoning Officer and pay the appropriate fee. The application shall include an explanation of the decision being appealed and a statement of the reasons for the appeal. Drawings of the property in question and a list of all surrounding property owners may be required.

AN APPLICATION SHALL NOT BE PROCESSED UNLESS IT HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.

3. The Zoning Officer shall then schedule a regular meeting of the Board of Adjustment and send copies of the application to members of the Board of Adjustment. Fifteen (15) days prior to the Board meeting, an official notice to the public shall be published in a newspaper of general circulation in the County explaining the appeal and the time and place

of the scheduled hearing. A copy of the notice shall be mailed to each land owner within 1,000 feet and to the Planning Commission.

4. At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal must be heard by the Board within a reasonable period of time from the application and fee submittal and a written decision must be rendered without unreasonable delay.
5. The Board of Adjustment may either affirm, reverse or modify the order, requirement or interpretation at issue. The determination, in written form, shall be sent to all affected parties including the Planning Commission. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

ZONING APPEAL APPLICATION

CASS COUNTY, MISSOURI

For Office Use Only

Case No.:

Filing Fee:

Date Advertised:

APPLICANT:

PHONE:

ADDRESS:

ZIP:

OWNER:

PHONE:

ADDRESS:

ZIP:

LOCATION OF PROPERTY:

LEGAL DESCRIPTION:

Section of Zoning Ordinance Being Appealed:

Explanation of Decision Being Appealed:

Present Use of Property:

Proposed Use of Property:

SIGNATURE:

DATE:

BY:

TITLE:

CASS COUNTY, MISSOURI

BOARD OF ADJUSTMENT

REASONS FOR DETERMINATION

Case No.:

Date of Action:

Action:

On _____, 19____, the Cass County Board of Adjustment, at its regular meeting,
(Affirmed, Reversed, Modified) the decision or determination by
(Approving/Denying) the appeal brought before them as Case No. _____ by the Applicant,
(Name).

In making this decision, the Board found:

Zoning Officer

VARIANCE

*Article 8***VARIANCE****VARIANCE PROCEDURE**

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

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

AN APPLICATION SHALL NOT BE PROCESSED UNLESS IT HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.

3. The Zoning Officer shall then schedule a regular meeting of the Board of Adjustment and send copies of the application to Board of Adjustment members. Fifteen (15) days prior to the Board of Adjustment meeting, an official notice to the public shall be published in a newspaper of general circulation in the County explaining the variance request and the time and place of the scheduled hearing. A copy of the notice shall be

mailed to each landowner within 1,000 feet and to the Planning Commission.

4. At the schedule meeting, the Board of Adjustment shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Adjustment shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

A. *UNIQUENESS*

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

B. *ADJACENT PROPERTY*

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

C. *HARDSHIP*

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

D. *PUBLIC INTEREST*

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent

property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

E. *SPIRIT AND INTENT*

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

F. *MINIMUM VARIANCE*

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Adjustment, shall be kept. The Board of Adjustment may either grant, grant conditionally, or deny the application for a variance. The Board of Adjustment's determination, in writing, shall be sent to all affected parties, including the Planning Commission.

VARIANCE APPLICATION

CASS COUNTY, MISSOURI

For Office Use Only

Case No.:

Filing Fee:

Date Advertised:

Public Hearing Date:

APPLICANT:

PHONE:

ADDRESS:

ZIP:

OWNER:

PHONE:

ADDRESS:

ZIP:

LOCATION OF PROPERTY:

LEGAL DESCRIPTION:

ADJACENT ZONING AND LAND USE:

Land Use

Zoning

North

South

East

West

Present Use of Property:

Proposed Use of Property:

Utility lines or easements that would restrict proposed development:

Please complete both pages of the form and return to:

Zoning Officer

Annex No. 2

109 E. Wall St.

Harrisonville, MO 64701

Please indicate below the extent to which the following facts may be established, in the applicant's opinion.

1. *UNIQUENESS* ____ Yes ____ No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. *ADJACENT PROPERTY* ____ Yes ____ No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. *HARDSHIP* ____ Yes ____ No

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. *PUBLIC INTEREST* ____ Yes ____ No

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. *SPIRIT AND INTENT* ____ Yes ____ No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. *MINIMUM VARIANCE* ____ Yes ____ No

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE:

DATE:

BY:

TITLE:

CASS COUNTY, MISSOURI

DETERMINATION OF THE BOARD OF ADJUSTMENT

Variance Case: _____

Date of Action: _____

On _____, 19____, the Cass County Board of Adjustment, at its regular meeting,
(Action: Approved, Conditionally Approved, Denied) the variance
requested from Section _____ of the Zoning Ordinance for the property at _____
(Address or Location) as requested by _____ (Applicant).

In _____ (Action) this request, the Board of Adjustment found that the variance (did/did not) fulfill
the necessary five conditions for variance approval. Specifically, the Board of Adjustment found: ____

X. Findings of Board of Adjustment on each of the following conditions:

ApprovedDenied

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

Conditions (if any):

Please call the Zoning Officer at 884-5100 with any questions.

Zoning Officer

SPECIAL USE

*Article 9***SPECIAL USE****SPECIAL USE PROCEDURE**

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

1. The applicant shall first meet with the Zoning Officer to receive a full explanation of the zoning and special use requirements, and an application form.
2. The applicant shall submit a completed application form to the Zoning Officer and pay the appropriate fee. The application shall include a plan showing existing and proposed structures on the property in question, adjacent property, parking spaces, driveways, and other information which would be helpful to the Planning Commission in their deliberations. Also enclosed shall be a certified list of owners of property within one-thousand (1000) feet of the subject property for which special use permit approval is sought.

AN APPLICATION SHALL NOT BE PROCESSED UNLESS IT HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.

3. The Zoning Officer shall follow procedure as per a zoning amendment application and schedule a regular meeting of the Planning Commission and send copies of the application to Planning Commission members. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and shall describe generally the request. A written notice shall also be mailed to notify surrounding property owners, within 1,000 feet, of the public hearing and of their right to file protest petitions and shall explain the protest procedure.

4. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.
5. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body.
6. This recommendation shall be submitted along with an accurate record of the public hearing.
7. The Planning Commission shall inform protestors at the public hearing of their right to submit protest petitions. Protest petitions for special use permits should be administered by the same procedure as for zoning amendments.
8. The Governing Body shall consider the Planning Commission's recommendation and may either approve or disapprove the recommendation or return the proposed amendment to the Planning Commission for reconsideration. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for disapproval and may resubmit its original recommendation, the Governing Body may approve or disapprove the proposed zoning district amendment.
9. If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

SPECIAL USE APPLICATION

CASS COUNTY, MISSOURI

For Office Use Only

Case No.:

Filing Fee:

Date Advertised:

Date Notices Sent:

Public Hearing Date:

APPLICANT:

PHONE:

ADDRESS:

ZIP:

OWNER:

PHONE:

ADDRESS:

ZIP:

LOCATION OF PROPERTY:

LEGAL DESCRIPTION:

ADJACENT ZONING AND LAND USE:

Land Use

Zoning

North

South

East

West

Present Use of Property:

Please complete both pages of the form and return to:

Zoning Officer

Annex No. 2

109 E. Wall St.

Harrisonville, MO 64701

Does the proposed special use meet the following standards?

Yes

No

1. Is deemed necessary for the public convenience at that location;
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and
3. Is found to be generally compatible with the neighborhood in which it is proposed and
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.
6. Adequate utility, drainage, and other such necessary facilities have been will be provided.

Should this special use be valid only for a specific time period?

Yes

No

If Yes, what length of time?

SIGNATURE:

DATE:

BY:

TITLE:

Attachments Required:

- Site plan showing existing and proposed structures on the property in question, and adjacent property off-street parking, driveways, and other information.
- Certified list of property owners within one thousand feet (1,000).
- Title Report for property on which the special use permit is requested.

CASS COUNTY, MISSOURI

PLANNING COMMISSION

REASONS FOR DETERMINATION

Special Use Case No.:

Date of Action:

Action:

Expiration Date:

On _____, 19____, the Cass County Planning Commission at its regular meeting,
recommended _____ (Action: Approval, Conditional, Approval, Denial) of a special use permit for a
_____ (Use) to be located at _____ (Address or
Location).

In recommending _____ (Action) of this special use permit, the Planning Commission
considered all standards listed in the Zoning Ordinance, and all other conditions listed for that use in other
sections of these regulations. In addition, the Planning Commission found that the proposed use (did/did not)
provide safeguards to assure its compatibility with the surrounding area.

Conditions (if any):

Zoning Officer

AMENDMENT OF SUBDIVISION

REGULATIONS

*Article 10***AMENDMENT OF SUBDIVISION REGULATIONS****SUBDIVISION AMENDMENT PROCEDURE**

A proposal for an amendment of the text of the Subdivision Regulations is normally initiated by either the Planning Commission or the Governing Body. However, a private citizen may request that the Planning Commission initiate the amendment process by submitting a proposed change to the Planning Commission.

1. If the change is requested by a private citizen, the normal procedure is for the Planning Commission to permit the individual to present the proposed amendment and the case for it at a regular meeting. The Planning Commission, based on the information presented, determines whether the proposal is worthy of consideration as an amendment. If it is determined that the proposal has merit, the Planning Commission may set a date for the public hearing and authorize the publication of the necessary public notice.

If the text amendment is initiated by either the Planning Commission or the Governing Body, a public hearing may be scheduled immediately. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper or general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.

2. The public hearing may be adjourned from time to time and upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing. For action on subdivision amendments, a quorum of the Planning Commission must be present. A quorum is more than one-half the total membership of the Commission. A vote either for or against an

amendment by a majority of the quorum constitutes a recommendation of the Planning Commission. When neither a vote for nor a vote against the amendment has a majority of the quorum, it constitutes a "failure to recommend".

3. The Governing Body shall consider the proposed amendment and may approve the recommendation of the Planning Commission, or may take whatever action it deems necessary.

SUBDIVISION REGULATION AMENDMENT

Subdivision Regulation Amendment Checklist

Case No.:

Date Filed:

Individual or Agency Requesting Change:

Address:

Telephone Number:

Zip Code:

Date of Public Hearing:

Existing Regulation:

Proposed Regulation:

PLAT APPROVAL

*Article 11***PLAT APPROVAL****PLAT APPROVAL PROCESS**

Any subdivision of land within the jurisdiction of the Subdivision Regulations must, with certain exceptions, follow the procedures outlined below. The simple division of one lot into two lots may qualify for a simplified procedure (See Lot Splits) explained in the subdivision regulations. Any change of boundary which does not create an additional lot or any division of land for agricultural purposes into parcels of five (5) acres or more and does not create the need for a new street is exempt from the subdivision regulations.

1. The applicant shall first meet with the Zoning Officer to receive an explanation of the subdivision procedure and its requirements, information on the current zoning, and an application form.
2. The application form shall be completely filled out and returned to the office of the director of the public works with the appropriate filing fee and any required supplemental information. As a part of the application, ten (10) copies of a preliminary plat conforming to the requirements of the subdivision regulations and a vicinity map showing the location of the proposed subdivision shall be submitted.

AN APPLICATION SHALL NOT BE PROCESSED UNTIL IT HAS BEEN FULLY COMPLETED, THE APPROPRIATE FEE PAID, AND ALL REQUESTED INFORMATION SUBMITTED.

3. The Planning Commission, based on the standards set out in the subdivision regulations, may approve, approve conditionally, or disapprove the preliminary plat and forward it on to the County Commission for review and comment.
4. The subdivider shall submit the final plat application form, along with the appropriate fee and any required supplemental information.

Included as part of the application shall be the original and ten (10) copies of the final plat prepared in accordance with the subdivision regulations.

5. The Planning Commission shall review the final plat and, based on the approved preliminary plat and the standards set out in the subdivision regulations, approve or deny the final plat.
6. The Governing Body shall review the final plat for consideration for any dedication from the subdivider of street rights-of-way, drainage easements, park lands, or other property to be used for public purposes.

CASS COUNTY, MISSOURI

PRELIMINARY PLAT CHECKLIST

Subdivision No.:

Date Filed:

1. Name of Subdivision:
2. Name of Owner:
3. Name of Subdivider:
4. Name of Person who prepared the Plat:
5. Date of Public Hearing:

Instructions:

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

- | | | | |
|----|--|------------|-----------|
| 6. | Does the Preliminary Plat show the following information? | <u>Yes</u> | <u>No</u> |
| A. | Name of the subdivision | — | — |
| B. | Location of boundary lines and reference to section or quarter-section lines. | — | — |
| C. | Legal description, complete with Section, Township, Range, principal meridian, county. | — | — |
| D. | Name and address of owner(s). | — | — |
| E. | Name and address of subdivider(s). | — | — |
| F. | Name of planner, engineer, landscape architect, or surveyor who prepared the Preliminary Plat. | — | — |
| G. | Scale of Plat, 1" = 100' or larger, and north arrow. | — | — |
| H. | Date of preparation, north arrow and graphic scale. | — | — |
| I. | Current zoning classification and proposed use of the area being platted. | — | — |

		<u>Yes</u>	<u>No</u>
J.	Location, width and name of platted streets or other public ways, railroad rights-of-way, utility easements, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.	—	—
K.	Location of existing sewers, water mains, gas mains, culverts or other underground installations within or adjacent to the proposed subdivision with pipe size, manholes, grades, and location.	—	—
L.	Names of adjacent subdivisions together with arrangement of streets and lots and owners of adjacent parcels or unsubdivided land.	—	—
M.	Topography at contour intervals of not more than two (2) feet referred to U.S.G.S. datum and location of water courses, bridges, lakes, ravines and other significant physical feature.	—	—
N.	Arrangement of lots and their approximate sizes.	—	—
O.	Location and width of proposed streets, alleys, pedestrian ways and easements.	—	—
P.	General plan of sewage disposal, water supply and utilities, if public.	—	—
Q.	Notation of type of sewage disposal and water supply if non-public.	—	—
R.	Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.	—	—
S.	Relationship to adjacent unsubdivided land.	—	—
T.	Approximate gradient of streets.	—	—
U.	Gross acreage of the subdivision; acreage dedicated to streets and other public uses; total number of buildable lots; maximum, minimum and average lot sizes.	—	—
7.	Certifications of approval from the Department of Natural Resources, the appropriate water district, and the appropriate fire district.	—	—

		<u>Yes</u>	<u>No</u>
8.	Will the proposed subdivision make the development of adjacent property more difficult?	—	—
9.	Are lots sized appropriately for zoning district?	—	—
10.	Are all lots free from floodplain encroachment?	—	—
11.	Are drainageways and other drainage facilities sufficient to prevent flooding both on-site and off-site?	—	—
12.	Are all lots buildable with respect to topography, drainageways, bedrock, and soil conditions?	—	—
13.	Do proposed street grades and alignment meet all requirements?	—	—
14.	Is the proposed subdivision inside the County limits?	—	—
15.	Were ten (10) copies of the preliminary plat submitted?	—	—
16.	Was the preliminary plat fee of \$ paid?	—	—

CASS COUNTY, MISSOURI

FINAL PLAT CHECKLIST

Subdivision No.:

Date Filed:

1. Name of Subdivision:
2. Name of Owner:
3. Name of Subdivider:
4. Name of Person who prepared the Plat:
5. Date of Hearing:

Instructions:

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

6. Does the Final Plat show the following information?

	<u>Yes</u>	<u>No</u>
A. Name of the subdivision.	—	—
B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct.	—	—
C. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments.	—	—

	<u>Yes</u>	<u>No</u>
D. The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines.	—	—
E. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	—	—
F. Exact locations, widths and names of all streets and alleys to be dedicated.	—	—
G. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	—	—
H. Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission.	—	—
I. Building setback lines on the front and side streets with dimensions.	—	—
J. Name and address of the registered land surveyor preparing the plat.	—	—
K. Scale of plat, 1" = 100' or larger, date of preparation and north point.	—	—
L. Statement dedicating all easements, streets, alleys, and all other areas not previously dedicated.	—	—
7. Was the original on mylar, tracing cloth, or similar material, and were sufficient copies submitted?	—	—
8. Have all acknowledgements been signed?		
A. Owner or owners and all mortgager.	—	—
B. Dedications or reservations.	—	—
C. Engineer, surveyor or person preparing plat.	—	—

		<u>Yes</u>	<u>No</u>
	D. County Clerk and County Collector.	—	—
9.	Title Opinion:		
	A. Submitted (Date)	—	—
	B. Have all owners and mortgager signed plat?	—	—
10.	Has certification been submitted stating that all taxes and special assessments due and payable have been paid?	—	—
11.	Have certifications been submitted from the appropriate water district, fire district and DNR.	—	—
12.	Deed Restrictions:		
	A. Are any deed restrictions planned for subdivision?	—	—
	B. If so, has a copy been submitted?	—	—
13.	How has installation of the following improvement been guaranteed?		
		<u>Construction</u>	<u>Bond</u> <u>Petition(%)</u>
	Streets	—	—
	Water	—	—
	Sewer	—	—
	Sidewalks	—	—
	Other, as required	—	—
	1.	—	—
	2.	—	—
	3.	—	—
14.	Are additional comments attached?	—	—

LOT SPLIT

Article 12

LOT SPLIT

LOT SPLIT PROCEDURE

When specified conditions occur, one existing parcel of land may be divided into two lots using a simplified procedure instead of a formal plat. This procedure, known as a lot split, is faster and less costly to follow, but can only be used if all the criteria specified in the Subdivision Regulations are followed.

1. The applicant shall meet with Zoning Officer to receive an explanation of the lot split procedure, including its requirements and limitations.
2. The lot split application shall be completely filled out and returned to the office of the Zoning Officer with the appropriate filling fee. As a part of the application, four (4) copies of a scale drawing shall be submitted showing the boundaries of the existing parcel; the location of all structures; the precise nature of the proposed split; the legal description of the lots to be formed; and the name, signature, and seal of the licensed engineer or the registered land surveyor who prepared the drawing. Prior to the Planning Commission meeting, all adjoining property owners shall be notified.

AN APPLICATION SHALL NOT BE PROCESSED UNTIL IT HAS BEEN FULLY COMPLETED, THE APPROPRIATE FEE PAID, AND ALL REQUESTED INFORMATION SUBMITTED.

3. The Planning Commission shall review the proposed lot split at a regular scheduled meeting based on the criteria specified in the Subdivision Regulations.
4. The Planning Commission Officer shall, within thirty (30) days of application, in writing, ratify or not ratify, or continue for cause those applications which, in the official's opinion, do not comply with the Subdivision Regulations.

5. No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been ratified in the manner provided in the Subdivision Regulations.

**LOT SPLIT APPLICATION
CASS COUNTY, MISSOURI**

Lot Split Application No: _____

Date: _____

Request To: Zoning Officer
Annex No. 2
109 E. Wall St.
Harrisonville, MO. 64701

Attachment Required:

- ☐ Four (4) copies of scale drawing;
- ☐ Legal description of lots to be created;
- ☐ The location of any structure(s) on the lot or lots thereon, together with the precise nature, location and dimensions;
- ☐ Name, signature, and seal of the licensed engineer or registered land surveyor who prepared the drawing.
- ☐ Filing Fee: \$ _____

APPLICANT_____
Name_____
Address_____
Area Code Telephone Number**OWNER**_____
Name_____
Address_____
Area Code Telephone Number**REQUEST**

As provided in Article _____ of the Subdivision Regulations, Cass County, Missouri, a lot split of Lot _____, Block _____, in the _____ Addition to Cass County is hereby requested. The lot is generally described as:

LOT SPLIT REQUIREMENTS

The lot split is sought to provide for the issuance of building permits in lots divided into not more than two (2) tracts without having to replat said lot.

The lot split application meets the following requirements:

YES NO ☐

☐ ☐

☐ (a) No new street or alley or other public improvements is needed or proposed.

☐ ☐ (b) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.

☐ ☐ (c) The lot split will not result in significant increases in service requirements (e.e., utilities, schools, traffic control, streets, etc.); or will not interfere with maintain existing service level (e.g., additional curb cuts, repaving, etc.).

☐ ☐ (d) There is street right-of-way as required by these regulations or the Comprehensive Plan.

☐ ☐ (e) All easement requirements have been satisfied.

☐ ☐ (f) The split will not result in a tract without direct access to a public street.

☐ (g) No substandard-sized lot or parcel will be created.

☐ (h) The lot has not been previously split in accordance with these regulations.

APPLICANT'S SIGNATURE

By: _____

Title: _____

ACTION

Action of the Zoning Officer:

SITE PLAN

Article 13

**SITE PLAN APPLICATION
CASS COUNTY, MISSOURI**

Site Plan Application No. _____

Date: _____

Request To: Zoning Officer
Annex No. 2
109 E. Wall Street
Harrisonville, MO. 64701

Intent: Cass County recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse environmental impacts, and health-related problems. It seeks to ensure that any location within the County that has a potential for such problems, referred to as areas of critical concern, shall be subject to Site Plan Review by the Planning Commission. Site Plan Reviews shall help ensure that the meaning and intent of the Zoning Ordinance, and all portions thereof, are fully complied with.

Submission Requirements: The site plan shall include, at the discretion of the Planning Commission, the data, details, and supporting plans listed in the zoning ordinance which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

Site plans shall be prepared by a registered professional engineer, architect, or landscape architect, at a scale of 1 inch equals 100 feet (unless a determination is made by the Zoning Officer that an alternative scale is acceptable), on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for written information.

Authority: Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which site plan review is applicable, unless Site Plan Review approval has been granted by the Zoning Officer.

Standards for Review:

Please indicate whether the standards listed below are met by the site plan submittal:

<u>YES</u>	<u>NO</u>	
_____	_____	The proposal conforms to the provisions of the Zoning Ordinance.
_____	_____	The proposal as implemented would be compatible with the surrounding area.
_____	_____	The proposal conforms to the provisions of the county's Subdivision Ordinance.
_____	_____	The proposal conforms to customary engineering standards used in the county.
_____	_____	The location of streets, paths, walkways, and driveways are located so as to enhance safety, and minimize any adverse traffic impact on the surrounding area.
_____	_____	The extent to which the buildings, structures, walkways, roads, driveways, open space (if any), and parking lots, have been located to achieve the following objectives: (a) preserve existing off-site views and create desirable on-site views, (b) conserve natural resources and amenities available on the site, (c) minimize any adverse floor impact, (d) ensure that proposed structures are located on suitable soils, (e) minimize any adverse social or environmental impact, and (f) minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide utility services to the site.

SIGNATURE:

DATE:

BY:

TITLE:

**FLOOD PLAIN
MANAGEMENT**

*Article 14***FLOOD PLAIN MANAGEMENT****FLOOD PLAIN DEVELOPMENT PERMIT:**

The Zoning Officer should issue flood plain development permits based upon completed applications from developers. The officer should supply information such as base flood elevation, regulatory flood elevation, floodway or floodway fringe designation, etc. The developer will complete the remainder of the information requested and return it to the administrator. At the same time as the local administrator issues the permit application, he/she may issue an Elevation Certificate, FEMA form 81-31 (5/90), for residential development. If the development is a nonresidential structure, such as a commercial or industrial development, the administrator may issue certificates for both elevation and flood proofing, FEMA Form 81-65 (5/90), copy also attached. For nonresidential structures, the developer has the option of either elevating or floodproofing, or may use a combination of both to meet the base flood elevation requirements of the building site.

The elevation certificate or flood proofing certificate gives final verification that the development has met the standards of the permit requirements. These documents should be permanently filed with the permit and remain a public record.

The above flood plain development permit application, along with the detailed plans of the development, as required by the community's ordinance, should be returned to the Zoning Officer. An example of a permit application, with instructions on the reverse side, is attached for reference.

After the Zoning Officer reviews the permit application and approves it, the application becomes a permit for flood plain development. The flood plain development permit is not to be construed as a building permit, nor as a zoning/land use permit, but rather as certification by the Zoning Officer that the required process has been followed and that plans and specifications are in keeping with the community's flood plain management ordinance.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NONRESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED ABOVE THE BASE FLOOD ELEVATION.

7. Other Permits Required?

Corps of Engineers 404 Permit: Yes ___ No ___

State Permit: Yes ___ No ___

Local Levee District: Yes ___ No ___

Local Drainage District: Yes ___ No ___

Other: _____

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

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications Approved this _____ day of _____, 199__.

Signature
Developer/Owner

Date

Authorizing Official
Name/Title

Date

INSTRUCTIONS FOR COMPLETION

- * Community Official provides this information
- ** Developer/Owner provides this information

Permit/Application # _____

- #1 **
- #2 **
- #3 **
- #4 **
- #5 * a) & b)/** c)
- #6 *
- #7 */**

Please complete both pages of the form and return to:

Zoning Officer
Annex No. 2
109 E. Wall St.
Harrisonville, MO. 64701