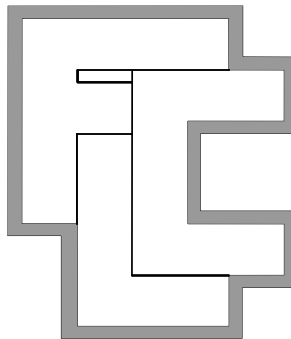




# Jackson County

## Unified Development Code

Submitted by:



Freilich, Leitner & Carlisle  
Van Doren-Hazard-Stallings, Inc.  
Strategic Community Solutions

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2019 (Ord. 5277).



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## **SECTION 24001: GENERAL PROVISIONS**

### **24001.1 TITLE**

Chapter 240 shall be known, cited and referred to as the "Unified Development Code" of Jackson County, Missouri, and may be cited and abbreviated as "UDC."

### **24001.2 AUTHORITY**

- a.** These regulations are adopted pursuant to the authority contained in Sections 64.010 *et seq.* of the Revised Statutes of Missouri and amendments thereto and the Constitutional Home Rule Charter of Jackson County, Article 2, section 16, subsection 3.
- b.** Whenever any provision of this chapter refers to or cites a section of the Revised Statutes of Missouri and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

### **24001.3 PURPOSES**

The land development regulations herein established have been made in accordance with the adopted Master Plan for the purpose of promoting the health, safety, comfort, convenience, morals and general welfare of the unincorporated area of Jackson County. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable considerations, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.

### **24001.4 APPLICABILITY**

The provisions of these regulations shall apply to all land, property and development in the unincorporated area of Jackson County except as expressly and specifically provided otherwise in this UDC. No development shall be undertaken without prior authorization pursuant to these regulations.

#### **24001.5           CONSISTENCY WITH MASTER PLAN**

- a.**     These regulations are intended to implement the goals and policies of the Jackson County Master Plan and are hereby deemed to be consistent with and in accordance with the adopted Master Plan for the County. Any amendments to or changes pursuant to such regulations shall be consistent with the Master Plan as it may be amended from time to time.
- b.**     An amendment to the text of these regulations is consistent with and in accordance with the Master Plan if it complies with the goals and policies stated in the plan, as it may be amended from time to time. An amendment to the zoning map is consistent with the Master Plan if the map amendment is consistent with the land use diagram contained in the plan as it may be amended from time to time.
- c.**     Where development is permitted under the regulations that predate these regulations, such development shall not be deemed inconsistent with the Master Plan as long as such development conforms to the requirements of Section 24003.26 hereof.

#### **24001.6           COORDINATION WITH OTHER REGULATIONS**

- a.**     The use of buildings and land within the County shall be subject to all other applicable provisions of the Jackson County Code as well as these regulations whether or not such other provisions of the Code are specifically cross-referenced in these regulations. Cross references to other provisions of the Code in these regulations are for the convenience of the reader; lack of a cross reference should not be construed as an indication that other provisions of the Code do not apply.
- b.**     In interpreting and applying the provisions of these regulations, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety or the general welfare. Minimum values are not intended to be target values. In some instances, topography or other conditions may create the need to exceed stated minimum standards. Whenever these regulations require a lower height of a building or lesser number of stories, or require a greater percentage of the lot to be left unoccupied, or impose more restrictive standards than are required pursuant to any other statute or local regulation, these regulations shall govern.

## **24001.7            RELATIONSHIP TO PRIVATE RESTRICTIONS**

The provisions of the UDC are not intended to affect any deed restriction, covenant, easement or any other private agreement or restriction on the use of land provided that where the provisions of the UDC are more restrictive or impose higher standards than any such private restriction, the requirements of the UDC shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of the UDC, such private restrictions shall control if properly enforced by a person having the legal right to enforce such restrictions; private restrictions shall not be enforced by the County.

## **24001.8            DEVELOPMENT UNDER PRIOR REGULATIONS**

- a.    Previously Existing Regulations.** Those regulations in effect immediately previous to the effective date of this UDC shall be referred to in this Section as the "previously existing regulations". The UDC shall be referred to either as "these regulations" or the UDC.
- b.    Administrative Permits.** Administrative permits issued prior to the effective date of these regulations shall be valid until their expiration under the previously existing regulations. Applications for administrative permits submitted after the effective date of these regulations shall be reviewed and evaluated pursuant to the requirements of this UDC except as further specified in Section 24003.26 below.
- c.    Subdivision.** Complete applications for preliminary plat(s) submitted prior to the effective date of these regulations shall be processed under the previously existing regulations. All applications for subdivision approvals submitted after the effective date of these regulations shall be reviewed pursuant to this UDC. Subdivision development applications approved under the previously existing regulations that are allowed to lapse or expire will be subject to reapplication under these regulations
- d.    Zoning.**
  - 1.    Existing uses may continue either in compliance with these regulations or as legal non-conforming uses subject to the requirements of Section 24003.26.

2. Existing lots that do not comply with the requirements of these regulations will be allowed to be developed pursuant to the requirements of Section 24003.26.
  3. Applications for proposed new uses, as allowed in the previously existing zoning districts and not requiring the subdivision of property, may be submitted and developed pursuant to the previously existing regulations for a period of one (1) year following the effective date of these regulations. Applications submitted after the one year period or applications that are allowed to lapse or expire and that must be resubmitted will be processed pursuant to this UDC. Building permits issued under this provision may be renewed for a maximum of one year if construction is initiated within one year of adoption of the UDC.
- e. **Special Permits.** The County shall monitor all outstanding special use permits issued under the previously existing regulations and prior to expiration of the existing special use permit, the permit holder may, if required under this chapter, apply for a conditional use permit as set forth in Section 24003.21. A conditional use permit approved by the County Legislature pursuant to this section shall be authorized in any zoning district.

#### **24001.9 SEVERABILITY**

- a. It is the intent of Jackson County to adopt this Unified Development Code as a legal unit as a part of the Master Plan for the County.
- b. Should any section, subsection, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of these regulations.

#### **24001.10 SALE OR USE OF LAND OR BUILDINGS**

- a. Subject to Section 24001.8, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.
- b. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

## **24001.11 FEES**

- a.** The fees charged for the various applications and permits shall be as set out in this section. In no event shall any portion of the filing fee be waived or refunded to the applicant. Any expenditure in excess of the filing fee necessary and incidental to the processing of the application shall be billed to and paid by the applicant. No final action on an application can be taken until such time as all such fees are paid in full.

1. Rezoning Application.

The fee for a residential rezoning application is three hundred fifty dollars (\$350). The fee for a commercial/industrial rezoning application is five hundred dollars (\$500).

2. Planned Development Application.

The fee for a residential-planned development application is three hundred fifty dollars (\$350). The fee for a commercial/industrial planned development application is five hundred dollars (\$500).

3. Conditional Use Application.

The fee for a conditional use application is three hundred fifty dollars (\$350).

4. Variance/Appeal Application.

The fee for a variance or appeal application is three hundred fifty dollars (\$350).

5. Vacation of Streets and Reservations.

The fee for a vacation of a street or reservation (easement) is two hundred fifty dollars (\$250).

6. Preliminary Subdivision Plat.

The fee for a preliminary subdivision plat is three hundred dollars (\$300) plus three dollars (\$3) per lot.

7. Final Subdivision Plat.

The fee for a final subdivision plat is three hundred dollars (\$300).

8. Construction - Engineering Plan Review and Inspection.

The fee for a construction improvement involving engineering plan review and inspection is three percent (3%) of Project Construction Valuation. Project Construction Valuation, as used in this section, is determined by using:

- as
- County
- (a) The “engineer’s estimate of probable construction costs” provided by the applicant which shall be verified by staff to ensure the values used by the engineer for labor and material are current and accurate and that quantities are correct; or
  - (b) The contract amount shown in the applicant’s contract for the project. Project Construction Valuation will only be based upon the method shown in subsection (B) if County staff and the applicant cannot agree on the proper amount by application of subsection (A).

9. Special Use (Driveway, Utility, Right-of-Way) Permit.

The fee for special use permits which include but are not limited to driveway, utility and construction within right-of-way is seven dollars (\$7) per section 229.340 RSMo, plus a one hundred dollar (\$100) inspection fee.

10. Off-Premise Sign Permit.

The fee for an off-premise sign permit is one hundred dollars (\$100) if the gross sign face area is 100 square feet or smaller and five hundred dollars (\$500) if the gross sign face area is over 100 square feet.

11. Floodplain Development Permit.

The fee for a floodplain development permit is fifty dollars (\$50).

12. On-site Wastewater (Septic) Disposal Permit.

The fee for new construction or replacement on-site wastewater disposal permit is two hundred fifty dollars (\$250). The permit fee for evaluating an existing on- site wastewater disposal system shall be one hundred dollars (\$100).

- b. Fees established in accordance with this section shall be paid upon submission of a signed application or notice of appeal.

**24001.12 VIOLATION/ENFORCEMENT**

- a. **Enforcement.** It shall be the duty of the Director and the Director's assistants and the Secretary of the Plan Commission and the Secretary's assistants to enforce these regulations.
- b. **Nuisance, Violation of Subdivision Code.** Any land which is subdivided or developed in violation of this Chapter is a threat to the health, safety and welfare of the citizens of Jackson County and is a public nuisance.
- c. **Injunction.** The County Counselor is authorized to enjoin the construction of any improvement on or the use of any land subdivided in violation of this Chapter.
- d. **Penalty.** Any person who violates any provision of this Chapter commits a County ordinance violation and on conviction shall be sentenced to not more than one (1) year in the county jail, or be fined not more than one thousand dollars (\$1,000) or both.
- e. **Separate Offense.** Each day a violation is in effect shall be considered a separate violation and each violation of this Chapter shall be deemed a separate offense.

**24001.13 COMPUTATION OF TIME**

Unless otherwise specifically provided, the time within which an act is to be completed is based upon calendar days. All acts must be completed within the time frame specified, subject to extension periods provided herein.

**24001.14 VIOLATIONS OF PRIOR REGULATIONS**

All violations of prior land use regulations that have accrued in the County as of the effective date of this chapter shall continue to be violations and shall not be considered to be legal nonconforming situations under this chapter. The County shall have the same authority to secure civil remedies for violations of such regulations to the same extent that it may secure civil remedies for violations of the UDC pursuant to Section 24001.12.

**24001.15 EFFECTIVE DATE**

The provisions of this chapter were originally adopted and became effective on the 1st day of June, 1995.



## **SECTION 24002: DEFINITIONS**

### **24002.1 INTERPRETATION**

- a.** For the purpose of this Unified Development Code, certain words and terms used herein shall be defined as set forth in this section. If not specifically defined herein, words and terms shall be defined as in Webster's Encyclopedic Unabridged Dictionary of the English Language, (1994).

1. Unless the context clearly indicates to the contrary:

- (a) words used in the present tense include the future tense;
- (b) words used in the plural number include the singular and words used in the singular include the plural;
- (c) the word "shall" is always mandatory and not merely directory;
- (d) the word "herein" means in the UDC.
- (e) gender specific words, such as his or hers, shall include the opposite gender;
- (f) the word "person" includes an individual, corporation, partnership or an incorporated association of persons, such as a club;
- (g) the word "building" includes a structure;
- (h) a "building" includes any part thereof; and
- (i) the words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

### **24002.2 TERMS DEFINED**

- a.** For the purpose of the UDC, the following terms, words and their derivations and phrases shall have the following meanings. If any words and phrases are not defined by these regulations, but are defined in state or federal laws, the state or federal law definition shall apply.

1. Access Road. Any roadway available to the public which provides access between a publicly-dedicated or owned thoroughfare and the entrance or operating area of a facility.
2. Accessory Building or Use. A building or use customarily incident to the primary building or use on the same lot or parcel.
3. Active Portion means that portion of a facility where disposal operations are being or have been conducted after the effective date of 40 CFR, part 261 and which is not a closed portion.
4. ADA. The Americans with Disabilities Act.
5. Adequate Public Facilities. Stormwater, water, wastewater, street, electric and telecommunications facilities at the minimum level of service established in Section 24006.1.
6. Adjacent. Next to or within 100 feet. Adjacent properties include those properties which abut a property, as well as properties with any portion being located within 100 feet of any boundary of the subject property. If right-of-way abutting the property exceeds 100 feet, then land directly across the right-of-way from the subject tract shall be considered adjacent.
7. Administrative Permit. Any permit required for any type of development which may be approved by the Director or other employee of the County including, but not limited to, building, construction, septic, floodplain and
8. Administer. The direct applications of Marijuana to qualifying patient by way of any of the following methods:
  - (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
  - (b) Vaporization of smoking of dried flowers, buds, plant material, extracts, or oils;
  - (c) Application of ointments or balms;
  - (d) Transdermal patches and suppositories;
  - (e) Consuming Marijuana-infused food products; or
  - (f) Any method recommended by a qualifying patient's physician.
9. Adult Uses. Adult uses are those which are not open to the public generally but only to one or more classes of the public and excluding any minor by

reason of age, a minor being a person under the age of eighteen years. Adult uses involve specified sexual activities including, but not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult rap/conversation parlors, adult health clubs, juice bars and adult cabarets, or similar adult uses.

10. Agricultural Use. Any use involved with the cultivation of the soil, production of plants or crops or the raising of livestock, and the agricultural use of the land as recognized by the Division of Property for property tax purposes.
11. Alley. A public way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a public street.
12. Animal Enclosure Area. Any area designed for the containment of animals excluding: livestock grazing areas, terrariums, aquariums, small cages kept within the living area of a residence and fenced yards.
13. Animal Exhibit. Any use wherein exotic or wild animals are kept in captivity for the purpose of public display with or without charge. Exhibits of this type typically display animals in temporary exhibits which are not representative of the animals' natural habitat. Animal exhibit shall not be interpreted to include zoos.
14. Animal, Exotic or Wild. An animal which is not of a species customarily used as a household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage. Fish and birds are not included in this definition.
15. Applicant. Any person requesting approval of any development application pursuant to the UDC.
16. Application. A request for any development approval including all supplementary information specified in the UDC or on the application.
17. Approved Incinerator. An incinerator which complies with all current regulations of the Missouri Air Conservation Commission and any applicable federal laws.
18. Auto Wrecking. The collecting, dismantling or wrecking of used motor vehicles or trailers, or the storage or sale of dismantled, partially dismantled, obsolete, or wrecked motor vehicles or their parts.

19. Bicycle Lane. That portion of an existing roadway designated and marked by pavement markings or signing for the specific use of non-motorized bicycles.
20. Block. A parcel or tract of land entirely surrounded by public roadways or by a combination of streets and public parks, cemeteries, railroad right-of-way, shore line or waterways. In cases where subdivision platting is incomplete or disconnected, the Director shall define the outline of a block.
21. Board. The Board of Zoning Adjustment (BZA) as provide by Section 24003.23 of these regulations.
22. Bridge. A structure, including supports, erected over a depression or an obstruction, having a track or passageway for carrying traffic or other moving loads, and having a clear span or multiple spans totaling 20 feet or more, as measured in a horizontal plane along the centerline of the roadway.
23. Bufferyard. A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and kept in open space uses. See Section 24006.11.
24. Building. A structure which is permanently affixed to the ground, as provided by the building code, has a roof supported by columns or walls, and is used for housing or enclosure of people, animals or personal property. When a portion thereof is completely separated from every other portion by a dividing wall (or firewall when applicable) without openings or an enclosed breezeway, then each such portion shall be deemed to be a separate building.
25. Building Code. A recorded description of building and structural specifications adopted by the County.
26. Building, Principal. A building in which is conducted the principal use of the lot on which it is situated. In a residential district, the largest dwelling shall be deemed to be a principal building.
27. Building Setback Line. A line specifically established which generally is parallel to and set back from a property line and which identifies an area into which no part of a building shall project.(see Exhibit 240.1: Building Setbacks Appendix B).
28. Business. Includes retail, commercial and industrial uses and districts as herein defined.

29. Capital Improvement Program. A proposed schedule setting forth all future capital facility projects in order of construction priority, together with cost estimates and the anticipated means of financing such projects which are required to implement the Master Plan.
30. Cat. All domestic species or varieties of the genus felis, male or female, four (4) months of age or over.
31. Church. Any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation recognized by the 1986 Federal Tax Code section 501 (C) regardless of whether or not such building or structure was originally designed and constructed for such purpose.
32. City. Any incorporated city, town or village wholly or partly within Jackson County.
33. Closed Portion means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements.
34. Commercial Haulers. Individuals or companies that transport non-hazardous and/or hazardous wastes, as defined in this chapter, for a fee or in the regular course of business.
35. Commission. Jackson County, Missouri Plan Commission.
36. Composting. Shall mean the process by which biological decomposition of organic matter is carried out under controlled aerobic conditions.
37. Composting Facility. Shall mean a solid waste management facility where yard wastes and other permitted wastes are processed using composting technology.
38. Comprehensive Plan (Master Plan). A plan for development of the county adopted by the County Legislature pursuant to Section 16 of the Charter of Jackson County, Missouri. Ordinance 2265, January 10, 1994 adopts the "Jackson County Master Plan: Strategy for the Future" as the Comprehensive Plan.

- 39. Construction Improvement. Any construction, improvement, addition, or repair to utilities within County Right of Way; private bridge; retaining wall over four (4) feet in height not attached to a building; commercial construction not cover by building code; construction intended to be dedicated as a public improvement such as roads, storm water, sewers, and wastewater treatment facilities.
- 40. Construction Plan. Complete construction drawings of a facility or improvement, including but not limited to road plans and profiles, drainage plans and utility plans.
- 41. Convalescent, Nursing or Home for Aged. A building where three (3) or more persons requiring medical or other supervision and not related by blood or marriage to the owner, operator or manager of the place are provided with food, shelter or general care, for hire, compensation or any other consideration.
- 42. County. Jackson County, Missouri.
- 43. Cul-De-Sac. A local street with only one (1) outlet and having a terminal for safe and convenient reversal of traffic movement.
- 44. Culvert. Any structure not classified as a bridge which provides an opening under any roadway, including pipe culverts and any structure so named in the plans.
- 45. Curb. A stone, concrete or other improved boundary usually marking the edge of a road or other paved area.
- 46. Demolition and Construction Waste. Waste materials such as brick and stone from the construction or destruction of residential, industrial or commercial structure, but excluding hazardous materials such as asbestos.
- 47. Developer. Any person, association, corporation, firm, partnership, joint venture or other entity or group which intends to or has begun construction or reconstruction in a single contiguous area for sale, lease or rent, or any person, association, corporation, firm, partnership, joint venture or other entity or group which intends to or has begun construction in a commercial or planned development in the unincorporated territory of the County.
- 48. Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the

use of land. This definition excludes normal earth working associated with crop farming or landscaping at an individual lot.

49. Director. The Director of Public Works or his authorized deputy, agent or representative.
50. Disposal Facility. A facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure.
51. DNR. The Missouri Department of Natural Resources.
52. Dog. All members of canus famaliaris, male or female, four (4) months of age or older.
53. Drainage. The removal of surface water or groundwater from land by drains, grading or other means.
54. Drainage Easement. Area reserved for the conveyance of stormwater, stormwater improvements and required access.
55. Driveway. A paved or unpaved area used for ingress or egress of vehicles from a street to a lot, building, garage or other structure or facility.
56. Dwelling. A building or a portion of a building arranged, intended, or designed for occupancy by not more than one family.
57. Dwelling, Two-Family (Duplex). A detached building having dwelling units for not more than two (2) families.
58. Dwelling, Multifamily. A building or portion thereof used for occupancy by three (3) or more dwelling units.
59. Dwelling, Single Family Attached. One (1) of two (2) or more buildings having a common or party wall which is fire resistant separating dwelling units.
60. Dwelling, Single Family Detached. A detached building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot or parcel (also referred to as single-family dwelling).

- 61. Dwelling Unit. One (1) or more connecting rooms, designed, occupied or intended for occupancy as a separate living quarter for occupancy by a single household, which have direct access to the outside or to a common hall, with cooking, sleeping and sanitary facilities provided within the dwelling unit. Dwelling units are usually located in dwelling, but may be included as a mixed or accessory use in buildings or in group quarters.
- 62. Easement. A privilege or right of use, access or enjoyment granted on, above, under or across a particular tract of land by the landowner.
- 63. Environmental Health Division. Division of the Public Works Department responsible for regulation of on-site disposal waste treatment systems.
- 64. Family. Two (2) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than six (6) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit cost-sharing basis.
- 65. FEMA. The Federal Emergency Management Agency, which promulgates Flood Boundary and Floodway Maps.
- 66. Final Plat Approval. The official action of the Plan Commission or Legislature approving or conditionally approving a final plat.
- 67. Finished Grade. The average elevation after construction.
- 68. Flag. A piece of fabric or other flexible material, usually rectangular and of distinctive design which is used as a symbol, such as for a nation, state, locality, or corporation.
- 69. Floodplain. The channel and adjoining lands of a natural river or stream which has been or may be inundated partially or completely by floodwater identified by the United States Corps of Engineers as a 100-year flood. (See Exhibit 240.2 Appendix B).
- 70. Flood Proofing. Any nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Flood proofed structural components have the capacity to resist hydrostatic and hydrodynamic loads and the effect of buoyancy.
- 71. Floodway. The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation. (See Exhibit 240.2 Appendix B).



72. Floodway Fringe. The area of the floodplain, outside the floodway, that has a one percent (1%) chance of flood occurrence in any one (1) year. (See Exhibit 240.2 Appendix B).
73. Garage, Private. An accessory building or portion of a primary building used for storage only of motor vehicles.
74. Garbage. Putrescible animal or vegetable wastes resulting from the storage, handling, preparation, cooking, serving, sale or consumption of food.
75. Garbage, Properly Shredded. Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the county sewers with no particle greater than one-half inch in any dimension.
76. Generator means any person who produces waste.
77. Golf Course. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.
78. Gross Floor Area. The total enclosed area of all floors in a building with a clear height of more than (6) six feet, measured to the outside surface of the exterior walls. Parking facilities, driveways, and airspace above the atria ground floor are excluded from gross floor area calculations. Enclosed loading areas and off-street maneuvering area also are excluded, but not the loading dock area itself.
79. Ground Level. The average level of earth adjoining the foundation of a structure measured around the foundation's perimeter.
80. Groundwater. Water below the ground surface in a zone of saturation.
81. Group Home. A facility licensed by the State for developmentally disabled residents requiring custodial care.
82. Group Quarters. A building or structure used as a place of residence by several persons who share the living accommodations and do not occupy separate dwelling units. Group Quarters are found in institutions, dormitories, rooming and boarding houses, lodges, sorority and fraternity houses, and similar establishments. For the purpose of determining lot area requirements for group quarters, sleeping capacity for six (6) individuals shall be treated as one dwelling unit.

83. Habitable Structure. Any building or structure designed to accommodate occupancy residents, clients, workers or other persons on a regular basis.
84. Hazardous Waste means any waste or combination of wastes as defined by or listed in Missouri State Regulations 10 CSR 25-4 or 10 CSR 25-11; which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a threat to the health of humans or other living organisms.
85. Hazardous Waste Facility means a disposal facility permitted or seeking a permit for the construction, operation, or both. Exclusions to this definition include, but shall not be limited to:
- (a) A publicly owned treatment works which has an operating permit under Section 644.051 RSMo and is in compliance with that permit;
  - (b) A disposal facility owned and/or operated by a business to manage hazardous waste generated by that business.
  - (c) Areas at a business where release of waste in the past has resulted in the need to manage the area in which the release occurred as a disposal facility under federal and state regulations.
86. Head-in Parking. Parking a motor vehicle in such a manner that it must be backed out of or into the space directly from a public right-of-way.
87. Height of Building. The height of a building (see Exhibit 240.3: Height of Building) is the vertical distance between Ground Level and:
- (a) the highest point of the roof beams of flat roofs or roofs not inclining not more than one (1) inch to the foot; or
  - (b) the mean height level of the highest main plate on which the rafters rest and highest ridge for other roofs except A Type roofs; or
  - (c) two-thirds (2/3) the height between the top plate on which the rafters rest and highest roof ridge for A type roofs. A type roofs include any roof with a pitch of 12:12 or steeper.
88. Home Occupation. An accessory use of a dwelling unit or its accessory structure for gainful employment as provided by Section 24005.13.

89. Hotel. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. All guest rooms are accessed from interior hallways. A hotel may offer suites which include kitchen facilities, sitting rooms and bedrooms.
90. Household Pet. Those animals which are customarily kept for personal use or enjoyment on a residential property (and which could normally be, although not required to be, contained within a residential structure). Household pets shall include, but not be limited to, domesticated dogs, cats, small mammals, birds, fish, common aquarium animals, and rodents which are not defined as exotic or wild animals in the UDC.
91. Impervious Cover. Surfaces which do not permit the absorption of stormwater into the ground. For purposes of the UDC, impervious cover excludes natural rock outcroppings.
92. Improvements. Street pavements, curbs, sanitary and storm sewers, permanent street monuments, sidewalks, drainage, culverts, utilities, water lines and connections, sewer lines and connections, lighting fixtures and other similar capital and public facility projects.
93. Junk Yard.
- (a) A place where waste, discarded or salvaged metals, used plumbing fixtures, and other materials are bought, sold, exchanged, stored, baled or cleaned, and/or
  - (b) A place or yard for the storage of salvaged materials and equipment from house wrecking and salvage structural steel materials and equipment.
94. Legislature. The County Legislature of Jackson County.
95. Liquefied Petroleum Gas. Any material which is composed predominantly of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, butane (normal butane or iso-butane) and butylenes.
96. Liquefied Petroleum Gas Equipment. All containers, apparatus, piping (not including utility distribution piping systems) and equipment pertinent to the storage and handling of liquefied petroleum gas. Gas-consuming appliances shall not be considered as being liquefied petroleum gas equipment.

97. Living Area. That portion of the dwelling unit utilized for living purposes within the exterior walls of the structure and does not include porches, breezeways, garages and carports.
98. Lot. A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building(s) or building(s) and open space. Streets are not included in this definition.
99. Lot Area. The area of the lot shall be the net horizontal area of the lot and shall not include portions of streets, alleys and water bodies.
100. Lot, Corner. A lot abutting upon two (2) or more intersecting streets. A corner lot shall be deemed to front on that street on which it has its least dimension. (see Exhibit 240.4: Lot Types Appendix B).
101. Lot Depth. The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.
102. Lot, Double Frontage (through lot). An interior lot having frontage on two (2) non-intersecting streets. (see Exhibit 240.4: Lot Types)
103. Lot, Flag. A lot having no frontage or access to a street or place except by a narrow strip of land. (see Exhibit 240.4: Lot Types Appendix B).
104. Lot Frontage. The distance for which a zoning lot abuts on a street. In case of two or more frontages, the Director shall define lot frontage.
105. Lot, Interior. A lot whose side lines do not abut on any street.(see Exhibit 240.4: Lot Types Appendix B).
106. Lot Line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
107. Lot, Width. The horizontal distance between side property lines measured parallel to the street said property lines or to the tangent of a curved street property line.
108. Manager of the Division of Finance. The Manager of the Jackson County Division of Finance.
109. Manufactured Home. Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. sec. 5401, 1978 as amended) commonly known as HUD (U.S. Department of Housing and Urban Development Code) and are permanently affixed to a permanent foundation in a subdivision of record.

110. Manufactured Home Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
111. Marijuana or Marihuana. *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute Marijuana, as well as resin extracted from the plant and Marijuana-infused Products. “Marijuana” or “Marihuana” do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.
112. Marijuana-infused Products. Products that are infused with Marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrated.
113. Massage Parlor, Health Studio and Bath House. A commercial enterprise that is established to serve the general public and not including any commercial enterprise at which the human anatomy is exposed in a lewd, lascivious or salacious manner.
114. Master Plan. The adopted comprehensive plan of Jackson County, Missouri.
115. Medical Marijuana Cultivation Facility. A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell Marijuana to a Medical marijuana Dispensary Facility, Medical marijuana Testing Facility, or to a Medical Marijuana-infused Products Manufacturing Facility.
116. Medical marijuana Dispensary Facility. A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport, and deliver Marijuana, Marijuana-infused Products, and drug paraphernalia used to administer Marijuana as provided for in Article XIV of the Missouri Constitution to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, A Medical Marijuana Testing Facility, or a Medical Marijuana-infused Products Manufacturing Facility.

- 117. Medical Marijuana-infused Products manufacturing Facility. A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, manufacture, transport, and sell Marijuana-infused Products to a Medical Marijuana Dispensary Facility, A Medical Marijuana Testing Facility, or another Medical Marijuana-infused Products Manufacturing Facility.
- 118. Medical Marijuana Testing Facility. A facility certified by the Missouri Department of Health and Senior Services to acquire, test certify, and transport Marijuana.
- 119. Medical Use. The production, possession, delivery, distribution, transportation, or administration of Marijuana or Marijuana-infused Product, or drug paraphernalia used to administer marijuana or a Marijuana-infused Product, for the benefit of a qualifying patient to mitigate the symptoms of effects of the patient's Qualifying Medical Condition.
- 120. Metes and Bounds. A method of describing the boundaries of land by directions (bounds) and distances (metes) from a point of reference.
- 121. Mobile Home. A single-family dwelling, factory-built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act.
- 122. Motel. A facility offering transient lodging accommodations to the general public and may provide services such as restaurants, meeting rooms, entertainment and recreational facilities. All guest rooms are accessed from the structure's exterior.
- 123. Municipality. Municipality shall include incorporated cities, towns and villages.
- 124. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or any other body of surface or ground water.
- 125. No-Build Zone. An area identified on a plat which is reserved for conveyance of drainage and precludes the construction of buildings, fences or other obstructions which reduce drainageway capacity.
- 126. Nonconforming Structure. A structure or portion thereof which was lawfully erected or altered, but which does not comply with the regulations applicable to new structures in the zoning district in which it is located.

127. Nonconforming Use. A use which was lawfully established and maintained, but which does not comply with the use regulations applicable to new uses in the zoning district in which it is located; the use of any land, building, or structure which does not conform with currently applicable use regulations, but which complied with use regulation in effect at the time the use was established.
128. Occupant. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property either as owner or as a tenant.
129. Office. A building used primarily for conducting the affairs of a business, profession, service, industry, or government or like activity, and may include ancillary services for offices workers such as restaurant, coffee shop, newspaper or candy stand, and child care facilities.
130. Office/Warehouse Complex. A structure or group of structures offering compartments of varying size for rental to different tenants for the storage of commercial goods or wares, conducting of certain retail trade activities, or provision of those personal or business services permitted by zoning.
131. Oil. Crude petroleum oil and other hydrocarbons which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casinghead gas.
132. One Hundred (100) Year Flood. A flood that has a one percent (1%) chance of recurring in any year or a flood of magnitude equaled or exceeded once in one hundred (100) years on average over a significantly long period.
133. Open Storage. The location of bulk items, assemblies or sub-assemblies in areas exposed to weather, in whole or in part, for the end use of further manufacturing process, sale to transportation. This shall include, but not be limited to, open display of transportation vehicles, marine craft, aircraft, mobile homes, modules, recreation vehicles, junk yards, or "piggy back" containers. It does not include storage that is totally enclosed in a structure.
134. Outside Storage. The keeping, in an unroofed and unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.
135. Owner. An individual, firm, association, syndicate, partnership or corporation having a sufficient proprietary interest in land to seek development of the land.

136. Parcel. A tract of land which is not a defined lot in a subdivision of record or dedicated street and has boundaries described by a sectional or metes and bounds or sectional description.
137. Park or Parking a Vehicle. The standing of a vehicle, whether occupied or not, on a street or parking lot other than for the temporary loading or unloading of materials or passengers, or in obedience to traffic regulations or traffic control devices.
138. Parking Space. An area of not less than one hundred eighty feet (180) square feet (measuring approximately 9 feet by 20 feet) not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress.
139. Pavement. The uppermost layer of material placed on the street usually as the wearing or riding surface. This term is used interchangeably with surface course or surfacing and will usually imply portland cement concrete or asphalt concrete.
140. Pawnshops: A business that lends money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by chapter 367, RSMo.
141. Pedestrian. Any person afoot.
142. Permitted Wastes. Shall mean yard wastes, manure, and any other biodegradable and organic wastes which have been specifically approved for compost facility processing in writing by Jackson County.
143. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or its legal representative, agent or assigns.
144. Personal Services. Service shops, such as shoe repair, dry cleaning, jewelry repair, hair care, or accounting which derive little or no income from the sale of goods. Adult uses are not considered personal services.
145. Pervious Cover. Land which permits stormwater to absorb into the ground. This may include walkways and driveways which are pervious to stormwater.



- 146. pH. A measure of acidity or alkalinity, measured as the logarithm to the base 10 of the reciprocal of the number of gram ionic hydrogen equivalents per liter of solution.
- 147. Plan Commission. The Plan Commission established in accordance with the Charter of Jackson County, Missouri.
- 148. Plan Commission Secretary. The Director or Director's designee.
- 149. Plan, Sketch. The plan for discussion before a formal development application.
- 150. Plat, Final. The map or plat of a subdivision and any supplementary documents and information as described in these regulations.
- 151. Plat, Preliminary. A plat prepared in accordance with the provisions of the Subdivisions Regulations and is submitted for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.
- 152. Principal Use. The primary or predominant use to which a property is or may be devoted and to which all other uses on the premises are accessory.
- 153. Professional Engineer (PE). An engineer licensed with the state of Missouri.
- 154. Property Line. A line marking the boundary of one or more lots in a proposed subdivision, subdivision of record.
- 155. Property Line, Front. The dividing line between a street and the abutting property.
- 156. Property Line, Rear. The boundary line which is opposite and most distant from the front property line.
- 157. Property Line, Side. Any lot or parcel boundary line which is not a front or rear property line. A side line may be a party lot line, or a line bordering on any alley or place.
- 158. Physician. An individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.
- 159. Public Reservation. A right created and retained by the County including, but not limited to, easements and right-of-way interests.

160. Public Services. Those services or facilities typically provided by the County including, but not limited to, water, wastewater, stormwater management, streets and solid waste treatment
161. Public Services, Rural. Water, wastewater, stormwater and roadway improvements that are appropriate in low intensity areas as required in Section 24006. Rural streets do not have curbs and gutters; rural wastewater service relies on on-site systems; rural water systems do not yield high volume for fire protection; and rural stormwater systems seldom convey water in closed channels.
162. Public Services, Urban. Water, wastewater, stormwater and roadway improvements that are appropriate in higher density development areas. Urban streets have curbs, gutters and sidewalks; urban wastewater systems are centralized; urban water systems provide emergency fire protection supplies; and urban stormwater conveyances are often enclosed.
163. Qualifying Medical Condition. The condition of, symptoms related to. Or side-effects from the treatment of:
- (a) Cancer;
  - (b) Epilepsy;
  - (c) Glaucoma;
  - (d) Intractable migraines unresponsive to other treatment;
  - (e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, included but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;
  - (f) Debilitating psychiatric disorders, including but limited to posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;
  - (g) Human immunodeficiency virus or acquired deficiency syndrome;
  - (h) A chronic medical condition that is normally treated with a prescription medication that could lead to a physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;
  - (i) Any terminal illness;

- (j) In the professional judgment of a physician, and other, debilitating of medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's diseases, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and waste syndrome.
164. Qualifying Patient. A Missouri resident diagnosed with at least one Qualifying Medical Conditional.
165. Recreational Facilities. Amusement parks and mechanical amusement devices; commercial baseball, athletic fields and racetrack; circuses, carnivals and fairgrounds; commercial fishing lakes; riding or boarding stables and exercising tracks; pony rides, hayrides or any other similar activity including temporary amusements.
166. Recreational Vehicle or Trailer Park. A tract, lot or parcel of land on which temporary accommodations are provided for two (2) or more automobile trailers, recreational vehicles, tents or house cars, and which is open to the public either free or for a fee.
167. Refuse. Solid waste.
168. Remodel. The internal or external alteration or change, in whole or in part, of a structure.
169. Repair. The mending or restoration of a building or structure to a sound or good state at or nearest to its original designed condition. Such work shall not change the size or shape in whole or in part of a building or structure to expand a use. It shall include the terms "renovation", "rebuilding" and "reconstruction" for purposes of the UDC.
170. Resubdivision. A change in a recorded subdivision plat if that change affects any street layout, or area reserved for public use, or any lot line.
171. Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way established after the effective date of the UDC and shown on a final plat is to be separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of the lots or parcels. Right-of-way intended for streets, crosswalks or any other special use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which the right-of-way is established.
172. Road. Road includes streets, bridges and roadways.

- 173. Roadway. The improved portion of a thoroughfare, exclusive of berm or shoulder, used for vehicular travel.
- 174. Salvage Yard. A place where used parts of automobiles or other equipment are collected and processed for resale.
- 175. School. Any building which is regularly used as a public, private or parochial school, elementary school, middle school or high school.
- 176. Screening. Various combinations of walls, fences, earthen berms, trees, shrubbery, and landscape materials which comprise a screening plan to fulfill the requirements and serve the purposes of these regulations.
- 177. Screening, Opaque. A combination of screening elements in compliance with the requirements of these regulations designed to substantially or completely obscure horizontal views between abutting or adjacent properties.
- 178. Secretary, Plan Commission. The Director or Director's designee.
- 179. Sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- 180. Sewage, Sanitary. Those wastes which are comparable to wastes which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing and other household facilities.
- 181. Sewage Treatment Plant. Any arrangement of devices and structures used for treating sewage.
- 182. Sewage Works. All facilities for collecting, transporting, pumping, treating and disposing of sewage.
- 183. Sewer. A pipe or conduit for carrying sewage.
- 184. Sewer, Public. Any lateral or main sanitary sewer construction in a street, alley, place, easement or right-of-way, which is owned and operated by any county, municipality, sewer district or agency thereof, but not including a building sewer.
- 185. Shopping Center. A group or cluster of stores or buildings divided for separate commercial or service facilities, organized in a balanced arrangement for retail trade with provisions for parking.

186. Short-Term Loan Establishment. An establishment which (a) engages in the business of loaning money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck, or car title, or (b) is registered as a lender under state or federal law. This classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stress, and car title loan stores.
187. Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is permitted which limits or obstructs the sight distance of motorists entering or leaving the intersection.
188. Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of, a person or entity, or to communicate information of any kind to the public. (See Exhibit 240.5 Appendix B)
189. Sign, Accessory. A sign which directs attention to a business or profession conducted, or to a principal commodity, service or entertainment sold or offered on the premises where such sign is located. The term includes business signs, bulletin board, home occupation signs, nameplates, and real estate signs.
190. Sign, Animated. Any sign so designed as to facilitate or permit the rotation, oscillation, or other movement of the sign or of any of its visible parts.
191. Sign, Banner. A strip of cloth containing a message or advertisement.
192. Sign, Flashing. Any lighted or electrical sign which emits light in sudden transitory bursts. For purposes of the UDC, strobe lights in window fronts visible from public right-of-way are included in this definition. On/off time and temperature signs and message boards are not considered flashing signs for the purpose of the UDC.
193. Sign, Free-Standing. A sign supported by a sign structure in the ground and which is wholly independent of any building, other than the sign structure, for support. A sign on a fence shall be considered a free-standing sign.

194. Sign, Height. The vertical distance measured from natural ground level at the base of the sign structure to the highest point of sign structure, including sign posts.
195. Sign, Illuminated. A sign designed to give forth artificial light or to reflect artificial light from a source incorporated in or associated with such sign.
196. Sign, Off-Premise. A sign which directs attention to a business, commodity, service, or entertainment which is entirely primarily conducted, sold or offered elsewhere than on the lot on which the sign is located.
197. Sign, Portable. A sign which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by weights and/or cables attached to stakes driven into the ground.
198. Sign, Project Identification. A temporary sign advertising the architect, contractor, developer, finance organization, subcontractor or material vendor upon which property such individual is furnishing labor, services or material.
199. Sign, Real Estate. A temporary sign advertising the real estate property upon which the sign is located for rent or lease or sale, or advertising the business or businesses to be located on the premises.
200. Sign, Roof. A sign erected over or on and wholly or partially dependent upon the roof of any building for support, or attached to the roof in any way.
201. Sign, Snipe. Signs which are pasted or attached to utility poles, trees, fences, or other signs.
202. Signs, Temporary. Signs which are not permanently attached to a building, other structures or the ground and do not meet structural standards recognized in the UDC.
203. Sign, Vehicle. A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premises, time of day, duration, availability of other parking spaces on the premises, and the proximity of the vehicle to the area on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purposes of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

204. Solid Waste. Unwanted or discarded waste materials in a solid or semisolid state including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes and demolition and construction wastes.
205. Solid Waste Processing Facility. An incinerator, compost plant, transfer station, or any facility where solid wastes are salvaged or composition is changed.
206. Solid Waste, Residential. Waste resulting from the maintenance and operation of dwelling units, excluding mobile home parks and multiple dwellings.
207. Solid Waste Storage. Keeping, maintaining or storing solid waste from the time of its production until the time of its collection or disposal.
208. Specified Anatomical Areas.
- (a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
  - (b) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
209. Specified Sexual Activities.
- (a) Display or exhibition of specified anatomical areas or human genitals in a state of sexual stimulation or arousal;
  - (b) Acts of human masturbation, sexual intercourse, or sodomy;
  - (c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
210. Standard Laboratory Methods. Methods of analysis and testing as outlined in the latest edition of "standard Methods for the Examination of Water and Sewage" which is published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
211. State. The State of Missouri.

212. Stream, Receiving. Any natural watercourse into which sewage is discharged.
213. Street. The entire width between the boundary lines of every publicly maintained thoroughfare or right-of-way when any part of that thoroughfare or right-of-way is used by the public for vehicular travel, including public streets, avenues, boulevards, parkways, roads and alleys.
214. Street, Collector. A street intended to link local streets with arterial streets carrying moderate traffic volumes at low speeds.
215. Street Line. A property line marking the boundary between a street and a lot or parcel.
216. Street, Local. A street intended to provide access to individual lots carrying low volumes of traffic at low speeds.
217. Street, Major Arterial. A street intended to link communities and urban centers, carrying high traffic volumes at high speeds. Traffic flow is continuous and access is tightly controlled.
218. Street, Minor Arterial. A street intended to link major arterials and small communities carrying moderately high traffic volumes at moderate speeds. Traffic flow is continuous with controlled access.
219. Structural Alterations. Any change in a supporting member of a building or structure including, but not limited to bearing walls, columns, beams or girders.
220. Structure. Anything constructed, moved or erected which requires a permanent location on the ground or attached to something having a location on the ground and includes, but is not limited to, advertising signs, billboards or poster panels. Customary property line fences or boundary walls which comply with the provisions of Section 24006 shall not be considered structures. Kennels and other animal enclosure areas shall be considered structures.
221. Subdivider. Any person having an interest in land, who directly or indirectly causes it to be divided into a subdivision, or who directly or indirectly sells, leases or develops or offers to sell, lease or develop, or who advertises for sale, lease or development any lot, site, unit or plat in a subdivision, or any person under the direct or indirect control of any of the foregoing persons.



222. Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, sites, units or plats for the purposes of offer, sale, lease or development either on the installment plan or on any and all other plans, terms and conditions including resubdivision.
223. Subdivision of Record. A subdivision which has been recorded by the County Recorder of Deeds.
224. Subdivision, Major. Any subdivision not defined as a minor subdivision.
225. Subdivision, Minor. A subdivision of land for the purpose of transfer of ownership creating no more than three (3) lots fronting on an existing street and not adversely affecting the development of adjoining property and not in conflict with any portion of these regulations.
226. Suspended Solids. Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by standard laboratory methods.
227. Traffic. Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singularly or together while using any street for purpose of travel.
228. Traffic Control Devices. All signs, signals, markings, intersection lighting and devices consistent with the UDC placed or erected by or on behalf of a public body or official having authority and jurisdiction for the purpose of regulating, warning or guiding traffic.
229. Traffic Level of Service. A measure of how effectively a road is accommodating traffic. The following table defines the six levels of service at which a road may function in general terms as well as in terms of the volume to capacity ratio.

Level of Service	Quality of Traffic Operation
<b>A</b>	Free flow and minimal delay. Most vehicles arrive during the green phase and do not stop at all. Volume to Capacity (V/C) ratios generally are less than 0.60.
<b>B</b>	More vehicles stop than for LOS A, resulting in some delay at intersections. Queues develop occasionally that may not be cleared during the first green light phase (some drivers must wait through a red light). V/C ratios generally range from 0.61 to 0.70.
<b>C</b>	This is the typical design level for roadways. Traffic flows are stable; traffic queues are not cleared during approximately 30 percent of the green light phases. Backups may develop behind turning vehicles. V/C ratios generally range from 0.71 to 0.80.
<b>D</b>	The influence of congestion becomes more noticeable. Traffic volumes are approaching unstable flow; approximately 70 percent of the green light phases do not clear waiting queues. Delay may be substantial (waiting through two cycles of the traffic signal), but the queues occasionally clear during peak hour. V/C ratios generally range from 0.81 to 0.90.
<b>E</b>	Unstable flow; roadway is operating at capacity with long queues the entire peak hour. V/C ratios generally range from 0.91 to 1.00.
<b>F</b>	Forced flow; jammed intersections; long delays are expected, with most drivers having to wait through more than two cycles of the traffic signal. V/C ratios exceed 1.0.
Source:	Adapted from <u>Highway Capacity Manual, 1965</u> , in Froda Greenberg, with Jim Hecimovich, <u>Traffic Impact Analysis</u> (Chicago: American Planning Association, 1984) and <u>Highway Capacity Manual, Special Report 209</u> Transportation Research Board, National Research Council, 1985.

230. Trailer. Any automobile trailer, trailer coach, house car, or any vehicle designed and constructed to permit occupancy of that vehicle as a temporary or permanent dwelling or sleeping quarters for one (1) or more persons and designed or constructed so that it is mounted on wheels and used as a conveyance on major or state highways, county roads, or city streets propelled or drawn by its own or other motive power.
231. UDC. Unified Development code of Jackson County, Missouri.
232. Use. The purpose or activity for which land and buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

233. Use, Multiple. The development of land or buildings for a variety of complementary or integrated residential, non-residential or community services uses.
234. Variance. An exception to the UDC in a specific instance permitting a modification to the requirements in order to alleviate undue burden or unnecessary hardship on the property owner which these regulations otherwise impose.
235. Vehicle. Any mechanical device on wheels in, or by, which any person or property is, or can be, transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or trucks.
236. Waste Processing. Incinerating, composting, baling, shredding, salvaging, compacting and other processes by which solid waste characteristics are changed.
237. Waste Treatment System, Private. A sewage disposal system consisting of a house sewer, a septic tank or other approved sedimentation tank, an approved mechanical treatment plant, or an individual home aerobic plant and an acceptable absorption system.
238. Wastes, Commercial and Industrial. The water-carried wastes from commercial and industrial establishments as sanitary sewage.
239. Wastes, Yard. Grass clippings, leaves and tree trimmings.
240. Water Body. Property determined to be under water no less than eleven (11) months of the year and under such standing water for a continuous period of no less than nine (9) months of the year.
241. Water Main. In any system of continuous piping, the principal artery of the water or sewer system to which branches or lines may be connected.
242. Watercourse. A channel or location in which a flow of water occurs either continuously or intermittently.
243. Watershed. A region or area bounded peripherally by a water parting and draining ultimately to a particular watercourse or body of water.
244. Well. Any hole drilled in the earth in connection with the exploration, discovery, or recovery of oil or gas, or in connection with the underground storage of gas in natural formation, or in connection with the disposal of salt water, non-usable gas or other waste accompanying the production of oil or gas.

245. Wetland means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland generally includes swamps, marshes, bogs and similar areas. A wetland is not an area that is artificially created on dry land and maintained for the treatment of mine drainage, stormwater control, and drainage associated with road construction. This definition is consistent with both the United States Army Corps of Engineers 33 CFR 328.3(b) and the United States Environmental Protection Agency 40 CFR 232.2(r).
246. Yard, Front. An open space unoccupied by buildings or structures (except as hereafter provided) across the full width of the lot extending from the front line of the building to the front property line of the lot or parcel. (see Exhibit 240.6: Yard Types Appendix B)
247. Yard, Front Depth. The minimum horizontal distance from the front line of the building to the front property line of the lot or parcel.
248. Yard, Rear. An open space, unoccupied (except as hereafter provided) between the rear lot line and rear line of the principal building and the side property lines.
249. Yard, Rear Depth. The minimum horizontal distance from the rear line of the principal building to the rear-lot line.
250. Yard, Side. An open unoccupied space on the same lot with the building between the main building and the adjacent side line of the lot, and extending from the front yard to the rear yard.
251. Zoning Map. The Official Zoning Map of Jackson County, Missouri.
252. Zoo. A permanent facility where exotic or wild animals are housed and maintained under the supervision of professional staff and exhibited to the public on a regularly scheduled basis in a variety of natural or habitat-like settings, for the purposes of education, conservation, scientific studies, and recreation.



**SECTION 24003**  
**APPLICATION AND GENERAL PROCEDURES**

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## **24003: APPLICATIONS AND GENERAL PROCEDURES**

### **24003.1 APPLICATION PROCESS AND OFFICIAL FILING DATE**

- a. Standardized Forms.** Requests for any development approvals required by the UDC shall be made on applications provided by the County. The County may promulgate submittal requirements, instructions for completing forms, internal procedures for acceptance and filing of applications, and provisions for waiver by establishing administrative guidelines. Additional information may be required for particular applications.
- b. Submission and Determination of Complete Application.** All development applications shall be submitted to the Director, who shall review the application for completeness. No application shall be considered complete until all items required by the applicable sections of the UDC to be submitted in support of the application have been submitted. Incomplete applications shall be returned to the applicant and no action taken until any deficiencies are remedied. Complete applications shall be processed according to this Section. Failure by the Director to make a determination of completeness within fourteen (14) days of the submission of the application shall result in the application being deemed complete. A determination of completeness, shall not constitute a determination of compliance with the substantive requirements of this chapter.
- c. Processing of Application and Report.** Following the determination that a development application is complete or is deemed complete under this section, the Director shall review the application, forward the application for review to applicable advisory bodies, and prepare a report, if any, to the Plan Commission or County Legislature, as may be required, within thirty (30) days. Upon filing of the report with the Secretary of the Commission or Clerk of the Legislature, the Director shall schedule the matter for public hearing and/or decision within the time and in the manner required by this chapter.
- d. Official Filing Date.** The time for processing applications for development permits or acting on such applications established by Revised Statutes of Missouri or by the UDC shall commence on the date that a complete application has been filed, together with all required reports thereon, with the Secretary of the approval body. Modification of any application by the applicant following the filing of the application and prior to the expiration of the period during which the County is required to act shall extend the period for a like time following the Director's determination that the modified application is complete and the application is re-filed.

## 24003.2 PLAN COMMISSION

- a. **Establishment.** The Jackson County Plan Commission is hereby established in accordance with section 64.010, RSMo.
- b. **Membership.** The members of the Jackson County Plan Commission shall be appointed by the County Executive subject to the power of the County Legislature to disapprove.
- c. **Number.** The Jackson County Plan Commission shall consist of nine (9) members.
- d. **Residency.** At least four (4) of the members of the Plan Commission shall be residents of the unincorporated area of Jackson County.
- e. **Membership on Another County Board or Commission Prohibited.** No member of the Plan Commission shall serve on any other Jackson County board or commission during that member's term of office.
- f. **Secretary.** The Director shall serve as Secretary to the Plan Commission.
- g. **Holding Office.**
  - 1. **Term of Office.** The terms of the members shall be four (4) years or until their successors take office.
  - 2. **Removal from the Commission.** Members may be removed for cause on written charges by a majority of the County Legislature. Further, whenever a member shall be absent without excuse from more than two consecutive regularly scheduled meetings or more than three such meetings in one year, the Chair shall forthwith notify the County Executive. Acting upon such notification, the County Executive shall remove said member from the Commission. A new member shall then be appointed by the Executive to fill the unexpired term in accordance with the regular method of making appointments to the Commission. An absence is "excused" when the Chair, with the concurrence of a majority of the Commission members present, shall note such excused absence in the minutes of the meeting at which the member is not in attendance, or at the meeting immediately following.
  - 3. **Vacancies.** Vacancies may be filled by the County Executive, subject to the disapproved power of the County Legislature to disapprove, for the unexpired term of any member whose seat becomes vacant.

**h. Administration.**

1. **Powers and Duties.** The Plan Commission shall have all of the powers and duties specifically assigned in this chapter.
2. **Rules of Procedure.** The Plan Commission may adopt rules of procedure consistent with the provisions of this chapter.
3. **Chairperson Administers Oaths.** The chairperson, or in the absence of the chairperson, the acting chairperson, shall administer oaths.
4. **Meetings.** All meetings of the Plan Commission shall be open to the public.
5. **Notice of Meetings.** Public notice of meetings of the Plan Commission shall be given in at least one (1) publication in a newspaper of general circulation in the County.
6. **Time of Notice.** Public Notice shall be given at least fifteen (15) days before the date of the meeting.
7. **Notice to News Media.** The Plan Commission shall notify all local news media when request to be notified of all meetings of the Commission.
8. **Contents of Notice.** The notice of the meetings of the Plan Commission shall include the following:
  - (a) The time and place of the meetings.
  - (b) The official docket of the Plan Commission.
  - (c) The place where the specific requests will be accessible for examination by interested parties.
9. **Minutes.** The minutes of the meeting shall be filed in the office of the Director.
10. **Public Record.** The minutes shall be a public record.
11. **Reimbursement.** Each member of the Plan Commission shall receive one hundred dollars (\$100) for each meeting attended.

- i. **Public Hearing and Recommendation by Plan Commission.** Whenever the Plan Commission is required by the Revised Statutes of Missouri or these regulations to make a recommendation to the County Legislature concerning a development application, the Commission shall conduct a public hearing, if required by this section. The public hearing shall be held within the time frame established by this title. If no specific time frame is established by this title for such hearing, the hearing shall be held within thirty (30) days from the day the completed application is filed with the Secretary of the Commission by the Director. If no public hearing is required, the Commission shall consider the matter at a regularly scheduled public meeting. The Commission's written recommendations, if any, together with the staff report and recommendation, if any, shall be filed with the Clerk of the County Legislature within ten (10) days of the date the Commission's recommendation is made.
- j. **Decision by Plan Commission.** If the Plan Commission has been delegated final decision-making authority for a development application pursuant to these regulations, whether by original jurisdiction or upon appeal, it shall decide whether to approve, conditionally approve or deny the application at a public meeting, following receipt of the report and recommendation of the Director. If a public hearing is required by these regulations prior to decision, the hearing shall be conducted in the manner provided in Section 24003.6. The Commission shall prepare a written statement setting forth the basis for its decision.
- k. **Notification and Appeal from Decision by Plan Commission.** The Director shall notify the applicant of the decision of the Plan Commission within ten (10) days of such decision in the manner provided in Section 24003.6. The applicant may appeal the decision of the Plan Commission in the manner provided in Section 24003.7.

### **24003.3 REVIEW AND DECISION BY COUNTY LEGISLATURE**

- a. **Public Hearing by County Legislature.** Whenever the Legislature is required by the Revised Statutes of Missouri or these regulations to review and decide upon a development application, the Legislature shall conduct a public hearing, if required by these regulations, in accordance with the provisions of Section 24003.6. The public hearing shall be held within the time frame established by these regulations. If no specific time frame is established for such hearing, the hearing shall be held within thirty (30) days from the day the application is filed with the Legislature. If no public hearing is required, the County Legislature shall consider the matter at a regularly scheduled public meeting.
- b. **Decision by the County Legislature.** If the County Legislature is the final decision-making authority for a development application pursuant to these regulations, whether by original jurisdiction or on appeal, it shall decide whether to approve,



conditionally approve or deny the application at a public hearing, following the receipt of the recommendation of the Plan Commission. If a public hearing is required by these regulations prior to a decision, the hearing shall be conducted in the manner provided in Section 24003.6. If the Legislature denies the application, a written statement setting forth the basis for the decision to deny shall be prepared.

- c. **Notification and Appeal from the Decision of the County Legislature.** The Director shall notify the applicant of the decision within ten (10) working days of such decision in the manner provided in Section 24003.7. The applicant may appeal the decision of the County Legislature in the manner provided in Section 24003.7.

#### **24003.4            CONDITIONAL APPROVAL**

- a. **Authority to Condition Development Approvals.** The Director, the Plan Commission, the County Legislature or Board of Zoning Adjustment may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in these regulations after review of the application and other pertinent documents and any evidence made part of the public record. Any conditions imposed by recommendation of the Director or Plan Commission may be modified subsequently by the County Legislature.
- b. **Record and Notification of Conditions.** The Director shall include a copy of the conditions attached to approval of the development application with the record of the decision which is filed with the secretary of the final decision-maker or the Clerk of the County Legislature. The applicant shall be notified of any conditions proposed or imposed on the application in the manner provided in Section 24003.5.

#### **24003.5            NOTICE PROVISIONS**

- a. **Published Notice.** Except as otherwise specifically provided in these regulations, in any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property must be published once in one newspaper of general circulation throughout the County at least fifteen (15) days before the date set for the hearing. The notice shall be prepared by the County.
- b. **Personal Notice of Public Hearing.**
  - 1. Whenever personal notice of a public hearing is required by this title, notice shall be sent at the applicant's cost by certified mail at least fifteen  
  
(15) days before the hearing to each owner of real property located within the distance of the exterior boundary of the property in question in accordance

with Exhibit 240.7. If the matter to be considered is an appeal, notice shall be provided to all parties to the appeal, including interested parties.

**Exhibit 240.7: Personal Notice Distance Requirements**

<b>Subject Property Location</b>	<b>Radius of Notification from Boundaries of Subject Property</b>
Rural Tier	1,000 feet
Suburban Tier	300 feet
Urban Tier	185 feet

2. Such mailed notice shall be in letter form stating the time and place of the hearing, a general description of the proposal, location of the property subject to the proposed change, and other such requirements as further specified in these regulations. The mailed notice must also include a statement explaining that members of the public may be heard at the public hearing.
  3. The failure of a property owner to receive notice by mail, if timely sent and properly addressed, shall not be grounds for invalidating any action taken by the responsible decision-making body.
- c. Posted Notice.** In addition to the published and mailed notifications described in the preceding paragraphs, the Director shall post distinctive signs giving notice of the hearing and of the action requested. The Director shall post at least one (1) sign at least fifteen (15) days prior to the hearing in conspicuous places visible from every street along the frontage of the subject property. The signs shall remain posted on the property until after the public hearing.
  - d. Notification Following Decision.** Within ten (10) days of the date of the final decision-maker's determination on the development application, written notification of such action shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the final decision-maker denies the application, a written statement setting forth the basis for the decision to deny the application also shall be included. Record of such notification shall be filed with the Secretary of the Plan Commission or Clerk of the County Legislature.
  - e. Notification of Appeal or Revocation.** Whenever appeal is taken from a final decision on a development application following a public hearing pursuant to Section 24003.6, or whenever the County determines to revoke a development permit which was obtained following a public hearing, personal notice of the appeal or revocation shall be prepared and made in the manner prescribed by this section. If no public

hearing was held prior to obtaining the development permit, personal notice of revocation shall be given only to the holder of the permit.

- f. **Costs of Notice.** All actual costs incurred by the County in preparing and publishing the notice required by this Chapter shall be paid by the applicant prior to publication or mailing of such notice according to a schedule of fees established by the County Legislature.

#### **24003.6 PUBLIC HEARINGS PROCEDURES**

- a. **Setting of the Hearing.** When the Director determines that a development permit application is complete and that a public hearing is required by this title, the Director shall consult with the secretary of the body required to conduct the hearing and shall select a place and a time certain for the required hearing, and shall cause notice of such hearing to be prepared and made pursuant to Section 24003.5.
- b. **Examination of and Copying of Documents.** At any time upon reasonable request, any person may examine the application and materials submitted in support of or in opposition to an application for a development permit. Copies of such material shall be made available at cost.
- c. **Conduct of Hearing.**
  - 1. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and if appearing on behalf of an organization, the name and mailing address of the organization for the record.
  - 2. The body conducting the hearing shall exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the chairperson of the body conducting the hearing at the chairperson's discretion. The order of proceedings shall be as follows:
    - (a) The Director shall present a description of the proposed development and a written or oral recommendation, if required. This recommendation shall address each factor required by the UDC to be considered prior to approval of the development permit. The staff's

written recommendation shall be made available to the applicant at least five (5) days prior to the hearing;

- (b) The applicant shall present any information that the applicant deems appropriate;
- (c) Public testimony shall be heard first in favor of the proposal, then in opposition to it;
- (d) The Director may respond to any statement made by the applicant or any public comment; and
- (e) The applicant may respond to any testimony or evidence presented by the staff or public.

**d. Record of Proceedings.**

1. The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the Legislature may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the secretary of the body conducting the hearing and payment of a fee set by the County Legislature to cover the cost of duplication of the audio record or tape.
2. The tapes of all proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted and any proceeding before the body, all staff and advisory body or commission reports and recommendations, and the decision and report(s) of the body before which the hearing is heard shall constitute the record.
3. All records of the body shall be public records, open for inspection at reasonable times and upon reasonable notice.

**e. Continuance of Proceedings.** The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time and place. No renotification shall be required if a hearing is continued. An applicant shall have the right to request and be granted one (1) continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown.

**f. Additional Rules.** Where appropriate, additional rules governing the public hearing may be applicable. This includes other provisions of the Jackson County Code applicable to the body conducting the hearing and any of the body's adopted rules or procedures as long as the same are not in conflict with this chapter. The body conducting the hearing may adopt rules of procedure to limit the number of

applications for development approval which may be considered per meeting and the time for each presentation.

## **24003.7 POST-DECISION PROCEEDINGS**

- a. Reapplication Following Denial.** Whenever any development application is denied for failure to meet the substantive requirements of this title, an application for development permit for all or a part of the same property shall not be considered for a period of one (1) year from the date of denial unless the subsequent application involves a proposal that is materially different from the previously denied proposal or unless four (4) members of the body charged with conducting the initial public hearing determine that the prior denial was based upon the material mistake of fact. The body charged with conducting the initial public hearing under such successive application shall resolve any questions concerning the similarity of the second application or other questions which may develop under this section.
- b. Appeals to County.**

  - 1. Any person, including any officer or agency of Jackson County, aggrieved by a final determination on a development permit by the Director or final decision-maker may appeal such final determination to the appellate body designated by this chapter, if any, in the manner provided in this section.
  - 2. A written appeal must be filed with the secretary or clerk of the body hearing the appeal within fourteen (14) days after notification of the final decision. The appeal shall contain a written statement of the reasons why the final decision is erroneous, and shall be accompanied by the fee established by the County Legislature.
  - 3. The appellate body shall hear the appeal within thirty (30) days after the filing of the statement of reasons. The hearing shall be conducted in accordance with the provisions of Section 24003.6.
  - 4. The appellate body may affirm, reverse or modify the decision from which appeal was taken within thirty (30) days after the date the hearing is closed. The appellate body may attach such conditions as are reasonably necessary, as provided in Section 24003.5.
- c. Judicial Appeals.** No action or proceeding shall be commenced for the purposes of seeking judicial relief or review with respect to any final decision made pursuant to the UDC, unless such action or proceeding is commenced within the time limits specified in Chapters 49 and/or 536, RSMo, as applicable.

## **24003.8 EXPIRATION OF DEVELOPMENT APPROVAL**

- a. Time of Expiration.** Unless otherwise specifically provided for in this chapter, development applications shall automatically expire and become null or void, and all activities pursuant to such approval thereafter shall be deemed in violation of the UDC, if: 1) the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the development application, or that was made pursuant to the terms of any development agreement within the time limits established therein for satisfaction of such condition or term; or 2) if the applicant fails to present a subsequent development application required by this title within the time so required or as may be required by Revised Statutes of Missouri. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be one (1) year from the date such approval was filed with the secretary of the final decision-maker or the Clerk of the County Legislature.
- b. Extension Procedures.** Unless otherwise prohibited by Missouri law or this chapter, the Director may extend the time for expiration of development permit for a period not to exceed one (1) year upon a showing of good cause by the applicant, if application for extension is made in writing within the original period of validity. An extension for a period in excess of one (1) year shall be granted only by the original final decision-maker. A determination by the final decision-maker on whether to extend such development permit for a period exceeding one year (1) shall be made in accordance with procedures set forth in the UDC for original approval of the particular development permit for which extension is requested. No extension may be granted by the Director or by the final decision-maker for a period exceeding any time limits established by Revised Statutes of Missouri.

## **24003.9 REVOCATION OF PERMIT**

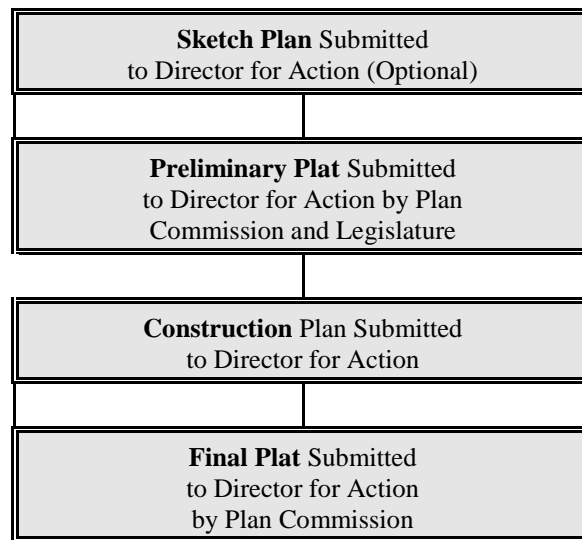
- a. Duties of Director.** If the Director determines, based on inspection by County staff, that there are reasonable grounds for revocation of a development permit authorized by this chapter, the Director shall set a hearing before the original decision-maker. If the decision was made by the Director, the hearing shall be conducted by the BZA. If the County Legislature was the original decision-maker, it may refer the proposed revocation to the Plan Commission for its report and recommendation prior to such hearing.
- b. Notice and Public Hearing.** Notice shall be given in the same manner provided in Section 24003.5. The public hearing shall be conducted in accordance with the procedures established in Section 24003.6.

- c. **Decision and Notice.** Within fourteen (14) days from the conclusion of the hearing, the decision-maker shall render a decision, and shall notify the holder of the permit and any other person who has filed a written request for such notice in the manner provided in Section 24003.6.
- d. **Effect and Appeals.** A decision to revoke a development permit shall become final fourteen (14) days after the date notice of the decision was given, unless appealed. After such effective date, all activities pursuant to such permit thereafter shall be deemed in violation of the UDC. Appeal from the decision to revoke the permit shall be to the County Legislature and shall conform to the procedures established in Section 24003.7.
- e. **Right Cumulative.** The County's right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

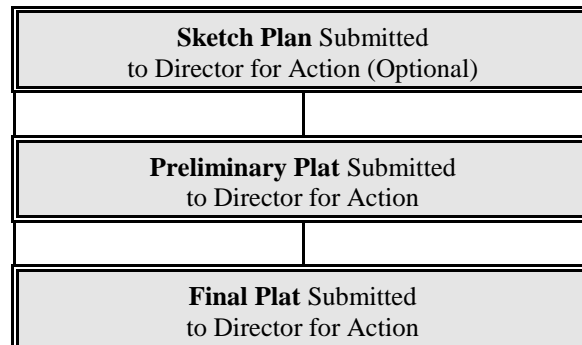
## SUBDIVISION REGULATIONS

### 24003.10 SUBDIVISION APPROVAL – GENERALLY

- a. **Major Subdivisions.** Major subdivisions are subject to the following four-step approval process:



- b. Minor Subdivisions.** Minor subdivisions are subject to the following three-step process:



- c. Prohibited Subdivisions.** No person may subdivide land except in accordance with all of the provisions of this chapter. Except as exempted in this Chapter, the following acts are prohibited:

1. **Parcel Creation.** Creation of parcels without subdividing, except those intended for agricultural use, is prohibited.
2. **Selling Land Prior to Approved Plat.** No owner or agent of the owner of any land subject to these regulations shall transfer title to any tract before a plat has been approved in accordance with the provisions of these regulations and recorded with the County Department of Records.
3. **Subdivision by Metes and Bounds.** Subdivision by metes and bounds is prohibited. It shall be unlawful to subdivide any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading these regulations.

- d. Exemptions.** The following divisions of land shall be exempt from these subdivision requirements:

1. The public acquisition of land for improvements to public right of way.
2. Any lot, parcel or tract of land located within the area governed by these regulations which has been legally subdivided or resubdivided by plat or deed prior to the adoption of these regulations.
3. A division of property through inheritance, the probate of an estate, or by order of a court of law.



4. A division of property where all new lots or parcels will be greater than ten (10) acres and all parcels abut a public street.
5. The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements of the County.
6. The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.
7. The acquisition of land for regulated rail use.

#### **24003.11 PRE-APPLICATION PROCEDURES - SKETCH PLAN**

- a. **Sketch Plan.** Before any application is made pursuant to these regulations, the owner, the owner's agent, the applicant and/or the owner's surveyor, engineer or land planning consultant (collectively "applicant") may, at the applicant's discretion, confer with the Director to discuss, in general, the procedures and requirements for subdivision and/or site plan approval pursuant to these regulations, and more specifically, the tentative development plans of the applicant.
- b. **Sketch Plan Contents.** In preparation for this meeting, the applicant shall prepare a Sketch Plan. The following information will be required for a thorough administrative review of the Sketch Plan:
  1. Name of the proposed subdivision;
  2. Date, scale, north arrow;
  3. Property owner's name and address;
  4. Description of all existing covenants, liens and encumbrances;
  5. Location of property lines;
  6. Existing or platted easements, rights-of-way, streets or other public ways;
  7. Location, sizes and elevations of existing sewers, water mains, culverts, and other underground structures within the boundaries of the proposed subdivision and adjacent thereto;

8. Existing permanent buildings;
9. Utility poles and utility rights-of-way on or immediately adjacent to the property proposed to be subdivided;
10. Approximate topography based on USGS or NAVD datum at 10 feet contour intervals;
11. Approximate location and width of all proposed streets within and abutting the proposed subdivision;
12. Preliminary proposals for connections with existing water supply and sanitary sewerage systems, and preliminary proposals for collecting and discharging surface water drainage;
13. Approximate location, dimensions and area of all proposed and existing lots;
14. Approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use;
15. Vicinity map showing all streets and the general development pattern and land uses of the surrounding area;
16. If the Sketch Plan covers only a part of the applicant's contiguous holdings, the applicant shall show the extent of adjacent land holdings.

**c. Sketch Plan Review.**

1. Sketch Plan review shall focus on applicable provisions of these regulations, physical features of the proposed development, the availability of public facilities and services, the timing and placement of public improvements and any Master Plan, Official Map and/or Major Street Plan requirements.
2. The Director shall forward copies of the Sketch Plan to appropriate departments and agencies, assemble comments, and coordinate recommendations from all public service providers.
3. The Director shall determine whether the proposed development will be classified as a minor subdivision or a major subdivision as defined in this chapter.
4. The Director shall send the applicant written comments regarding the proposed subdivision to assist the applicant in completing the subdivision process.

## 24003.12 CONCEPT PLAN

- a. Purpose.** The purpose of the Concept Plan is to demonstrate conformance with the Master Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to approval of a Preliminary Plat.
- b. Applicability.** A Concept Plan shall be required when an applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership. The Concept Plan shall illustrate future development of the entire area under common ownership. Where a Concept Plan is required, no further development applications shall be approved until a Concept Plan has been submitted and approved.
- c. Contents.**

  - 1. A Concept Plan shall be printed on 22" x 33" paper at a scale of 1 inch = 100 feet with all dimensions measured accurately to the nearest foot provided, however, that a different scale may be used if approved in writing by the Director prior to submittal.
  - 2. The Concept Plan shall contain or have attached thereto:

    - (a) Name and addresses of the developer, record owner, land planner, and engineer.
    - (b) Proposed name of the subdivision, date revised and/or prepared, north indicator, scale.
    - (c) Location map drawn at a scale of 2,000 feet per inch showing the area within a one mile radius of the proposed subdivision. Use of the latest USGS 7.4 minute quadrangle map is recommended.
    - (d) A layout of the entire tract and its relationship to adjacent property, existing development and recorded plats.
    - (e) Topographic contours based on USGS or NAVD Datum at ten foot (10') intervals based on USGS or NAVD Datum unless otherwise approved by the Director.
    - (f) Proposed major categories of land use showing compatibility with the Master Plan.

- (g) Proposed number of dwelling units and gross density of each type of residence and proposed floor area ratio for all non-residential land uses.
- (h) Proposed and existing arterial and collector streets to serve the general area.
- (i) Location of sites for parks, schools and other public uses, and all areas of common ownership.
- (j) Significant drainage features and structures including any 100-year floodplains.
- (k) Significant man-made features such as railroads, buildings, utilities and drainage structures.
- (l) Approximate boundaries and timing of proposed phases of development.
- (m) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological or any other physical conditions of the property to be developed or within 100 feet on an adjacent tract exist which will require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from minimum standards.

**d. Procedure.**

1. A Concept Plan, prepared by a registered Land Surveyor or land planner together with a completed application form and filing fee shall be submitted to the Plan Commission for approval. A Concept Plan may be submitted for review and approval simultaneously with a Preliminary Plat provided, however, that the plat shall not be approved until the Concept Plan has been approved. If the Concept Plan and the Preliminary Plat are to be reviewed simultaneously, the plat and plan must be submitted to the Director simultaneously. An approved Concept Plan shall be kept on file as a public record in the office of the Director. If the remainder of an applicant's landholdings are intended to remain in agricultural production for the foreseeable future, the Director may act on the plan without consulting the Commission and may waive concept plan content requirements as appropriate.
2. Legible prints, as indicated on the application form, shall be submitted at least 30 days prior to the regular meeting of the Commission along with the following:

- (a) Completed application forms and the payment of all applicable fees.
  - (b) A proposed phasing plan for the development of future sections.
  - (c) Any attendant documents needed to supplement the information provided on the plat.
  - (d) A complete Preliminary Plat submittal if submitted for review and approval in conjunction with the Concept Plan.
3. Prior to the Commission meeting at which the Concept Plan is heard, County staff shall review the plan for consistency with County codes, policies and plans, and return written comments to the Director. The Director shall prepare a report analyzing the subdivision submittal as well as any comments received concerning the plan, and recommend the approval, conditional approval or disapproval of the plan. Said report shall be available at least seven (7) days prior to the Commission meeting.

**e. Approval.**

- 1. If the remainder of an applicant's landholdings are intended to remain in agricultural production for the foreseeable future, the Director may approve the Concept Plan. If the Director does not approve the Concept Plan, the applicant may submit the plan to the Commission to appeal the Director's Decision.
- 2. The Plan Commission shall approve the Concept Plan if it finds that the following criteria are satisfied:
  - (a) The Concept Plan conforms to all applicable provisions of the Unified Development Code (UDC).
  - (b) The Concept Plan represents an overall development pattern that is consistent with the goals and policies of the Jackson County Master Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the County.
  - (c) The proposed development is located in an area of the County that is appropriate for current and future development activity and which will not contribute to sprawl and leapfrog development patterns nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

**f. Effect of Approval.** Approval of a Concept Plan constitutes acceptance of the type, density and intensity of land use indicated on the plan; the classification and

arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. The Commission shall notify the applicant of any design requirements in excess of the established minimum standards or of any deviations from those established minimum standards or of any deviations from those established minimum standards set forth in the UDC. The approval of the Concept Plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one year behind the approved phasing plan, the approval shall expire if the applicant does not submit a written request for the extension and continuance of the Concept Plan as approved by the County prior to expiration. Approval of any such extension request shall be automatic one time only for a period of twelve (12) months. Subsequent to this extension, the Concept Plan shall be considered valid so long as the plan remains consistent with the Master Plan. Concept plan approval does not ensure approval of a Preliminary Plat involving a substantially different concept or failing to meet specific requirements of these regulations, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

- g. Denial and Appeal.** If the Plan Commission finds that the Concept Plan fails to meet the criteria established in the section, it shall deny the Concept Plan application. The applicant may appeal such denial to the County Legislature.

#### **24003.13 PRELIMINARY PLATS**

- a. Submittal Requirements.** Applicants for major subdivision approval shall submit an application and Preliminary Plat to the Director. The Preliminary Plat shall be in sufficient detail to convey the applicant's ideas and intentions in platting the proposed subdivision. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this section to convey the applicant's plan of development. The plat shall be signed by a registered surveyor.
- b. Filing Procedure.** The applicant shall file the following with the Director, at least thirty (30) days prior to the regular Plan Commission meeting at which the Preliminary Plat is to be considered:

  - 1. A reproducible original and a sufficient number of copies of the proposed Preliminary Plat as specified on the application;
  - 2. Copies of all other information required by this section as specified on the application;
  - 3. The applicable plat review fee; and

4. A complete list of the names and mailing addresses of all owners of record of all land within the appropriate perimeter boundaries of the proposed subdivision.

**c. Contents.** Preliminary Plats for major subdivisions shall include the following:

1. Tract boundaries (traverse bearings and distances of the boundaries).
2. North point, date and scale on each page. The scale shall be one inch equals one hundred feet (1" = 100') unless specifically waived by the Director.
3. Location by section, township, range, county and state, including descriptive boundaries of the subdivision.
4. Name of the proposed subdivision. This name shall neither duplicate nor too closely resemble the name of any existing subdivision.
5. A location map showing the tract in relation to the surrounding area.
6. Names and addresses of the applicant, developer(s), owners(s) of record, and the name, address and seal of the engineer, land surveyor, architect or land planner responsible for subdivision layout.
7. The following information for land located within 200 feet of the proposed subdivision: topography based on USGS or NAVD Datum at five (5) foot contour intervals; names of adjacent subdivisions; layout of streets (with names) and including an indication of road surface locations whether such streets are paved or unpaved; dedicated rights-of-way with widths; connections with adjoining platted streets; widths and locations of alleys; easements, and public walkways adjacent to or connecting with the tract; location, size and rights-of-way widths of all existing sanitary sewer, storm sewer, and water supply facilities; parks and other open spaces; and permanent buildings.
8. Existing topography with contours at a maximum of five (5) foot intervals. All topographic data shall relate to USGS or NAVD Datum. In areas where grades are gentle, the Director may require a lesser contour interval. The location of water courses, limits of floodplains, floodways, ravines, bridges, lakes, wooded areas, approximate acreage and such other existing features as may be pertinent to the subdivision shall be shown.
9. Existing and proposed deed restrictions and protective covenants.
10. Location of proposed culverts and bridges.

11. Layout and width of right-of-way and cross sections showing surfacing of all existing and proposed streets and public ways proposed for the subdivision, and proposed street names.
12. Lot layout, lot number, approximate dimensions, approximate lot areas, easements, setback requirements with dimensions, and the number or letter of each block.
13. All parcels of land to be dedicated or reserved for public use or for use in common by property owners in the subdivision and any conditions of such dedication or reservation.
14. Preliminary plans showing the locations and sizes of all existing and proposed sanitary sewerage lines, on site systems and facilities, the locations and sizes of all existing and proposed water distribution system lines and facilities, the location of the closest existing water and sewer mains, and the location and character of all other existing and proposed public utility lines, including gas and power lines. These plans shall be accompanied by a written and signed statement explaining how the applicant proposes to provide sewage treatment facilities or other disposal of sanitary wastes. When the applicant intends to use existing sewage treatment facilities, a letter from the proper authority accepting responsibility for treatment of sanitary wastes from the proposed subdivision is required to be provided by the applicant.
15. Stormwater management plan pursuant to Section 24006.5, calculations, and proposed size, nature and location of all proposed storm drainage improvements.
16. Identification, location and nature of all existing and proposed zoning districts and land uses to be included within the subdivision and the zoning district and status of adjacent properties within 200 feet of the subdivision.
17. Existing building footprints and pavement boundaries.
18. Proposed use of lots.

**d. Application Date.**

1. The Director shall review the plat and other information and documentation submitted by the applicant and, within ten (10) working days, determine if the application as submitted is complete.



2. If the application is determined to be complete, the Director shall so notify the applicant and forward the application to the Commission for review at its next regularly scheduled meeting.
  3. If the application is determined to be incomplete, the Director shall return the application to the applicant with a written explanation specifying the additional information required to be submitted to complete the application.
  4. For the purposes of these regulations, the date of the regular meeting of the Commission at which time a complete Preliminary Plat is reviewed shall constitute the official submittal date of the plat. The thirty (30) day period for formal approval or disapproval of the plat will commence from the official submittal date of the Preliminary Plat.
- e. **Action on the Preliminary Plat - Meeting.** Within thirty (30) days after the submittal of a complete Preliminary Plat application for a major subdivision to the Commission, the Commission shall hold a meeting on the application. Notice of the meeting shall be published at least one (1) time. Notice by publication shall be the responsibility of the County.
- f. **Commission Decision.** Following the hearing, but still within thirty (30) days of submission of the complete Preliminary Plat, the Commission shall recommend approval, disapproval, or approval with conditions. The Commission, with the consent of the applicant, may extend the thirty (30) day period. Notice of the Commission's decision shall be forwarded to the applicant in writing within ten (10) days after the Commission's action on the application.
- g. **Guidelines for Commission Decision.** The Commission shall consider the following criteria in making a recommendation on the Preliminary Plat.
1. The plat conforms to all applicable provisions of the UDC.
  2. The plat represents an overall development pattern that is consistent with the goals and policies of the Master Plan, the Official Map, the Capital Improvements Program, and any other applicable planning documents adopted by the County.
  3. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles.
  4. The plat is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to, water, sewer, gas, electric, and telephone service.

5. Each lot in the plat of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.
6. The plat will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils, geology, hydrology, floodplains, wetlands, vegetation and trees.
7. The plat is located in an area of the County that is appropriate for current development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.
8. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.
9. All relevant and applicable submission requirements have been satisfied in a timely manner.

**h. County Legislature.** Following action by the Commission, the Legislature shall review the application and the recommendation of the Commission and either approve, conditionally approve, or disapprove the Preliminary Plat.

1. If the Preliminary Plat is approved or approved with conditions, the applicant shall meet or arrange to meet the conditions and then proceed with the Construction Plan and Final Plat approval processes.
2. If the Preliminary Plat is disapproved, the Clerk of the Legislature shall, within ten (10) days of the Legislature's action, record the reasons for disapproval in the journal of the County Legislature's meeting, notify the applicant in writing of the action and the reasons therefor and return the Preliminary Plat to the applicant.

**i. Effect of Preliminary Plat Approval.** Preliminary Plat approval shall confer upon the applicant, for a period of one (1) year from the date of approval by the Legislature, the right to proceed to final plat approval and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the preliminary plat approval was granted by the Legislature. The one (1) year period may only be extended by the Commission and only if the applicant has applied in writing for an extension and the Commission determines that a longer period should be granted. If no Final Plat on any portion of a subdivision for which preliminary approval has been

granted is approved within said one (1) year period, or such longer period as the Commission may expressly allow, a re-submission of the Preliminary Plat (or a revised Preliminary Plat) shall be required pursuant to the then current subdivision regulations and any other applicable land use regulations or requirements. After approval of the Preliminary Plat, the applicant shall prepare and file Construction Plans as required for all public facilities and utilities to be provided.

## **24003.14 CONSTRUCTION PLANS/CONSTRUCTION OF IMPROVEMENTS**

### **a. Construction Plans.**

1. Following approval of the Preliminary Plat, the applicant shall have prepared by a professional engineer registered in the State of Missouri construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by the UDC. Construction plans shall be submitted to the Director for review and approval.
2. All improvements required pursuant to these regulations shall be constructed in accordance with the design standards and plan requirements of the UDC, the standards and specifications of the County, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

### **b. Construction Plan Requirements.**

1. General: The Construction Plan shall be sealed by a professional engineer. Five (5) copies of the Construction Plans shall be submitted to the Director for review. The Construction Plans shall be at any scale from one (1) inch equals ten (10) feet (1" = 10') through one (1) inch equals one hundred (100) feet (1" = 100'), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction Plans shall be prepared on 22" x 34" sheets. The Preliminary Plat or title page shall be used as the cover sheet for the Construction Plans. The Plans shall include the following information, shown on separate sheets:
  - (a) The Preliminary Plat for the project drawn on the existing topographic survey of the property.
  - (b) Roadway, sidewalk, bikeway and traffic control construction plans, profiles and detail sheets.
  - (c) Sanitary sewer system construction plans, profiles and detail sheets.

- (d) Storm water management plan showing plan and profile of proposed storm sewer and drainage facilities, detail sheets, hydrological and hydraulic calculations and other information as required by the Director.
- (e) Proposed grading cross sections and final contours in critical drainage areas.
- (f) Water distribution system construction plans and details.
- (g) Locations of electric, telecommunications and other utility improvements.
- (h) A general schedule of the timing and sequence of construction for all required improvements.
- (i) Roadway Construction Detail Sheets: All construction details pertaining to the roadway improvements (e.g., pavement details, pavement width, curbing, sidewalk, unpaved areas, entrances, lighting, etc.) shall be shown on typical section, in plan and profile. Specific details shall include, but not be limited to:
  - (1) Pavement installation, widening, or resurfacing improvements dimensioned and developed in accordance with County improvement standards.
  - (2) Pavement widening and resurfacing improvements in the right-of-way as measured from the centerline.
  - (3) Mathematical profile grade and elevations at twenty-five (25) feet intervals on vertical curves and fifty (50) feet intervals on tangent sections for all roadway construction. Elevations at quarter point intervals along pavement edge at street intersection corners.
  - (4) Resurfacing Profile Grade elevations on existing centerline and edges of pavement at twenty-five (25) feet intervals and breaks in grade (i.e., irregularities in pavement).
  - (5) Jointing plan and details for Portland Cement Concrete pavement.
  - (6) Type and location of entrance construction.

- (7) Propose traffic control devices and signs to be used during construction and upon completion of the project.
- (j) Sanitary Sewer, Storm Drainage, and Water Line Plans and Profile Sheets: All construction details pertaining to the sanitary sewerage, storm drainage and water distribution system improvements shall be prepared in accordance with all requirements of these regulations and other pertinent County regulations and standards and shall be shown in plan and profile. With the approval of the Director, profiles may be omitted from water distribution system drawings. Specific details shall include, but shall not be limited to:
  - (1) Existing ground and finished grade shown and designated.
  - (2) Methods to be used in repairing open trenching of pavement.
  - (3) Limits of backfill and pavement replacement at all crossings of existing roadway surfaces not bored.
  - (4) Location of all utilities to be encountered in construction. Sufficient copies of plans must be submitted for utility providers.
  - (5) Proof of plan approval by any other political subdivisions having jurisdiction over any aspect of the proposed development must be received prior to Construction Plan approval.
- (k) Grading Plan and Cross Section Sheets: A grading plan for the entire tract within the Preliminary Plat boundaries shall be provided. All grading details pertaining to site development shall be shown in plan or on cross section sheets. Specific details shall include, but shall not be limited to:
  - (1) Existing and proposed contours, normally at two (2) foot intervals, in critical drainage areas. Contour intervals for Grading Plans greater than two (2) feet will require the Director's approval.
  - (2) Site grading shall be compatible with ultimate roadway elevations.
  - (3) Where required by the Director, cross sections showing existing ground and finished grades plotted at a scale of not

less than one inch equals one hundred feet (1"=100')  
horizontal and one inch equals ten feet (1"= 10') vertical.

- (4) Erosion Control Plan, as applicable, showing compliance with State requirements.

- c. **Public Agency Reviews.** Prior to approving the construction plans, the Director shall submit the construction plans to all applicable local reviewing agencies and public utility companies that will service the subdivision. The Director shall forward comments from those agencies to the applicant along with the County's comments.
- d. **Timing of Improvements.** Except upon the written approval of the Director, no grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the applicant has:
1. Entered into a Subdivision Improvement Agreement with the County or otherwise arranged for completion of all required improvements;
  2. Received approval of the Construction Plans and all necessary permits from the Director; and
  3. Obtained necessary approvals and permits from other affected municipal, county or state agencies.
- e. **Modification of Construction Plans.** All installations of improvements and all construction shall conform to the approved construction plans. If the applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the applicant's own risk, but only with the written approval of the Director. It shall be the responsibility of the applicant to notify the Director in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans and such deviation was not approved in advance by the Director, the applicant may be required to correct the installed improvements to conform to the approved construction plans. In addition, the County may take such other actions as may be deemed appropriate including, but not limited to, revocation of plat approval and/or permits already issued and/or withholding of future approvals and permits.
- f. **As-Built Drawings.**
1. Prior to final inspection of the required improvements, the applicant shall submit to the Director one (1) reproducible copy and two (2) prints of as-built engineering drawings for each of the required improvements that have been

completed. Each set of drawings shall be recertified by the applicant's engineer indicating the date when the as-built survey was made.

2. Sewer and storm drainage. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision.
3. Streets and Street Lights. Unless otherwise required by the Director, as-built drawings for roadways or street improvements shall be limited to a survey of the street centerline, with final profile elevations recorded on the drawings at 100-foot intervals, plus the notation of changes in horizontal alignment or intersection geometrics which may have been made during construction, and the location of street lights.
4. Water. As-built drawings for water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project shall be limited to horizontal location and size of water lines and location and description of valves with dimensional ties as may be required by the Director of Public Works.
5. Sidewalks. As-built drawings showing location with respect to the street right-of-way, width and vertical elevation.
6. Control Points. As-built drawings shall show all control points and monumentation.

**g. Inspection and Acceptance of Improvements.**

1. **Inspection Required.** All improvements required by these regulations shall be inspected by the Director, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the County with written reports of each final inspection.
2. **Inspection Schedule.** It shall be the responsibility of the applicant to notify the Director of the commencement of construction of improvements twenty-four (24) hours prior thereto.
3. **Compliance with Standards.** The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of

these regulations and the standards and specifications of other public agencies.

4. **Acceptance.**

- (a) Approval of the installation and construction of improvements by the Director shall constitute acceptance by the County of the improvement for dedication purposes.
- (b) The County shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the Director.
- (c) When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of the County, and the applicant has submitted as-built reproduces to the Director, the Director shall accept the improvements for maintenance by the County, except that this shall not apply to improvements maintained by another entity.

5. **Site Cleanup.** The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the County is prohibited.

**h. Failure to Complete Improvements.** If no Subdivision Improvement Agreement has been executed and no security has been posted, the failure to complete all required public improvements within the period specified by the County shall result in expiration of plat approval. If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the County may:

- 1. Declare the Subdivision Improvement Agreement to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- 2. Suspend final plat approval until the public improvements are completed and record a document to that effect with the County Department of Records for the purpose of public notice;
- 3. Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;



4. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
5. Exercise any other rights available under the law.

#### **24003.15 COMPLETION OF IMPROVEMENTS/IMPROVEMENT AGREEMENTS**

##### **a. Completion of Improvements.**

1. Except as provided below, before the plat is signed as final by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required by these regulations. The required improvements shall be those specified in the approved Preliminary or Final Plat.
2. As a condition of Final Plat approval, the Legislature may require the applicant to deposit in escrow a deed describing by metes and bounds and conveying to the County all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the County and recordation of the Final Plat. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the County may compel the delivery of the deed in order to complete the improvements as required.

##### **b. Improvement Agreement & Guarantee of Completion of Public Improvements.**

1. **Subdivision Improvement Agreement.** The Director may waive the requirement for the completion of required improvements if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required public improvements no later than two (2) years following the date upon which the final plat is signed. Such two-year period may be extended for up to an additional two (2) years upon its expiration at the discretion of the Director. The Director may require the applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a Subdivision Improvement Agreement for completion of the remainder of the required improvements during such two-year period. The County Counselor shall approve any Subdivision Improvement Agreement as to form.

2. **Covenants to Run with the Land.** The Subdivision Improvement Agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The Subdivision Improvement Agreement shall be recorded with the County Department of Records. All existing lienholders shall be required to subordinate their liens to the covenants contained in the Subdivision Improvement Agreement.
3. **Performance Security.**
  - (a) Whenever the Director permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash escrow or a surety bond.
  - (b) The cash escrow or surety bond shall be in an amount estimated by the Director as reflecting 120 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.
  - (c) In addition to all other security, when the County participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the County as a co-obligee.
  - (d) The issuer of any surety bond shall be subject to the approval of the County Counselor.
4. **Escrow Agent.** If security is provided in the form of a cash escrow, the applicant shall deposit same with the Jackson County Manager of Finance, as a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director.
5. **Accrual.** The surety bond or cash escrow account shall accrue to the County for administering the construction, operation and maintenance of the improvements.
6. **Reimbursement.** Where oversized facilities are required by the County, the County and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

**c. Maintenance Bond.**

1. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of three (3) years from the date of County acceptance of such improvements. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting 50 percent of the cost of the completed improvements.
2. If the applicant has entered into a Subdivision Improvement Agreement for the completion of required improvements, an appropriate percentage of the performance bond or cash escrow may be retained by the County in-lieu of a maintenance bond.
3. If the applicant has not entered into a Subdivision Improvement Agreement, the applicant shall guarantee the improvements as required by this section. A surety bond or cash escrow totalling 50 percent of the costs of the completed improvements shall be provided by the applicant.

**d. Temporary Improvements.** The applicant shall construct and pay for all costs of temporary improvements required by the County and shall maintain said temporary improvements for the period specified.

**e. Governmental Units.** Governmental units to which these improvement and security provisions apply may file, in lieu of the Agreement and security, a certified resolution or ordinance by the officers or directors authorized to act on their behalf, agreeing to comply fully with all applicable provisions of these regulations.

**24003.16 FINAL PLAT**

**a. Filing Procedure.** Following approval and prior to the expiration of the Preliminary Plat, the applicant may continue the subdivision process by filing a Final Plat. The Final Plat application shall be filed with the Director thirty (30) days prior to the Commission meeting at which the application is to be reviewed and shall contain:

1. One (1) reproducible original and a sufficient number of copies of the proposed Final Plat as specified on the application;
2. Copies of the additional information required pursuant to Section 24003.16.b hereunder as specified on the application;
3. A completed application form;
4. The applicable fees for filing and recording the plat, and for review of the Construction Plans; and

5. An agreement in writing on a form provided by the County Counselor that the developer will install all of the improvements required herein.

A Final Plat shall not be accepted for review after the expiration of the Preliminary Plat.

**b. Information Required.** The Final Plat shall be prepared on a tracing cloth, mylar or similar quality material at a scale of one inch equals one hundred feet (1" = 100' or larger), unless specifically waived by the Director, in a size that is a multiple of eight and one-half inches by eleven inches (8½" x 11"), with a maximum size of 22" x 34". Where a proposed subdivision does not fit on a single sheet, the final plat shall be submitted on two (2) or more sheets of the same dimensions along with an index sheet showing the entire development at a smaller scale. The Final Plat shall show or have attached the following information:

1. Name of the subdivision which shall neither duplicate nor too closely resemble the name of any existing subdivision;
2. Date, scale and north arrow, on each page. The scale shall be one inch equals one hundred feet (1" = 100') unless specifically waived by the Director, and shall be shown graphically and in feet-per-inch.
3. Total acreage of the proposed subdivision;
4. The location of the boundary in reference to existing official monuments or the nearest established street lines, including the angles and distances to such reference points or monuments, shall be furnished. The plat shall show all monumentation which shall be installed as required by the Director in a manner that meets or exceeds current Minimum Standards for Property Boundary Surveys.
5. The location by section, township, range, county and state, including descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions which shall mathematically close and which shall be tied into the State Grid System. Bearings and distances of all exterior boundary lines and along the center lines of streets shall be furnished;
6. The legal description of the entire tract to be subdivided. The registered surveyor shall determine the coordinates of each and every controlling corner of the boundary of the tract of land being surveyed or subdivided. The procedures and the coordinate values shall meet or exceed the current Minimum Standards for Property Boundary Surveys of the Department of Natural Resources, 10 CRS 30-2.010. These coordinate values will be shown on the Final Plats. Any ¼-¼ corner that is referenced on a subdivision plat

7. shall be referenced to the proper controlling corners of the section (any 2 of the 9 corners recognized by the Government Land Office).
8. The names, lines, three-line profiles, typical sections and grades of all proposed streets and their widths, right-of-way widths, and names;
9. An accurate by metes and bounds description of any property offered for dedication to the County or another public entity for public use;
10. The boundary lines of all adjoining lands for a distance of one hundred (100) feet and showing (with dotted lines) the right-of-way lines and adjacent streets and alleys with their widths and names;
11. Building lines and easements for rights-of-way provided for public use, services or utilities, including navigation easements, with figures showing their dimensions and listing uses that are being provided;
12. All dimensions and bearings, both linear and angular, radii and arcs, necessary for locating the boundaries of the subdivision, blocks, lots, streets, easements, building lines, and other areas to be dedicated for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot;
13. Area in square feet for each lot or parcel, which shall equal or exceed applicable zoning ordinance requirements;
14. Building setback lines with dimensions.
15. An accurate drawing of the proposed subdivision with the lots clearly numbered. If the blocks are to be numbered or lettered, these should be shown clearly in the center of the block;
16. Approved Construction Plans conforming with the requirements of these regulations, for all roadway, grading, sanitary sewerage system, storm drainage facilities, water distribution system, and other pertinent site improvements. Two (2) sets of such Construction Plans shall be submitted with the Final Plat;
17. Boundary lines and description of the boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
18. Two (2) copies of all deed restrictions and/or protective covenants and, if applicable, articles of incorporation and bylaws of a homeowner's association for the proposed subdivision;

19. A statement dedicating all easements, streets, alleys and other public areas not previously dedicated.
  20. Certification by a Registered Land Surveyor that all details of the plat are correct.
  21. Other certifications as required to comply with the UDC.
  22. Two (2) copies of a sanitary sewer construction permit issued by the State, DNR which includes the approval of all lines and necessary appurtenances intended to serve the proposed lots as shown on the final plat.
  23. Other information pertaining to the proposed development as may be determined to be necessary from time to time by the Commission to facilitate review of the Final Plat;
- c. **Review Procedures.** The Final Plat shall conform as closely as possible to the approved Preliminary Plat. All improvements and facilities to be provided by the developer shall be approved by the Director and installed prior to the issuance of an occupancy permit, or adequate security in lieu of making improvements shall be provided in accordance with Section 24003.15 of these regulations. All required dedications and easements shall be offered for dedication on the final plat by the applicant before the Commission shall approve the Final Plat; however, approval of the Final Plat shall not itself constitute acceptance of land for dedication. Acceptance of land dedication requires separate, written approval by the Director.
- d. **Substantial Compliance with Preliminary Plat.** Prior to submitting the Final Plat to the Commission, the Director shall review the plat for substantial compliance with the approved or conditionally approved preliminary plat. If the Final Plat for a subdivision is found to deviate substantially from the approved Preliminary Plat, the applicant will be required to submit a new Final Plat if the deviations are eliminated, or a new Preliminary Plat if the deviations are retained. If a new Preliminary Plat is required, the applicant must comply with other applicable land development regulations at the time of resubmittal. Substantial deviations shall include, but are not necessarily limited to, the following:
1. a change in the location or design of a public street;
  2. a change in the layout of lots or blocks;
  3. a change in access to lots;
  4. a change in areas, streets or rights-of-way to be reserved or dedicated;
  5. a change in the drainage plan which increases the runoff from the tract;

6. a change in the public utilities and facilities to be provided; and
7. a change in the extent of buffering between the proposed subdivision and adjacent areas and/or land uses.

**e. Guidelines for Decision.** The Commission shall consider the following criteria in making a decision on the Final Plat:

1. The Final Plat substantially conforms to the approved preliminary plat and any conditions and exceptions granted pursuant thereto.
2. The Final Plat conforms to all applicable requirements of these regulations, the zoning ordinance and other applicable land development regulations.
3. All submission requirements of these regulations have been satisfied.

**f. Final Plat Approval.**

1. The Commission shall, within thirty (30) days following its consideration, approve, disapprove or approve with conditions the Final Plat and shall transmit written notice of its decision to the applicant.
2. If the proposed Final Plat is approved, the Director signs the plat. The applicant may then file and record the plat. If the proposed Final Plat is disapproved, the Secretary of the Commission shall, within ten (10) days of the Commission action, record the reasons for disapproval in the minutes of the Commission meeting, notify the applicant in writing of the action and the reasons therefore, and return the Final Plat to the applicant.

**g. Effect of Final Plat Approval.** Final Plat approval shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Commission; provided, however, that no Final Plat shall be filed and recorded unless and until approval by the Director. No lot in the subdivision may be sold until the Final Plat has been officially recorded. If the Final Plat is not recorded within ninety (90) days after approval by the Commission, the Commission shall formally request the applicant to explain the extenuating circumstances preventing recordation of the Final Plat. The Commission shall then determine whether provision of an extension would serve the best interests of the County. If these findings are negative, the Commission shall revoke approval of the Final Plat and shall so notify the applicant, the Clerk of the Legislature and the County Department of Records.

**h. Requirements after Approval.**

1. The applicant shall submit prints of the Final Plat on cloth and prints on paper for certification as specified by the Director.
2. The applicant shall submit on the Final Plat a certificate consenting to the recordation of the plat as submitted. This certificate shall be signed and acknowledged by all parties having any title interest in the land subdivided. The cloth copies shall carry the original signatures of the owners and a notary public.
3. The Final Plat shall carry a certification by a registered surveyor that the details of the plat are correct.
4. Certificates of approval shall be filled in by the signature and seal of the Director.

**i. Filing and Recordation.** Within ninety (90) days following Final Plat approval by the Commission and signature of the Director of Public Works, the applicant shall file an approved plat with the County Department of Records. The applicant shall furnish the Director with the recording date, the document number, and the book and page numbers after recording the approved plat. The applicant shall bear all expenses in connection with the filing of the Final Plat and the County Department of Records shall not be required to file the Final Plat until the applicant has paid the required filing fee. If not paid, and if the Final Plat is, therefore, not filed within ninety (90) days of approval by the Commission, the Final Plat shall be placed on the Commission agenda for further action including, but not limited to, revocation of approval and/or imposition of additional conditions. Prior to recordation, the applicant must submit a certificate from the Division of Finance indicating that there are no outstanding delinquent taxes, assessments or fees with respect to the property proposed for subdivision and/or the property owner, and that all taxes and encumbrances have been satisfied of record on the land to be dedicated as streets, alleys or for other public purposes shall be provided prior to plat recordation.

**j. Improvements to Precede Building Permits.** Building permits shall not be issued for any structure within the boundaries of the subdivision until all of the required improvements have been constructed, are available to each lot in the subdivision, and have been inspected and approved by the Director unless subject to a subdivision improvement agreement or bond, or specifically authorized by the Commission in conjunction with plat approval.



## **24003.17 MINOR SUBDIVISIONS**

- a. Purpose.** The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the County's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by cost of producing this data, the County allows alternate procedures for simple resubdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.
- b. Application.** Applicants for subdivisions or resubdivisions creating no more than 3 new lots for which no new public improvements are needed may follow the procedure set forth below provided that the subdivision meets all of the following criteria:
1. The Director shall certify that the proposed subdivision meets all the requirements of the minor subdivision.
  2. No new public street shall be necessary for each lot to access a public street.
  3. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
  4. No off-site improvements to the County's infrastructure are determined to be necessary by the Director, and
  5. No off-site drainage improvements are determined to be necessary by the Director.
- The Commission and/or the Legislature may require the major subdivision procedure if they determine that the plat is inconsistent with any element of the Master Plan or any established County codes or policies.
- c. Exemptions.** Any division of land that is exempt from major subdivision regulation pursuant to Section 24003.10 shall also be exempt from minor subdivision regulation.
- d. Application Process.**
1. Applicants for the subdivision of land, whether major or minor pursuant to these regulations, may schedule a preapplication conference with the Director pursuant to Section 24003.11.

2. Following the pre-application conference, applicants for minor subdivision approval may submit prints of a Preliminary Plat, as described in Section 24003.13 to the Director, together with an application for approval. The Director shall review the Preliminary Plat for completeness and inform the applicant of any necessary changes or corrections to ensure that the application conforms with these regulations, all other applicable ordinances and plans of the County and all other applicable State regulations. The Director may waive informational requirements specified in Section 24003.16 upon finding that such waiver will not reduce the County's ability to review the proposed subdivision for compliance with the UDC.
  3. When the application has been determined to be complete, the Director shall approve, disapprove, or conditionally approve the Preliminary Plat. If the Director disapproves the Preliminary Plat, the grounds for such decision shall be forwarded in written form within ten (10) working days to the applicant.
  4. Preliminary plats of minor subdivisions that have been approved or conditionally approved may proceed directly to Final Plat. .
  5. The content of the Final Plat for a Minor Subdivision shall correspond with the content for all Final Plats as required by Section 24003.16 except that construction plans may not be required.
  6. The Director may approve the Final Plat, approve the Final Plat with conditions or disapprove the Final Plat.
- e. **Filing and Recordation.** Within ninety (90) days following Final Plat approval by the Director of Public works, the applicant shall file an approved plat with the County Department of Records. The applicant shall furnish the Director with the recording date, the document number, and the book and page numbers after recording the approved plat. The applicant shall bear all expenses in connection with the filing of the Final Plat and the County Department of Records shall not be required to file the Final Plat until the applicant has paid the required filing fee.

## **24003.18 PLANNED DEVELOPMENT**

- a. **Purpose.** The intent of Planned Development is to encourage flexibility of design that will enable the applicant to take advantage of the most desirable site areas of the parcel in ways that would be prohibited in the district development standards the overall densities of the entire tract conform to the minimum requirements described in the underlying district. This technique is intended to reduce the cost of

infrastructure necessary to serve new development while better promoting land use efficiency and environmental protection. Design and use flexibility granted in a Planned Development is granted for designs while enhancing the quality of life in the planned development and on adjacent properties.

- b. Spot Zoning and Contract Zoning Prohibited.** It is not the intent of these regulations to permit spot zoning, or to permit contract zoning, and these regulations shall not be applied to such ends. In adopting these regulations, the County Legislature intends to allow applicants to submit development plans to which the applicants unilaterally agree to be restricted, subject to County approval. These regulations shall be construed consistently with the Master Plan and other portions of the UDC, and do not alter the general standards and procedures under which land uses are regulated, except as expressly set forth in these regulations.
- c. Application for Planned Development.** Any party wishing to change the zoning district for a given parcel of land may, as an alternative to rezoning under the Jackson County Code, apply for a planned development as set forth in these regulations.
- d. Contents of Application.** An applicant for a planned development under the provisions of these regulations shall submit an application to the Director, containing the following information:

1. Application for rezoning, consistent with the requirements of Section 24003.19 as may be required;
2. Application for subdivision approval, consistent with the requirements of Section 24003.10, as may be required;
3. Site Development Plan, as provided in the following subsection; and
4. Signed statement by applicant that applicant understands and agrees that rezoning granted under this section may be revoked should actual use of the property deviate materially from any planned development granted by the Jackson County Legislature.

**e. Site Development Plan.**

An application for a Planned Development District shall be accompanied by the following supporting documents:

1. A statement of development objectives, including a description of the character of the proposed development and the rationale behind the basic assumptions and choices made by the applicant;

2. A development schedule indicating the approximate date of initiation of construction and the phases of development;
3. Sufficient information to show the relationships between proposed land uses, natural features, roads, utilities and recreational amenities. The Director shall determine the information required to be shown on the development plan based in part on the degree to which the proposed development deviates from the UDC. The information shown on the development plan may be presented on separate sheets to improve clarity, provided that plan drawings are

presented at the same scale on each sheet. At a minimum, the site development plan shall include the following information:

- (a) Existing site conditions including soils analysis and a drainage plan to include contours at two (2) foot intervals, provided that additional spot elevations or contours may be required on flat sites.
- (b) A master site plan of the development concept indicating land use relationships, densities, phasing areas and basic design arrangements. The site plan shall include, but not be limited to, the following:
  - (1) proposed circulation system identifying arterials, collectors, and local streets, off-street parking areas, service areas, loading areas, and points of access to public rights-of-way;
  - (2) existing and proposed utility systems;
  - (3) screening and buffer areas, open space and other amenities; and
  - (4) proposed building and lot arrangements.
- (c) A site plan including all of the information required in Section 24003.22 shall be required for planned districts consisting of twenty-five (25) acres or less.

**f. Plan Commission to Review.**

1. **Standards of Review.** In reviewing applications, the Plan Commission shall apply the same substantive standards that apply to other rezoning and subdivision applications.
2. **Recommendation.** The Plan Commission shall hold a public hearing on the application, and shall make a recommendation on whether the subdivision and/or rezoning applications and site development plan should be approved. The recommendation shall be forwarded to the County Legislature.

3. **Adjustments in Site Development Plan.** If the applicant makes adjustments to the site development plan prior to submission of the plan to the Legislature, applicant shall provide a copy of the adjusted plan to the Director at least seven (7) days before the County Legislature's consideration of the plan. If the Director finds that the site development plan is substantially different from the plan acted on by the Plan Commission, the Director may remand the plan to the Commission for review.
- g. **Legislature to Make Final Determination.** After the Plan Commission has made its recommendation, the applicant may seek approval by the County Legislature, of the Preliminary Plat in accordance with Section 24003.13 and the rezoning to the planned district in accordance with Section 24003.19. The site development plan shall be incorporated into the ordinance adopting the change to planned zoning. If subdivision is required for the planned development, the rezoning shall not be effective until a plat, which is consistent with the approved site development plan, is recorded
- h. **Conformance to Site Development Plan.** For planned zonings approved under these regulations, the final site development plan controls all construction and other development on property within the site development plan's area. No construction or other development shall be permitted on the affected property that is not consistent with the final site development plan approved by the Legislature.
1. **Exceptions.** The Director may, without prior approval of the Plan Commission or Legislature, allow the following changes in the approved site development plan as a result of reasonably unforeseeable engineering or construction problems:
  - (a) Move private streets and driveways by not more than twenty (20) feet.
  - (b) Move the location of structures by not more than ten (10) feet, provided that the relocation shall not violate setback requirements.
  - (c) Move the location of any parking area by not more than twenty (20) feet, provided that the parking area shall not be relocated closer than twenty (20) feet to any residential structure or ten (10) feet to any street or right-of-way lines.
  - (d) Change the configuration of any parking area, provided that the number of spaces is not reduced.

- (e) Change the location of sidewalks and pathways, provided that continuity of pedestrian circulation remains.
  - (f) Change the building size by a total of not more than one hundred (100) square feet for a residential structure and by a total of not more than five percent (5%) for a commercial structure, provided that the change shall not violate setback requirements and any building may be reduced in size.
- i. **Designation of Planned Zoning.** A planned development zoning district approved by the County Legislature by ordinance shall be designated by the letter "p" following the district classification. For example, rezoning to a district "A" with a planned zoning shall be designated "Ap."

#### **24003.19 ZONING AMENDMENTS**

- a. **Zoning Amendments Authorized.** The text of these zoning regulations or the zoning map that establishes the boundaries of zoning districts may be amended, consistent with the adopted Master Plan, from time to time by ordinance of the County Legislature, in the manner provided in this section.
- b. **Initiation of Application.** An owner of real property within the County, or that owner's authorized representative, may, upon proof of ownership, apply for amendment of the text of the zoning regulations or a change in zoning district boundaries for that landowner's property. Such amendment also may be initiated by the County Plan Commission, County staff or the County Legislature.
- c. **Application.** When the owner of the affected property initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the Director. Said application shall be completed in its entirety and filed with the Director who will establish a public hearing date before the Plan Commission.
- d. **Information Required in Amendment Application.** When the application involves a change in the zoning district map, the applicant shall submit the following information:
  - 1. A legal description of the property;
  - 2. A scaled map of the property, correlating with the legal description, and clearly showing the property's location;
  - 3. The name, address, and phone number of the applicant and property owner.

4. A description of the present use of the property and existing zoning;
5. A description of the proposed use of the property and requested zoning;
6. The area of the property in square feet and/or acres;
7. The proposed time schedule for development;
8. The source/method for providing utility/infrastructure services to the property;
9. A description of existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions;
10. Declaration of the property's status relative to floodplain information provided by FEMA;
11. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development;
12. The effect the proposed development may have on surrounding properties;
13. Additional exhibits as may be required by the Director such as a site plan showing elevations of property, location and size of all existing and proposed structures, roadways, easements, and parking areas, and the location of present and proposed points of access of the property;
14. The signatures(s) of the applicant(s) and owners(s) certifying the accuracy of the required information.

**e. Public Hearing.**

1. The Plan Commission shall hold a public hearing on each proposed zoning amendment that is referred to, filed with or initiated by it. Such hearing shall be held in any place in the County designated by the Plan Commission regardless of the location of the land affected by such amendment or amendments.
2. An applicant for zoning amendment may request a postponement of a scheduled public hearing on such request not less than ten (10) days prior to the scheduled public hearing. In the event that any publication or notification has been made by the County of the public hearing prior to such request for postponement, such applicant shall include with the

request payment to the County of such fee for postponement as may be set by ordinance by the County Legislature.

**f. Special Notice Requirements.**

1. In advance of any public hearing required by this section, notice shall be published pursuant to Section 24003.5, except such hearings as may have been continued. If such continuance of a public hearing is to a specific date and a time no later than sixty (60) days from the first hearing for which required notice was given, the announcement of the continuance at the originally scheduled hearing time and location is sufficient notice of the continued public hearing and no additional notice is required.
2. Published notice of a zoning amendment shall contain, in addition to all of the requirements of Section 24003.5, a statement describing the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the address or general location of such property, its present zoning classification, and the proposed classification.
3. For a change in zoning district boundaries or other zoning map amendment, the Director, at applicant's cost, shall give notice at least fifteen (15) days prior to the hearing by certified mail, return receipt requested, to property owners as provided in Section 24003.5.

**g. Report and Recommendation by Commission.**

1. Upon conclusion of the public hearing, the Plan Commission shall forward to the County Legislature a summary of all evidence taken in the hearing, together with its recommendations for any change to zoning district boundaries and/or regulations. Said recommendation may be for approval, disapproval, or approval in part, and the reasons for the recommendations shall be included. The Plan Commission also shall forward drafts of any ordinances necessary to effect the amendment or change which may then be introduced in accordance with the County Charter. The Chair of the Land Use Committee of the County Legislature shall be notified of the recommendation of the Plan Commission by a copy of the letter of transmittal.
2. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the Plan Commission shall describe:



- (a) Whether such change is consistent with the intent and the purpose of this chapter and the goals and policies of the Master Plan;
- (b) The areas that are most likely to be directly affected by such change and the likely effects; and
- (c) Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.

**h. Decision by County Legislature.**

- 1. Upon the receipt of the recommendation of the Plan Commission and written public input, the County Legislature shall consider the application and may approve the recommendation of the Plan Commission or take whatever other action it deems appropriate. If an ordinance granting any application for amendment or supplement to the zoning district classification is not introduced in the County Legislature within ninety (90) days after the report of the Plan Commission is received by the County Legislature, the application shall be deemed denied.
- 2. **Protest of Proposed Zoning Amendment.** If a written protest against a proposed amendment is signed by the owners of thirty (30) percent or more of the land area (exclusive of streets and alleys) either:
  - (a) included in such proposed amendment; or
  - (b) within an area determined by lines drawn parallel to and in accordance with the notification distance outlined in Section 24003.5 from the boundaries of the district proposed to be changed, and
  - (c) is filed with the clerk of the Legislature, such amendment may not be adopted except by the favorable vote of two-thirds (2/3) of all members of the County Legislature.

- i. **Public Hearing.** On introduction of an ordinance granting or denying an application for amendment or supplement to the zoning district classifications, the County Legislature shall hold a public hearing on the proposed ordinance before its Land Use Committee.

j. **Public Hearing Notice.** Notice of the time and place of the public hearing before the Land Use Committee of the County Legislature shall be published in one newspaper having general circulation within the County at least fifteen (15) days before the date of said hearing. The Land Use Committee shall forward a recommendation to the County Legislature.

k. **Approved Action.** If the County Legislature approves an application, it shall adopt an ordinance to that effect. The amending ordinance shall define the change or

boundary as amended and order the official zoning map to be changed to reflect such amendment.

## **24003.20 MASTER PLAN AMENDMENTS**

a. **Procedures for Amending Master Plan Text.** The text of the adopted Master Plan may be amended from time to time. Amendments to the Master Plan text may be initiated by the Director, by the Plan Commission, by the County Legislature or by petition of a property owner or owner of a business located in the County. Proposed text amendments by property owners or business owners shall be reviewed as set forth in the Master Plan. The County Legislature may establish by resolution schedules during which Master Plan text amendments will be considered.

b. **Procedures for Amending Land Use Diagram.** The Plan Commission, the County Legislature, a property owner or the owner of a business located in the County may initiate a request for amendment of the land use diagram of the Master Plan. The application for amendment of the land use diagram may be accompanied by an application for a zoning amendment. The County Legislature may establish by resolution schedules during which Master Plan text amendments will be considered.

c. **Recommendation on Amendments by Plan Commission.** Prior to adoption of any Master Plan Amendment, the Commission shall hold a public hearing in accordance with the procedures in Section 24003.6, after receiving the report and recommendation of the Director. The Director shall cause notice of the hearing to be published. For amendments to the land use diagram, personal notice also shall be given in the manner provided in Section 24003.5. Following its decision on the application, the Commission shall adopt the amendment by resolution expressly referencing the same and shall cause to be affixed to the amendment the signatures of the Chair and Secretary of the Commission.

d. **Decision on Amendment by County Legislature.**

1. Following receipt of the Commission recommendations, the County Legislature shall schedule a public hearing to decide whether to adopt the amendment. The public hearing shall be conducted in accordance with

Section 24003.6. The Director shall cause notice of the hearing to be published in the manner provided in Section 24003.5.

2. The County Legislature shall consider the proposed amendment to the Master Plan and shall render a decision thereon. Thereafter, the zoning regulations and zoning map shall be rendered consistent with the approved Master Plan amendment.

## **24003.21      CONDITIONAL USE PERMITS**

- a. **Purpose and Intent.** Conditional uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

- b. **Status of Conditional Permitted Uses.**

1. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
2. Approval of a Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued.
3. No use authorized by a conditional use permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new conditional use permit in accordance with the procedures set forth in this chapter.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, other appropriate provisions of the Jackson County Code, or any permits required by regional, state or federal agencies.

- c. **Application for Conditional Use Permit.**

1. An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative.
2. The application shall be submitted to the Director for a determination of completeness. The application shall be accompanied by a site plan prepared in accordance with all the requirements of Section 24003.22. If a zoning amendment is required or requested, such application shall accompany the application for a conditional use permit.

3. Once the Director has determined that the application is complete, the Director shall forward the application to the Plan Commission.

**d. Public Hearing.**

1. The Plan Commission shall hold a public hearing on the application pursuant to Section 24003.6. At the completion of the hearing, the Commission shall make a report and recommendation on the application and forward the same to the County Legislature.
2. The County Legislature shall hold a public hearing on the application pursuant to Section 24003.6 at a regularly scheduled meeting. At the completion of the hearing, the County Legislature may grant permission for the conditional use permit if the proposed use meets the following conditions:
  - (a) The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
  - (b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with requirements of the UDC, particularly those described in Section 24004.
  - (c) The proposed conditional use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;
  - (d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to ameliorate such impacts;

- (e) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the neighborhood.

- 3. If the proposed use requires a division of land, an application for a subdivision or other land division shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase

of the subdivision containing the property on which the conditional use is to be located.

- e. **Decision on Conditional Use Permit and Appeal.** The County Legislature shall render its decision on the conditional use permit application, and may impose conditions in accordance with Section 24003.4. The permit shall set out regulations, restrictions, limitations and termination date so that reasonable control may be exercised over the use. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district.

- f. **When Application Denied.** No application will be approved or permit granted that is in violation of or in conflict with any laws of the State of Missouri.

- g. **Revocation of Conditional Use Permits.**

- 1. **Reasons for Revocation.** Any conditional use permit granted under the authority of this chapter is subject to revocation for any or all of the following reasons:
  - (a) Non-compliance with any special conditions imposed by the UDC or by the County Legislature at the time of approval of the conditional permit.
  - (b) Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
  - (c) Violation of any other applicable Code provisions or any state or federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the conditional use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.

## **24003.22 SITE PLAN REVIEW**

- a. Purpose.** The purpose of requiring Site Plan Review is to ensure that proposed development conforms with the UDC and includes a compatible arrangement of buildings, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, site drainage, and open spaces. Site review shall consider the siting of proposed construction and its impact upon the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area and its conformance to the policies and standards of the Master Plan. The design shall encourage the elimination of unnecessary grading, and endeavor to retain the natural character of the site including the preservation of trees and other natural features.
- b. Applicability.** A site plan shall be required for all new construction, exterior additions or changes in use to any structure used for multi-family, commercial, industrial or public use, whether such use is a permitted use in the district, authorized by conditional use permit or allowed as a planned development. No building permit shall be issued for a development subject to site plan review until such site plan has been approved in accordance with this chapter.
- c. Application and Processing.** The applicant may initiate the site plan review by filing an application with the Director. If more than one use in a project or more than one use located on a single tract of land is subject to such review, site plan applications may be submitted in phases.
- d. Contents.** All site plans shall contain the following information:
1. Name and address of record of landowner, Architect/Engineer/ Surveyor and Contractor;
  2. Date, north arrow and scale;
  3. Location of existing and proposed rights-of-way, easements and infrastructure (streets, sewers, water lines, etc.);
  4. Size, use and location of existing and proposed structures and drives on the subject property, and existing structures and drives adjacent to the property;
  5. Location of floodplain areas subject to flooding, centerlines of drainage courses, and finished floor elevations of proposed buildings;
  6. Location of proposed drives and parking areas;
  7. Property lines, platted setback lines, and lot dimensions;

8. Location, number and dimensions of existing and proposed parking spaces;
9. Final grades;
10. Location of existing trees greater than 12 inches in diameter and proposed landscaping; and
11. Drainage information sufficient to demonstrate compliance with Section 24006.5.

**e. Review.** The Director shall approve or conditionally approve the site plan if it determines that the following criteria are satisfied:

1. The site is capable of accommodating the buildings(s), parking areas and drives with appropriate open spaces in compliance with the UDC.
2. The plan provides for safe and easy ingress, egress and internal traffic circulation.
3. The plan is consistent with accepted land planning and site engineering design principles.
4. The plan represents an overall development pattern that is consistent with the Master Plan and other adopted planning policies.

**f. Approval.**

1. Site plan approval by the Director shall be evidenced by the Director on the site plan. Approval shall become effective immediately.
2. Unless a longer time shall be specifically established as a condition of approval, site plan approval shall lapse and become void twelve (12) months following the date on which such approval became effective, unless prior to the expiration a building permit is issued and construction is commenced and diligently pursued toward completion.
3. Site plan approval may be extended upon the applicant's written request for extension and continuance of the plan as approved by the Director prior to expiration. Approval of any such extension request shall be automatic one time only for a period of twelve (12) months. Subsequent to this extension, the site plan shall be considered valid so long as the plan remains consistent with all applicable County codes and the Master Plan.
4. Upon violation of any applicable provision of this section or, if granted subject to conditions, upon failure to comply with conditions, site plan

approval shall be suspended upon notification to the owner of a use or property subject to the site plan.

5. A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.
- g. Appeal.** Director denial of the site plan may be appealed to the BZA.

## 24003.23 BOARD OF ZONING ADJUSTMENT/VARIANCES

- a. **Establishment/Designation.** The Plan Commission established pursuant to Article XI, Section 2 of the 2010 Jackson County Charter and Chapter 81 of this Code shall serve as and perform all functions of the Board of Zoning Adjustment. Any reference to the Board of Zoning Adjustment or “BZA” in this Chapter shall be deemed reference to the Plan Commission
- b. **Secretary.** The Director shall serve as Secretary to the Board of Zoning Adjustment
- c. **Applicability of Provisions Relating to Plan Commission.**  
All provisions of this Chapter and Chapter 81 of this Code applicable to the Plan Commission shall also apply to the Plan Commission acting as the BZA, unless a contrary result is clearly indicated in this Section.
- d. **Docket/Order of Business/Compensation.** The Plan Commission may act as the BZA only at meetings called for that purpose. At any such meeting, the Plan Commission may take up only BZA business, and may not act on any other matters within the Plan Commission’s jurisdiction The Plan Commission may conduct a separate BZA meeting on the same calendar day as a properly noticed Plan
- e. **Quorum/Votes Required.** Five members of the BZA are required for a quorum to conduct business. Additionally, any decision on any substantive application or matter pending before the BZA require five affirmative votes for adoption.
- f. **Functions.**
  1. **Rules of Procedure.** The Board of Zoning Adjustment shall adopt rules of procedure consistent with the provisions of the zoning regulations of Jackson County.
  2. **Chairperson Administers Oath.** The chairperson, or in the absence of the chairperson, the acting chairperson, shall administer r oaths.



3. **Chairperson can Compel Attendance.** The Chairperson or, in the absence of the chairperson, the acting chairperson, shall compel the attendance of witnesses.
4. **Service of Process.** The Court Administrator or a properly designated deputy shall be responsible for service of any process issued to compel the attendance of witnesses.
5. **Meetings.** All meetings of the Board of Zoning Adjustment shall be open to the public.
6. **Notice of Meetings.** Public notice of meetings of the Board of Zoning Adjustment shall be given in at least one (1) publication in a newspaper of general circulation in the County.
7. **Time of Notice.** Public notice shall be given at least fifteen (15) days before the date of the meeting.
8. **Notice to News Media.** The Board of Zoning Adjustment shall notify all local news media who request to be notified of all meetings of the Board.
9. **Contents of Notice.** The notice of the hearings of the BZA shall include the following:
  - (a) The notice shall state the time and place of the hearing.
  - (b) The notice shall state the official docket of the BZA.
  - (c) The notice shall state the place where the specific requests will be accessible for examination by interested parties.
10. **Minutes.** The minutes shall be filed in the office of the Clerk of the County Legislature.
11. **Public Record.** The minutes shall be a public record.

**g. Powers and Duties.**

1. **Hear and Decide Appeals.** The Board of Zoning Adjustment shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the County zoning regulations.
  - (a) Appeals to the BZA may be taken by the person aggrieved, or by any officer, department, board or bureau of the government affected by

any decision of the Director. Such appeal shall be filed with the Director within three months of the decision or action. The Director shall transmit to the BZA all papers constituting the record upon which the action appealed from is taken.

- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Director certifies to the BZA, after the Notice of Appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in the Director's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Director on good cause shown.
- (c) **Discretion on Appeals.** In passing on appeals where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the order, requirement, decision or determination and those difficulties or hardships constitute an unreasonable deprivation of use as distinguished from merely granting a privilege, the BZA may vary or modify the application of any of the regulations or provisions so the intended purpose of the regulations shall be strictly observed, public safety and welfare secured and substantial justice done.
- (d) **Action on Appeals.** In exercising the powers set forth in these sections, the Board of Zoning Adjustment may in conformity with the provisions of the Jackson County zoning regulations or ordinances, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make that order, requirement, decision or determination as ought be made,

and to that end shall have all the powers of the officer from whom the appeal is taken.

- 2. **Variances.** The Board of Zoning Adjustment may authorize in specific cases a variance from the specific terms of this Development Code which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Development Code will, in an individual case, result in unnecessary hardship in the case of a use variance or practical difficulties in the case of a non-use variance, provided that the spirit of this Development Code shall be observed, public safety and welfare secured and substantial justice done.

- (a) An application for a variance may only be granted upon a finding by the BZA that the applicant has shown by clear and convincing evidence that all of the following conditions have been met:

(1) With respect to a use variance, that

- a) the strict application of the provisions of this code would constitute unnecessary hardship upon the applicant;
- b) the granting of the variance will not alter the essential character of the locality; and
- c) the land in question cannot yield a reasonable return if used only for the purposes allowed in the district.

(2) With respect to a non-use variance, that practical difficulties exist that would make it impossible to carry out the strict letter of this Code. In making such finding the BZA shall consider:

- a) how substantial the variation is, in relation to the requirement;
- b) if the variance is allowed, the effect of increased population density, if any, on available public facilities and services;
- c) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties is created;
- d) whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance;
- e) whether, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance; and
- f) conditions of the land in question, and not conditions personal to the landowner. The BZA shall not consider evidence of applicant's personal financial

hardship unrelated to any economic impact upon the land.

(3) With respect to all variances, that

- a) the granting of the variance will not adversely affect the rights of adjacent landowners or residents;
- b) granting the variance will not be opposed to the spirit and intent of this Code;
- c) the variance desired will not adversely affect the public health, safety or general welfare;
- d) the variance requested arises from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant; and
- e) substantial justice will be done.

(b) In granting a variance, the BZA may impose such conditions, safeguards and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

**h. Procedure.**

1. The applicant for appeal, variance or other procedure before the Board of Zoning Adjustment shall complete and file the appropriate application form(s) with the Director.
2. The Director shall determine if the application is complete. Complete applications shall be scheduled for review by the Board at the next regularly scheduled meeting of the Board, following the publication of the appropriate notices.
3. Notice.
  - (a) Notice of appeal shall be published pursuant to Section 24003.5.

- (b) Notice of variance application shall be published. Personal notice shall be provided and notice posted pursuant to Section 24003.5.

- i. **Appeals.** Appeals to Circuit Court from Board of Zoning Adjustment Decisions. Any person aggrieved by any decision of the Board of Zoning Adjustment may present to the Circuit Court of Jackson County, Missouri, a petition in the manner and form provided in § 536.110 RSMo.

#### **24003.24 VACATION OF STREETS AND RESERVATIONS**

- a. **Vacation Generally.** When deemed to be in the public interest, and where no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, all or a portion of any street, alley or public reservation, including, but not limited to, public utility or drainage easements, dedicated building setback lines and access control, may be vacated. Applications for vacation of any street, alley or a public reservation may be made by the County or by any owner of property on which the street, alley or public reservation lies or adjoins.
- b. **Vacation by Platting or Replatting.** Any street, alley or public reservation, or portion thereof, but not including certain public roads as governed by RSMo § 228.010 *et seq.*, may be vacated by a plat approved in accordance with the provisions of the UDC. Provided, that whenever a street, alley or public reservation has been vacated by platting or replatting, the following language, or language substantially similar to the following language, shall appear on the face of the plat:

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues and alleys not heretofore dedicated. Where prior easement

rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables theretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify Jackson County, Missouri from any expense incident to the relocation of any such existing utility installations within said prior easement.

- c. **Vacation by Ordinance.** Any street, alley or public reservation, or portion thereof, certain public roads as governed by § 228.010 RSMo *et seq.*, may be vacated by ordinance adopted by the County Legislature, following public notice and hearing as provided in this Chapter. Any application for vacation by ordinance shall be filed both in the office of the Clerk of the Legislature and in the office of the Director. Following the adoption of any ordinance vacating any street, alley or public reservation, or portion thereof, the Clerk shall file a copy thereof, certified by the

Clerk as a true and correct copy, in the office of the Clerk and in the office of the Department of Records.

- d. Reservation of Easements.** In vacating any street, alley or public reservation, or portion thereof, either by plat or by ordinance, the County Legislature may reserve the County and public utilities such rights-of-way and other easements as in the judgment of the Legislature are necessary or desirable for public service.
- e. Reversion of Land Vacated.** Streets, alleys or other public reservations which have been vacated shall revert to the owners of adjoining properties as provided by State law, and any amendments thereto.

## **24003.25 ADMINISTRATIVE PERMITS**

- a. Purpose.** The purpose of this section is to provide for the administration and enforcement of the technical codes adopted by the County.
- b. Applicability.** This section applies to all properties located within the County's land use regulation jurisdiction except as specifically exempted herein or the UDC as adopted by Jackson County. The Director may waive permit requirements for minor repairs and maintenance. Unless specifically exempted, it shall be unlawful for any person, firm, partnership or corporation to cause or allow the following:
  - 1. erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, use or occupy any building or structure without first obtaining a valid building permit.
  - 2. install any plumbing or gas fitting pipes, fixtures or equipment within or on any building, structure or premises, or make any alteration, changes, or repairs or otherwise perform the plumbing or gas fitting work without first obtaining a valid building permit.
  - 3. install any electrical wiring, fixtures, or equipment within or on any building, structure, or premises, or otherwise make any alteration, addition, changes, or repairs to electrical wiring, fixtures, or equipment, without first obtaining a valid building permit.
  - 4. install any heating, ventilating, cooling, refrigeration equipment, or duct work, or make any alteration, addition, changes, or repairs to heating, ventilating, cooling, refrigeration equipment, or duct work, without first obtaining a valid building permit.

5. locate, construct, alter, place, replace, pave or surface a driveway approach without first obtaining a valid driveway permit.
6. install or repair any on-site wastewater systems or part thereof without first obtaining a valid septic permit.
7. construct or structurally alter any street, road, sidewalk, curb, gutter, public utility, construction improvement or public facility or cut, grade, clear or fill any property without first obtaining a valid construction permit.

**c. Application and Processing.** The applicant may initiate the administrative permitting by completing and filing the appropriate permit application form with the Director. The application form shall be accompanied by all necessary information as listed therein.

**d. Permit Issuance.**

1. The application, plans, specifications and other data filed by the applicant for a permit shall be reviewed by the Director. The plans shall be distributed to and reviewed by other County departments and other applicable agencies to certify compliance with applicable ordinance requirements enforced by other departments. If the Director determines that the work described in an application and the required plans, specifications, and other data comply with this UDC and other applicable rules, laws and ordinances, and that all fees have been paid, the Director shall issue the permit to the applicant.
2. When the Director issues a permit where plans are required, the approved plans and specifications shall be endorsed or stamped "APPROVED." The approved plans and specifications shall not be changed, modified, or altered without authorization from the Director. All work shall be done in accordance with the approved plans.
3. All permitted work being accomplished on County right-of-way or easements shall be covered by a performance bond in the amount set by the Director and be covered by insurance in the categories and amounts set by the Director.

- e. **Review.** Director shall provide expedient review and then approve or disapprove the following types of permits:

**Type of Permit**

<b>Type of Permit</b>	<b>Purpose</b>
Building	Construction, reconstruction, expansion, remodeling or other modifications to a structure pursuant to Chapter 54 of the Jackson County Code.
Raze	Demolition of a structure pursuant to Chapter 54 of the Jackson County Code.
Construction Improvement	Construction improvement, extension or modification of public facilities or utilities, paving, clearing and grading (excepting agricultural operations).
Septic	Construction, reconstruction, expansion or repair of an on-site wastewater system.
Driveway	Construction, reconstruction or expansion of a driveway in a public right-of-way.
Floodplain	Any development within the FW or FF zoning districts.

- f. **Validity of Permit.** The issuance of a permit and the approval of plans and specifications is not a permit for, or an approval of, any violation of any provision of the UDC or any other County ordinance. Issuance of a permit based on plans, specifications, and other data shall not prevent the County from thereafter requiring the correction of errors in the plans, specifications, and other data, or from preventing building operations being carried on thereunder when in violation of this UDC or other applicable County ordinances. No permit presuming to give authority to violate or cancel any requirement or provisions of this UDC is valid.

- g. **Expiration and Extension of Permit.**

1. An administrative permit expires if work authorized by the permit is not commenced within 180 days of issuance of the permit. Extensions of up to 180 days may be granted by the Director for good cause. Extensions must be requested before the permit expires.
2. An administrative permit expires if work authorized by the permit, once begun, is suspended or abandoned for more than 180 days. A single



extension of up to 180 days may be granted by the Director for good cause. The extension must be requested before the permit expires.

3. After an administrative permit has expired, no work shall be recommenced until a new permit has been issued by the Director.

## **24003.26 NON-CONFORMING USES AND VESTED RIGHTS**

### **a. Continuation of Nonconformities and Completion of Nonconforming Projects.**

Unless otherwise provided in the County Code, and subject to the qualifications set forth herein, nonconformities that were otherwise lawful on the effective date of the UDC may be continued. Such nonconformities, however, are hereby declared to be incompatible with permitted uses in the districts involved. The burden shall be on the landowner or developer to establish an entitlement to continue a nonconformity or to complete a nonconforming development. This provision shall not alter the County's ability to amortize specific uses to protect public health, safety or welfare.

### **b. Nonconforming Lots.**

1. This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. For purposes of this section, a substantial structure shall include any structure in excess of 600 square feet of floor area which was constructed as a principal use permitted in the zoning district at the time of construction. A change in use of a developed nonconforming lot may be accomplished only in accordance with this Section.
2. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum lot area applicable to that zoning district, the lot may be used as proposed just as if it were conforming. However, no use that requires a greater lot size than the established minimum lot size for a particular district is permissible on a nonconforming lot.
3. Notwithstanding any other provision of the UDC, the owner of a lot of record located in any single family residentially zoned district may construct one single family detached dwelling unit on such lot, provided that the  
  
development conforms to the appropriate dimensional standards of the UDC to the maximum extent possible.
4. When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements, the Board of

Zoning Adjustment may allow variance from the applicable setback requirements if it finds that:

- (a) Development of the property is not reasonably possible for the use proposed without such variance;
  - (b) The variances are necessitated by the size or shape of the nonconforming lot; and
  - (c) The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.
5. Upon consideration of a request for a variance for an undeveloped nonconforming lot by the Board of Zoning Adjustment, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

**c. Extension or Enlargement of Nonconformities.**

- 1. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of an existing nonconformity. Physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
  - (a) An increase in the total amount of space or building area devoted to a nonconforming use; or
  - (b) Greater nonconformity of dimensional restrictions such as setback requirements, height limitations, density requirements, or any other requirements prescribed in the UDC.
- 2. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this section, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.
- 3. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.
- 4. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of

activity rather than changes in kind, and no violations of other provisions of this section occur.

5. Any structure used only as a family dwelling and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of the existing nonconformities of dimensional restrictions, density requirements or any other requirements prescribed in the UDC.

**d. Repair, Maintenance and Restoration.**

1. Minor repairs to and routine maintenance of nonconforming structures and property are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 50 percent of the appraised value of the structure, shall not be permitted.
2. If a nonconforming structure is damaged by fire, explosion, act of God, or the public enemy to an extent that the costs of repair or restoration will not exceed 50 percent of its appraised value of the structure, the damaged structure may be repaired or restored only in accordance with a nonconformity permit issued by the Director pursuant to this section. This subsection does not apply to structures used for single family units, which structures may be reconstructed pursuant to a building permit just as they may be enlarged or replaced as provided by Section 24003.26.c
3. Any repairs, renovation or restoration of a structure pursuant to this section which requires the issuance of any permit pursuant to County regulations shall also require the issuance of a nonconformity permit by the Director. In support of the application for such permit, the applicant shall submit such information as may be required to demonstrate that the cost of the proposed repairs, renovation or restoration would not exceed fifty (50) percent of the value of the structure.
4. For purposes of this section.
  - (a) The "cost" of renovation or repair or restoration shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or restoration, including services to be provided by the owner of the property and others at no cost to the owner;
  - (b) The "appraised value" of a structure or improvement shall mean the fair market value of the structure or improvement.

**e. Change in Use of Property Where a Nonconformity Exists.**

1. A change in the use of property where a nonconformity exists may not be made except in accordance with this section. However, this requirement shall not apply if only a sign permit is needed.
2. If the intended change in use is to a principal use that is permissible in the zoning district in which the property is located, and all other requirements of the UDC applicable to that use are satisfied, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this title is achieved, the property may not revert to its nonconforming status.
3. If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, but all of the requirements of the UDC applicable to that use cannot reasonably be satisfied, the change is permissible only if the Plan Commission issues a nonconformity permit authorizing the change. This permit may be issued if the Plan Commission finds that the intended change will not result in a violation of Section 24003.26.c, and that all of the applicable requirements of the UDC that are reasonably possible to be satisfied will be met.
4. Compliance with the UDC is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconformity is found or without moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. Further, in no case may an applicant be given permission pursuant to this subsection to construct a building, or add to an existing building, if additional nonconformities would thereby be created.
5. The proposed use shall not be regarded by the Plan Commission as resulting in an impermissible extension or enlargement of a nonconformity in violation of Section 24003.26.c, if:
  - (a) There exists a lot with one or more structures on it; and
  - (b) A proposed change in use that does not involve any enlargement of a structure is proposed for such lot; and
  - (c) The parking or loading requirements that would be applicable as a result of the proposed change cannot be satisfied on such lots because there is not sufficient area available on the lot that can practicably be used for parking or loading.

6. If the proposed use is approved, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain off-site parking if parking requirements cannot be satisfied on the subject lot and such off-site parking is reasonably available. If such off-site parking is not reasonably available at the time the nonconformity permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the nonconforming situation permit.

**f. Nonconforming Site Improvements.**

1. On lots with nonconforming site improvements, no additions to, or repairs or renovations of, any structure or site improvement may be made without first either bringing the nonconforming site improvements into complete conformity with the regulations applicable to the zoning district in which the lot is located or obtaining a nonconformity permit pursuant to this section. Provided, however, that this section shall not apply to the following circumstances:
  - (a) Repairs or restoration of a structure pursuant to Section 24003.26.d; or
  - (b) Minor repairs or renovation of a structure or site improvement.
2. For purposes of this section, "minor repairs or renovation" shall mean repairs or renovation costs which do not exceed 10 percent of the value of a structure or site improvement.
3. When repair or renovation of any structure or site improvement is proposed on a lot with a nonconforming site improvement, the Board of Zoning Adjustments may approve a nonconformity permit allowing such addition, repairs or renovation if it finds that:
  - (a) the nonconforming site improvement(s) is the only nonconformity on the property;
  - (b) compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible; and
  - (c) the property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

4. For purposes of this section, mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements is not reasonably possible.

**g. Abandonment and Discontinuance of a Nonconforming Use.**

1. When a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used only for conforming purposes.
2. For purposes of determining whether a right to continue a nonconformity is lost pursuant to this section, all buildings, activities, and operations maintained on a lot are generally to be considered as a whole. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.
3. When a structure or operation made nonconforming by the UDC, is vacant or discontinued on the effective date of adoption of the UDC, the 180-day period for purposes of this section begins to run on the effective date of the UDC.

**h. Nonconforming Signs.**

1. Subject to the restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of the UDC may be continued.
2. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Nonconforming signs may not be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may not be structurally altered except to bring the sign into complete conformity with the UDC.
4. Nonconforming signs may be maintained and repaired so long as the cost of such work within any twelve (12)-month period does not exceed fifty (50) percent of the value of such sign. No such work shall be done without the person proposing to do such work first submitting such information as may be required to satisfy the Director that the cost of such work would not exceed fifty (50) percent of the value of the sign.
5. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed within 60 days after such abandonment by

the sign owner, owner of the property where the sign is located, or other person having control over such sign.

6. If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, thirty (30) days after such abandonment, be altered to comply with the UDC or be removed by the sign owner, the owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
  - (a) it advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
  - (b) the advertising message it displays becomes illegible in whole or substantial part; or
  - (c) the advertising copy paid for by a person other than the sign owner or promoting an interest other than the rental of the sign has been removed.

**i. Certification of Nonconforming Uses.**

1. A certificate of legal nonconformance shall be issued by the Director for all nonconformities lawfully established under the provisions of this UDC.
2. The owner of any existing structure, building, or use made nonconforming as to bulk or use by any amendment to this chapter after the effective date of this chapter may apply to the Director for a certificate of legal nonconformance pursuant to this section.
3. A certificate of legal nonconformance shall be issued by the Director upon satisfactory proof being submitted by the applicant that the nonconformity was legally established prior to the effective date of this chapter or any amendment thereto which created the nonconformity as to bulk or use. The Director shall review all evidence submitted, shall inspect the structure, building, or use which is the subject of the application, and shall grant or deny the certificate.
4. If no appeal is taken within forty-five (45) days from the date the decision of the Director is issued, the decision shall become final and any certificate of legal nonconformance issued or not issued shall establish the legality of the nonconforming structure, building or use.

5. Any structure, building, or use made nonconforming by any amendment to this chapter on or after the effective date of this UDC for which the owner fails to obtain the required certificate of legal nonconformance as provided in this section, shall be an illegal nonconforming structure, building, or use and as such shall be in violation of this UDC and shall be prohibited.



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**ZONING DISTRICTS**

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## **SECTION 24004: ZONING DISTRICTS**

### **24004.1 ZONING DISTRICTS - GENERAL**

- a. Establishment of Zoning Districts.** In order to classify and segregate the uses of land and buildings, the following districts are hereby established:

AG	Agricultural District
RR	Residential-Ranchette District (5-acre minimum)
RE	Residential Estate District (2-5 acres)
RS	Residential Suburban (less than 2 acres) District
RU	Residential Urban District
RO	Residential and Office Use District
LB	Local Business District
GB	General Business District
HC	Highway Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
F-1	Floodway Overlay District
F-2	Floodway Fringe Overlay District
PD	Planned Development Overlay District
UG	Underground Space Overlay District

**b. Zoning Map.**

1. The boundaries of all zoning districts shall be shown on the official Zoning Map of Jackson County, Missouri ("Zoning Map"). The Zoning Map, together with all legends, symbols, notations, references, district boundaries, and other information thereon, is incorporated by reference into this section as if fully set forth, herein.
2. The Zoning Map and a record of all amendments thereto shall be kept on file in the office of the Director and shall constitute the original record, and shall be the final authority as to the current zoning status of all property within the unincorporated portion of Jackson County.
3. Changes in the boundaries of any zoning district, in accordance with the provisions of the UDC shall be reflected on the Zoning Map promptly upon approval of the amendment by the County Legislature. All amendments to the Zoning Map shall be signed and attested to by the Director.

4. The Zoning Map may be prepared in sections as may be required to adequately portray the boundaries of all zoning districts. The Zoning Map may include supplemental zoning maps to portray street classifications, boundaries of areas subject to specific limitations or exceptions or such other information as may be required by the UDC.
5. In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature or number of changes and additions, the County Legislature may, by ordinance, adopt a new Zoning Map, which shall supersede the prior Zoning Map; provided, however, that the new Zoning Map shall reflect the prior zoning district boundaries unless changed pursuant to law.

**c. Zoning District Boundaries.**

1. Wherever a site is divided by a district boundary, the zoning regulations applicable within each district shall apply to each portion of the site situated in a separate district.
2. The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map:
  - (a) Where boundaries approximate street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are shown as being within street and alley lines or within identifiable rights-of-way or creeks, the centerline thereof shall be construed to be the district boundary.
  - (b) Where a district boundary divides an unsubdivided parcel, the location of the district boundary shall be determined by the use of the scale appearing on the Zoning Map unless indicated by dimensions.
  - (c) Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.
  - (d) Where a street, alley or right-of-way is officially vacated or abandoned, the Zoning Regulations applicable to the abutting property shall apply to the centerline of the vacated or abandoned street, alley or right-of-way.
  - (e) Should any uncertainty remain as to the location or meaning of a boundary indicated on the Zoning Map, said uncertainty shall be resolved by the Director, whose decision may be appealed to the BZA.

3. When regulations refer to the "classification" of property, the term "classification" means the zone or district applicable to the property.

**d. Uses Not Provided for in Zoning District Regulations.**

1. Appendix A summarizes the uses authorized within each zoning district. The appendix should be used for reference purposes only; uses other than those specifically authorized in the district regulations as uses permitted as of right, uses permitted by conditional use permit, accessory uses or planned uses in each district may be allowed only if the Director finds that such uses are:
  - (a) similar in character to an authorized use; and
  - (b) will have no greater adverse effect on adjacent properties or the surrounding area than the authorized uses.
2. Such decisions may be appealed to the County Legislature by the applicant or adjacent property owners.
3. All interpretations made by the Director pursuant to this section shall be appended to the UDC and introduced before the legislature as amendments to the UDC annually. If, after introduction, the Legislature fails to adopt an interpretation of the Director's as an amendment to the UDC, that interpretation shall be null, void and of no legal effect.

- e. Prohibited Conversions.** Unless expressly provided for in these zoning regulations, no land shall be used and no building shall be erected for, or converted to, any use other than those authorized for the district in which the use is located. No building or portion thereof designed and constructed as a residential building shall be changed to an office, retail or business use of any type, except as provided herein.

**24004.2 AGRICULTURAL DISTRICT (AG)**

- a. Purpose.** The Agricultural District (AG) is intended to help retain large tracts of land for agricultural purposes and to minimize conflicts between agricultural uses and adjacent development. The principal purpose of this district is to provide for large tracts of open land (10 acres or more) devoted to active agricultural and open space uses, including crop farming, animal raising, pasture and woodlands with related residential and farm structures and equipment. This district is appropriate in the Rural Development Tier depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. The AG District also may apply to tracts of land within the Suburban Tier, when compatible with adjacent land uses. Land in the AG District should be served at rural levels of service.

**b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

1. Agricultural uses, including general farming, ranching, animal breeding, horticulture, orchards and vineyards, but not including poultry farms or the feeding or disposal of garbage or waste.
2. Aviaries.
3. Bee keeping.
4. Churches, temples, synagogues, mosques and related community buildings.
5. Civic clubs, private clubs, fraternal or sororal organizations.
6. Dairies and creameries processing milk produced by livestock raised on the property, provided that frontage on a collector or minor arterial road is required for dairies from which more than one commercial vehicle operate.
7. Dwellings, single-family detached.
8. Family day care home, subject to the conditions established in Section 24005.6.
9. Fish hatcheries.
10. Group homes, subject to the conditions of Section 24005.11.
11. Harvesting of agricultural crops, including public harvesting of Christmas trees, fruit and other produce.
12. Livestock raising, excluding commercial feedlots.
13. Medical Marijuana Facility, subject to the conditions established in Section 24005.14, except as to any property located in a platted subdivision and improved with a residential dwelling unit.
14. On and off-premise signs pursuant to Section 24007.
15. Poultry farms, provided that poultry enclosure areas are setback a minimum of 50 feet from every property line plus 10 feet for every 100 fowl in excess of 250.
16. Public parks and recreational facilities.



17. Public service facilities, including, but not limited to park-and-ride areas, safety and emergency service facilities, public works facilities, schools, parks and other uses required to efficiently provide public services to rural residents.
18. Railroad stations and railroad right-of-way, except railway yards.
19. Telephone relay stations, excluding broadcasting facilities.
20. Temporary assembly and amusements, including revivals, carnivals and circuses, subject to the conditions established in Section 24005.20. This section is not intended to permit the establishment of permanent facilities which are temporarily occupied by different groups.
21. Water, wastewater, electric, gas and telecommunications distribution or collection facilities, excluding electric transmission lines.
22. Water storage tanks, fill stations or towers on a site including one (1) acre or more.
23. Water treatment plants.
24. Wildlife reservations and conservation projects.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Airports, airfields and heliports pursuant to Section 24005.3.
2. Animal exhibits and zoos, pursuant to Section 24005.4.
3. Bed & Breakfast Inns, pursuant to Section 24005.5.
4. Cemeteries and burial grounds.
5. Chemicals, agricultural - wholesale.
6. Civic Clubs.
7. Compost facilities subject to the conditions established in Section 24005.8.
8. Day care centers and group day care homes, subject to the conditions established in Section 24005.6.

9. Electrical transmission lines subject to the provisions of Section 24005.22.
10. Flea markets and swap meets pursuant to Section 24005.10.
11. Group quarters and nursing homes subject to the conditions established in Section 24005.11.
12. Gun clubs, firing ranges, skeet shooting or other activities involving firearms subject to the provisions of Section 24005.9.
13. Kennels, for more than six (6) dogs and cats provided that all animal enclosures are located not less than 200 feet from any property line.
14. Quarries and mines, subject to the conditions established in Section 24005.16.
15. Retail sale of live plants or animals subject to provision of adequate, dust-free parking facilities and buffering between structures and adjacent property lines.
16. Sanitary landfills.
17. Stables.
18. Telecommunications structures and other transmission facilities subject to the provisions of Section 24005.21.
19. Temporary sales events pursuant to 24005.20.
20. Trailer camps and recreational vehicle parks subject to the conditions established in Section 24005.19.
21. Veterinary clinics.
22. Wastewater treatment facilities, excluding individual, on-site wastewater systems, provided such facilities have direct access to a public road.
23. Wineries and cider mills, subject to the conditions in Section 24005.24.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory dwelling subject to the conditions established in Section 24005.2.

2. Accessory uses and buildings customarily incident to a single family residence. Including the storage of heavy equipment used in agricultural production.
3. Commercial construction vehicle storage, limited to two such vehicles and two commercial trailers.
4. Decks, gazebos and gardens.
5. Home occupations subject to the conditions established in Section 24005.13.
6. Kennels, for no more than six (6) dogs and cats.
7. Non-commercial storage buildings including garages, sheds, barns and silos.
8. Non-commercial telecommunications structures, subject to the provisions of Section 24005.21.
9. Non-retail greenhouses.
10. On-premise signs, subject to the provisions of Section 24007.
11. Poultry keeping, limited to no more than 100 fowl, provided that offensive or excessive noise, dust or odor does not create a nuisance for adjacent properties.
12. Refreshment stands.
13. Roadside stands, limited to the temporary sale of unprocessed goods and agricultural products which are grown on the premises, the structure shall be of temporary construction, and contain a maximum of 400 square feet of gross floor area (GFA). Roadside stands shall not be erected or operated for more than ninety (90) days in any calendar year.
14. Sports courts.
15. Stables - private.
16. Trailer, limited to storage of one cab and two tractor trailers.

**e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Camps, retreats and resorts subject to provision of adequate access, water supply, wastewater treatment capacity and buffering from adjacent property.

Activity areas and buildings shall be located at least 200 feet from the nearest property line.

2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excluding golf courses, shall be located no closer than 200 feet from the nearest residential district.
3. Personal service shops on a parcel containing at least five acres and located on a collector or minor arterial street. Total building area on such a parcel, including accessory storage buildings shall not exceed 5,000 square feet GFA. No more than 10,000 square feet GFA of personal service shops may be permitted within one (1) mile along any street.
4. Retail sales of general merchandise, excluding adult uses, serving the needs of neighborhood residents on a parcel containing at least five acres and located on a collector or minor arterial street. Total building area on such a parcel, including accessory storage buildings shall not exceed 5,000 square feet GFA. No more than 10,000 square feet GFA of retail sales may be permitted within one (1) mile along any street.

**f. Development Performance Standards.**

1. Development in the AG district shall meet the standards established in Exhibit 240.8 in addition to the standards established in other sections of the UDC.

### Exhibit 240.8: AG District Design Standards

Minimum lot size (1)	10 acres
Maximum building height	40 feet
Minimum building setbacks front side rear street side	50 feet 30 feet 50 feet 50 feet
Minimum lot width	250 feet
Maximum impervious cover	15%

- (1) *Except as otherwise provided in the above district regulations.*
- (2) *Silos and other agricultural structures may be constructed to the height of up to 55 feet provided that they are located a distance equal to or greater than their height from all property lines.*
2. Open storage is prohibited, excepting farm machinery, farm products and temporary storage of road materials.
3. Animal enclosure areas shall be located at least 50 feet from any property line, excepting grazing areas for horses, cattle or other livestock. Animal enclosure areas include, but are not limited to pens for swine, corrals, holding pens, kennels, aviaries, and other animal confinement areas.

#### 24004.3 RESIDENTIAL RANCHETTE DISTRICT (RR)

- a. **Purpose.** The Residential Ranchette District (RR) is intended as an area for very low density residential use, with a minimum lot size of five acres. The purpose of this district is to provide residential areas where property owners can maintain a limited number of large animals and accessory buildings in a quiet rural setting without maintaining a large agricultural operation. The RR District is appropriate in the Rural Development Tier depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. This district also may be appropriate for suburban or urban areas where terrain or public service capacities necessitate very low densities. Land in the RR District generally should be served at rural levels of service.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

1. Churches, temples, synagogues, mosques and related community buildings.
2. Crop farming and the raising of goats, cattle, sheep or horses, limited to one (1) head of livestock per acre of pasture area.
3. Dwellings, single-family detached.
4. Family day care home subject to the provisions of Section 24005.6.
5. Group homes subject to the provisions of Section 24005.11.
6. Medical Marijuana Cultivation Facility, pursuant to Section 24005.14.
7. Public service facilities, including streets, emergency service facilities, public works facilities and parks.
8. Schools (public and private), and related structures, for grades K - 12.
9. Water, wastewater, electric, gas and telecommunications distribution or collection facilities, excluding electric transmission lines.
10. Water storage tanks, fill stations or towers on a site including one acre or more.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Bed and Breakfast facilities subject to the conditions in Section 24005.5.
2. Cemeteries and burial grounds.
3. Day care centers and group day care homes, pursuant to Section 24005.6.
4. Electricity transmission lines, pursuant to Section 24005.22.
5. Group quarters and nursing homes pursuant to Section 24005.11.
6. Medical Marijuana Cultivation Facility, pursuant to Section 24005.14.
7. Museums.
8. Utility distribution and collection facilities.

9. Water and wastewater treatment facilities provided such facilities have direct access to a public road.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory dwelling subject to the conditions established in Section 24005.2.
2. Construction vehicle, limited to storage of one commercial construction vehicle and one commercial trailer.
3. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
4. Home occupations subject to the conditions established in Section 24005.13.
5. Kennels, for no more than six (6) dogs and cats.
6. Non-commercial telecommunication structures, subject to the provisions of Section 24005.21
7. Non-retail greenhouses.
8. On- or off-premise signs, subject to the provisions of Section 24007.
9. Poultry keeping, limited to no more than 25 fowl, provided that offensive or excessive noise, dust or odor does not create a nuisance for adjacent properties.
10. Private swimming pools, tennis courts and sports courts.
11. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas;
12. Roadside stands, limited to the temporary sale of unprocessed goods and agricultural products which are grown on the premises, the structure shall be of temporary construction, the structure shall contain a maximum of 400 square feet of gross floor area (GFA). Roadside stands shall not be erected or operated for more than ninety (90) days in any calendar year.
13. Storage buildings, including garages, sheds, barns and private stables.
14. Swimming pools, tennis courts and sports courts - private.

15. Temporary real estate office or model home located on property for sale and limited to the period of sale.
  16. Tractor trailer, limited to storage of one trailer and one cab.
- e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Clustered subdivisions with an average density of one (1) dwelling unit per three (3) acres, provided that such use is compatible with adjacent uses and that at least twenty (20) percent of the site is reserved as common open space.
  2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excepting golf courses, shall be located no closer than 200 feet from the nearest residential district.
  3. Local retail and services facilities consisting of 5,000 square feet or less of building floor area located at the intersection of two collector or arterial roads.
- f. Development Performance Standards.**
1. Development in the RR district shall comply with the district standards established in Exhibit 240.9 in addition to other standards established in the UDC.

**Exhibit 240.9: RR District Design Standards**

Minimum lot size (1)	5 acres
Maximum building height	35 feet
Minimum building setbacks	
front	40 feet
side	20 feet
rear	40 feet
street side	40 feet
Minimum lot width	250 feet
Maximum impervious cover	20%

(1) *Except as otherwise provided in the above district regulations.*



2. Open storage is prohibited, excepting farm machinery, farm products and temporary storage of road materials.
3. Animal enclosure areas, excepting pastures, shall be located at least 50 feet from any property line.
4. Accessory structures taller than three (3) feet above natural grade shall comply with building setback lines.

#### **24004.4 RESIDENTIAL ESTATES DISTRICT (RE)**

- a. **Purpose.** The Residential Estates District (RE) is intended for low-density residential use, with lots consisting of two or more acres of land. Property zoned RE should provide a transition between rural and higher density suburban development. The Residential Estates District is appropriate in the Suburban Development Tier, depicted on the Development Diagram (Exhibit VI.3) in the Master Plan. This district is appropriate for selected locations where low-density single-family residential development is desired or where terrain or public service capacities necessitate such development. The RE district is appropriate in suburban areas where urban services, such as public wastewater systems, will not be provided within a reasonable period of time.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
  1. Churches, temples, synagogues, mosques and related community buildings.
  2. Dwellings, single-family detached.
  3. Family day care home subject to the conditions established in Section 24005.6.
  4. Fire stations and EMS facilities.
  5. Group homes pursuant to Section 24005.11.
  6. Public parks and streets.
  7. Schools (public or private), and related structures, for grades K - 12.
  8. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  9. Water storage tanks, fill stations or towers on a site including one acre or more.

c. **Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Bed and Breakfast facilities subject to the conditions in Section 24005.5.
2. Cemeteries and burial grounds.
3. Day care center and group day care homes subject to the provisions of Section 24005.6.
4. Electricity transmission lines subject to the provisions of Section 24005.21.
5. Group quarters pursuant to Section 24005.11.
6. Libraries.
7. Museums.
8. Nursing homes pursuant to Section 24005.11.
9. Utility transmission lines pursuant to Section 24005.22.
10. Water and wastewater treatment facilities.

d. **Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
2. Home occupations subject to the conditions established in Section 24005.13.
3. Kennels, for no more than six (6) dogs and cats.
4. Non-commercial greenhouses.
5. Non-commercial telecommunication structures, subject to the provisions of Section 24005.21.
6. On-premise signs, subject to the provisions of Section 24007.
7. Private stable and up to two horses.
8. Private swimming pools, tennis courts and sports courts.

9. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas;
  10. Storage buildings, including garages and sheds.
  11. Temporary real estate office or model home located on property for sale and limited to the period of sale.
- e. **Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Clustered subdivisions with an average density of one (1) dwelling unit per two (2) acres, provided that such use is compatible with adjacent uses and that at least twenty (20) percent of the site is reserved as common open space.
  2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excepting golf courses, shall be located no closer than 200 feet from the nearest residential district.
  3. Local retail and services facilities consisting of 5,000 square feet or less of building floor area located at the intersection of two collector or arterial roads.

**f. Development Performance Standards.**

1. Development in the RE district shall comply with the standards established in Exhibit 240.10 in addition to other standards established in the UDC.

**Exhibit 240.10: RE District Design Standards**

Minimum lot size (1)	2 acres
Maximum building height	35 feet
Minimum building setbacks	
front	30 feet
side	15 feet
rear	30 feet
street side	30 feet
Minimum lot width	180 feet
Maximum impervious cover	25%

(1) *Except as otherwise provided in the above district regulations. Minimum lot size for new lots using on-site wastewater disposal systems is three acres.*

2. Open storage is prohibited.
3. Accessory structures taller than three (3) feet above natural grade shall comply with building setback lines.
4. A minimum of three (3) acres is required for a new lot served by an on-site septic system pursuant to Section 24006.4.
5. Animal enclosure areas shall be located at least 35 feet from every property line.

**24004.5 RESIDENTIAL SUBURBAN DISTRICT (RS)**

- a. Purpose.** The Residential Suburban District (RS) is intended for detached single-family residential use on lots of one-third of one acre or larger. This district is appropriate where low-density suburban development is desired and where public services exist or could reasonably be extended to the development. The Residential Suburban District is appropriate in the Suburban and Urban Development Tiers depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. Urban levels of service are required in the Urban Development Tier. Larger lots are permitted, but may be required to provide urban level services.

**b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

1. Churches, temples, synagogues, mosques and related community buildings.
2. Dwellings, single-family detached.
3. Family day care home subject to the conditions established in Section 24005.6.
4. Fire stations and EMS facilities which are located on a collector street.
5. Group homes pursuant to Section 24005.11.
6. Historic sites.
7. Public parks and streets.
8. Schools (public or private), and related structures, for grades K - 12.
9. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
10. Water storage tanks, fill stations or towers on a site including one-half acre or more.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Bed and Breakfast facilities subject to the conditions in Section 24005.5.
2. Cemeteries and burial grounds.
3. Day care centers and group day care homes subject to the provisions of Section 24005.6.
4. Electrical transmission lines subject to the provisions of Section 24005.22.
5. Group quarters pursuant to Section 24005.11.
6. Libraries.
7. Museums.
8. Water and wastewater treatment facilities.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
2. Home occupations subject to the conditions established in Section 24005.13.
3. Kennels, for no more than three (3) dogs and cats.
4. Non-commercial greenhouses.
5. Non-commercial telecommunication structures, subject to the provisions of Section 24005.20.
6. On-premise signs, subject to the provisions of Section 24007.
7. Private swimming pools, tennis courts and sports courts.
8. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas.
9. Storage buildings, including garages and sheds.
10. Temporary real estate office or model home, located on property for sale and limited to the period of sale of lots within the subdivision in which the use is established.

**e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Clustered subdivisions with an average density of three (3) dwelling units per acre, provided that such use is compatible with adjacent uses and that at least twenty (20) percent of the site is reserved as common open space.
2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excepting golf courses, shall be located no closer than 200 feet from the nearest residential district.
3. Local retail and services facilities consisting of 10,000 square feet or less of building floor area located at the intersection of two collector or arterial roads.

4. Mixed use developments.

**f. Development Performance Standards.**

1. Development in the RS district shall comply with the standards established in Exhibit 240.11 in addition to other standards established in the UDC.

**Exhibit 240.11: RS District Design Standards**

Minimum lot size (1)	14,500 sq. ft.
Maximum building height	35 feet
Minimum building setbacks	
front	25 feet
side	15 feet
rear	20 feet
street side	20 feet
Minimum lot width	80 feet
Minimum lot depth	120 feet
Maximum impervious cover	30%

(1) *Except as otherwise provided in the above district regulations.*

2. Open storage is prohibited.
3. Accessory structures taller than three (3) feet above natural grade shall comply with building setback lines.
4. Animal enclosure areas shall be located at least 25 feet from all property lines.

## **24004.6 RESIDENTIAL URBAN DISTRICT (RU)**

- a. Purpose.** The Residential Urban District (RU) is intended for medium density single family residential uses in an urban setting. The purpose of this district is to provide for a variety of single-family and two-family housing types. RU Districts should have a density of fewer than six dwelling units per acre. Full urban public services will be required for all development in this district. The RU District is appropriate in the Urban Development Tier depicted on the Development Diagram (Exhibit VI.3) of the Master Plan.
- b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

  - 1. Churches, temples, synagogues, mosques and related community buildings.
  - 2. Dwellings, Single-family detached.
  - 3. Family day care home subject to the conditions established in Section 24005.6.
  - 4. Fire stations and EMS facilities when located on a collector street.
  - 5. Group homes pursuant to Section 24005.11.
  - 6. Public parks and streets.
  - 7. Schools (public or private), and related structures, for grades K - 8, except that high schools with direct access to an arterial street may be permitted
  - 8. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  - 9. Water storage tanks, fill stations or towers on a site including one-half acre or more.
- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

  - 1. Bed and Breakfast facilities subject to the conditions in Section 24005.5.
  - 2. Cemeteries and burial grounds.
  - 3. Day care centers and group day care homes subject to the provisions of Section 24005.6.
  - 4. Group quarters pursuant to Section 24005.11.



5. Libraries.
6. Museums.
7. Utility transmission lines pursuant to Section 24005.22.
8. Water and wastewater treatment facilities.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Clubhouses and common recreational facilities for Planned Developments.
2. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
3. Home occupations subject to the conditions established in Section 24005.13.
4. Kennels, for no more than three (3) dogs and cats.
5. Non-commercial greenhouses.
6. Non-commercial telecommunication structures, subject to the provisions of Section 24005.21.
7. On-premise signs, subject to the provisions of Section 24007.
8. Private swimming pools, tennis courts and sports courts.
9. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas.
10. Storage buildings, including garages and sheds.
11. Temporary real estate office or model home, located on property for sale and limited to the period of sale of property within the subdivision in which it is located.

e. **Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Clustered subdivisions with an average density of up to six (6) dwelling units per acre, provided that such use is compatible with adjacent uses and that at least fifteen (15) percent of the site is reserved as common open space. Housing types within a planned district may include patio homes, zero lot line homes, two-family homes, and attached single family homes with no more than 4 dwelling units within any given building.
2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excepting golf courses, shall be located no closer than 200 feet from the nearest residential district.
3. Local retail and services facilities consisting of 10,000 square feet or less of building floor area located at the intersection of two collector or arterial roads.
4. Mixed use developments.

f. **Development Performance Standards.**

1. Development in the RU district shall comply with the standards established in Exhibit 240.11 in addition to other standards established in the UDC.

**Exhibit 240.11: RU District Design Standards (1)**

Minimum lot size (2)	7,500 sq. ft.
Maximum building height	35 feet
Minimum building setbacks	
front	25 feet
side	8 feet
rear	25 feet
street side	15 feet
Minimum lot width	60 feet
Minimum lot depth	100 feet
Maximum impervious cover	35%

(1) *See Section 24006.8 for design standards for compact residential development in a Planned District*

(2) *Except as otherwise provided in the above district regulations.*

2. Open storage is prohibited.
3. Accessory structures taller than 3 feet above natural grade shall comply with building setback lines.
4. Animal enclosure areas shall be at least 15 feet from all property lines.

#### **24004.7 RESIDENTIAL AND OFFICE USE DISTRICT (RO)**

- a. **Purpose.** The Residential and Office District (RO) is intended to provide areas for a variety of higher density types of housing types up to a maximum of twelve (12) dwelling units per acre. Multiple-family housing, mixed residential developments, limited office, limited retail and mixed use developments are acceptable in this district as planned uses. The RO District is appropriate in the Urban Development Tier depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. Full urban services are required for all development in this district.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
  1. Churches, temples, synagogues, mosques and related community buildings.
  2. Dwellings, single-family detached.
  3. Family day care home subject to the conditions established in Section 24005.6.
  4. Fire stations and EMS facilities when located on a collector or arterial street.
  5. Group homes pursuant to Section 240045.11.
  6. Libraries.
  7. Museums.
  8. Public buildings, parks and facilities.
  9. Schools (public or private), and related structures, for grades K - 12.
  10. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.

11. Water storage tanks, fill stations or towers on a site including one-half acre or more.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Bed & Breakfast inns pursuant to Section 24005.5.
2. Cemeteries and burial grounds.
3. Day care centers and group day care homes subject to the provisions of Section 24005.6.
4. Utility transmission lines pursuant to Section 24005.22.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Clubhouses and common recreational facilities for Planned Developments.
2. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
3. Home occupations subject to the conditions established in Section 24005.13.
4. Laundry, exercise and office facilities for residents of multi-family developments. Signage for such facilities is limited to one square foot per facility.
5. Non-commercial greenhouses.
6. Non-commercial telecommunications structures, subject to the provisions of Section 24005.21.
7. On-premise signs, subject to the provisions of Section 24007.
8. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas.
9. Storage buildings, including garages and sheds.
10. Swimming pools, tennis courts and sports courts.

11. Temporary real estate office or model home located on property for sale and limited to the period of sale of property within the subdivision.
  12. Water and wastewater treatment facilities.
- e. **Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Art galleries.
  2. Civic clubs, private clubs, fraternal or sororal organizations.
  3. Clustered subdivisions with an average density of up to six (6) dwelling units per acre, provided that such use is compatible with adjacent uses and that at least fifteen (15) percent of the site is reserved as common open space. Housing types within a planned district may include patio homes, zero lot line homes, two-family homes, and attached single family homes with no more than 4 dwelling units within any given building.
  4. Group quarters pursuant to Section 24005.11.
  5. Health clubs, gymnasiums and other similar recreational uses.
  6. Hospitals and clinics.
  7. Hotels and motels.
  8. Manufactured home subdivisions, subject to the conditions established in Section 24005.14.
  9. Multi-family developments.
  10. Office and service uses not primarily engaged in the sale of goods or merchandise, limited to 60,000 square feet of building floor area per lot.
  11. Recreational vehicle and travel trailer parks subject to the conditions established in Section 24005.17.
  12. Retail sale of goods, excluding restaurants, and limited to 20,000 square feet per lot.

**f. Development Performance Standards.**

1. Development in the RO district shall comply with the design standards established in Exhibit 240.12 in addition to other standards established in the UDC.

**Exhibit 240.12: RO District Design Standards**

	Use		
	1 & 2 Family Residences	Dense Residences	Non-Residential Development
Minimum lot size	7,500 sq. ft.	(1)	2,000 sq. ft.
Maximum building height	35 feet	35 feet	35 feet
Minimum building setbacks			
front	25 feet	(1)	30
side	8 feet	(1)	25 (2)
rear	25 feet	(1)	25
street side	15 feet	(1)	25
Minimum lot depth	100 feet	(1)	120
Minimum lot width	60 feet	(1)	150
Maximum impervious cover	35%	50%	50%

Notes

- (1) See Section 24006.8.
- (2) See Section 24006.8.

2. Open storage is prohibited.
3. Accessory structures taller than three (3) feet above natural grade shall comply with building setback lines.
4. All display, storage and sale of goods shall be provided within the primary structure.
5. No vehicle or equipment, other than a passenger car or van may be stored or parked in front of a building for more than 48 hours in a 30 day period.
6. If external lighting is provided, lighting sources shall be designed and located so that the direct source of the light is shielded from view from adjacent residences.

7. Non-residential development shall not have access from a local residential street.
8. Drive-through uses are prohibited, except as permitted through a planned development.

#### **24004.8 LOCAL BUSINESS DISTRICT (LB)**

- a. **Purpose.** The Local Business District (LB) is intended to provide limited retail, service and office facilities for the convenience of residents in the vicinity of the district. Uses should be designed and operated to be compatible in scale and appearance with a nearby residential development. LB districts should be located at the intersections of collector or major roads. The Local Business District is appropriate in the Urban, Suburban or Rural Development Tier as depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. Service levels should be adequate to meet normal and emergency demands from proposed uses in the LB district.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to a limitation of 10,000 square feet gross building floor area and any other conditions established in these district provisions:
  1. Art and photographic supplies/sales, developing and studios.
  2. Automobile repair with all repair facilities contained within a building and no outside storage of inoperable vehicles;
  3. Bakeries.
  4. Banks, savings and loan associations, credit unions and related financial institutions
  5. Car washes, self-service.
  6. Churches, temples, synagogues, mosques and related community buildings.
  7. Civic clubs, private clubs, fraternal or sororal organizations.
  8. Fire stations and EMS facilities.
  9. Gasoline sales and service stations.

10. Group day care home or day care center subject to the conditions established in Section 24005.6.
11. Health clubs, gymnasiums and similar recreational uses.
12. Hospitals and clinics.
1. Hotels and motels.
2. Indoor movie or live theaters, excluding adult uses.
3. Libraries.
4. Mortuaries.
5. Museums.
6. Off-premise signs pursuant to Section 24007.
7. Office and service facilities.
8. Personal service shops.
9. Post offices, retail packaging and shipping services.
10. Printing, photocopying and document production/reproduction shops.
11. Public buildings, parks and facilities.
12. Restaurants, with no sales of alcohol, and no dancing or other forms of entertainment.
13. Retail and service - local.
14. Sale, rental and repair of appliances, bicycles and small equipment, conducted within an enclosed building.
15. Schools (public or private), and related structures, for grades K - 12.
16. Sports courts, swimming pools and tennis courts.
17. Telecommunications facilities pursuant to Section 24005.20.
18. Trades shops, for the manufacture or repair and sale of goods comprised of metal, wood, glass, plastic or other products, with manufacturing floor area limited to fifty percent (50%) of gross building floor area.



19. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  32. Water storage tanks, fill stations or towers on a site including one-half acre or more.
- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 244003.21.
1. Cemeteries and burial grounds.
  2. Cocktail lounges, bars, taverns, night clubs and other establishments serving alcoholic beverages, excluding adult uses.
  3. Electrical transmission lines pursuant to Section 24005.22.
  4. Medical Marijuana Dispensary Facility, pursuant to Section 24005.14, except as to any property improved with a residential dwelling unit.
  5. Pawnshops and short-term loan establishments pursuant to Section 24005.15.
  6. Schools, trade or vocational.
  7. Water and wastewater treatment facilities.
- d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.
1. Accessory dwelling, subject to the provisions of Section 24005.2.
  2. Greenhouses.
  3. On or off-premise signs, subject to the provisions of Section 24007.
  4. Medical marijuana Dispensary Facility, pursuant to Section 24005.14, except as to any property improved with a residential dwelling unit.
  5. Storage buildings, including garages, sheds and enclosures for temporary storage of refuse.
  6. Telecommunications facilities pursuant to Section 24005.21.
  7. Other uses customarily incident to authorized uses.

- e. **Planned Uses.** The following uses may be authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Any permitted use occupying more than 10,000 square feet of gross building floor area.
  2. Group quarters.
  3. Mixed use developments.
  4. Multi-family dwellings.
  5. Nursing homes pursuant to Section 24005.11.
- f. **Development Performance Standards.**
1. Development in the LB district shall comply with the standards established in Exhibit 240.13 in addition to other standards established in the UDC.

**Exhibit 240.13: LB District Design Standards**

Minimum lot size	20,000 sq. ft.
Minimum lot depth	120 feet
Minimum lot width	150 feet
Minimum building setback front side rear street side	25 feet 25 feet (1) 25 feet 25 feet
Maximum building height	35 feet
Maximum Impervious cover	60%

Notes

- (1) See Section 24006.8.
2. Open storage is prohibited.
  3. All display, storage and sale of goods shall be provided within the primary structure.

4. No vehicle or equipment, other than a passenger vehicle may be stored or parked in front of a building for more than 48 consecutive hours.
5. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential development.
6. Non-residential development shall be located on a collector or arterial road.
7. Drive-through uses are prohibited, except as permitted through a planned development.

#### **24004.9 GENERAL BUSINESS DISTRICT (GB)**

- a. **Purpose.** The General Business District (GB) is intended to provide more intensive retail, service and office uses than the LB district. Site development regulations and performance standards are intended to ensure that uses will be compatible and complementary in scale to adjacent developments. Uses in this District should be located, designed and operated to mitigate the impacts of traffic generation, noise and light on nearby residential neighborhoods. The General Business District is appropriate in the Urban Development Tier as depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. Full urban services are required for most uses in the GB district.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
  1. Amusements and recreational facilities with an enclosed building.
  2. Any use permitted in the LB district, but not subject to the maximum area limitations.
  3. Assembly, lodge or dance halls.
  4. Automobile/truck/trailer/boat sales, rental and repairs, with all repair facilities contained within a building and no open storage of inoperable vehicles.
  5. Broadcast studios.
  6. Chemicals, agricultural - wholesale.
  7. Cocktail lounges, bars and taverns pursuant to 24005.7.

8. Delivery services.
9. Group homes pursuant to Section 24005.11.
10. Lumber yards.
11. Medical Marijuana Dispensary facility, subject to the conditions established in Section 24005.14, except as to any property improved with a residential dwelling unit.
12. Mobile home sale and repair.
13. Museums.
14. Nurseries and greenhouses, retail or wholesale.
15. Off-premise signs, subject to the provisions of Section 24007.
16. Office and service facilities.
17. Printing plants.
18. Restaurants, with sales of alcohol.
19. Schools, colleges and universities, public or private.
20. Sports courts, swimming pools and tennis courts.
21. Stables (public).
22. Truck stops.
23. Veterinary clinics.
24. Wholesale sales.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Amusement parks, carnivals or fairgrounds, subject to the conditions established in Section 24005.17.
2. Animal exhibits or zoos, subject to the conditions established in Section 24005.4.

3. Adult uses, not located within 1,500 feet of a church or school and subject to the provisions of Chapter 43.
4. Aviaries.
5. Businesses serving alcoholic beverages and providing live entertainment.
6. Commercial telecommunication structures, subject to the provisions of Section 24005.21.
7. Delivery services.
8. Drive-In theaters.
9. Outdoor swap meets and flea markets, subject to the provisions of Section 24005.10.
10. Pawnshops and short-term loan establishments pursuant to Section 24005.15.
11. Recreational facilities pursuant to Section 24005.17.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory buildings, subject to the provisions of Section 24005.2
2. On or off-premise signs subject to the provisions of Section 24007.
3. Sports courts, swimming pools and tennis courts - private.
4. Storage buildings.
5. Telecommunications receiving or transmitting structures used in conjunction with a permitted use, subject to the provisions of Section 24005.21.
6. Temporary sales events pursuant to Section 24005.20.
7. Temporary assembly and amusement pursuant to Section 24005.20.
8. Other uses customarily incident to authorized uses.

**e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Dwellings, multi-family.
  2. Group quarters pursuant to Section 24005.11.
  3. Mixed use developments.
- f. Development Performance Standards.**
1. Development in the GB district shall comply with the standards established in Exhibit 240.14 in addition to other standards established in the UDC.
  2. Sales areas shall not be located within required landscaping or parking area.
  3. Open storage is prohibited, except that vehicles for sale may be displayed in accordance with other district standards.
  4. Lighting shall be designed so that the source is not directly visible from adjacent residential properties or streets.

**Exhibit 240.14: GB District Design Standards**

Minimum lot size	40,000 sq. ft.
Minimum lot depth	120 feet
Minimum lot width	150 feet
Minimum building setback	
front	25 feet
side	25 feet
rear	25 feet
street side	25 feet
Maximum building height	40 feet
Maximum impervious cover	70%

**24004.10 HIGHWAY COMMERCIAL DISTRICT (HC)**

- a. Purpose.** The Highway Commercial District (HC) is intended to accommodate retail and service commercial uses typically associated with high traffic volumes. Development shall be compatible and complementary in scale and appearance with adjoining properties and shall not adversely affect traffic safety or traffic levels of service. The Highway Commercial District is appropriate in any Development Tier, provided the district boundaries are located within 1,000 feet of intersections of two arterial streets. Service levels shall be adequate for proposed uses and consistent with the district's location.

**b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in the district provisions.

1. Any planned permitted in the HC district may be authorized as a permitted use by the Director, provided that the applicant submit a site plan and appropriate support material demonstrating the following:
  - (a) All applicable design standards have been met.
  - (b) Proposed landscaping, buffers and site design ensure compatibility with permitted uses on adjacent properties.
  - (c) The proposed use will have safe and adequate access, driveway and parking areas.
  - (d) The proposed use has adequate services and facilities to meet projected demands as defined in Section 24006.
  - (e) The proposed use will not impair or lessen the value of adjacent properties.
2. Off-premise signs pursuant to Section 24007.
3. Public facilities and utilities.

**c. Conditional Uses.** The following uses may be authorized as conditional uses, subject to the provisions of Section 24003.21.

1. Animal exhibits and zoos, subject to the provisions of Section 24005.4.
2. Aviaries.
3. Flea markets and swap meets, subject to the provisions of Section 24005.10.
4. Temporary amusements, subject to the provisions of Section 24005.20.
5. Utility transmission lines pursuant to Section 24005.22.

**d. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Automobile/truck/trailer/boat sales, rental and repairs, with all repair facilities contained within a building and no outside storage of inoperable vehicles.
2. Commercial amusements and recreational facilities, including both indoor and outdoor facilities including, but not limited to, driving range, skating rink,

playing fields, swimming pools, miniature golf, carnivals, go-cart tracks, video arcades and other similar activities, provided that outdoor active recreation areas shall be located no closer than 200 feet from the nearest residential district.

3. Delivery, transportation, storage and moving business, with all facilities contained within a building and no outside storage of inoperable vehicles.
4. Gasoline sales.
5. Health clubs, gymnasiums and other recreational buildings.
6. Hotels and motels.
7. Mobile home sale and repair.
8. Night clubs, taverns and other establishments serving alcoholic beverages, excluding adult uses.
9. Personal service shops.
10. Recreational facilities - commercial, pursuant to Section 2405.16.
11. Restaurants.
12. Retail and service - local.
13. Sports courts, swimming pools and tennis courts.
14. Theaters - indoor.

**e. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the planned use. None of the following uses are authorized in the absence of an authorized permitted use.

1. On and off-premise signs subject to the provisions of Section 24007.
2. Storage buildings, including garages, sheds and enclosures for temporary storage of refuse.
3. Telecommunications facilities pursuant to Section 24005.21.
4. Other uses customarily incident to any authorized use.



**f. Development Performance Standards.**

1. Development in the HC district shall comply with the standards established in Exhibit 240.15 in addition to other standards established in the UDC.
2. Open storage is prohibited.
3. All display, storage and sale of goods shall be provided within the primary structure, except the display of operable vehicles for sale, which may be displayed in any area located outside of required parking or landscaping areas.
4. Lighting sources shall be designed and located so that the direct source of the light is shielded from view adjacent residential property lines.
5. Drive-through uses are prohibited, except as permitted through a planned development.

**Exhibit 240.15: HC District Design Standards**

Minimum lot size	40,000 sq. ft.
Minimum lot depth	120 feet
Minimum lot width	150 feet
Minimum building setback front side rear street side	40 feet 25 feet (1) 25 feet 25 feet
Maximum building height	35 feet
Maximum impervious cover	70%

Notes

(1) See Section 24006.8.

## **24004.11 LIGHT INDUSTRIAL DISTRICT (LI)**

- a. Purpose.** The Light Industrial District (LI) is intended for certain industrial and warehousing activities in locations where adjacent land uses are compatible, access to arterial roadways and public services and utilities are adequate. Light industrial uses are generally low-intensity, do not have severe impacts on adjacent properties, do not involve large-scale processing or manufacturing, and involve little or no heavy equipment. The LI district is appropriate in the Urban Development Tier as depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. Location in Suburban or Rural Development Tiers may be appropriate for low intensity uses located on collector or arterial roads that are adequately buffered from adjacent residential districts.
- b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
1. Automobile/truck/trailer/boat sales, rental and repairs, with all repair facilities contained within a building and no open storage of inoperable vehicles.
  2. Blacksmith shop.
  3. Bottling works.
  4. Broadcast studios.
  5. Camps, resorts, retreats, etc.
  6. Caning or preserving factories.
  7. Chemicals, agricultural wholesale.
  8. Chemical laboratories.
  9. Churches, temples, mosques, etc.
  10. Cleaning plants.
  11. Cold storage plants.
  12. Dairies and creameries.
  13. Delivery services.
  14. Fish-packing plants.

15. Freight terminals.
16. Grain elevators and processing.
17. Lumber yards.
18. Machine shops, for the manufacture and sale of goods comprised of metal, wood, glass, plastic or other products.
19. Manufacturing.
20. Medical Marijuana Cultivation Facility, subject to the conditions established in Section 24005.14.
21. Medical Marijuana Dispensary Facility, subject to the conditions established in Section 24005.14.
22. Medical Marijuana-infused Products Manufacturing facility, subject to the conditions established in Section 24005.14.
23. Medical Marijuana Testing Facility, subject to the conditions established in Section 24005.14.
24. Mobile home sale and repair provided there is no open storage of vehicles needing repairs.
25. Moving, transfer and storage plants.
26. Off-premise signs pursuant to Section 24007.
27. Planing mills.
28. Public utilities and facilities.
29. Poultry killing/dressing.
30. Printing plants.
31. Produce markets (wholesale).
32. Public service facilities.
33. Railroad freight yards.
34. Stone works.

35. Trades shops.
36. Utility transmission lines, pursuant to Section 24005.22.
37. Veterinary hospitals.
38. Warehouse storage, cold storage.
39. Wholesale sales.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.2

1. Flea markets and swap meets pursuant to Section 24005.10.
2. Gun clubs and firing ranges located within an enclosed building and subject to the provisions of Section 24005.9
3. Research laboratories.
4. Telecommunications towers and structures, subject to the provisions of Section 24005.21.
5. Water and wastewater treatment facilities.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory buildings, subject to the provisions of Section 24005.2
2. Caretaker or security guard quarters.
3. On and off-premise signs pursuant to section 24007.
4. Storage buildings.
5. Telecommunication structures used in conjunction with a permitted use, subject to the provisions of Section 24005.21.
6. Temporary sales events pursuant to Section 24005.20.
7. Temporary assembly and amusements pursuant to Section 24005.20.
8. Other uses incident to any authorized use.

**e. Development Performance Standards.**

1. Development in the LI District shall comply with the standards established in Exhibit 240.16 in addition to other provisions of the UDC.

**Exhibit 240.16: LI District Design Standards**

Minimum lot size	60,000 sq. ft.
Minimum lot depth	200 feet
Minimum lot width	200 feet
Minimum building setback front side rear street side	40 feet 30 feet (1) 40 feet 40 feet
Maximum building height	35 feet
Maximum impervious cover	50%

Notes

(1) See Section 24006.8.

2. All manufacturing and repair activities shall be conducted within an enclosed building.
3. Outdoor storage areas shall be screened by a 6 foot tall solid, opaque fence and limited to a maximum three (3) acres in area.
4. All uses shall comply with the industrial performance standards listed in Section 24004.12.

**24004.12 HEAVY INDUSTRIAL DISTRICT (HI)**

- a. Purpose.** The Heavy Industrial District (HI) is intended to provide areas for the most intense industrial and manufacturing operations in locations which are suitable based upon adjacent land uses, visual impacts, access to transportation and the availability of public services and utilities. Heavy Industrial Districts are appropriate in areas where uses may adequately be buffered from residential areas and commercial properties that are used by the general public. Site development should ensure that uses will be compatible in scale and appearance with adjoining properties and that adjacent uses will not be adversely affected by industrial activities.

**b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

1. Any use permitted in the LI District.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Asphalt or concrete batching plants.
2. Chemicals, agricultural - wholesale.
3. Chemical manufacturing plants.
4. Coal distillation plants.
5. Compost facilities pursuant to 24006.8.
6. Electro-plating, enameling and galvanizing works.
7. Foundries.
8. Hazardous materials facilities, subject to the provisions of Section 24005.12.
9. Hazardous waste facility.
10. Manufacturing, heavy.
11. Metalwork plants.
12. Mining and quarries, subject to the provisions of Section 24005.15.
13. Oil compounding and barreling plants.
14. Packing houses.
15. Power plants.
16. Refineries.
17. Research laboratories.
18. Salvage and reclamation yards, pursuant to Section 24005.19.
19. Sanitary landfill subject to State and local regulations.

20. Tanning and curing plants.
  21. Textile mills.
  22. Water and wastewater treatment facilities.
  23. Wood distillation plants.
  24. Wholesale sales.
- d. **Accessory Uses.** Accessory uses which are customarily incident to the primary use are authorized. None of the accessory uses are authorized in the absence of an authorized permitted use.
- e. **Development Performance Standards.** Development in the HI District shall comply with the standards established in Exhibit 240.17 in addition to other provisions of the UDC.

**Exhibit 240.17: HI District Design Standards**

Minimum lot size	200,000 sq. ft.
Minimum lot depth	300 feet
Minimum lot width	300 feet
Minimum building setback	
front	50 feet
side	40 feet
rear	50 feet
street side	50 feet
Maximum building height	35 feet <sup>(1)</sup>
Maximum impervious cover	50%

Notes

- (1) *Maximum height for heavy industrial facilities may be increased to 55 feet, provided that a structure's setback is equal to or greater than its height.*

**f. Industrial Performance Standards.**

1. All industrial uses shall be so operated as to comply with the performance standards described in this section below, and, in addition to the performance standards hereinafter specified, all uses shall be so constructed, maintained, and operated as not to be injurious to the use and occupation of the adjacent premises by reason of the emission or creation of noise, vibration, radiation, fire, and explosive hazard or glare. Nothing in this section shall be construed to alter, change, modify or abrogate any authority granted exclusively to any state agency.
2. Outdoor storage areas shall be screened with a solid, opaque six foot tall fence.
3. Smoke, Dust, Particulate Matter, Toxic or Noxious Waste Materials. All uses shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the State of Missouri.
4. Radiation Hazards. All uses shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the State of Missouri.
5. Vibrations. No use shall be operated so as to produce ground vibration, noticeable without instruments, at the lot line of the premises on which the use is located.
6. Electromagnetic Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any residential or commercial district.
7. Fire and Explosion Hazards. Each use shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained in the Building Code of Jackson County, Missouri and applicable fire prevention ordinances.
8. Humidity, Heat, or Glare. In any Industrial District, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that steam, humidity, heat, or glare is not perceptible at any lot line.



## **24004.13 OVERLAY DISTRICTS**

The following districts are overlay districts. The provisions of these districts apply in addition to the provisions of the underlying zoning district applicable to a tract of land. The Floodway (FW) and Floodway Fringe (FF) overlay districts restrict the use of land within any district due to the environmental hazards of flooding. The Sni-a-bar Inundation (SBI) Overlay District restricts the use of land due to the environmental hazard of a hydrological event. The Planned Development (PD) district and the Underground (UG) overlay districts provide greater development flexibility than underlying zoning districts.

## **24004.14 FLOODPLAIN OVERLAY DISTRICTS**

### **a. Findings of Fact.**

Flood losses resulting from periodic inundation. The flood hazard areas of the County are subject to inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

### **b. General Causes of Flood Losses.**

Flood losses are caused by (1) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities; and (2) the occupancy of flood hazard by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise protected from flood damages.

### **c. Methods Used to Analyze Flood Hazards.**

The Flood Insurance Study (FIS) that is the basis of this section uses standard engineering methods of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a regulatory flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials (FIRM) of Jackson County, Missouri, dated January 20, 2017, as amended, and any future revisions thereto. (Ord. 4942, Eff. 12/12/16)

2. Calculation of water surface profiles based upon hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of the floodway encroachment lines within which no obstruction is permitted that would cause any increases in flood height.
5. Delineation of the floodway fringes, i.e., that area outside the floodway encroachment lines, but that still is subject to inundation by the regulatory flood.

**d. Statement of Purpose.**

It is the purpose of the section to promote the public health, safety, and general welfare and to minimize those losses described above by provisions designed to:

1. Restrict prohibited uses which are dangerous to health, safety, or property in times of flood or cause increased flood heights or velocities;
2. Require that uses vulnerable to floods, including public facilities that serve those uses, be provided with flood protection at the time of initial construction;
3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard; and
4. Ensure that eligibility is maintained for property owners in the community to purchase flood insurance in the Federal Flood Insurance Program.

**e. Definitions.**

The following definitions shall apply to this section:

"100-year Flood" *see "Base Flood."*

"Accessory Structure" means the same as *"Appurtenant Structure."*

"Actuarial Rates" *see "Risk Premium Rates."*

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this section or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" *see* "Structure."

"Chief Executive Officer" or "Chief Elected Official" means the Jackson County Executive who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

"Existing Construction" means, for the purposes of determining rates, structures for which the "*Start of Construction*" commenced before the effective date of the FIRM or

before January 1, 1975, for FIRMs effective before that date. *"Existing Construction"* may also be referred to as *"Existing Structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation, and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (*see "Flood"*).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State, and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "*Freeboard*" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*Manufactured Home*" does not include a "*Recreational Vehicle*."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just, and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the "*Start of Construction*" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*New*

*Construction*" means structures for which the *"Start of Construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"NFIP" means the National Flood Insurance Program (NFIP).

"Participating Community" also known as an *"Eligible Community,"* means a community in which the Administrator has authorized the sale of flood insurance.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk Premium Rates"* include provisions for operating costs and allowances.

"Special Flood Hazard Area" *see "Area of Special Flood Hazard."*

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements was within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "*Structure*" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "*Start of Construction*" of the improvement. This term includes structures which have incurred "*Substantial Damage*," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any



alteration of a "*Historic Structure*," provided that the alteration will not preclude the structure's continued designation as a "*Historic Structure*."

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

#### **24004.15 FLOODWAY OVERLAY DISTRICT (FW)**

- a. Purpose.** The areas designated in the Floodway Overlay District (FW) consist of land in drainageway channels where the construction of buildings would create obstructions to drainage or hazard to life or property. The FW District includes land in the floodway as defined by FEMA. It is intended that areas located in the FW District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.
- b. Permitted Uses.** In District FW, any use allowed in the underlying zoning district is permitted if none of these uses, when acting alone or in combination with other uses, will increase the regulatory flood elevation or in any way affect the free flow of floodwater. This effect of any allowed use must be documented by appropriate engineering studies if required by the Director.
- c. Identification of Boundaries.** The boundary limits of the FW District shall be identified and determined by the Flood Insurance Rate Maps for the unincorporated area of Jackson County, Missouri published by the Federal Emergency Management Agency dated January 20, 2017; and index panels 29095 CIND1B, 29095 and CIND3B dated January 20, 2017. (Ord. 3833, Eff. 11/01/06; Ord. 4942, Eff. 12/12/16)
- d. Minimum Standards.** No filling or dumping shall be allowed which will increase flood hazard heights beyond existing limits or adversely affect the hydraulic

efficiency or capacity of the floodway unless that filling or dumping is compensated by excavation in, or contiguous to, the filled area and does not adversely affect the hydraulic characteristics of the floodway. The term filling as used in this section shall mean the placement of structures, whether temporary or permanent, materials or other matter in which would obstruct the floodway or decrease its capacity.

#### **24004.16 FLOODWAY FRINGE OVERLAY DISTRICT (FF)**

- a. Purpose.** The areas designated in the Floodway Fringe Overlay District (FF) consist of land outside the floodway but located where there is a one percent or greater chance of inundation in any given year. It is intended that areas located in the FF District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.
- b. Permitted Uses.** In the FF District, any use allowed in the underlying zoning district is permitted if none of these uses will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- c. Identification of Boundaries.** The boundary limits of FF District shall be identified and determined by the Flood Insurance Rate Maps for the unincorporated area of Jackson County, Missouri published by the Federal Emergency Management Agency dated January 20, 2017; and index panels 29095 CIND1B, 29095 and CIND3B dated January 20, 2017. (Ord. 3833, Eff...11/01/06; Ord. 4942, Eff. 12/12/16)
- d. Minimum Standards.**
  - 1. Construction of Structures.** All residential and non-residential structures shall be constructed on fill so that the first floor and basement floor are one (1) foot above the regulatory flood protection elevation.
  - 2. Fill.** The fill shall at no point be lower than one foot (1') above the regulatory flood protection elevation for the particular area and shall extend at that elevation at least fifteen feet (15') beyond the limits of any structure erected on the fill.
  - 3. Certification of Elevation.** When elevation is used as a measure of flood protection, Certification as to the elevation of the lowest floor of a structure after its completion shall be provided to the Director by a qualified individual as defined by FEMA.
  - 4. Nonresidential Structures.** Nonresidential structures may be floodproofed to or above the regulatory flood elevation. When floodproofing is utilized for

nonresidential structures, the Director shall be presented certification of the floodproofing measures from a qualified individual as defined by FEMA.

5. **Residences.** All residences permitted in the FF District, whether site built or manufactured, shall be permanently anchored to permanent foundation.
6. **Utility and Sanitary Facilities.** All utility and sanitary facilities shall be elevated or floodproofed up to regulatory flood protection elevation so that those facilities below the regulatory flood protection elevation are water tight with walls substantially impermeable to water.
7. **Structural Components.** The structural components of the utility and sanitary facilities shall have the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.
8. **Certification.** Utilities and pipelines will be permitted on submission to the Director a letter certifying that all facilities will be below grade and that they will in no way affect the free flow of floodwater.
9. **Changes in Topography.** No changes in topography, such as by filling or excavation, will be allowed if these changes will result in a concentration of the natural flow of water so as to cause or increase drainage problems. The grading of any area shall be done in a manner to maintain proper drainage.
10. **Water Supply Systems.** All water supply systems must be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
11. **On-Site Waste Disposal Systems.** All on-site waste disposal systems must be located or designed so as to eliminate contamination during or subsequent to flooding.

#### **24004.17 SNI-A-BAR INUNDATION OVERLAY DISTRICT (SBI)**

- a. **Purpose.** The area designated as the Sni-a-bar Inundation Overlay District (SBI) consists of land in the drainageway where the construction of buildings would create obstructions during a hydrological event that would cause a hazard to life or property. It is intended that areas located in the SBI District primarily will be used for private or public open space in accordance with the standards in section 24006.5 of these regulations.
- b. **Permitted Uses.** In the SBI District, any use allowed in the underlying zoning district is permitted so long as the use will not adversely affect the capacity of channels or flood- ways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

- c. **Identification of Boundaries.** The boundary limits of the SBI District shall be determined by the Sni-a-bar Inundation Map on file in the office of the Director.
- d. **Minimum Standards.**
1. **Construction of Structures.** All residential and non-residential structures shall be constructed on fill so that the first floor and basement floor are three (3) feet above the inundation protection elevation.
  2. **Fill.** The fill shall at no point be less than three feet (3') above the inundation protection elevation for the particular area and shall extend at that elevation at least fifteen feet (15') beyond the limits of any structure erected on the fill.
  3. **Elevation Certificates.** When elevation is used as a measure of inundation, an elevation certificate of the lowest floor of a structure shall be provided to the Director by a Missouri Registered Engineer, both prior to construction and after its completion.
  4. **No Rise Certification.** When development occurs in an inundation or FEMA designated flood zone, certification will be required prior to any development. The No Rise Certification shall be supported with a Hydrological Analysis incorporating an Inundation Study as required by the MoDNR Dam Safety Program prepared by a Missouri Registered Engineer. The Director may require the analysis area include the entire inundation area, watershed or sub- watershed.
  5. **Residences.** All residences permitted in the SBI District, whether site built or manufactured, shall be permanently anchored to a permanent foundation and in accordance with Jackson County Building Code regulations.
  6. **Utility and Sanitary Facilities.** All utility and sanitary facilities shall be elevated or floodproofed up to inundation protection elevation so that those facilities below the inundation protection elevation are water tight with walls substantially impermeable to water.
  7. **Structural Components.** The structural components of the utility and sanitary facilities shall have the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.
  8. **Certification.** Utilities and pipelines will be permitted, upon submission to the Director of a letter certifying that all facilities will be below grade and that they will in no way affect the free flow of water in case of a hydrological event.

9. **Changes in Topography.** No change in topography, such as by filling or excavation, will be allowed if that change will result in a concentration of the natural flow of water so as to cause or increase drainage problems. The grading of any area shall be done in a manner to maintain proper drainage.
10. **Water Supply Systems.** All water supply systems must be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
11. **On-Site Waste Disposal Systems.** Any on-site waste disposal systems must be located or designed so as to eliminate contamination during or subsequent to a hydrological event.

#### **24004.18 PLANNED DEVELOPMENT DISTRICT (PD)**

- a. **Purpose.** The Planned Development District (PD) is intended to provide development flexibility for residential and non-residential uses. Many combinations of land uses may be compatible based upon land uses, visual impacts and buffering. Site development regulations and performance standards in Section 24006 combined with the public review of a site development plan as described in Section 24003.18, are intended to ensure that uses will be compatible in scale and appearance with adjoining properties.
- b. **Permitted Uses.** Any use authorized as a planned use within a district may be permitted subject to the procedures established in Section 24003.18.

#### **24004.19 UNDERGROUND SPACE OVERLAY DISTRICT (UG)**

- a. **Purpose.** The Underground Space Overlay District (UG) is established for the following purposes:
  1. To accommodate and permit the reasonable utilization of underground space;
  2. To protect any other properties and persons from adverse effects caused by activities in underground space; and
  3. To protect the health, safety and welfare of persons in or around underground facilities.

- b. Permitted Uses.** Any use permitted, by right or permit, in the surface area zoning district.
1. Underground storage facilities.
  2. Underground offices, manufacturing and testing laboratories.
- c. Conditional Uses.** Underground mineral extraction is authorized as a conditional use, subject to the provisions of Section 24003.21.
- d. Development Performance Standards.**
1. The UG Overlay District may be established if usable underground space exists; or a subsurface material is intended to be extracted, and either adjoins an existing UG Overlay District or the surface land at the entrance has been designated LI or HI.
  2. UG Overlay Districts shall apply only to subsurface area, and shall not affect surface area zoning districts.
  3. Access to underground space shall be located on surface area property properly zoned to permit the uses applicable to the underground space.
  4. The designation, modification, change or amendment of an UG Overlay district may be approved upon application by the property owner to the Planning Commission, accompanied by a registered survey indicating the extent of existing and proposed underground mining, and indicating all points of access to the surface, including vehicle entrances, ventilation or utility entrances, or other entrances as applicable.
  5. UG Overlay Districts shall be designated pursuant to periodic amendments of the zoning map.
  6. Ingress/egress to all underground space shall be through surface area property owned or controlled by the owners or operators of the subsurface area. Such surface area property must be adjacent to and have direct access to public right-of-way.
  7. Safety.

- (a) All applicants for underground space uses, pursuant to a Building Permit, shall be required to submit a geo-technical engineering study, conducted by a registered engineer, reviewing the structural integrity of the subsurface area; surface and subsurface surveys of all subsurface areas to be utilized, conducted by a registered surveyor, with contours at 2-foot intervals; and a geologic survey, conducted by a registered engineer.
  - (b) All underground space owners engaged in expansion of facilities shall be required to submit an annual geo-technical study conducted by a registered engineer trained in the field of geotechnical engineering, certifying the structural integrity of the subsurface area and diagramming the mined areas. Such certificate may provide for exceptions or conditions which must be adhered to as a condition of approval, and may be valid for additions or mined-out areas completed within six (6) months of the certification date of the geo-technical study, if it is so described in the certificate.
  - (c) Use or storage of hazardous or flammable materials, excluding materials used in conjunction with subsurface mining, shall only be permitted by the Director, subject to the Director finding that such use or storage does not compromise the use of the underground space or above-ground development.
8. Surface and Special Easements. Penetrations from the subsurface area to the surface area property are permitted, provided that such penetrations are for the purpose of connecting utilities, safety, or life-support systems to the subsurface area. All penetrations must be contained within a special easement, to provide and assure perpetuity and continuity of service for the subsurface area.
9. Surface Area Zoning Exclusion. With the exceptions as noted herein, all UG Overlay Districts are separate from the provisions of surface area zoning districts.

## **SECTION 24005: REGULATIONS APPLICABLE TO PARTICULAR USES**

### **24005.1 GENERAL**

The uses listed in this chapter and summarized in Exhibit 240.18 are authorized as Permitted (P), Conditional (C), Accessory (A) or Planned (PL) Uses in certain zoning districts. These uses shall be authorized if they comply with the zoning district regulations and the requirements of this Section. Conditional uses may be granted if the proposed development complies with the district regulations, the requirements of this chapter and any other UDC requirements.

### **24005.2 ACCESSORY USES, BUILDINGS AND STRUCTURES**

#### **a. Definition and Applicability.**

1. In a residential zoning district, an accessory building or structure, is a subordinate or incidental structure, attached to or detached from the principal building, which is not used for commercial purposes, except as provided for home occupations.
2. In non-residential zoning districts, an accessory building or structure is a subordinate building or structure, the use of which is secondary to and supportive of the principal building.
3. Accessory uses include any use that is authorized in the district which is secondary or subordinate to the primary use.

#### **b. Standards for Accessory Dwelling Units.** A dwelling unit may be allowed as an accessory use to the principal dwelling unit under the following conditions:

1. Accessory dwelling units may be constructed only in AG and RR zoning districts;
2. The accessory dwelling unit may be constructed only upon the issuance of a building permit;
3. The accessory dwelling unit shall be a permanent structure.
4. Accessory dwelling units shall be considered independent buildable sites, and be connected to public water and sewer service where available or have on-site water and sewer facilities that comply with all County and State regulations;



**Exhibit 240.18: Zoning District Authorization for Particular Uses**

Use	District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Accessory Uses, Buildings, Structures	A	A	A	A	A	A	A	A	A	A	A
Animal Exhibits, Zoos	C							C	C		
Airports, Airfields, Heliports	C										
Bed & Breakfast Inns	C	C	C	C	C	C					
Child Care Facilities											
Family Day Care Home	P	P	P	P	P	P					
Group Day Care Home	C	C	C	C	C	C	P	P			
Day Care Center	C	C	C	C	C	C	P	P	PL		
Cocktail Lounges, Bars, Taverns							C	P/C	PL		
Compost Facilities	C										C
Firing Ranges, Gun Clubs	C									C	
Flea Markets, Swap Meets	C							C	C	C	
Group Dwellings											
Group Homes	A	A	A	A	A	A					
Group Quarters	C	C	C	C	C	PL	PL	PL	P		
Nursing Homes	C	C	C			PL	PL				
Hazardous Waste Facility											C

P = Permitted Use  
A = Accessory Use

C = Conditional Use  
PL = Planned Use

Use	District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Home Occupations	A	A	A	A	A	A					
Manufactured Home Subdivision						PL					
Medical Marijuana Businesses	P	C					C	P		P	P
Pawnshops and Short-Term Loan Establishments							C	C			
Quarries, Mines, Sand/Gravel Pits	C										C
Recreational Facilities, Amusement Parks, Etc.	C/PL	PL	PL	PL	PL	PL	PL	P/C	PL		
RV / Travel Trailer Parks	C					PL					
Salvage Yards, Junkyards											C
Temporary Uses											
Temporary Construction Buildings / Storage	A	A	A	A	A	A	A	A	A	A	A
Temporary Sales / Special Events	C							A	A	A	
Telecommunications Towers, Antennas (Commercial)	C/A					C/A	C/A	C/A	C/A	C/A	A
Telecommunications Towers, Antennas (Non-Commercial)	A	A	A	A	A	A	A	A	A	A	A
Utility Transmission Lines	C	C	C	C	C	C	C	C	C	P	P
Utility Distribution and Collection Facilities	P	P	P	P	P	P	P	P			
Wineries and Cider Mills	C										

P = Permitted Use  
A = Accessory Use

C = Conditional Use  
PL = Planned Use

5. The accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit;
6. The accessory dwelling unit shall comply with all required building setbacks for the principal residential use;
7. The overall height of an accessory dwelling shall be limited to one story, provided that a garage apartment or non-residential caretaker's quarters, may be located over a garage;
8. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building; and
9. Accessory dwellings shall not exceed 1,000 square feet of heated area.

**c. Standards for Accessory Buildings in Residential Zoning Districts.** Accessory buildings may be allowed in residential zoning districts pursuant to the following conditions:

1. Detached accessory buildings shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard, except that a detached garage may be located in front of the principal residence.
2. The minimum required side setback for the principal building shall be observed for accessory buildings; and
3. Accessory buildings adjacent to a side street shall have a side yard not less than that of the primary structure.

**d. Standards for Accessory Structures in Residential Districts.** Accessory structures may be allowed in residential districts under the following conditions:

1. Private swimming pools, along with incidental installations such as pumps and filters, may not be located in the front yard. A pool shall be set back a distance of not less than five (5) feet from all lot lines, except that a pool that is elevated more than four (4) feet above the average natural ground level at the nearest property line shall comply with required building setbacks.
2. Private tennis courts shall not be constructed within twenty (20) feet of any adjoining residential property line. Tennis court fences or walls shall not

exceed twelve (12) feet in height, and no lights for the tennis court shall be permitted within 25 feet of any adjoining residential property line.

3. Except as noted above, accessory structures shall comply with the minimum setback requirements established in the district.

### **24005.3 AIRPORTS, AIRFIELDS AND HELIPORTS**

Aviation fields and airports may be permitted subject to the issuance of a conditional use permit, and provided that the following conditions are satisfied:

- a. Plans of any aviation field or airport shall include all approach and departure paths as necessary to assure safe and adequate landing and take off area and shall be supplemented by an aeronautical study by the local airport district office of the Federal Aviation Agency (FAA);
- b. Adequate safety provisions shall be provided and indicated by plans which control or restrict access to the landing and take off areas by the general public; and
- c. Landing and take off areas shall be surfaced in such a manner as to avoid the blowing of dust or dirt onto neighboring property.

### **24005.4 ANIMAL EXHIBITS AND ZOOS**

Animal exhibits and zoos may be permitted subject to issuance of a conditional use permit, and provided that the following conditions are satisfied:

- a. The application for a conditional use permit must contain or be accompanied by the following information:
  1. Copies of all Federal and State permits that are required by law;
  2. A copy of the bill of sale or receipt for the purchase of each animal;
  3. A complete and detailed description and diagram of the confinement space proposed for each animal;
  4. A list of the animal species to be displayed at the facility;

5. Written proof that a veterinarian licensed as such by the State of Missouri has committed to the owner to provide care to the animal and to advise the owner regarding its care;
  6. Proof of insurance, together with an underwriting memorandum stating knowledge of the exposure that will protect the public against bodily injury or death caused by the animal, providing for limits of \$1,000,000 per person, per occurrence and for notice to the Director within 30 days of its cancellation or renewal; and
  7. In addition to other standards for the grant or denial of a conditional use permit, a permit may be denied for failure to satisfy any submittal requirement and for failure to provide a safe and sanitary confinement space for each animal.
- b.** The animal exhibit or zoo shall be located on a parcel of land not less than two (2) acres in size.
  - c.** The animal exhibit or zoo shall not be located within five hundred (500) feet of any residential zoning district or any existing dwelling.
  - d.** The following screening and landscape buffering shall be provided between any animal cages or other structures and any adjacent residential district or dwelling:
    1. A landscaped opaque wall or fence at least six (6) feet in height; and
    2. A natural, wooded or planted bufferyard of at least ten (10) feet in width for each twenty-five (25) animals of greater than forty (40) pounds in body weight. For purposes of this section, the bufferyard shall include at least four (4) trees and 16 shrubs for every 1,000 square feet of required landscape area.
  - e.** Outside lighting shall be shielded so that the light source is not directly visible to adjacent residential property.
  - f.** The behavior of the type and/or number of animals owned or maintained by the applicant shall not infringe on the enjoyment of any existing adjacent residential use in terms of noise, odor, safety or aesthetics.
  - g.** The applicant shall register exotic or wild animal(s) with the County Sheriff's Department, as required by State law.

- h.** Permission for this use may be revoked by the County Legislature if the animal(s) become(s) a nuisance or a danger to any person, or if any condition of approval of the permit is violated, or if any other law or lawful rule is violated, or if the health, safety, and welfare of the public are threatened.

#### **24005.5 BED & BREAKFAST INNS**

- a.** In all districts in which bed and breakfast inns (B&B) are permitted, the following standards shall apply:

  - 1. All applicable local, state and federal requirements must be satisfied.
  - 2. Cooking facilities shall not be permitted in individual guest rooms.
  - 3. In addition to required residential parking, one off-street parking space shall be provided for each guest room.
- b.** In AG and RR zoning districts, common dining areas may be leased for social events, provided that off-street parking is provided, for a meeting/reception area, pursuant to Section 24006.7.
- c.** In all other residential zoning districts, common dining areas shall not be leased for social events.

#### **24005.6 CHILD CARE FACILITIES**

- a.** Generally.

  - 1. Applicant for a permit to establish a child care facility must provide sufficient proof that the proposed use will comply with all State and County regulations.
  - 2. A child care facility shall be located on a site that will accommodate and provide space for an off-street passenger loading zone to provide for the safe delivery and pick-up of passengers, in addition to applicable parking requirements.
  - 3. The outdoor play areas of a child care facility shall be enclosed with a fence, which shall be built and maintained to a minimum of four (4) feet in height. No play areas shall be permitted in the required front yard.

- b.** Family Day Care Home. A family day care home, as defined by State law, shall be registered and licensed, by the State and County, as applicable and required by law.
  - 1. All facilities shall provide an enclosed outdoor play area.
  - 2. Any family day care home providing care to more than five (5) non-resident children in an urban or suburban area shall be required to obtain a conditional use permit.
- c.** Group Day Care Home and Child Day Care Center.
  - 1. A group day care home providing care for up to twenty (20) children or a child day care center, as defined by State law, shall be registered and licensed, by the State and County, as applicable and required by law.
  - 2. A group day care home providing care for up to twenty (20) children or a child day care center shall be located on a site that will accommodate and provide space for an off-street passenger loading zone and circular drive to provide for the safe delivery and pick-up of passengers, capable of accommodating 2 cars for every ten (10) children, in addition to applicable parking requirements, pursuant to Section 24006.7.
  - 3. A group day care home providing care for up to twenty (20) children or a child day care center shall provide a Type B bufferyard along all property lines abutting any residential use, pursuant to Section 24006.11.

#### **24005.7 COCKTAIL LOUNGES, BARS, TAVERNS AND NIGHT CLUBS**

These uses shall be located on a roadway designated as a collector or minor arterial, shall obtain all required state and county licenses, and shall comply with all conditions of said licenses.

#### **24005.8 COMPOST FACILITIES**

- a.** The purpose of these conditions is to protect the State's environmental resources by regulating the siting and operation of a composting facility, while encouraging resource recovery and recycling. This section does not apply to yard waste composted on the parcel on which the yard waste was generated.

- b.** Prior to commencing site preparation for this composting facility, all necessary permits must be obtained from the Director and all applicable local, state, and federal governmental agencies and authorities, and thereafter, before any alteration is site preparation, construction or operation is done, any such alteration must be approved by the Director and all necessary permits obtained from the various governmental authorities.
- c.** No wastes permitted to be composted shall be accepted at the site until after the site has been fully prepared, inspected by the Director, and the site made fully operational for composting.
- d.** Yard wastes, municipal solid wastes, sewage sludge, agricultural wastes and other materials, as defined and permitted pursuant to state and federal regulations, may be accepted at the composting facility. No clean fill, solid waste, treated or untreated bio-hazardous waste, or any waste of any nature other than permitted compost waste shall be accepted at the composting site or utilized in the composting process.
- e.** There shall be no discharge of air pollutants which causes objectionable odors to surrounding property owners.
- f.** No compost shall be used as fill material in any natural or artificial body of water, open sinkhole, or de-watered pit.
- g.** The composting facility and site shall have sufficient support for the composting operation.
- h.** Information to be filed with the Director upon application for the required conditional use permit shall include compost facility design, operation, and closure plans, and such plans shall include:

  - 1. Maps and available aerial photographs showing significant features of the proposed site area.
  - 2. Site plans which show dimensions and details of proposed structures and areas involved in receiving, processing, producing, curing, storage, and fencing of materials taken onto and removed from the proposed facility.
  - 3. Topographic maps which indicate original and proposed land contours, placements of roads, structures, and drainage control measures.



4. A report which addresses:
  - (a) facility capacity;
  - (b) available detail concerning materials to be received;
  - (c) anticipated source of materials to be received; and
  - (d) additives to be used in the composting process, and discussion of the potential environmental impacts of additives.
5. Stormwater management plans and designs for preventing runoff from entering or leaving the process areas of the facility and for managing stormwater which comes into contact with the composted material.
6. Liner installation plan which addresses:
  - (a) areas and operations where liners will be installed;
  - (b) materials and construction specifications; and
  - (c) testing procedures.
7. A groundwater monitoring system which features, at minimum, one up-gradient and two down-gradient wells.
8. Measures taken to ensure clean and orderly operations, including:
  - (a) barriers to prevent unauthorized entry or egress;
  - (b) an all-weather access road;
  - (c) signs indicating operational hour and emergency information;
  - (d) dust control methods;
  - (e) control of operation-related litter;
  - (f) fire protection; and
  - (g) odor control measures.
9. An operations plan which provides written instruction for the daily operation and maintenance of the facility, and which specifically addresses:
  - (a) designation of persons responsible for site operation and maintenance;
  - (b) equipment;
  - (c) controlling the entry point to ensure that only appropriate wastes are introduced into the facility;
  - (d) methods for quantifying incoming wastes;
  - (e) vehicle traffic control and loading;
  - (f) method and sequence for processing wastes;

- (g) operation of leachate and stormwater control systems;
- (h) interaction with backup receiving or disposal areas; and
- (i) contingency plans for such occurrences as natural disasters, equipment failures, or receipt of inappropriate materials.

10. A site closure plan which addresses:

- (a) estimated useful life of the facility;
- (b) closure plans, which may be in narrative form and/or sketch form, subject to all applicable agency reviews at time of closure; and
- (c) assurance of financial capability to complete closure plans.

**i.** The design features, as approved by the Director, of the composting facility shall be properly maintained.

**j.** The composting facility shall be properly staffed and equipped to ensure that:

- 1. An attendant is on site during those hours when permitted wastes are to be received.
- 2. Communications systems are in operation in all facilities for use in the event of an emergency.

**k.** Incoming permitted wastes shall not be mixed with finished compost which is ready to be used or sold. Prevention of the reintroduction of weed seed, pathogens and waste to finished compost shall be handled in the following manner:

- 1. At least half the finished compost will be used or sold for use each year.
- 2. The amount of compost stored at the facility shall not exceed the design capacity.
- 3. All yard waste received at the facility shall be confined to a delivery storage area, where it shall be monitored before further processing:
  - (a) Yard wastes which will not be composted must be removed from the facility at least monthly; and
  - (b) Yard wastes and non-yard wastes which are not to be composted must be removed to a licensed landfill within 72 hours.

4. The temperature of composting material shall be monitored on a daily basis at a depth approved by the Director.
  5. When the facility is closed, all residuals, wastes, and recyclable materials shall be removed from the site and recycled or disposed of in a proper manner.
- l.** Two down-gradient wells and one up-gradient monitoring well shall be installed at the facility at sites approved by the Director. Surface elevations and depth to groundwater will be used to determine "up-gradient" and "down-gradient" elevations.
  - m.** Prior to site preparation, initial groundwater sampling shall be conducted to establish baseline standards as is provided in these conditions. Thereafter, periodic sampling shall be conducted on a not less than quarterly basis during all phases of site preparation, construction, operation, and closing of the composting facility. Groundwater sample results shall be compared to Missouri Department of Natural Resources (MDNR) and federal drinking water standards.
  - n.** Sample results and log sheets showing all monitoring of the groundwater and composting process performed, the quantity and volume of waste received, the quantity and volume of compost produced, and the quantity, volume, and ultimate disposition of material screened from the landfill shall be maintained, and quarterly reports including all of this information shall be delivered to the Director.
  - o.** Groundwater samples will be analyzed for the materials identified by the Director.
  - p.** If the initial baseline water samples show the water quality for a particular parameter is at or less than the MDNR Clean Water Commission standard, then the MDNR standard shall apply that parameter to groundwater samples subsequently taken from the facility with adjustment by statistical methods as approved by the Director. There shall be no exceedance of such standards in the groundwater samples periodically taken from the facility.
  - q.** If the initial baseline samples have levels greater than the MDNR standards and less than the US EPA standards, then the US EPA standards shall apply for that parameter with adjustment by statistical methods as approved by the Director. There shall be no exceedance of such standards in the groundwater samples periodically taken from the facility. If initial baseline samples have levels of a particular parameter greater than both the MDNR standards and the US EPA standards, then no statistically significant contamination of the aquifer shall be permitted. Statistical methods for examining sample variation will be allowed, upon approval of the Director.

- r. In addition to the requirements of this section, there shall be no deterioration of groundwater quality between the upstream monitoring well and the downstream monitoring wells. Downstream analytical results will be compared with upstream background levels. If these downstream results for any parameter exceed the upstream results, this will immediately be reported to the Director. In addition, the laboratory analytical data will be reviewed for analytical problems such as contamination in the method blank or contaminant carryover between samples.
- s. If any exceedance cannot be explained after examining the analytical factors, the Director may request additional sampling be performed to determine statistical significance of the data.
- t. Notwithstanding any other available testing or additional sampling of the groundwater, any exceedance of the standards set out above shall be grounds to close the facility and revoke this special use permit.
- u. The operator/applicant is responsible for all costs associated with the monitoring wells, sampling, testing, and interpretation of test results and reports to the Director. An independent testing laboratory approved by the Director with expertise in the field of water quality and groundwater standards shall be hired and paid for by the operator/applicant and laboratory reports shall come directly to the Director with copies to operator/applicant.
- v. Sedimentation and runoff ponds and berms described in the Site Evaluation and Operations Plan submitted as part of the application for this conditional use permit and/or required building permit shall be designed and constructed under the supervision of a registered professional engineer.
- w. The composting operation shall be conducted at all times in compliance with all federal, state, and local laws and regulations including, but not limited to, those related to pollution of air and water.

#### **24005.9      FIRING RANGES AND GUN CLUBS**

- a. All indoor firing ranges and gun clubs shall be located at least 200 feet from any residential district or dwelling, and within a completely enclosed structure, designed to significantly prevent the escape of sound from the property.
- b. All outdoor firing ranges shall be located at least 1,000 feet from any residential district or dwelling, and on a site of at least ten (10) acres.

- c. A solid fence, wall, berm or shield shall be provided behind all shooting areas, and be reviewed by the County Sheriff's Department.
- d. Facilities shall be designed to prevent projectiles from escaping the property.
- e. The location and type of facility shall be reviewed by the County Sheriff's Department.
- f. Access and off-street parking shall be provided subject to the requirements of Section 24006.7.
- g. A Type D Bufferyard shall be provided along all abutting property lines of outdoor facilities, pursuant to Section 24006.11.
- h. Hours of operation for outdoor facilities shall be limited to 9:00 am to 9:00 pm.

**24005.10 FLEA MARKETS AND SWAP MEETS**

- a. Flea markets and swap meets shall be located on a roadway designated as a collector or arterial street.
- b. Access and off-street parking shall be provided subject to the requirements of Section 24006.7.
- c. A Type D bufferyard shall be provided along all abutting property lines, pursuant to Section 24006.11.
- d. The event shall be conducted entirely on private property, with the consent and approval of the property owner.
- e. Any structure used in conjunction with the event shall meet all applicable zoning, health, safety and building code requirements. Any temporary structure used shall be promptly removed upon the cessation of the event.
- f. No more than one (1) banner shall be displayed, and which shall be displayed for a maximum of 15 days. All other signage requirements are subject to Section 24007.
- g. The flea market or swap meet shall be conducted at all times in compliance with all applicable federal, state, and local laws, regulations, permits and licenses.

**24005.11 GROUP DWELLINGS**

**a. Generally.**

1. Access and off-street parking for group dwellings shall be provided subject to the requirements of Section 24006.7.
2. Landscaping, screening and bufferyards shall be provided as required for multi-family development pursuant to Section 24006.11.

**b. Group Home.**

1. A group home is a residential care facility, providing 24-hour care, in a protected living arrangement, for not more than six (6) residents with physical or mental disabilities.
2. The group home shall be approved or licensed by the State and County, as applicable and required.

**c. Group Quarters.**

1. Group quarters are a building or structure used as a place of residence by more than six (6) unrelated persons who share the living accommodations and do not occupy independent dwelling units. The provisions of this section do not apply to group homes as described above.
2. Group quarters shall:
  - (a) Be designed for and limited to residents with minimal needs for supervision or medical care, if located in a residential district;
  - (b) Be located so that emergency vehicles do not need to drive on minor residential streets to access such facilities;

**d. Nursing Homes and Convalescent Hospitals.**

1. These uses shall be located on a Jackson County roadway designated as a collector or minor arterial.

2. Building coverage shall not exceed forty percent (40%) of the lot or parcel.
3. Seventy (70) square feet of open space, which may be utilized for recreational use or landscaping/screening, shall be provided for each bed.
4. For the purposes of determining bufferyard requirements pursuant to Section 24006.11, these uses shall be considered commercial uses.

#### **24005.12 HAZARDOUS WASTE FACILITY**

- a. Generally. A Hazardous waste facility may be authorized within an HI district, pursuant to a conditional use permit and subject to the conditions of this section and any additional conditions established pursuant to the conditional use permit.
- b. Location
  1. No part of the active portion and closed portion of a hazardous waste facility shall be within one (1) air mile of any occupied dwelling place or house, any school or educational institution, any hospital or sanitarium, or in any area that poses a substantial or imminent danger to human life or health.
  2. No hazardous waste facility shall be located within:
    - (a) a wetland;
    - (b) a one hundred-year floodplain;
    - (c) the Missouri River Alluvium;
  3. A six hundred foot (600') buffer zone shall be established between the perimeter of the active portion and closed portion of the hazardous waste facility and all boundary lines of the facility. Within said buffer zone, trees, shrubs and suitable vegetation shall be planted and landscaping provided to fully obscure, to the extent feasible, any view of the facility from public roadways and adjacent public or private properties at all times of the year, as to maintain, preserve and enhance the environmental integrity of the surrounding area.
  4. A minimum separation of five hundred feet (500') shall be maintained between any part of the active portion of the hazardous waste facility and any existing pipeline, underground utility, or underground electrical transmission line right-of-way or easement.

**c. Facility Access**

1. A permanent sign shall be posted at each facility entrance identifying the official name of the facility.
2. Access to the proposed hazardous waste facility shall be limited to normal operating hours. Attendants or operating personnel shall be present at the facility during normal operating hours.
3. Access to the proposed hazardous waste facility by unauthorized vehicles or persons outside of normal operating hours shall be prohibited. Entrance gates and fencing shall be erected to prevent access to the facility during hours when the facility is not open to the public. Gates shall be kept locked except during those times when an attendant or equipment operator is on duty. Upon request, operators shall provide access keys to entrance gates for emergency personnel. The hazardous waste facility shall be completely enclosed by chain-link fencing, or such other durable fencing as may be approved by the Legislature, which fencing shall be not less than ten (10) feet in height. All fencing shall be setback at least twenty-five (25) feet from the property line.
4. All access roads from the entrance and exit of the proposed hazardous waste facility to any public thoroughfare shall be paved with asphalt or concrete, curbed, and provided with a base capable of withstanding anticipated load limits, and shall be constructed and maintained in such a manner so as to minimize tracking or carrying of mud, dirt or debris onto any dedicated thoroughfare by any vehicles using the proposed hazardous waste facility. A road maintenance bond in an amount sufficient to ensure road maintenance may be required as a condition of permit approval.

**d. Operations Plan.** A conceptual report describing the proposed hazardous waste facility shall be prepared and submitted by a professional engineer licensed in the State of Missouri. Required information shall include the following:

1. A description of the planned method of operation of the proposed facility;
2. A description of the technology underlying the proposed operational methodology;
3. A description of all equipment which will be used to manage hazardous waste at the proposed facility;



4. The expected or projected life of the proposed hazardous waste facility including a statement of any assumptions used in determining such projections;
5. A traffic analysis estimating vehicle trips, by type of vehicle, to be generated by the proposed facility, including average daily trips, a.m. peak hour trips, and p.m. peak hour trips;
6. A site plan shall be drawn to scale of not to exceed two hundred (200') feet to the inch and shall include and depict, at a minimum, the following information:
  - (a) Name and address of record of landowner and Architect/Engineer/Surveyor;
  - (b) Date, north arrow and scale;
  - (c) Location of existing and proposed rights-of-way, easements and infrastructure (streets, sewers, water lines, etc.);
  - (d) Size, use and location of existing and proposed structures and drives on the subject property;
  - (e) Location of floodplain areas subject to flooding and centerlines of drainage courses;
  - (f) Location of proposed drives and parking area including location, number and dimensions of parking spaces;
  - (g) Property lines;
  - (h) Location of existing and proposed landscaping and screening.
7. A map to a scale of not to exceed two thousand (2000') feet to the inch with ten-foot (10') contour intervals shall be provided and shall include and depict, at a minimum, the following information as it pertains to the area within one (1) air mile of the proposed facility boundaries:
  - (a) Original contours;
  - (b) Original surface water drainage patterns;

- (c) Location of disposal facility and facility boundary lines;
  - (d) Actual and proposed access roads;
  - (e) Major sink holes within the map area; and
  - (f) Occupied permanent residential dwelling houses or units within one (1) air mile of the facility boundary lines.
- e. Federal and State Compliance. A proposed hazardous waste facility shall comply with all applicable federal and state regulations and copies of all federal and state permits issued to the facility shall be submitted to the Division of Planning and Zoning.

## **24005.13 HOME OCCUPATIONS**

- a. **Purpose and Intent.** The purpose of this section is to permit home occupations which will not change the character of adjacent residential areas. The intent of these zoning regulations is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic generation, nuisances, health and safety hazards which may result from a home occupation conducted in the residential zones.
- b. **Performance Standards.** All home occupations must comply with the following performance standards:
  - 1. The use of the dwelling unit as a home occupation shall be deemed to be clearly incidental and subordinate to its use for residential purposes if the home occupation occupies less than twenty-five percent (25%) of the square footage floor area of the residence.
  - 2. No more than one person, other than those residing on the premises, shall be engaged in the activities of the home occupation.
  - 3. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6:00 a.m. and 9:00 p.m.
  - 4. No more than two (2) home occupations shall be permitted within any single dwelling unit.

5. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment, and materials, and no open lot storage.
6. Home occupations shall not produce offensive noise, vibration, smoke electrical interference, dust, odors or heat. Any noise, vibration, smoke electrical interference, dust, odors or heat detectable beyond the property lines or beyond the walls of the dwelling unit if the dwelling unit is a multifamily structure shall not be permitted.
7. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.
8. Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.
9. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers in violation of FCC standards, or cause fluctuations in off-site line voltages.
10. Except in the AG and RR zoning districts, no on-premise advertising for the home occupation shall be allowed. Window areas must not purposely or intentionally be used as display areas or to offer merchandise for sale. In the AG and RR Zoning Districts, a six (6) square foot sign advertising the home occupation shall be permitted. No home occupation sign shall be located within a street right-of-way.
11. In the AG and RR zoning districts, home occupations may be operated from accessory buildings. Except in the AG and RR zoning districts, all related activities shall take place entirely within the residential dwelling, except when the Director finds that such activity is similar to non-commercial activities normally associated with single family homes.
12. Except in the AG and RR zoning districts, no pedestrian or vehicular traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.

13. No delivery truck shall operate out of a residential district as a function of a home occupation. A single delivery vehicle may be operated from a home occupation established in an agricultural district.

## Permitted Home Occupations<sup>1</sup>

Home Occupation	District					
	AG	RR	RE	RS	RU	RO
Antique Sales	T	T	T	T	T	T
Artist, Composer, Photographer	T	T	T	T	T	T
Arts & Crafts Production/Sales	T	T	T	T	T	T
Beauty Shop/Barber	T	T				
Brokers	T	T	T	T	T	T
Building Contractor/Construction Services <sup>2</sup>	T	T				
Clergy	T	T	T	T	T	T
Computer Applications	T	T	T	T	T	T
Cooking/Preserving	T	T	T	T	T	T
Electronics Repair	T	T	T	T	T	T
Insurance Agents	T	T	T	T	T	T
Instruction <sup>3</sup>	T	T	T	T	T	T
Jewelry Repair	T	T	T	T	T	T
Professional Services <sup>4</sup>	T	T	T	T	T	T
Sales Representative <sup>5</sup>	T	T	T	T	T	T
Secretarial Service	T	T	T	T	T	T
Seamstress/Tailor	T	T	T	T	T	T
Small Engine/Appliance	T					
Word Processing/Typing	T	T	T	T	T	T

<sup>1</sup> The table lists specific home occupations and the districts in which they are permitted. Other home occupations may be permitted by the Director if they meet the standards specified in this section.

<sup>2</sup> Includes, but is not limited to, carpentry, electrical, masonry, painting and plumbing.

<sup>3</sup> Art, Dance, Music, Tutoring; Limited to no more than two (2) students at one time.

<sup>4</sup> Accountant, Architect, Attorney, Engineer, Etc.

<sup>5</sup> Provided there is no exchange of tangible goods on the premises, though mail distribution may be allowed.

Low-intensity (traffic generation, land use, noise, etc.) occupations, professions and business activities, and those uses or activities of a similar nature, as provided the following table, may be permitted as home occupations in the indicated residential zoning district(s), subject to the conditions of these regulations and other applicable federal, state or local laws.

14. This section does not permit the establishment of unlisted home occupations unless they comply with all other standards of these Zoning Regulations.
- c. Prohibited Home Occupations.** The following occupations, professions, and business activities and those of a similar nature are specifically prohibited as home occupations:
1. Ambulance services;
  2. Animal/veterinary clinics;
  3. Beauty salons and barber shops, except in the AG and RR zoning districts;
  4. Clinics, hospitals;
  5. Medical/Dental Office
  6. Mortuary
  7. Restaurants;
  8. Pay for hire vehicles and services, including but not limited to taxi, party van or bus, and limousine services;
  9. Vehicle sales, service and repair including but not limited to: engine work, body work, painting, dismantling, embellishing, washing and detailing services, accessory parts sales and installation.
  10. Headquarters and dispatch center where employees come to the site and are dispatched to other locations.

**24005.14 MEDICAL MARIJUANA BUSINESSES**

Medical Marijuana Cultivation Facilities, medical Marijuana Dispensary Facilities, Medical Marijuana-infused Products Manufacturing Facilities, and Medical Marijuana Testing Facilities are permitted uses in certain districts, and may be authorized as conditional uses in others. However, any such facility, without regard to whether it is a permitted or conditional use, must comply with the following conditions:

- a. All such facilities must be licensed by the Missouri Department of Health and Senior Services.
- b. No such facility may be initially located within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church.

**24005.15 MANUFACTURED HOME SUBDIVISIONS**

- a. Purpose. A manufactured home subdivision is intended to provide an appropriate development site for manufactured homes, giving the surrounding land uses and neighborhood. The manufactured home subdivision is intended to promote affordable housing consistent with the provisions of the Master Plan.
- b. Development of a manufactured home subdivision shall comply with the standards established in the table below, in addition to design standards established in Section 24006.
- c. Manufactured housing foundations shall comply with the International Conference of Building Officials "Guidelines for Manufactured Housing Installation," as may be amended.

### MH Park Design Standards

Minimum park area	5 acres
Minimum park width	300 feet
Maximum park density	7 MH/acre
Minimum lot area	3,000 SF
Minimum lot width	40 feet
Maximum building height	35 feet
Minimum open space	1,200 SF/space
Minimum MH space setbacks: front side rear	25 feet <sup>1</sup> 7 feet <sup>2</sup> 20 feet <sup>2</sup>

1. *Minimum setback. May be increased to same requirements as zoning district in which MH Park is located.*
2. *Unless located adjacent to a residential district, upon which 30' setback is required.*

- d.** All manufactured homes installed within the park shall be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding the sides and roof, consistent with Uniform Building Code guidelines. Anchor design shall be approved by the Director prior to installation and shall comply with all requirements of the State of Missouri. In addition, test data giving certified results of pull tests in soils representative of the area in which the anchors are to be used shall be submitted to the Director. Minimum load in direct pull shall be 5,400 pounds. Anchors shall be marked so that after installation, the identification is in plain view for inspection.
- e.** Each manufactured home subdivision shall provide sufficient and adequate number of shelters from severe storms. Shelters shall be placed at such intervals within the park to ensure maximum safety for residents during times of severe storms. Design and location of such shelters shall be determined at the time of plan approval, but in no case shall the construction of the initial phase of a manufactured home subdivision be allowed to proceed without the concurrent construction of appropriate shelters.
- f.** All streets within the park shall be improved to standards for residential streets. There shall be at least two street or drive openings into the park providing ingress and egress. All private drives shall be not less than 24 feet in width, having portland



cement curbs, and be surfaced with at least six inches of compacted stone base with two inches of hot mix bituminous concrete as the surface course, or the equivalent, as determined by the Director.

- g.** Each manufactured home shall be located so that no part of one home structure, including canopies, awnings, carports and other protrusions, is closer to the property line than the required setbacks.
- h.** Each manufactured home subdivision shall have not less than two (2) trees of two and one-half inch caliper per space, located on the space or within a required yard.
- i.** Park and playground space shall be provided for occupants of the manufactured home subdivision on the basis of 300 square feet for each space in the park. Such playground space shall be separate and in addition to the open space required for each mobile home space, and shall be equipped and maintained for the use of the residents of the park. All park and playground space shall comply with the County's adopted building safety codes. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area. A minimum of 50% of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.
- j.** All liquid wastes shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the Director prior to construction. All solid waste shall be disposed of by accumulation in closed containers, and removed at regular intervals.
- k.** All power and telephone lines shall be underground and shall be in compliance with standards of the utility corporation involved.
- l.** The site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage system shall be approved by the Director prior to construction of streets or other portions of the park.
- m.** On-site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at each site.
- n.** Each manufactured home subdivision shall include similarly designed enclosed storage structure of structures suitable for storage of goods and the usual effects of

the inhabitants of such park. Such storage space should not be less than one hundred and fifty (150) cubic feet for each mobile home site or in common structure with individual lockers.

- o.** An all-weather hard surfaced outdoor patio area of not less than one hundred and eighty (180) square feet shall be provided at each manufactured home site, conveniently located to the entrance of the home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
- p.** Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the Director, before such enclosure can be used for living purposes.

#### **24005.16 PAWNSHOPS AND SHORT-TERM LOAN ESTABLISHMENTS**

Pawnshops and short-term loan establishments may be authorized as conditional uses in districts LB and GB only, subject to the following conditions:

- a.** No such establishment shall be permitted within one mile of another pawnshop or short-term loan establishment.
- b.** No such establishment shall be permitted within 1,000 feet of any church, school, daycare facility, public park or hospital.
- c.** No such establishments shall be permitted within 500 feet of any residential district of use.
- d.** Separation of distances shall be measured from property line to property line.
- e.** Any such establishment may be permitted only as a principal use of a property and may not be accessory to any other use. No such establishment may operate any accessory uses.

#### **24005.17 QUARRIES, MINES, AND SAND AND GRAVEL PITS**

Quarries, mines, and sand and gravel pits may be authorized as a conditional use under the following conditions:

- a.** Surface and subsurface rights are in single ownership or under unified control or surface rights are dedicated to public use and subsurface rights alone are retained for mining and subsequent use.
- b.** No activities shall be conducted upon the surface of such mine or mined-out area other than those specifically permitted.
- c.** Exhaust air vents, air shafts or other surface features necessary and incidental to the underground operation shall be enclosed on four (4) sides to a height of at least eight (8) feet. No noxious gas or fumes shall emanate from any exhaust air vent on the surface of such mine or mined-out area. Such facilities shall observe the height and yard requirements of respective zoning district regulations.
- d.** A plan of operation indicating the extent of the area proposed to be mined accompanied by profiles describing any proposed subsequent use of the mined-out areas shall be included with the site plan submitted to the Director.
- e.** Blasting shall be restricted to the hours between 7:00 a.m. and 6:00 p.m.
- f.** There shall be no blasting within 500 feet of the boundary line.
- g.** There shall be not more than one (1) entranceway from a public road to said lot for each six hundred sixty (660) feet of front lot line.
- h.** All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential use subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
- i.** Blasting shall be conducted so that vibration does not exceed 0.25 inches per second as measured by seismographic tests at adjacent, abutting and opposite property boundary lines; seismographic tests shall be conducted by and bear the seal of a registered professional engineer or a certified professional geologist.
- j.** Seismograph reports of monthly tests shall be submitted to the Director monthly; and daily blasting schedule and seismograph reports shall be available for inspection by the Director; additional seismograph tests and reports may be required upon written complaint by an affected property owner and such tests and reports shall bear the seal of a registered professional engineer or a certified professional geologist.

- k.** No blasting shall be conducted when the atmospheric conditions are such that sound or shock waves are easily conducted or transmitted, such as occur when there is a condition commonly known as a temperature inversion.
- l.** All surface preparation for underground mining shall be completed within 24 months of issuance of permit. Extensions may be granted upon specific appeal to the County Legislature.
- m.** Sedimentation ponds and berms, as described in the Site Evaluation and Operations Plan submitted as part of the application for a conditional use permit, shall be designed and constructed under the supervision of a registered professional engineer, prior to any site preparation or mining.
- n.** All points of ingress and egress shall be limited to arterials and collectors and shall be approved prior to construction in accordance with County or state highway department regulations and requirements, as applicable.
- o.** The operator shall be required to file an annual status report with the Director concerning all surface and subsurface development and a survey of the extent of subsurface development and a survey of the extent of subsurface mining operations, certified by a registered land surveyor.
- p.** The quarrying operation shall be conducted in compliance with all existing federal, state and local laws and regulations including but not limited to those related to the pollution of air and water.
- q.** The operator shall be required to implement and conform to all plans, specifications and provisions filed as a part of the application.
- r.** Only biodegradable additives shall be used in the wetting agent which shall be applied at the primary and secondary crushing facilities and transfer points. Stock piles of rock and truck loads shall also receive wetting treatments sufficient to minimize airborne particulates.
- s.** The permit is further subject to all requirements of the Missouri Department of Natural Resources which are made a part hereof as though set out in their entirety.
- t.** A traffic impact analysis shall be provided to the Director, in accordance with Section 24006.6.
- u.** Restoration plan required.

1. The operator or operators shall file with the Director a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, and/or other improvements contemplated.
2. The restoration plans shall be filed with and approved by the Director before quarrying or removal operations shall begin. The plans shall be certified by a soil or geology engineer. In restoration, no filing operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.
3. The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural or to an approved restoration plan.

**24005.18 RECREATIONAL FACILITIES, AMUSEMENT PARKS, ETC.**

- a. Recreational facilities and amusement parks are defined pursuant to Section 24002.
- b. No cabin development or overnight parking of trailers or lodgings shall be permitted on the premises.
- c. These uses shall be located at least fifty (50) feet from a public right-of-way and at least 200 feet from any dwelling.
- d. These uses shall be located on a roadway designated as a collector or minor arterial.
- e. Access and off-street parking shall be provided subject to the requirements of Section 24006.7.
- f. A Type D Bufferyard shall be provided along all abutting property lines, pursuant to Section 24006.11.

**24005.19 RECREATIONAL VEHICLE AND TRAVEL TRAILER PARKS**

- a.** Purpose. A recreational vehicle park or travel trailer park is provided to offer temporary residential opportunities in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the park.
- b.** Development of a recreational vehicle or trailer park shall comply with the standards established in the table below, in addition to the design standards established in Section 24006.

**RV/Travel Trailer Park Design Standards**

Minimum park area	5 acres
Minimum park width	300 feet
Maximum park density	20 spaces/acre
Minimum space area	1,500 SF
Minimum space width	25 feet
Minimum RV/trailer space setbacks:	
front	15 feet
side	5 feet
rear	5 feet

- c.** A Type D Bufferyard shall be provided along all abutting property lines, pursuant to Section 24006.11.
- d.** Open storage of materials or belongings other than boats, trailers, automobiles or operational vehicles is prohibited.
- e.** Each space shall be provided water from a centralized water system; sewage disposal from a centralized community sewage disposal system; and electricity.
- f.** Each space shall have a graveled or paved parking pad.
- g.** If provided, barbecue pits or fire rings and related setbacks thereof shall be subject to approval by the governing fire protection district.

- h.** Sufficient sanitary facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of waste from all holding tanks in a clean, efficient and convenient manner.
- i.** Each RV/Trailer park shall provide shower and restroom facilities for males and females.

**24005.20 SALVAGE YARDS AND JUNKYARDS**

- a.** Salvage, dismantling or recycling uses as accessory uses or as principle uses shall require issuance of a conditional use permit pursuant to Section 24003.21.
- b.** Storage and work areas must be screened by an opaque eight (8) ft. tall fence from all surrounding uses and all roadways, or be located within a completely enclosed building.
- c.** Unusable items shall be disposed of and not allowed to collect on the premises.
- d.** All tires not mounted on a vehicle shall be neatly stacked or placed in racks.
- e.** No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises.
- f.** Gasoline, oil or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable local, state and federal regulations.
- g.** All outdoor storage which occupies a volume of more than 150 cubic feet shall comply with the following:
  - 1. No such storage shall be placed or maintained within a required yard setback.
  - 2. Such stored items shall not project above the screening.
  - 3. All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.

## **24005.21 TEMPORARY USES**

- a.** Temporary Construction Buildings. Temporary buildings, structures and building material storage areas may be used for construction purposes on a site in any district which is not yet occupied. Such buildings may be permitted for a specific period of time in accordance with the building permit issued by the Director, subject to periodic renewal for cause shown. Temporary buildings and building material storage areas shall be removed prior to the issuance of a Certificate of Occupancy.
- b.** Temporary Sales/Special Events. These uses are permitted, upon approval by the Director, subject to the following conditions:
  - 1. No booths, stalls or other display areas shall be placed or maintained within any required setback area.
  - 2. Off-street parking shall be provided at the ratio of one and one-half (1½) spaces per booth or stall, and meet other applicable standards of Section 24006.7.
  - 3. Approved sanitary facilities shall be provided on-site.
  - 4. All items for sale shall be stored indoors, or within an approved screened storage area, or removed from the site at the close of each business day.
  - 5. Hours of operation shall be limited to 8:00 am to 10:00 pm.
  - 6. No storage of items other than those available for sale shall be stored on the premises, unless confined within an approved, screened storage area.

## **24005.22 TELECOMMUNICATIONS TOWERS AND ANTENNAS**

- a.** The regulations and requirements of this section are intended to provide for the location and development of commercial broadcast, non-commercial residential, and amateur radio service telecommunications towers, antennas and antenna supporting structures. All references to height include antennas, support structures and all appurtenances measured from ground level to the highest point of said structures.



- b.** In addition to any regulations set forth in Federal Communications Commission (FCC) regulations, Federal Aviation Administration (FAA) regulations, or the statutes of the State of Missouri, all antennas and antenna supporting structures shall meet the following minimum regulations.
- c.** Commercial Antennas.
  - 1. Antennas shall be set back from property lines a distance equal to or greater than one-half (1/2) the height of the antenna and supporting structure. Height regulations for commercial antennas shall be the same as those for non-commercial antennas provided in subsection d.
  - 2. Antennas, guy wires, guying anchors, electrical equipment and energy transfer components shall be installed according to manufacturers' specifications using sound engineering and safety practices.
  - 3. An applicant for a building permit for a commercial antenna system shall provide an engineering report specifying the following information:
    - (a) Detailed structural plans for the antenna and the support system; and
    - (b) An engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the Federal Communications Commission (FCC). An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antennas.
- d.** Non-Commercial Antennas.
  - 1. All authorized non-commercial antennas and antenna support structures, except those specifically in the Amateur Radio Service, shall comply with applicable FCC and FAA regulations and meet the following standards:
    - (a) A building permit shall be required for any antenna or antenna supporting structure extending more than 35 feet above the ground level and any freestanding antenna or antenna supporting structure extending more than 25 feet above ground level. The Director may require submission of documentation to verify compliance with

any specific applicable building or electrical code(s). When a building permit is denied, the applicant shall be furnished with a statement of the reason(s) for denial.

- (b) Antennas and supporting structures shall be installed in a manner that meets or exceeds manufacturer's installation instructions.
- (c) Antennas and supporting structures shall be installed so as to prevent safety hazards to persons on or off the property under any circumstances which reasonably can be anticipated.
- (d) Antennas and supporting structures shall not be erected in required building setback areas unless authorized by a conditional use permit.
- (e) Guy wires shall not extend into any required street yard.

2. In AG, RR and RE zoning districts, up to four exterior antenna structures are authorized as accessory uses, subject to the following additional regulations:

- (a) The height shall not exceed 75 feet unless specifically authorized by a conditional use permit.
- (b) Antennas that do not exceed 40 feet in height shall meet the minimum building setback requirements for the district. Antennas that are greater than 40 feet in height shall be set back the greater of 50 feet or one-half the height of the antenna and support structure.
- (c) One TV Receive Only (TVRO) satellite dish antenna and one Direct Broadcast System (DBS) satellite antenna are permitted per lot or parcel, provided that the antennas shall not:
  - (1) exceed 12 feet in diameter for TVRO or 3 feet for DBS
  - (2) exceed 15 feet above ground if ground mounted
  - (3) exceed 35 feet above ground if roof or pole mounted
  - (4) have any signage legible from any property line

3. In RS, RU and RO zoning districts up to two exterior antenna structures may be permitted, subject to the following additional regulations:
  - (a) The height shall not exceed 40 feet unless specifically authorized by a conditional use permit.
  - (b) Antennas that do not exceed 40 feet in height shall meet the minimum setback requirements for the district. Antennas that are greater than 40 feet in height shall be set back the greater of 20 feet or one-half the height of the antenna and antenna support structure.
  - (c) One TV Receive Only (TVRO) satellite dish antenna and one Direct Broadcast System (DBS) satellite antenna are permitted per lot or parcel, provided that the antenna shall not:
    - (1) exceed 12 feet in diameter for TVRO or 3 feet for DBS
    - (2) exceed 15 feet above ground if ground mounted
    - (3) exceed 35 feet above ground if roof or pole mounted
    - (4) have any signage legible from any property line
    - (5) be located in the front yard or required street yard.
4. In LB, GB and HC zoning districts, antennas and support structures are authorized as accessory uses, subject to the following limitations:
  - (a) The height shall not exceed 60 feet unless specifically authorized by a conditional use permit.
  - (b) Antennas that do not exceed 40 feet in height shall meet the minimum setback requirements for the districts. Antennas that are greater than 40 feet in height shall be set back a distance equal to or greater than one-half the height of the antenna or antenna support structure.
  - (c) One TV Receive Only (TVRO) satellite dish antenna and one Direct Broadcast System (DBS) satellite antenna are permitted per lot or parcel provided that the antenna shall not:

- (1) exceed 12 feet in diameter for TVRO or 3 feet for DBS
  - (2) exceed 15 feet above ground if ground mounted
  - (3) exceed 35 feet above ground if roof or pole mounted
  - (4) be located in the front yard or required street yard.
5. In LI and HI zoning districts, antennas and support structures are authorized as accessory uses, subject to the following limitations:
  - (a) The height shall not exceed 60 feet unless specifically authorized in a conditional use permit.
  - (b) Antennas that do not exceed 40 feet in height shall meet the minimum setback requirements for the district. Antennas that are greater than 40 feet in height shall be set back a distance equal to or greater than one-half the height of the antenna or antenna support structure.
  - (c) Satellite antennas shall not exceed 35 feet in height if pole or roof mounted unless specifically authorized in a conditional use permit.

**e. Amateur Radio Antennas**

1. Due to the nature of the Amateur Radio Service, the antennas and antenna supporting structures are many and varied. This service is strictly non-commercial and non-profit under FCC regulations as covered by FCC Regulations in Part 97.

When proposed Amateur Radio Service antennas do not comply with the regulations established in this section, the antenna shall be subject to the conditional use permit provisions of Section 24003.21, with conditions being established in accordance with the guidelines set out under FCC Part 97.

2. All authorized Amateur Radio Service antennas shall comply with applicable FCC and FAA regulations and meet the following additional standards:

- (a) Antennas and supporting structures shall be set back a distance of at least 1/2 the height of the structure. A building permit shall be required for free-standing antenna structures exceeding 25 feet in height or antenna support structures exceeding 35 feet which are attached to a building. The Director may require submission of documentation to verify compliance with specific building and electrical codes. When a building permit is denied, the applicant shall be furnished with a statement of the reasons for denial.
- (b) Antenna support structures shall be installed in a manner that meets or exceeds manufacturers' installation standards. Home built antenna support structures shall follow sound engineering practices as referenced in applicable documents such as those of the American Radio Relay League or other recognized engineering texts.
- (c) Guy wires may not extend into any required street yard.
- (d) In the AG district:
  - (1) A conditional use permit shall be required for any Amateur Radio Service antenna or support structure exceeding 100 feet in height.
  - (2) Not more than eight exterior antenna support structures shall be permitted on any parcel, except as approved subject to a conditional use permit.
- (e) In the RR and RE districts:
  - (1) No more than four exterior antenna support structures shall be erected except as approved subject to a conditional use permit.
  - (2) Amateur Radio Service antennas or supporting structures over 75 feet may not be erected except as approved subject to a conditional use permit.
- (f) In the RS, RU and RO districts:

- (1) No more than two exterior antenna supporting structures shall be erected except as approved subject to a conditional use permit.
- (2) Amateur radio Service antenna and support structures shall be limited to 40 feet except as approved subject to a conditional use permit.
- (g) In the LB, GB, HC, LI, and HI districts, Amateur Radio Service antennas and supporting structures shall be treated as any other commercial antenna or supporting structure.

#### **24005.23 UTILITY TRANSMISSION LINES**

- a. Upon application for the construction or use of utility transmission line structures, the applicant shall provide data pertaining to electromagnetic field radiation (EMF) rates for the structure(s).
- b. Utility transmission lines are permitted subject to the following conditions:
  1. In the AG and RR zoning districts, electric and magnetic radiation shall not exceed 2 milligausses (mG) as measured at the nearest dwelling.
  2. In all other residential zoning districts, electric and magnetic radiation shall not exceed 2 mG as measured at any residential property line.
  3. Electric and magnetic radiation shall not exceed 2 mG as measured at the boundary of all school properties and active recreation areas.

#### **24005.24 UTILITY STRUCTURES**

Above-ground water storage tanks, sewage pumping stations, telephone relay towers, electric regulating substations and similar utility/ communications structures shall comply with the following standards:

- a. Facilities shall be located at least fifty (50) feet from any residential structure;
- b. The Director may require facilities to be secured by a fence.

- c. Telephone exchange stations in residential districts shall be limited to unmanned facilities, and shall provide at least two (2) parking spaces for service vehicles.

#### **24005.25 WINERIES AND CIDER MILLS**

These uses are permitted, upon approval by the Director, subject to the following conditions:

- a. No structures or display areas shall be placed or maintained within any required setback area.
- b. The application for a conditional use permit shall be accompanied by copies of all required County and State licensing and inspection forms pertaining to food and beverage preparation and sale.
- c. Approved sanitary facilities shall be provided on-site if food or drink are provided for consumption on the premises.
- d. All items for sale shall be stored indoors, or within an approved screened storage area.
- e. Hours of operation shall be limited to 8:00 am to 9:00 pm.
- f. Off-street parking shall be provided at the ratio of one (1) space per 200 square feet of floor area open to the public.
- g. These uses shall be considered commercial uses when determining bufferyard requirements pursuant to Section 24006.11.
- h. Signage shall comply with Section 24007.
- i. These uses shall directly access a collector or arterial street.





**SECTION 24006  
IMPROVEMENTS**

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## SECTION 24006: IMPROVEMENTS

### 24006.1 ADEQUATE PUBLIC FACILITIES REQUIRED

- a. **Generally.** Land proposed for development shall be served by public facilities and services which are adequate to support the proposed development. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service and streets.
- b. **Master Plan Consistency Required.** Proposed public improvements shall conform to and be properly related to the County's Master Plan and applicable capital improvements plans.
- c. **Water.** All habitable buildings and buildable lots shall be connected to a public water system which is capable of providing water for health and emergency purposes, including adequate fire protection as required in Section 24006.2.
- d. **Wastewater.** All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment as required in Sections 24006.3 and 24006.4.
- e. **Stormwater Management.** Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The County may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development, pursuant to Section 24006.5.
- f. **Streets.** Proposed streets shall provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation, shall be properly related to the Master Plan, and shall be appropriate for the particular traffic characteristics of each proposed development. Adequate street capacity shall be provided as required in Section 24006.6.
- g. **Phasing.** The County may require the phasing of development or improvements in order to maintain current levels of service for existing public services and facilities or for other reasons based upon maintaining the health, safety and general welfare of the County's inhabitants.
- h. **Extension Policies.** All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and telecommunications lines shall be constructed through new development to promote the logical extension

of public infrastructure. The County may require the applicant of a subdivision to extend off-site improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

**i. Easements/Rights-of-Way.**

1. Except as otherwise provided in the UDC, an applicant for a development approval shall ensure that adequate on-site and off-site easements are provided for future roadways, water, wastewater and other public utilities.
2. The property owner shall grant adequate utility easements for all public and private utilities along rear and side property lines as required by the Director of Public Works. Utility easements shall be submitted to the Director prior to plat recordation.
3. All public utility easements shall be at least ten (10) feet wide along ROW and fifteen (15) feet in other locations. Additional width may be required for reason of unusual topography or the need to use easements for multiple utilities.
4. Easements shall be centered along or to be adjacent to a common property line where practical. All easements for drainage or sewer shall be selectively cleared of undergrowth, trees and other obstructions by the developers prior to final approval. This does not apply to easements which are provided for possible future use.
5. An applicant shall provide adequate on-site rights-of-way for anticipated traffic demands in a manner consistent with the UDC, the Master Plan and project specific traffic impact analysis (TIA), if applicable. If a TIA, prepared in accordance with Section 24006.6, shows that a proposed development creates the need for additional off-site right-of-way, the applicant may be required to provide said right-of-way prior to development approval.

**j. Construction and Materials.** Except as otherwise provided in the UDC, the Construction and Material Specifications shall comply with the standards established by the Kansas City Metropolitan Chapter of the American Public Works Association (APWA Standards). All public facilities structures shall comply with Section 5700 of the APWA Standards. Division II of the APWA Standards shall be modified as follows:

1. Section 2400 of the APWA Standards shall be modified to permit the use of erosion control blankets or mats in place of sod, if approved by the Director. Section 2401.3.C.1 of the APWA Standards shall be modified to require the following seeding mixture:

Kind of Seed	Minimum Pure Live Seed (%)	Rate of Pure Live Seed (Lbs. per Acre)
Alta Fescue or Kentucky 31 Fescue (Festuca Elatior) Var. Arundinices	75	50
Rye Grass (Lolium Perenne or L. Multi-florum)	80	50
Kentucky Blue Grass (Pac. Pratensis)	75	40
Creeping Red Fescue (Festuca Rubra)	85	20
Total		160

2. Section 2500 and 2600 of the APWA Standards shall be modified to allow the Director to approve the use of alternative pipe materials other than vitrified clay pipe. Any excavation under the public right-of-way pavement shall be backfilled with digable flowable fill. Aggregate may be dumped into the flowable fill in the trench to reduce the quantity of flowable fill required. (Flowable fill is a low strength concrete/flyash/sand mixture with strengths of 50-200 p.s.i. and slump of up to 12 inches).
  3. Section 2502.4 of the APWA Standards shall be modified to prohibit the use of vitrified clay pipe.
- k. Inspections/Acceptance.** The County will inspect public improvements to ensure that such improvements are constructed to County standards and specifications. County acceptance of required improvements shall be required prior to use or occupancy of a development.
- l. Maintenance.** The County shall require performance bonds and/or maintenance guarantees for any street, wastewater line or drainage facility as a condition of accepting such improvement in accordance with Section 24003.15 of the UDC.

## 24006.2

## WATER SYSTEMS

- a. Generally.** All proposed development shall be connected to a public water system providing adequate supplies for normal usage and emergency needs. A single dwelling located on at least 10 acres in a rural development area and accessory farm buildings are exempt from this requirement. The guidelines in Exhibit 240.19 shall be used to evaluate compliance with this provision. The Director and Commission may recommend and the Legislature may approve subdivisions which do not comply with the guidelines in Exhibit 240.19, subject to the following conditions:
1. The applicable water supplier has reviewed the proposed development and stated in writing that it has budgeted improvements to provide water supplies consistent with the guidelines in Exhibit 240.19 within two (2) years or that there is no feasible way to meet the water supply guidelines within five (5) years;
  2. The applicable Fire Protection District has reviewed the proposed development and has recommended alternative strategies for delivering fire protection services to the proposed development; and
  3. The Legislature finds that the proposed development:
    - (a) will be adequately served for normal water demands;
    - (b) will not reduce system water pressures or supplies so as to create a hazard to the public health or safety within other development served by the water system;
    - (c) will not pose a threat to life or property within or adjacent to the proposed development due to inadequate fire protection; and
    - (d) will not impede the logical extension of services to serve growth in the County in accordance with the Master Plan.
- b. Design Standards.** All water supply systems shall be designed and constructed to meet APWA and AWWA Standards or other standard adopted by the water supplier. Written authorization from the water supplier shall be required prior to approval of any system which does not meet these standards.
- c. Off-Site Improvements.** The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided, however, that the Director may authorize development to proceed if the water provider certifies that the necessary capital improvements have been funded for construction within 18 months. In no event shall a certificate of occupancy be granted prior to connection to an adequate public water supply.

### Exhibit 240.19: Water System Design Guidelines

Improvement		Urban	Suburban	Rural
Minimum Diameter Line Size (inches)		8	6	4
Minimum Distance from Approved Emergency Water Supply to Structure (feet)		600	1,200	2,400
Fire Flow (gallons per minute)	Building Separation > 100'		500	
	Building Separation 31' - 100'		750	
	Building Separation 11' - 31'		1,000	
	Building Separation < 11'		1	

#### Notes

(1) Fire flow for buildings closer than 11 feet should comply with applicable fire safety codes.

- d. **Extension/Oversizing.** Upon recommendation of the Director and the Commission, the Legislature may require that water lines be over-sized to accommodate future development. The County shall arrange to reimburse the developer for the cost in excess of the minimum line size required to serve the proposed development, provided that no reimbursement shall be granted for installation of a water main with less than or equal to a ten (10) inch diameter. Such reimbursements shall be determined pursuant to Section 24003.15.
- e. **Water System Construction.** The Director shall review and approve all proposed public water system improvements prior to construction, and shall require inspection during construction of such improvements and final approval prior to issuance of a building permit.
- f. **Water System Easements.** The property owner shall dedicate adequate easements to accommodate all water system facilities required to serve new development, except individual service lines. The Director shall identify the location and dimensions of required easements, but in no instance shall an easement be narrower than ten (10) feet in width. Easements should follow property lines to the greatest extent possible.

### 24006.3 PUBLIC WASTEWATER SYSTEMS

- a. **Generally.** The following development shall be connected to a centralized wastewater collection and treatment system complying with this section:
  1. All new lots within an urban development area;
  2. All new, non-residential development in a suburban development area;



3. All development located on lots smaller than two (2) acres in a suburban development area;
4. All lots which are smaller than three acres, which are created after January 1, 1995;
5. All new subdivisions located in urban or suburban development areas that are located within 1,200 feet of an existing wastewater system which can provide adequate service;
6. All existing development located within 300 feet of an existing wastewater system which can provide adequate service; and
7. Any development located on soils which cannot support on-site treatment and disposal.

**b. Design Standards.** All wastewater systems shall be designed and constructed to comply with DNR and APWA Standards as modified by the UDC.

1. These design standards are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Director.
2. Sanitary sewer systems should be designed or built for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. Design flows shall be subject to approval of the Director for each particular development.

**c. Deflection Test for Thermo-flexible Conduit.** Prior to acceptance of the completed sewer line, a full circle mandrel of not less than five (5) percent of the average calculated reference internal diameter of the plastic pipe shall be pulled by hand freely through each reach of sewer pipe no sooner than sixty (60) days after installation and final backfill. All plastic pipelines shall be measured for vertical ring deflection. Maximum ring deflection of the pipeline under load shall be limited to five (5) percent of the average calculated reference vertical internal pipe diameter as shown in the following table. All pipe exceeding this deflection shall be considered to have reached the limit of its serviceability and shall be realigned or replaced by the applicant at no additional cost to the County. On-site re-rounding is not allowed.

Pipe Size	Mandrel Outer Diameter
4 DR26	3.688
6 DR26	5.485
8 DR26	7.354
10 DR26	9.193
12 DR26	10.944
15 DR26	13.396

- d. **Off-Site Improvements.** The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided, however, that the Director may authorize development to proceed if the service provider certifies the necessary capital improvements have been funded for construction within 18 months. In no event shall a certificate of occupancy be granted prior to connection to an approved wastewater system.
- e. **Extension/Oversizing.** Upon recommendation of the Director and the Commission, the Legislature may require that wastewater lines be over-sized to accommodate future development. The County shall reimburse the developer for the cost in excess of the minimum line size required to serve the proposed development, provided that no reimbursement shall be granted for installation of a wastewater line with a diameter of eight (8) inches or less. Such reimbursements shall be determined pursuant to Section 24003.15.
- f. **Wastewater System Construction.** The Director shall review and approve all proposed water system improvements prior to construction, and shall require inspection during construction of such improvements.
- g. **Wastewater System Easements.** The property owner shall dedicate adequate easements to accommodate all wastewater system facilities required to serve new development, except individual service lines. The Director, shall identify the location and dimensions of required easements, but in no instance shall an easement be narrower than ten (10) feet in width. Easements should follow property lines to the greatest extent possible.

#### **24006.4 PRIVATE (ON-SITE) WASTEWATER SYSTEMS**

- a. **Private Systems, Generally.** Where septic tanks or other individual sewage disposal systems are to be installed, they shall be subject to County approval and compliance with any applicable State regulations.
- b. **Permit Required.** Any person who desires to install, add to, alter, expand or repair a private waste treatment system shall make a written application on forms provided by

the Director. No person shall install, add to, alter, expand or repair a private waste treatment system without a valid and unrevoked permit issued by the County.

- c. **Failure to Comply with Stop Work Order.** Failure to comply with a stop work order or other lawful order of the Director issued pursuant to this chapter is a violation of these regulations.
- d. **One Residence Per Individual On-Site System.** Only one residence shall be connected to an individual on-site sewage treatment system.
- e. **When Private Waste Treatment System Constitutes a Public Nuisance.** Any private waste treatment system installed, added to, altered, expanded or repaired in violation of this chapter and the rules and regulations of the Director is a threat to the health, safety and welfare of the County and is a public nuisance.
- f. **Private Waste Treatment, Issuance of Permit.** The Director shall issue the appropriate permit in compliance with this chapter and any rule or regulation adopted pursuant to this chapter, and payment of the appropriate fee.
- g. **Private Waste Treatment, Standards.** All private waste disposal systems shall be installed, altered, expanded, repaired or operated according to the Jackson County On-Site Sewage Disposal Rules and Regulations and following standards:
  - 1. **Systems Designed by Professional Registered Engineer.** All individual on-site sewage disposal systems shall be designed by an engineer registered in the State of Missouri. A minimum of two copies of the design plan shall be submitted to the Director for review. Design plans must be approved by the Director before construction of the system begins. System installations shall be inspected and approved by the County before backfilling.
  - 2. **Not Create a Public Nuisance.** The location and installation of private waste disposal systems shall be such that with reasonable maintenance, the private waste disposal system will function in a sanitary manner and will not create a nuisance, health hazard or endanger the safety of any domestic water supply.
  - 3. **Factors Considered.** When reviewing an application for an individual waste treatment system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil type and classification, depth of ground water, proximity of existing or future water supplies and possible expansion of the system.
  - 4. **Minimum Lot Size.** All lots platted subsequent to April 1, 1986 shall be a minimum of two (2) acres in size and contain a minimum of 10,000 square feet of suitable land designed for on-site sewage treatment. All lots platted

subsequent to January 1, 1995 shall be a minimum of three (3) acres in size and contain a minimum of 15,000 square feet of suitable land designed for on-site sewage treatment.

5. **Basis for Type of System.** The type of system shall be determined by a registered professional engineer on the basis of location, topography, soil permeability and ground water level.
6. **Designed to Receive All Sewage.** The system shall be designed to adequately receive all sewage from the dwelling. Footing or roof drainage shall not enter any part of the system.
7. **Percolation Test.** Percolation tests shall be made as required by the Director. The tests shall be conducted by or under the supervision of an engineer registered in the State of Missouri.
8. **Sewage Treatment, Issuance of Rules and Regulations.** The Director may promulgate reasonable rules and regulations to implement the provisions of this Section.
  - (a) **Minimum Standard.** Any rule and regulation promulgated shall meet the minimum standard of the Missouri Department of Natural Resources, but nothing in this Chapter shall prevent the Director from requiring compliance with higher requirements than the State regulations.
  - (b) **Notice of Hearing.** Notice of public hearing on any proposed rule or regulation shall be in at least one (1) newspaper having general circulation within the County at least fifteen (15) days before the hearing. All hearings shall be before the Public Works Committee of the County Legislature.
  - (c) **When Effective.** Rules and regulations issued by the Director shall be effective after approval by the Jackson County Legislature.
  - (d) **Sewage Treatment, Enforcement of Rules.** The Director may enforce this chapter and the rules and regulations adopted under this chapter in the manner set forth below.
  - (e) **Sewage Treatment, Suspend or Revoke Permit.** The Director may suspend or revoke any permit for noncompliance with this chapter or any rule or regulation issued pursuant to this chapter.
  - (f) **Sewage Treatment, Notice of Violation.** When the Director determines a violation exists, the Director shall notify the violator in writing. Such notice of violation shall be delivered to the person

causing the violation or the legally authorized representative of the person or mailed to the last known address of that person.

- (g) Sewage Treatment, Stop Work Order Issued. In addition to the notice of violation, the Director may issue a written stop work order if it is believed that the violation poses a serious threat to health and safety. The stop work order shall be delivered to the owner of the property involved, to the agent of the owner or to the person doing the work.
  - (h) Sewage Treatment, Reinstallation of System. The Director may require a system installed in violation of this section and the rules and regulations issued pursuant to this section be reinstalled in compliance with this section and any rules and regulations adopted.
9. Sewage Treatment, Alternative Method. If the system installed in violation of this section and the Rules and Regulations issued under this section cannot be reinstalled and be in compliance, the Director may approve an alternative method of sewage disposal.

## **24006.5     STORMWATER MANAGEMENT**

- a. Purpose.** The purposes of these stormwater management provisions are to protect life and property from reasonably preventable flood hazards; protect the quality of surface waters from contamination, and to minimize loss of valuable wildlife by preserving habitat and linkages between wildlife habitat areas.
- b. Design Objectives.**
  - 1. In rural, suburban and, where appropriate, urban areas, natural drainageways shall be retained to minimize interference with floodwater conveyance, floodwater storage, wetlands, and both surface and subsurface hydrology. The Director may approve modifications to natural channels that are consistent with the other provisions of the UDC.
  - 2. Development design should reduce the exposure of people and property to flood hazards and nuisances associated with inadequate management of stormwater runoff.
  - 3. Erosion and sedimentation problems should be minimized to conserve/enhance water quality and conserve valuable top soil.
  - 4. Development design should accommodate large floods and smaller, more frequent floods along major and minor waterways.

5. Stormwater systems should be designed to minimize future operational and maintenance expenses.
6. Stormwater systems should be designed to reduce the exposure of streets, utilities and other public facilities to damage from stormwater.
7. Development design should minimize need for rescue and relief efforts from floods, and provide sufficient access for such efforts when needed.

**c. Stormwater System Design Requirements.**

1. All improvements shall be designed in accordance with the most current version in Division V Design Criteria listed in Section 5600 of the standards established by the Kansas City Metropolitan Chapter of the American Public Works Association (APWA Standards), except as modified in this section. All stormwater structures shall comply with the most current version in Section 5700 of the APWA Standards. Construction and materials specifications shall comply with Division II of the APWA Standards, except as modified by this UDC.
2. Stormwater pipe shall be rubber or neoprene gasketed. Drainage structures shall be precast or cast in place concrete in accordance with Jackson County Standard Details sheets, with eccentric cones for manholes and steps located under manhole access.
3. In urban development tiers as identified in the Master Plan, and in suburban tiers where average lot size is less than three (3) acres, the following exceptions shall apply:
  - (a) The provisions of Section 5601.5.A.1. of the APWA Standards shall be modified so that channelized stormwater flows are only required to be piped if the flow from a 10-year storm event can be conducted under gravity flow conditions by a 48-inch or narrower diameter reinforced concrete pipe at a one (1) percent grade.
  - (b) The provisions of Section 5605.1.B of the APWA Standards shall be modified so that drainage easements are not automatically required for open stormwater conveyances. However, those areas which would be required to be located within easements according to the APWA Standards shall be designated as "no-build zone" on the proposed development plat or plan.
  - (c) The provisions of Section 5606 of the APWA Standards shall be modified to eliminate the requirement for dedication of detention and retention facilities. At the time of development approval, the applicant shall obtain the Director's approval of a plan for future

maintenance of any such facilities required for the proposed development.

4. In rural development tiers as identified in the Master Plan, and in suburban tiers where average lot size is greater than two (2) acres, the following exceptions shall apply:

- (a) The provisions of Section 5601.5.A.1. of the APWA Standards shall be modified so that enclosed stormwater conveyance systems are not required except under streets, driveways and other vehicular or pedestrian areas.
- (b) The provisions of Section 5605.1.B. of the APWA Standards shall be modified so that drainage easements are not automatically required for open stormwater conveyances. However, those areas which would be required to be located within easements according to the APWA Standards shall be designated as "no-build zone" on the proposed development plat or plan.
- (c) The provisions of Section 5606 of the APWA Standards shall be modified to eliminate the requirement for detention and retention facilities.

- d. Drainage Study Required.** A drainage study, sealed by a professional engineer, shall be required prior to approval of construction plans or issuance of a building permit for any development other than a single family dwelling, a two-family dwelling or farm structure. The drainage study shall include information necessary to demonstrate compliance with the APWA Standards as modified by this section and applicable DNR, U.S. Army Corps of Engineers or FEMA requirements. All applications for single family permits shall clearly show the boundaries of the 100-year floodplain, if applicable, any channelized water conveyance draining an area of ten (10) acres or larger and sufficient grading information to illustrate the direction of storm water drainage. The Drainage Study shall be supported by a Hydrological Analysis, prepared by a Missouri Registered Engineer. The Director may require the analysis area include the entire inundation area, watershed, or sub-watershed.

All building permit applications within the Sni-a-bar Inundation (SBI) Overlay District shall be supported by a Hydrological Analysis incorporating an Inundation Study as required by MoDNR Dam Safety Program, prepared by a Missouri Registered Engineer. The Director may require that the analysis area include the entire inundation area, watershed, or sub-watershed.

**e. Stormwater Facility Management.**

1. Stormwater facilities shall be maintained to prevent retention of water on site except in designated retention ponds.
2. Landscaping and storage shall be maintained to prevent soil erosion or blockage of drainageways.
3. Property owners are responsible for removal of debris from stormwater conveyances and facilities on their property.
4. No fence, berm or structure shall interfere with drainage patterns unless approved by the Director or part of a Soil Conservation Service project.

**f. Floodplain/Inundation Management.**

1. **Scope of Floodplain/Inundation Management.** The provisions of this sub-section shall apply to all unincorporated areas of Jackson County identified on the Flood Insurance Rate Maps (FIRM) or Floodway Maps as promulgated by the Federal Emergency Management Agency (FEMA) and the Sni-a-bar Inundation Map and determined to be within the FW, FF, and SBI districts as defined in this unified development code.
2. **Disclaimer of Liability.** The provisions of this sub-section do not imply or otherwise warrant that areas outside of the FW, FF, and SBI districts or land uses permitted in said districts will be free from flooding or flood damage nor does this code create liability on the part of Jackson County, its officers or employees for any flood damages that may result from reliance on these floodplain/inundation management provisions, FEMA or any regulations or administrative decision made hereunder.
3. **Permit Required.** In all areas covered by these floodplain/inundation management provisions, no development or construction, including manufactured homes, located, extended, converted, structurally altered or otherwise shall be permitted except upon County issuance of a permit to develop granted under the procedures stated herein:
  - (a) No person, firm or corporation shall initiate any development, construction or substantial improvement or cause the same to be done within the FW, FF, or SBI districts without first obtaining a separate permit for development under these floodplain/inundation management provisions and in compliance with FEMA or Missouri Department of Natural Resources Dam Safety regulations.



(b) Application for a permit for development, construction or substantial improvement within the FW, FF or SBI districts shall be made in writing on a form provided by the Director.

4. **Residences within the FW or FF Districts.** All residences to be placed or substantially improved within the FW or FF districts shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one (1) foot above base flood elevation and shall be permanently anchored to said foundation.
5. **Residences within the SBI District.** All residences to be placed or substantially improved within the SBI District shall be elevated on a permanent foundation such that the residence is at least three (3) feet above the inundation protection elevation and anchored to said foundation or hydrological event.
6. **Preventing Water Accumulation.** Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding or hydrological event.
7. **Automatic Equalization of Hydrostatic Flood Forces.** For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade in the FW or FF Districts and three feet above the inundation protection elevation in the SBI District. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
8. **Enforcement Officer.** The Director is hereby designated as the Enforcement Officer for compliance under these floodplain/inundation management provisions and FEMA regulations.
9. **Duties of Enforcement Officer.** The duties of the Enforcement Officer shall include, but not be limited, to the following:

- (a) Review of all applications for development permits to require that sites are reasonably safe from flooding/inundation and that the permit requirements of this section have been satisfied as well as the other requirements of these regulations.
- (b) Review of all permits for proposed developments to confirm that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
- (c) Notify adjacent communities and the Missouri Department of Natural Resources prior to any alteration or relocation of a watercourse, and to provide evidence of such notification for FEMA.
- (d) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (e) Require verification, recording and updating of records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, using reference marks ("RM") established by FEMA.
- (f) Require verification, recording and updating of records of the actual elevation (in relation to mean sea level) using reference marks ("RM") established by FEMA, to which the new or substantially improved structures have been floodproofed and certified by a qualified individual as defined by FEMA when floodproofing as defined herein is utilized for a particular structure.
- (g) Take any actions necessary to assure compliance with County and FEMA regulations in the granting or denial of applications for any permits in the FW, FF and SBI districts.
- (h) Require that all proposals for subdivisions and other new development (including manufactured home subdivisions or parks) are consistent with the need to minimize floor damage and that:
  - (1) all public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate damage from floods or an hydrological event; and
  - (2) adequate drainage is provided for the purpose of reducing exposure to flood or inundation hazards; and

- (3) regulatory flood and inundation protection elevations utilizing FEMA "RM" are included in all proposals for all development.
    - (i) Require annual training for continued education in floodplain management for all applicable staff.
    - (ii) Maintain records of certification when issuing development permits in conformance with this section.
- 10. Floodplain/Inundation Permit Application Requirements. All written applications for development or substantial improvement in said districts shall:
  - (a) Identify and describe the development to be covered by the permit;
  - (b) Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development;
  - (c) Indicate the use or occupancy for which the proposed development is intended;
  - (d) Be accompanied by plans and specifications for proposed construction;
  - (e) Be signed by the proposed permittee or his authorized agent who may be required to submit evidence to indicate such authority;
  - (f) Provide such other information as reasonably may be required by the Enforcement Officer or as required from the applicant under any part of these regulations, including, but not limited, to evidence of compliance with FEMA regulations or guidelines for anchoring to prevent flotation and lateral movement, the use of flood resistant materials and utility equipment and construction methods which minimize flood damage.
- 11. Flood Plain Considerations in Granting Variances. The Board of Zoning Adjustment shall hear and decide appeals and requests for variances from the requirements of this sub-section. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding, inundation or erosion damage
- (c) the susceptibility of the proposed land use to flood damage or inundation and the effect of such damage on the individual owner;
- (d) the importance of the services provided by the proposed land use to the community;
- (e) the necessity to the proposed land use of a waterfront location, where applicable;
- (f) the availability of alternative locations, not subject to flooding, inundation or erosion damage, for the proposed land use;
- (g) the compatibility of the proposed land use with existing and anticipated development;
- (h) the relationship of the proposed land use to the comprehensive plan and floodplain/inundation management program for that area;
- (i) the safety of access to the property in times of flood/inundation for ordinance and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) the costs of providing governmental services during and after flood or inundation conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

## **24006.6      STREETS**

- a. Street, Generally.** No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at a level of service C or better as defined in Section 24002. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant for any development projected to generate more than 1,000 vehicle trip ends per day shall submit a traffic impact analysis.

**b. Street Design.**

1. **Street Design, Generally.** The standards established by this chapter shall apply to all public and private roads in the unincorporated area of Jackson County. The County's Master Plan shall serve as a guide for the location and scale of future arterial, collector and local streets.
2. **Street Classification.** All County streets shall be classified as either a major arterial, minor arterial, collector or local street as defined in Section 24002. Any street that is not already classified in the Master Plan shall be classified by the Director, subject to confirmation by the Commission and Legislature. In classifying roads, the County shall consider projected traffic demands after 20 years of development.
3. **Street Design Standards.** All street improvements shall be designed according to "A Policy on Geometric Design of Highways and Streets" (current - AASHTO), hereafter referred to as AASHTO Standards, except as specifically modified in this Chapter. Construction and materials shall comply with Division II of the APWA Standards as modified by this UDC. Street structures shall comply with Division V of the APWA Standards.
  - (a) Exhibits 240.20 through 240.25 (Appendix B) illustrate typical cross-sections for minor arterials, collectors and local streets in urban and rural areas. The Dimensions in these figures are minimums, which shall be increased as necessary to safely accommodate required public improvements in accordance with the AASHTO and APWA Standards referenced above. Major arterial design criteria shall be based on projected traffic loads, roadway alignment, topography and other factors.
  - (b) Exhibit 240.26 illustrates where urban and rural standards will apply. Exhibit 240.27 lists the minimum street standards for urban and rural areas. In suburban areas, non-residential development and residential development at a density of one dwelling per three (3) acres or greater shall comply with urban street standards; and residential development at densities of less than one dwelling per three (3) acres shall comply with rural street standards.

**Exhibit 240.26: Applicability of Rural and Urban Standards**

<b>Typical Section</b>	<b>Tier</b>		
	<b>Urban</b>	<b>Suburban</b>	<b>Rural</b>
Urban Section	All development	For all non-residential development and residential development on lots of less than 3 acres	Optional
Rural Section	Not permitted	Permitted for residential development with average lot sizes of 3 or more acres	Optional

**Exhibit 240.27: Design Standards for Streets in Urban Areas**

Design Standard	Street Classification			
	Major Arterial	Minor Arterial	Collector	Local
Minimum Right-of-Way urban rural	100' 100'	100' 100'	80' 80'	50' 60'
Minimum Street Width urban rural	60' 60'	48' 48'	32' 24'	24' 24'
Traffic Lanes urban rural	5	4 4	4 2	2 2
Design Speed (mph) urban rural	55 55	50 50	40 45	30 35
Minimum Intersection Spacing urban rural	based on arterial type and location	250' 350'	200' 250'	125' 125'
Curb & Gutter urban rural	required both sides  not required	required both sides  not required	required both sides  not required	required both sides  not required
Shoulder urban rural	none 8'	none 8'	none 8'	none 6'
On-Street Parking urban rural	not permitted not permitted	not permitted not permitted	controlled controlled	permitted permitted
Sidewalks urban rural	required both sides  not required	required both sides  not required	required both sides  not required	required one sides  not required
Hike/Bike Trail	Hike and bike trails shall be provided in accordance with the County's Master Trails Plan			

4. **Alleys.** Alleys will not be approved in residential districts except where justified by special conditions such as the continuation of an existing alley in the same block.
5. **Dead-End Alley.** Dead-end alleys shall be avoided wherever possible. If unavoidable, dead-end alleys may be approved if adequate turn-around facilities are provided at the closed end.
6. **Cul-de-sac Approaches.** Cul-de-sac approaches shall have a minimum right-of-way radius of fifty feet (50') for single-family and two-family use, and sixty feet (60') for all other uses. The maximum length shall be no more than 750 feet from the nearest intersecting through street. Development on cul-de-sacs longer than 300 feet shall not generate more than 200 vehicle trips per day as projected using current data from the Institute of Transportation Engineers.
7. **Cul-de-sac Turn-arounds.** Cul-de-sac turn-arounds shall have an outside curb radius of 48 feet (48') and a 60' right-of-way radius edge of pavement 48' right-of-way min 60' and easements needed for drainage. Temporary turnarounds may be provided at the end of streets that will be extended within three (3) years from the beginning of development activity on the cul-de-sac.
8. **Temporary Cul-de-sac.** A street in a phased development may be constructed without a turnaround if it is constructed one lot in length. A street constructed in a phased development which is longer than one lot shall have a temporary turnaround meeting the cul-de-sac dimensions. All temporary cul-de-sacs shall be asphalt surfaced.
9. **General Street Arrangement.**
  - (a) **Adequate Traffic Circulation.** Provisions shall be made for adequate traffic circulation. Local streets shall be designed to limit through traffic.
  - (b) **Lot Access.** Every lot shall have access to a public right-of-way accepted by the appropriate governing body.
  - (c) **Multiple Intersections.** No more than two (2) streets shall cross or intersect at the same point.
  - (d) **Street Connections.** Streets should connect with streets already dedicated in adjoining or adjacent subdivisions and provide for future connections to adjoining unsubdivided tracts whenever possible.
  - (e) **Street Islands.** Street islands are prohibited unless permanent surfacing is installed or the applicant records a covenant to maintain



the island. The design of street islands must be approved by the Director. A minimum of 14 feet of pavement shall be provided on either side of a street island and curbs shall be provided if the island is to include any trees or structures. No tree or structure shall be permitted within five (5) feet of the edge of a street island as measured from the adjacent curb face.

- (f) **Street Names.** New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict or confusion with identical or similar existing street names. If a street is a continuation of a named street or is in alignment with an existing street, as determined by the Director, the extension of the street shall bear the same name of the existing street.

10. **Street Dedication and Maintenance.**

- (a) No road or street shall be accepted by the County, unless it meets the design standards established by these regulations and all other design standards established by ordinance or law.
- (b) Dedication of half-streets will not be approved, except where it is essential to the reasonable development of a subdivision and in conformity with all other requirements of these regulations, or where it is found that it will be impracticable to require dedication of the other half when the adjoining property is subdivided, or where it is necessary to acquire the remaining half by condemnation. Dedication of reserve strips shall not be approved.

- c. **Traffic Impact Analysis.** For any project projected to generate more than 1,000 vehicle trips per day based on Institute of Transportation Engineers trip generation rates, or if otherwise required pursuant to any provision of the UDC, an applicant shall prepare a traffic impact analysis in conformance with the provisions of this section. At a minimum, the traffic impact analysis shall include the following:

- 1. existing traffic conditions and peak hour levels of service on adjacent roadways and intersections located within one mile of the project;
- 2. average daily and peak hour traffic demands to be generated by the project;
- 3. existing capacity of adjacent roadways;
- 4. projected roadway level of service, based on full development of the project and any other approved projects within one mile of the subject property, on adjacent roadways and at intersections located within one mile of the project;

5. recommended traffic mitigation measures for any development for which is projected to result in a level of service "D" or worse as defined in Section 24002. Said measures shall result in a projected level of service "C" or better; and
  6. costs of the recommended traffic mitigation measures.
- d. Traffic Control.** Traffic control devices shall be provided for new development pursuant to Chapter 52 of the Jackson County Code.

#### **24006.7 PARKING, LOADING AND ACCESS STANDARDS**

- a. Parking Required for All Structures.** For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off-street parking shall be provided. Such parking spaces shall be located entirely on the same property as the main use with no portion other than the necessary drives extending into any street right-of-way or other public way. The issuance of building permits or certificates of occupancy shall require compliance with the minimum parking standards even though a plan may have been approved previously which included fewer parking spaces.
- b. Minimum Parking Requirements.**
1. Each use shall provide the number of parking spaces specified in Exhibit 240.28.
  2. The Director shall determine the number of parking spaces required for uses not referenced in Exhibit 240.28 by applying the standard for the most similar use or uses as listed in the table. If there is no similar use, the Director shall make a determination based on available parking studies or standards.
  3. Any fraction of a parking space calculated as required under this section shall be counted as a full parking space.
  4. Parking shall be provided on the same lot with the use except as permitted by this section.
  5. Handicapped spaces shall be designed and provided as required by the Americans with Disabilities Act (ADA) standards.
  6. Off-street parking facilities shall be provided for any new building constructed, for any new use established, for any addition or enlargement of an existing building or use, or for any change of occupancy or manner of operation that would result in additional parking spaces being required. If insufficient parking exists on a lot or parcel, then the number of spaces

required to meet the needs of both the existing and proposed buildings or uses shall be provided.

7. Facilities being used for off-street parking on the effective date of these regulations shall not be reduced in capacity to less than the number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.
8. For sites with more than one use, or for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use, except as otherwise provided.
9. Head-in parking from any public right-of-way shall not be permitted.

### Exhibit 240.28: Off-Street Parking Requirements

Use	Parking Spaces Required
Single-Family Dwelling	2 spaces per dwelling unit (DU)
Two-Family Dwelling	2 spaces per DU
Multiple-Family Dwelling	1.5 spaces per efficiency or 1 bedroom (BR) per DU; 1.75 spaces per 2 or 3 BRs per DU; 2 spaces per 4 or more BRs per DU
Hotel/Motel	1.1 spaces per guest unit
Dormitory, Lodging House, Fraternity/Sorority House	0.5 spaces per BR
Nursing/Convalescent Home, Congregate Care Facility	1 space per 3 beds plus 1 space per 200 SF of office space
Office	1 space per 250 SF of Gross Leasable Area (GLA)
Retail, Commercial	1 space per 200 SF for # 50,000 SF GLA 1 space per 250 SF for > 50,000 SF and # 100,000 SF GLA 1 space per 300 SF for > 100,000 SF GLA
Restaurant	1 space per 100 SF GLA
Tavern/Cocktail Lounge	1 space per 50 SF GLA
Industrial/Warehouse	1 space per 1,000 SF GLA plus 1 space per 200 SF GLA of office space
Public Assembly	1 space per 4 persons allowed under maximum occupancy
Recreational Uses Amusement Center Driving Range Golf Course	1 space per 200 SF GLA 1 space per tee 4 spaces per green
Mixed Use	See Section 24006.7 d.

**c. Off-Site or Remote Parking.** The Director may approve locating the required parking for a use on another site when:

1. Both the primary use and the off-site parking are located in an area zoned for the primary use served by the off-site parking;
2. The off-site parking is located within 300 feet of the primary use it serves;
3. The applicant has provided written documentation of the continued availability of the proposed off-street parking facilities; and
4. Adequate parking is provided on-site for the handicapped.

- d. Parking for Mixed Use Developments.** The Director may authorize a reduction in the total parking requirement for separate uses located on the same site or adjoining sites which are served by a common parking facility. Reductions pursuant to this section shall not be granted for facilities using off-site or remote parking. In determining whether to approve an adjustment for mixed use developments, the Director shall consider all relevant factors, including:
1. The characteristics of each use and the differences in projected peak parking demand, including days and hours of operation;
  2. The potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers or residents of the uses served;
  3. The potential improvements in parking facility design, circulation and access afforded by a joint parking facility; and
  4. The report and recommendation of the Director.
- e. Parking Design Standards.**
1. Exhibit 240.29 establishes the minimum design standards for parking areas; the Director may require modifications to parking lot design to ensure the safety of pedestrians, bicyclists and motorists:

**Exhibit 240.29: Minimum Parking Facility Design Standards**

Parking Angle (degrees)	Maneuvering Lane Width (feet)		Parking Space Dimensions (feet)		Total Width of 2 Tiers of Spaces & Maneuvering Lane (feet)	
	One Way	Two Way	Width	Length	One Way	Two Way
30 <sup>N</sup> - 50 <sup>N</sup>	12	20	9	18	48	56
51 <sup>N</sup> - 75 <sup>N</sup>	13	22	9	18	49	58
76 <sup>N</sup> - 90 <sup>N</sup>	N/A	24	9	18	N/A	60

2. All parking areas and drives shall be ready for use prior to occupancy of a building or site, and shall be approved by the Director prior to the issuance of a certificate of occupancy. The Director may grant special permission to delay this requirement due to weather conditions not being satisfactory for proper installation of surfacing materials.

3. All off-street parking shall be located outside of required landscape areas.
4. Parking facilities constructed or substantially reconstructed subsequent to the effective date of these regulations, whether required or not, shall conform to these design standards.
5. All required parking facilities shall be maintained for the duration of the use requiring such facilities. Required parking facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment.
6. Each standard parking space shall consist of an independently accessible rectangular or trapezoidal area.
7. Each parking space shall have a vertical clearance of at least 7.5 feet.
8. Each parking and loading area shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a street or alley and provide sidewalk access to buildings.

**f. Parking Area Paving and Drainage.**

1. Parking and loading facilities for all uses except single family dwellings in the AG, RR and RE districts and agricultural uses shall be surfaced and maintained with asphaltic concrete or other surfacing material approved by the Director. Paved surfaces shall be designed to withstand anticipated traffic loads. The Director may authorize the use of pervious materials, provided that the applicant documents that the proposed design and construction will be durable under anticipated traffic demands. All parking areas shall meet the following minimum paving standards:

Zoning District	Within the Right-of-Way		Outside the Right-of-Way	
	Driveway Surface	Pavement Thickness	Driveway Surface	Pavement Thickness
AG	Asphalt	6 inches	No Requirement	
RR	Asphalt	6 inches	Aggregate	6 inches
RE	Asphalt	6 inches	Aggregate	6 inches
RS (Suburban)	Asphalt	6 inches	Aggregate	6 inches
RS (Urban)	Concrete	6 inches	Concrete	4 inches
RU	Concrete	6 inches	Concrete	4 inches
RO	Concrete	8 inches	Concrete	4 inches
LB	Concrete	8 inches	Concrete	4 inches
GB	Concrete	8 inches	Concrete	4 inches
HC	Concrete	8 inches	Concrete	4 inches
LI	Concrete	8 inches	Concrete	4 inches
HI	Concrete	8 inches	Concrete	4 inches
UG	Concrete	8 inches	Concrete	4 inches

2. All parking and loading facilities shall be designed, graded and provided with permanent storm drainage facilities that prevent standing water on any parking area, and do not increase the flow of water onto adjacent properties, streets or alleys.
- g. **Parking Area Lighting.** If provided, lighting used to illuminate parking areas shall be arranged, located or screened so that light sources are not directly visible from adjoining or abutting residential district or any street right-of-way.
  - h. **Landscaping and Screening.** Parking lot landscaping and buffering shall comply with Sections 24006.10 and 24006.11.
  - i. **Off-Street Loading Requirements.**
    1. Off-street loading facilities shall be provided for any new building constructed, for any new use established, and for any addition or enlargement that would result in the additional loading spaces pursuant to Exhibit 240.30.

2. Facilities being used for off-street loading on the effective date of these regulations shall not be reduced in capacity below the number of spaces prescribed herein, or altered in design to less than the minimum standards.
3. Loading facilities constructed or substantially reconstructed subsequent to the effective date of these regulations shall conform to the standards set forth herein.
4. All required loading facilities shall be maintained for the duration of the use or building requiring such facility, and shall be used exclusively for the purpose of loading and unloading goods, materials and supplies. Loading areas shall not be used for the sale, display or storage of materials or merchandise or for the storage or repair of vehicles or equipment.
5. Loading and unloading spaces, unless adequately provided for within a building shall be an area ten feet (10') by forty feet (40'), with fifteen feet (15') vertical clearance.

**Exhibit 240.30: Loading Requirements**

<b>Gross Floor Area (SF)</b>	<b>Loading and Unloading Spaces Required</b>
0 - 1,999	None
2,000 - 4,999	Up to 1 space at the discretion of the Director
5,000 - 19,000	1 space
20,000 - 99,000	1 space plus one space for each 20,000 sq. ft. or portion thereof in excess of 20,000
100,000 or more	5 spaces plus one space for each 40,000 sq. ft. or portion thereof in excess of 100,000 sq. ft.

**j. Sidewalk Design Standards.**

1. Sidewalks, or pedestrian crosswalks, may be required, upon a determination by the Director, to provide circulation or access to schools playgrounds shopping centers, community facilities or other locations with significant pedestrian traffic.
2. Sidewalks, where required pursuant to these regulations, shall be granted a right-of-way width of not less than ten feet (10') and be graded and constructed of reinforced concrete at least four (4) feet in width and four (4) inches thick. Sidewalks located within 500 feet of a school or public park



shall be a minimum of five (5) feet in width. These standards shall be increased as required to comply with ADA requirements.

**k. Access Standards.**

1. Proper access design and location are essential to the maintenance of safe, efficient traffic flow. Access standards shall apply to all development to prevent the proliferation of poorly spaced driveways that can reduce the safety and carrying capacity of community streets.
2. Every lot shall abut a street with adequate width for private driveways for the purpose of ingress and egress to the lot. Except as expressly provided by the UDC, no building permit shall be issued for any lot or parcel which does not abut a public street.
3. All lots shall be provided with access by means of streets which have been constructed in conformance with the standards and specifications of these regulations, and dedicated in accordance with these regulations. However, the County Legislature may consider for approval lots, parcels or tracts that are provided with the means of access by private streets so long as the private streets are constructed in conformance with standards and specifications prescribed for public roads in the these regulations, and an association or entity is responsible for maintenance of these streets.
4. Driveways shall meet or exceed the minimum standards established in Exhibit 240.31.
5. Turning lanes may be required along arterial streets. When channelized right turn lanes are used, the Director shall determine the minimum spacing between the driveways and intersections based on AASHTO standards.
6. No single family or two-family lot shall be created which is accessed from an arterial street.

### Exhibit 240.31: Driveway Standards

		Adjoining Road Type			
		Major Arterial	Minor Arterial	Collector	Local
Minimum separation between driveways (feet)		350	200	125	not applicable
Minimum separation between driveway and intersection (feet)		350	100	50	25
Minimum driveway width (feet)		28	24	20	12
Maximum driveway width (feet)		32	28	24	24
Minimum turning radius (feet)	Single Family	25	20	10	5
	Other	25	25	25	10
Minimum distance between driveway and drainage inlet (feet)		15	15	15	15

#### Notes

- (1) *In urban and suburban residential areas, single family and two-family lots along collector streets are not subject to the minimum separations between driveways.*
  - (2) *Divided driveways shall be considered single drives and are subject to the above standards except that drives shall not exceed 24 feet in width on either side of the divider nor be less than 14 feet.*
  - (3) *Minimum driveway separations shall be measured from the nearest parallel street point of curvature to nearest driveway surface point of curvature along the connecting street pavement edge.*
7. These standards are not intended to preclude access to existing lots. Where Exhibit 240.31 would preclude access to a lot, the BZA may vary the access standards, subject to the following guidelines.
- (a) Corner lots adjacent to streets of unequal classification shall access the street designed to carry a lower traffic volume.
  - (b) Corner lots adjacent to streets of equal classification shall access the street with the greatest frontage.

8. A performance bond of \$100.00 shall be posted prior to construction of a driveway.
9. The Director shall establish minimum contractor insurance standards unless work is to be done by property owner - then insurance is waived.
10. Driveways and subdivision entrances shall meet sight distance requirements set by the Director. The Director shall give special consideration to existing parcels and land platted before adoption of the UDC provided that the owner must sign a waiver prior to the Director's grant of exception.
11. Details of construction (e.g., driveway pipe, ditch grading, etc.) shall be designed and constructed as specified by the Director.

#### **24006.8 LOTS**

- a. Lot Dimensions, Generally.** The lot standards provided in this Chapter shall apply in each zoning district in which such uses are permitted. In the event that standards identified in this Chapter vary from those regulations specified in the zoning district text, the more restrictive standard shall govern.
- b. Single-Family Lots.**
  1. Maximum height, as well as the minimum lot size, depth, width and building setbacks for single-family development shall comply with the applicable zoning district standards.
  2. Single family lots shall be deeper than wide.
  3. For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at all points between the front and rear setback lines. Cul-de-sac lots shall have a minimum width of 25 feet at the street line.
  4. A minimum of 15 feet must be provided between structures and the street side property line of a corner lot.
  5. The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts an arterial or collector street along the side or rear property line.

6. Only one principal building is permitted on a lot except within a planned development district.

- c. **Dense Housing Types.** Lot depth, lot width, and the front, side and rear yard setbacks listed in Exhibit 240.32 shall apply to the listed housing types in any district in which they are permitted.

**Exhibit 240.32: Lot Standards for Dense Housing Types**

Housing Type	Minimum Lot Size (square feet)	Minimum Building Setback (Feet)		
		Front	Side <sup>1</sup>	Rear
Patio Homes	6,000	20	10	20
Zero Lot Line Homes	4,000	20	0	20
Duplex, Twinplex	6,500	15	7	20
Townhouse	2,000	10	25 <sup>2</sup>	20
Multifamily	10,000	25	25 <sup>2</sup>	20

Notes:

<sup>1</sup> A total distance of 10 feet is required between buildings with 10 ft. minimum setback being required on one side of each lot.

<sup>2</sup> A minimum 25 feet must be provided between multi-family buildings.

d. **Non-Residential Lots.**

1. Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.
2. No interior side yard will be required on contiguous lots developed as a common project, except as required to comply with fire codes.
3. Accessory structures shall be located a minimum of 20 feet from all property lines.
4. More than one principal building may be permitted on a lot pursuant to a Planned District.

**e. Corner Lots.**

1. Corner lots shall have extra widths where necessary to permit the establishments of sight area easements. On all corner lots, there shall be provided a sight area easement as illustrated in Exhibit 240.33 (Appendix B). Within this easement no building, earth bank, vegetation, or other obstruction shall be allowed which is more than three (3) feet in height above the centerline of the adjacent the road. In lieu of dedicating a sight area easement, the applicant may dedicate said area as part of the street right-of-way.
2. Corner lots adjacent to streets of unequal classification shall have only one (1) access driveway to be located on the lower classification, based upon traffic volume, of the intersecting streets.

**f. Through Lots.** Through lots, or double-frontage lots, shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

**g. Flag Lots.** Flag lots are prohibited in the urban and suburban tier. Flag lots or parcels may be permitted in the rural development tier under the following conditions:

1. The flag lot directly accesses a local street;
2. The aggregate width of the pole, or poles for two (2) adjacent flag lots, is a minimum of 60 feet in width with minimum pole width of 30 feet; and

**h. Lot Lines.** All quadrangular lots and, so far as practical all other lots, shall have side lines at right angles to straight street lines or radial to curved street lines. Unusual or odd-shaped lots having boundary lines that intersect at extreme angles shall be avoided.

**i. Lot Orientation.** The lot line common to the street right-of-way line shall be the front line. All lots shall face the front line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

**j. Lot Remnants.** No lot or parcel shall be created which does not meet the minimum standards of the applicable zoning district and the UDC, except pursuant to a planned district which provides for the perpetual maintenance of such remnants. Reserve strips are prohibited.

## **24006.9        BLOCKS**

The length and width of blocks shall be sufficient to accommodate two (2) tiers of lots with minimum standards specified by the applicable zoning district and this Chapter, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the Commission shall consider the following factors:

- a.     Adequate Building Sites Required.** Provisions of adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) proposed for development shall be provided, taking into consideration topographical and drainage features.
- b.     Minimum Lot Sizes Established.** Minimum zoning district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants.
- c.     Safe Access Required.** Block layout shall enable development to meet UDC requirements for convenient access, circulation, control and safety of street traffic.
- d.     Crosswalks.** The Legislature may require the dedication of a pedestrian access easement and crosswalk and construction of sidewalks for any block that exceeds 1,200 feet in length.

## **24006.10      LANDSCAPING STANDARDS**

- a.     Statement of Intent.** The purpose of these landscaping requirements is to promote the health, safety and welfare of existing and future residents by establishing minimum standards for the protection of natural resources and the installation and continued maintenance of landscaping within Jackson County. The County encourages creative landscape design. These requirements will be applied to all new development, redevelopment or building expansion projects. Minimum landscaping requirements will:
  - 1.     Provide greenery to visually soften paved areas and buildings.
  - 2.     Improve air and water quality.
  - 3.     Maintain permeable land areas essential to surface water management and the conservation of lakes, ponds and lagoons.
  - 4.     Reduce air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation.
  - 5.     Screen certain unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffer uncomplimentary land uses.

6. Promote energy conservation through the creation of shade, reducing buildings' heat gain.
7. Provide habitat for wildlife.
8. Encourage the preservation and stabilization of wetlands and other natural habitats.
9. Maintain property values.
10. Generally enhance the quality and appearance of developed properties within the County.

**b. Interpretation of Landscaping Terms.** Where necessary to interpret the precise meaning of technical landscaping terms used in this Chapter, reference shall be made to The American Standard For Nursery Stock, as published by the American Association of Nurserymen (AAN).

**c. Landscaping Plan Required.** A landscape plan shall be submitted in support of a site plan or building permit for any development within an urban or suburban development area, except for farms, ranches, single-family dwellings and two-family dwellings. The landscape plan shall be signed by a registered landscape architect. All landscaping plans shall include the following information:

1. the locations, varieties, number, and size of plants to be planted within required landscape areas;
2. the irrigation system proposed to sustain plantings;
3. topographic information showing the final site grading and drainage for landscape area, and properly specify planting for areas needing slope protection;
4. impervious surfaces, including sidewalks, pavement areas and building footprints;
5. property boundaries;
6. mature sizes of plant materials shall be drawn to scale;
7. existing trees, eight inch (8") caliper or larger, measured at three (3) feet above ground level that are proposed to remain.
8. the boundaries and edge treatments of all landscape areas; and

9. the registered landscape architect's certification that the County's landscape regulations have been met and all materials to be planted will be of sufficient size, grade, condition, quality and geographically appropriate variety to create a durable, attractive landscape for the property.

**d. Minimum Landscaping Requirements.**

1. All developed land areas subject to a landscape plan, which are to be unpaved or not covered by buildings, shall be brought to finished grade and planted with turf or native grass or other durable ground cover which will minimize erosion. In addition to the minimum number of trees required to be planted by this section, an appropriate number or amount of shrubs, ground cover and/or turf area plantings shall be included within each project. Landscape design for a project shall consider visual safety and landscape function.
2. The minimum percentage of the total lot area of a property subject to landscaping requirements is listed in Exhibit 240.34.

**Exhibit 240.34: Landscaping Coverage**

Land Use (type of development)	Landscaping Required (% of total lot area)
Single-family; Two-family	Not Required
Multi-family	20
Office	15
Commercial	10
Industrial	10

3. All plant materials shall be of a size, species and condition to create healthy, low maintenance landscape areas.
4. A minimum of one tree shall be planted for every sixty (60) feet of street frontage. Such trees may be clustered, staggered or planted in line. In addition, one tree shall be planted for every 3,000 square feet of required landscape area.
5. Trees planted to meet these requirements shall be a minimum three inches caliper at three feet (3') above grade.
6. Shrubs, small deciduous/ornamental trees and dwarf trees should be planted in appropriate numbers to create an attractive understory. Understory



plantings are encouraged, but not required, except pursuant to Section 24006.11 (Bufferyards).

- e. **Existing Landscaping.** Existing trees, which are a minimum of three inches caliper at three feet (3') above grade, and other plant material saved on the site during construction may be credited toward the minimum number of trees and plants required as specified for each use. All existing plant material saved shall be healthy and free of mechanical injury.
- f. **Landscaping Required to be Installed.** All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy, weather permitting. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half times the estimated cost of the landscaping, with said estimated cost to be certified by a landscaping provider. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one year after the issuance of the temporary Certificate of Occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.
- g. **Landscaping Maintenance.**
  - 1. The developer, the property owner, and/or subsequent or successor owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing (of grass of six inches (6") or higher), edging, pruning, fertilizing, watering, weeding, and other activities common to the maintenance of landscaping.
  - 2. Landscaped areas shall be kept free of trash, litter, weeds, and other materials or plants not a part of the landscaping.
  - 3. All required plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation.
- h. **Landscaping Requirements within Parking Areas.**
  - 1. The Director may approve alternative landscape designs which combine landscape areas to preserve existing vegetation.

2. A minimum ten foot (10') wide landscape area shall surround all parking lots for multi-family, commercial, industrial or public use. Additionally, any lot with more than fifty (50) parking spaces shall have at least one landscaped island or peninsula of 200 square feet for every fifty (50) parking spaces.
3. Landscape islands and peninsulas may be dispersed throughout the parking lot.
4. The primary landscaping materials used in parking lots shall be trees which provide large shaded areas at maturity. Conifers should be used in buffer areas only.
5. Landscape areas within parking lots or other paved areas shall have a minimum width of ten feet (10') and a minimum contiguous area of 200 square feet.
6. All parking lot landscaping shall be protected from inadvertent damage from vehicles due to direct contact or ground compaction, by means of curbs, berms or bollards.

#### **24006.11 SCREENING AND BUFFERYARD STANDARDS**

- a. **Purpose.** The intent of these screening and bufferyard standards is to ensure that the use and design of new developments will be compatible with that of adjacent development.
- b. **Screening Requirements.** Landscaping plans for all residential projects containing multi-family dwellings and all commercial and industrial projects shall include a detailed drawing of enclosure and screening methods as provided:
  1. Trash enclosures shall be screened from public view on at least three sides with a 6-foot solid fence constructed of cedar, redwood, masonry or other compatible building material, and shall be appropriately landscaped.
  2. For purposes of this section, the phrase "screened from public view" means not visible from adjoining residential properties or any street right-of-way.
  3. All buildings or additions thereto in commercial or industrial districts shall provide a solid screen fence or wall not less than 6 feet in height along all rear and side property lines which are common to property zoned for residential purposes, except that such screening shall not extend in front of the front building line. Such screening shall not be required where similar screening exists on the abutting residential property.

**c. Bufferyard Requirements.** If proposed development does not have the same use and density as adjacent land use, then the bufferyards shall be required as specified in Exhibits 240.35 and 240.36.

1. The applicant may select any of the appropriate bufferyard alternatives illustrated in Exhibit 240.35 (Appendix B), choosing between provision of additional space or additional plantings.
2. Approval of plant material and bufferyard design is required. The Director shall determine whether the proposed bufferyard satisfies the intent of the bufferyard requirements, and shall reasonably determine whether or not the specific planting criteria of this paragraph for vegetative bufferyards have been met.
3. Bufferyards and open spaces shall be provided on the site of the new development, regardless of existing setbacks, bufferyards or open space otherwise provided on the existing developed site.
4. Bufferyards do not include required building setbacks and shall be shown as landscape easements on the plat and site plan.

**d. Fences.**

1. Fences shall not be located outside or beyond the property lines of the lot or parcel upon which said improvements are located.
2. Opaque or solid fences shall be placed no closer to the front lot line than the front yard setback line established by the building or buildings erected upon said lot. Picket fences not exceeding three (3) feet in height, chain link fences not exceeding four (4) feet in height, wrought iron fences and other decorative fences may be located in the front yard, provided that they do not conflict with the sight triangle.
3. Privacy fences shall be located no closer to the said lot line than the platted side yard setback line of residential corner lots which adjoin interior lots that front or face on to the side street.
4. No fence shall be constructed which will constitute a traffic hazard or encroach upon the sight triangle as defined in Section 24006.8 of this UDC.
5. No fence shall exceed eight (8) feet in height except as for public utilities, public or private schools, public or private recreation facilities or industrial properties.

6. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
7. The installation of electric fences shall be prohibited in all zoning districts except the A district.
8. Barbed wire fences or barbed wire assemblies atop fences shall be permitted in the AG, RR, LI and HI districts but prohibited in all other districts.

### Exhibit 240.36: Required Bufferyards

Existing Development	Proposed Development				
	Single-family; Two family	Multi-family	Office	Commercial	Industrial
Agricultural Use	A	B	A	A	Not Required
Single-family; Two-family	Not Required	A	B	C	D
Multi-Family	A	Not Required	A	B	D
Office	B	A	Not Required	A	D
Commercial	C	B	A	Not Required	D
Industrial	D	D	D	D	Not Required

**SECTION 24007  
SIGN REGULATIONS**

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## SECTION 24007: SIGN REGULATIONS

### 24007.1 ON-PREMISE SIGN STANDARDS

- a. **Generally.** Other than lawful nonconforming signs, no signs shall be permitted in any district except in accordance with the provisions of this chapter.
- b. **Authorized Signs - All Districts.**
  - 1. One parking lot directional sign, not to exceed eight (8) square feet in area, shall be permitted at each entrance to a building site.
  - 2. Churches, schools, libraries, community centers or other public/semi-public facilities shall be allowed two (2) wall signs, with not more than one (1) on a facade. No such sign shall have an overall area exceeding forty (40) square feet. In lieu of one wall sign, one (1) detached monument sign may be permitted. Such monument sign shall be located on the premises and not less than ten feet (10') from the street right-of-way, and each sign face shall not exceed twenty-five (25) square feet in area. The height of such sign shall not exceed five feet (5') above the average grade; provided, that for each two-foot (2') setback from the street right-of-way in excess of ten feet (10'), an additional one-foot (1') may be added to the height of the sign to a maximum of eight feet (8').
- c. **Authorized Signs - Residential Districts.**
  - 1. One (1) non-illuminated, detached real estate sign is permitted on any lot, provided that such sign shall not exceed six (6) square feet, and shall not exceed four feet (4') in height measured from grade.
  - 2. During construction or reconstruction of a building, one (1) contractors' remodeling sign identifying the contractor(s) performing remodeling or property improvement work may be permitted provided that such signs shall not be illuminated, shall not exceed eight (8) square feet, and shall be posted only during the property improvement project.
  - 3. Project identification signs, not to exceed twenty-five (25) square feet in area, for a subdivision or residential project may be permitted at each entrance to the subdivision or project. All project identification signs shall be monument signs, and shall be located within a landscaped area extending a minimum of three feet (3') on all sides of the sign's base. If a project identification sign is proposed to be located in street right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the documentation of the association which will have permanent responsibility for maintenance of the sign and landscaping.

- d. **Authorized Signs - Non-Residential Districts.** To the extent that residential land use is permitted in non-residential zoning districts, signs for a residential land use shall be permitted as in the applicable residential district.
1. Construction site identification signs may be permitted during the development of any project. Such signs may identify the project, the owner or developer, future tenants, the architects, engineers, realtors, funding sources, and may contain related information including, but not limited to, sale or leasing information. Not more than one (1) detached non-illuminated major construction site identification sign shall be permitted for each perimeter street frontage. If a development has more than one (1) street frontage, then a separate construction site identification sign may be permitted for each frontage, provided that a maximum of three (3) construction site identification signs shall be permitted for any development. Such signs shall not exceed eight feet (8') in height or thirty-two (32) square feet in area per face, with a maximum of two (2) faces, and shall be set back at least twenty feet (20') from the street right-of-way. No such signs shall be located closer than 200 feet from any occupied residential structure. All such signs shall be removed prior to the issuance of any certificate of occupancy, temporary or final, for the last building in each phase of the project.
  2. Upon removal of construction site identification signs for a commercial or industrial project, one (1) **sales or leasing sign** may be constructed or placed on the property for each building. Said signs shall be non-illuminated, may be single- or double-faced, shall not exceed ten feet (10') in height above grade, and shall not exceed thirty-two (32) square feet of sign surface per face. Signs permitted by this section shall be located within ten feet (10') of the building which is being advertised on the sign. For vacant land, all such signs shall be set back a minimum of twenty-five feet (25') from the right-of-way of public streets or the curb line of private streets.
  3. Residential, incidental and flag advertising signs in accordance with the design standards set in this ordinance are allowed without a sign permit.
  4. The following types of on-premise advertising signs are allowed, subject to compliance with this section and issuance of an administrative permit by the Director:
    - (a) Temporary signs, including banner signs for grand openings and special events that exceed more than 30 days per event or 3 events per year.
    - (b) Free-standing signs, not to exceed twenty-five feet in height or the maximum area specified in Exhibit 240.37. Free-standing signs may be 35 feet tall in the HC district.
    - (c) Wall signs.



- (d) Electronic message centers, provided that all flashing or blinking modes must be disabled.
  - (e) Exposed bulb/neon.
  - (f) Streamers, for automobile sales uses only when placed for more than 90 days per year.
5. The maximum total combined sign area for all signs on a lot or parcel in any commercial or industrial district shall not exceed 1.5 square feet per linear foot of frontage. The maximum area of freestanding signs shall not exceed the maximum area listed in Exhibit 240.37. Flags and incidental signs when erected in accordance with all other applicable provisions contained in this section shall not be counted in computing the maximum total sign area for a given lot.

**Exhibit 240.37: Total Permitted Freestanding Sign Area**

Frontage (Feet)	Maximum Area (Square Feet)
0-50	25
51-100	50
101-150	75
151-200	100
201-250	125
251-300	150
301-350	175
351-400	200
401 or greater	225

6. The height of a streamer is restricted to the allowable height limits of the given district. Those streamers with commercial messages shall constitute a sign and will be counted against the total allowable signage on a given site.
7. Signs may be internally or externally illuminated, but, excluding neon signs, the source of lighting may not be directly visible from adjacent residential properties or interfere with traffic visibility on public or private roadways or driveways.
8. Building Signs
- (a) Shall not exceed 10% of the wall surface area of the face of the structure

to which the sign is intended to be attached. The sign may be placed on any portion of the wall surface area, but the height of the sign shall not exceed the height of the principle building

- (b) Posters or announcements located in window areas not exceeding 50% of an individual window area shall not be calculated as an element of total allowable site signage. An excess of the 50% will cause the entire area of the poster or announcements to be calculated as an element of total allowable site signage.

e. **Exempt Signs.** Except as noted below, the following signs are excluded from regulation under this chapter. Exemption from the sign regulations does not exempt property owners from duties and responsibilities established within deed restrictions or covenants.

1. Signs not exceeding four (4) square feet in area that are customarily associated with residential use, and are not of a commercial nature, such as signs identifying names or numbers or signs on mailboxes;
2. Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs;
3. Official signs of a non-commercial nature erected by public utility companies;
4. Flags, pennants or insignia of any governmental body when not displayed in connection with a commercial promotion or as an advertising device, and provided that not more than two (2) governmental flags, pennants or insignia shall be displayed on any property, and that no exempt flag shall not be larger than thirty-two (32) square feet in area;
5. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights;
6. Signs on or adjacent to doors at the rear of commercial buildings displaying only the names and addresses of the occupant. Such signs shall not exceed four (4) square feet. Where multiple tenants share the same rear door, the sign may display the names and addresses of each tenant;
7. Signs painted on or otherwise permanently attached to currently licensed and operable motor vehicles, which vehicles are not stored in open areas or primarily used as signs;
8. Signs located within buildings, provided such signs are not visible from any street, sidewalk, trail, beach or bike path adjacent to said building;
9. Signs expressing constitutionally protected speech.

**f. Prohibited Signs.**

1. Signs with flashing, moving or glaring parts;
2. Non-affixed signs (e.g., signs that are not permanently affixed to a building, structure or the ground, including, but not limited to snipe signs;
3. Non-exempt signs in street rights-of-way;
4. Abandoned non-conforming signs;
5. Signs containing obscene messages;
6. Signs containing false or misleading advertising or information;
7. Signs which resemble traffic control signs or devices;
8. Portable signs, except as permitted in the following subsection

**g. Design Standards for Signs.**

1. No sign may be located such that it substantially interferes with the sight triangle necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets.
2. No sign may be erected such that by its location, color, size, shape, nature or message it would tend to obstruct the view of, or be confused with, traffic signals or other signs erected by governmental agencies.
3. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. Sign structures may be required to have a building permit.
4. All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to such signs shall be kept free from debris, weeds and trash. If a sign is not being maintained and the Director of Public Works determines it to be a public hazard or nuisance, such sign shall be ordered repaired or removed.
5. No part of any sign shall be located closer than ten feet (10') from a property line.
6. Temporary signs for special events may be approved provided the signs do not have moving parts, blinking or flashing lights, glaring lights, neon or extensive

use of bright, offensive colors, and further provided that any temporary sign shall be permitted for a maximum of fifteen (15) days.

7. Signs shall be located to avoid obstructing traffic visibility.
8. No signs, except traffic signs, which are taller than three feet (3) above the pavement of the adjacent streets shall be permitted within the sight triangle of any street intersection without the Director's approval.

**h. Removal of Obsolete Signs.**

1. If a building, structure or premise is vacated for a six (6) month period of time, the owner of said property shall be responsible for removing any commercial sign or signs located thereon, with the exception of permitted real estate signs. In addition, the owner shall be responsible for restoring the facade of the building, structure or premise to its normal appearance.
2. If the time period provided has elapsed and the sign or signs have not been removed, the Director shall send written notification by certified mail, return receipt requested, to the property owner of record indicating that the sign shall be removed. If the sign has not been removed within thirty (30) days after the receipt of the notice, the Director may have the sign removed and the cost assessed to the property owner.
3. Where a sign has been removed by the County pursuant to these regulations, the Director shall mail a statement of the cost of removal of said sign or signs to the last known address of the owner of record or person in charge of such property. If such costs are not paid within ten (10) days from the mailing of such notice, the Legislature shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land and the Clerk of the Legislature shall certify such assessment to the Director of Collections for collection and payment the same as other assessments and taxes are collected and paid to the County.

**24007.2 OFF-PREMISE SIGN STANDARDS**

- a.** No off-premise sign shall be erected or structurally modified prior to issuance of a permit by the Director.
- b.** Generally.
  1. For purposes of this chapter, the following designated highway categories and roadway classification system:

- (a) Interstate Highway System and Freeway Primary System
  - (1) Interstate 70
  - (2) Interstate 435
- (b) State Non-freeway Primary Highway System
  - (1) Highway 50
  - (2) Highway 291
  - (3) Highway 24
- (c) State Secondary Highway System
  - (1) Highway 7
  - (2) Highway 40
  - (3) Highway 150
  - (4) Highway 210
  - (5) Route AA
  - (6) Route BB (Buckner-Tarsney Road, North of AA)
  - (7) Route FF
  - (8) Route H
  - (9) Route F
  - (10) Route VV
  - (11) Route KK
- (d) County Arterial and Collector Roadway Functional Classification System
  - (1) Arnett Road
  - (2) Blue Mills Road
  - (3) Buckner-Tarsney Road
  - (4) Colbern Road
  - (5) Cowherd Road
  - (6) Duncan Road
  - (7) Howard Road
  - (8) Langsford Road
  - (9) Liggett Road
  - (10) Major Road
  - (11) Minter Road
  - (12) Moreland School Rd
  - (13) Nebgen Road
  - (14) Pink Hill Road
  - (15) R.D. Mize Road
  - (16) Ryan Road
  - (17) Smart Road
  - (18) Milton-Thompson Road
  - (19) Woods Chapel Road

2. No off-premise sign and/or billboard will be permitted on county roads, other than those listed in above except when permitted as a temporary off-premise sign.

3. These regulations establish restrictions and limitations on the use of off-premise advertising signs and billboards. An off-premise advertising sign shall not be allowed except as provided in this section and the zoning district regulations.
4. Off-premise signs or billboards shall not be located in residential districts, nor shall they be located along interstate highways or state freeway and non-freeway primary system streets located in an Agricultural (AG) District.
5. All signs and billboards are subject to the setback regulations established for the zoning district in which they are located.
6. Signs and billboards shall be limited to a maximum height of thirty feet (30') and a maximum length of sixty feet (60'). Height shall be calculated as the vertical distance from the base of the sign, or from the adjacent roadway grade, whichever is higher, to the highest point of the sign or billboard.
7. No sign or billboard shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
8. Any lighting arrangements, facilities, or fixtures, which are intended to illuminate any sign or billboard, shall be hooded, shielded, or diffused in such a manner as to prevent any beams or rays of light from being directed into any portion of pavement of a highway. All such lighting shall be arranged or designed in such a manner that the lighting is not of such intensity as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
9. No sign or billboard shall be permitted with moving, flashing, or pulsating lighting arrangements, or which give the visual illusion of such arrangements; nor any revolving or rotating signs or billboards or signs or billboards with other moving mechanical parts of promotional advertising devices which rely upon wind currents to create movement or the illusion of movement.
10. Every sign or billboard and its supporting structure shall be maintained in good repair. All structural members and all advertising copy shall be kept painted and clean so as to prevent deterioration, oxidation, paint fading, paint peeling or other unsightly conditions. Owners of signs or billboards found to be improperly maintained shall be given formal notice to correct the condition with thirty (30) days. Failure to comply will result in immediate revocation of the sign permit and subsequent removal of the sign or billboard.
11. Each sign or billboard shall be assigned an identifying number, which shall be the special permit number. A placard of identification shall be affixed to the side of the sign or billboard, or its supporting structure, nearest the pavement. The

placard shall be made of durable material and shall contain the name of the sign owner(s) and the identification number. The placard must be affixed to the structure so that it is visible from the roadway at grade. Lack of such a placard, or the illegibility of the information required thereon, will be considered just cause for revocation of the special permit and subsequent removal of the sign or billboard.

12. In the event the Director revokes a permit pursuant to Section 24003.9 due to non-compliance with the provisions of this subsection and orders removal of a sign or billboard, any such removal shall be totally at the expense of the sign owner. Upon failure of the sign owner to remove a sign, when so ordered by the Director, the sign shall be removed by the County and disposed of or destroyed as deemed appropriate. The County assumes no liability for removed material. The sign owner will be billed, by the County, for reasonable cost of any sign removal.

13. At no time is placement of private signs permitted on street right-of-way.

**c. Interstate Highway and State Freeway and Non-Freeway Primary Systems Sign or Billboard Standards.**

1. A sign or billboard shall not be erected within 500 linear feet of a public park, school, library or structure zoned for residential purposes on the same side of the highway/freeway as the sign or billboard.
2. The gross area of all signs or billboards on any premises shall not exceed one (1') square foot for each one foot (1') of highway/freeway frontage adjoining the property. The maximum gross area of each face or side of any one sign or billboard shall be 1,200 square feet; the minimum gross area of any one sign or billboard shall be 32 square feet. Signs or billboards placed back-to-back, double faced, or of V-type construction are considered as one sign.
3. A sign or billboard shall not be erected within 500 linear feet of an existing sign or billboard located on the same side of the highway/freeway as the sign or billboard.
4. A sign or billboard shall not be erected within 500 linear feet of an interchange, intersection at grade or safety rest area located on the same side of the highway/freeway as the sign or billboard. Distance shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

**d. State Secondary Highway and County Arterial and Collector Roadway Systems Sign or Billboard Standards.**

1. A sign or billboard shall not be erected within 660 linear feet of a public park, school, library or structure zoned for residential purposes on the same side of the

highway/roadway as the sign or billboard.

2. The maximum gross area of each face or side of any one sign or billboard shall be 100 square feet. The minimum gross area of each face or side of one sign or billboard allowed is 32 square feet. Signs or billboards placed back-to-back, double-faced, or of V-type construction are considered as one sign.
3. A sign or billboard shall not be erected within 800 linear feet of an existing sign or billboard located on the same side of the highway/roadway as the sign or billboard.
4. A sign or billboard shall not be erected within 150 linear feet of an interchange or intersection at grade.

**e. Exempt Off-Premise Sign or Billboard Standards.**

1. Placement of temporary, unilluminated off-premise signs is permitted, without the granting of a permit, in any zoning district, when the intent is to direct attention to orchards, berry farms, auctions, garage sales, community events or similar activities, sign placement occurs no more than ninety (90) days during a calendar year, sign placement occurs on private property after gaining permission from the property owner, the gross area of a sign shall be no larger than twenty (20) square feet, and no more than two (2) temporary signs shall be permitted during a calendar year.
2. An off-premise sign which is located within six hundred sixty feet of the nearest edge of the right-of-way of any Interstate Highway or State Non-freeway Primary Highway, and which meets the standards set forth in section 226.540, RSMo, will be granted an administrative permit pursuant to sections 24007.2a and 24003.25 upon the presentation to the Director of a valid permit issued by the State of Missouri Highways and Transportation Commission. **(Ord. 2731, Eff. 09/18/97)**
3. Permanent signs or signs that do not conform to the standards of this section shall require that a permit be granted prior to placement.





## Appendix A: Summary of Authorized Uses

Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Accessory Dwelling	A	A					A				
Accessory Uses	A	A	A	A	A	A	A	A	A	A	A
Adult Uses								C			
Airports, Airfields, Heliports	C										
Amusement Parks, Carnivals, Etc.					PL	PL	PL	P/C	PL		
Animal Exhibits, Zoos, Etc.	C							C	C		
Appliance Sales/Rental/Repair							P	P			
Art Galleries						PL	P	P			
Art Supplies/Sales							P	P			
Automobile Repair – Minor							P	P			
Automobile Sales/Service								P	PL	P	P
Aviaries	P							C	C		
Bakeries							P	P			
Banks, S&Ls, Credit Unions, Etc.							P	P			
Bed & Breakfast Inns	C	C	C	C	C	C					
Bee Keeping	P										
Blacksmithing Shops										P	P
Boat Sales/Service								P	PL	P	P
Bottling Works										P	P

P = Permitted Use  
 C = Conditional Use  
 A = Accessory Use  
 PL = Planned Use

Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Broadcast Studios								P		P	P
Camps, Resorts and Retreats	PL										
Canning and Preserving Facilities										P	P
Car Washes – Self Service							P	P	PL		
Caretaker and Security Guard Quarters										A	A
Cemeteries and Burial Grounds	C	C	C	C	C	C	C				
Chemical Laboratories										P	P
Chemical Manufacturing Plants											C
Chemicals, Agricultural – Wholesale	C							P		P	P
Churches, Temples, Mosques, Etc.	P	P	P	P	P	P	P	P			
Cleaning Plants										P	P
Clinics - Medical							P	P			
Clubhouses					A	A					
Clubs (Civic, Private, Fraternities, Sororities)	C					PL	P	P			
Clustered Subdivisions		PL	PL	PL	PL	PL					
Coal Distillation Plants											C
Cocktail Lounges, Bars, Taverns, Etc.							C	P/C	PL		
Cold Storage Plants										P	P
Compost Facilities	C										C
Crop Farming	P	P									

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Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Dairies, Creameries	P									P	P
Day Care Centers	C	C	C	C	C	C	P	P			
Decks, Gazebos and Gardens	A	A	A	A	A	A					
Delivery Services								P	PL	P	P
Dwellings, Multi-Family						PL	PL	PL			
Dwellings, Multi-Family Accessory Facilities						A	A	A			
Dwellings, Single-Family, Detached	P	P	P	P	P	P					
Electro-plating, Enameling, Galvanizing, Etc.											C
Family Day Care Home	P/C	P/C	P/C	P/C	P/C	P/C					
Fire Stations and EMS Facilities	P	P	P	P	P	P	P	P	P	P	P
Firing Ranges and Gun Clubs	C									C	
Fish Hatcheries	P										
Fish-Packing Plants										P	P
Flea Markets and Swap Meets	C							C	C	C	
Foundries											C
Freight Terminals										P	P
Gasoline Sales	PL	PL	PL	PL	PL	PL	P	P	PL		
Grain Elevators and Processing										P	P
Greenhouses	A	A	A	A	A	A	A	P			
Group Day Care Homes	C	C	C	C	C	C	P	P			

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Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Group Homes	P	P	P	P	P	P					
Group Quarters	C	C	C	C	C	PL	PL	PL			
Hazardous Materials Facilities											C
Health Clubs, Gymnasiums, Etc.						PL	P	P	PL		
Heavy Manufacturing											C
Home Occupations	A	A	A	A	A	A					
Hospitals						PL	P	P			
Hotels and Motels						PL	P	P	PL		
Kennels	C/A	A	A	A	A						
Libraries			C	C	C	P	P	P			
Livestock Raising	P	P									
Lumber Yards								P		P	P
Machine Shops										P	P
Manufactured Home Sales/Repair								P	PL	P	P
Medical Marijuana Businesses	A	C					C	P		P	P
Manufactured Home Subdivisions						PL					
Manufacturing Facilities										P	P
Meat Packing											C
Metalworks Plants											C
Mixed Use Developments				PL	PL	PL	PL	PL			
Mortuaries							P	P			

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Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Moving, Storage and Transportation Facilities									PL	P	P
Museums		C	C	C	C	P	P	P			
Nurseries								P			
Nursing Homes	C	C	C			PL	PL				
Office and Service Facilities						PL	P	P			
Oil Compounding and Barreling											C
Parks and Recreational Facilities – Public	P	P	P	P	P	P	P	P			
Pawnshops and Short-Term Loan Establishments							C	C			
Personal Service Shops	PL	PL	PL	PL	PL	PL	P	P	PL		
Photographic Supplies/Sales							P	P			
Planing Mills										P	P
Postage Service Facilities – Commercial						PL	P	P			
Poultry Killing and Dressing – Commercial										P	P
Poultry Raising	C/A	A									
Power Plants											C
Printing Plants								P		P	P
Printing, Photocopying, Etc.							P	P			
Public Buildings						P	P	P			
Public Halls – Assembly, Dance, Lodge, Etc.								P			
Public Service Facilities	P	P	P	P	P	P	P	P			
Quarries, Mines, Sand/Gravel Pits, Etc.	C										C

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 PL = Planned Use

Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Railroad Freight Yards										P	P,C
Railroad Stations	P										
Recreational Facilities	C,PL	PL	PL	PL	PL	PL	PL	P/C	PL		

Refineries											C
Refreshment Stands	A	A	A	A	A	A					
Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Swimming Pools – Private	A	PL	PL	PL	PL	PL	P	P			
Tanning and Greeting Mills	C					PL					C
Travel Trailer Parks	C/A						C/A	C/A	C/A	C/A	C/A
Telecommunication Towers, Antennas – Commercial	C/A	C/A	C/A	C/A	C/A	C/A	C/A	C/A	C/A	C/A	A
Telecommunication Towers, Antennas – Non-Comm.	C/A	C/A	C/A	C/A	C/A	C/A	C/A	C/A	C/A	C/A	A
Sanitary Landfills											
Schools	P	P	P	P	P	P	P/C	P			
Signs, Off-Premise	P						P	P	P	P	P
Signs, On-Premise	A	A	A	A	A	A	A	A	A	A	A
Sports Courts						A/PL	P	P	PL		
Sports Courts – Private	A	A	A	A	A						
Stables	C/A	A	A					P			
Stone Works										P	P
Storage Buildings	A	A	A	A	A	A	A	A	A	P/A	P/A
Swimming Pools						A/PL	P	P	PL		

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 PL = Planned Use



Telephone Relay Stations	P										
Temporary Assembly and Amusements	P							A		A	
Use	Zoning District										
	AG	RR	RE	RS	RU	RO	LB	GB	HC	LI	HI
Warehouse	C							A	A	A	P
Warehouse Sales Events	C							A	A	A	P
Wastewater Treatment Facilities	C	C	C	C	C	C/PL	C	P	PL	C	C
Tennis Courts											
Water Storage Tanks	A	A	A	A	A	P	P	P		A	A
Tennis Courts - Private											
Water Treatment Plants	P	C	C	C	C	C	C				C
Textile Mills											
Theaters – Drive-in								C			
Theaters – Indoor							P	P	PL		
Trades Shops							P	P		P	P
Truck Stops								P	PL		
Truck/Trailer Sales/Service								P	PL	P	P
Utility Distribution and Collection Facilities	P	P	P	P	P	P	P	P			
Utility Transmission Lines	C	C	C	C	C	C	C	C	C	P	P
Veterinary Clinics	C							P		P	P

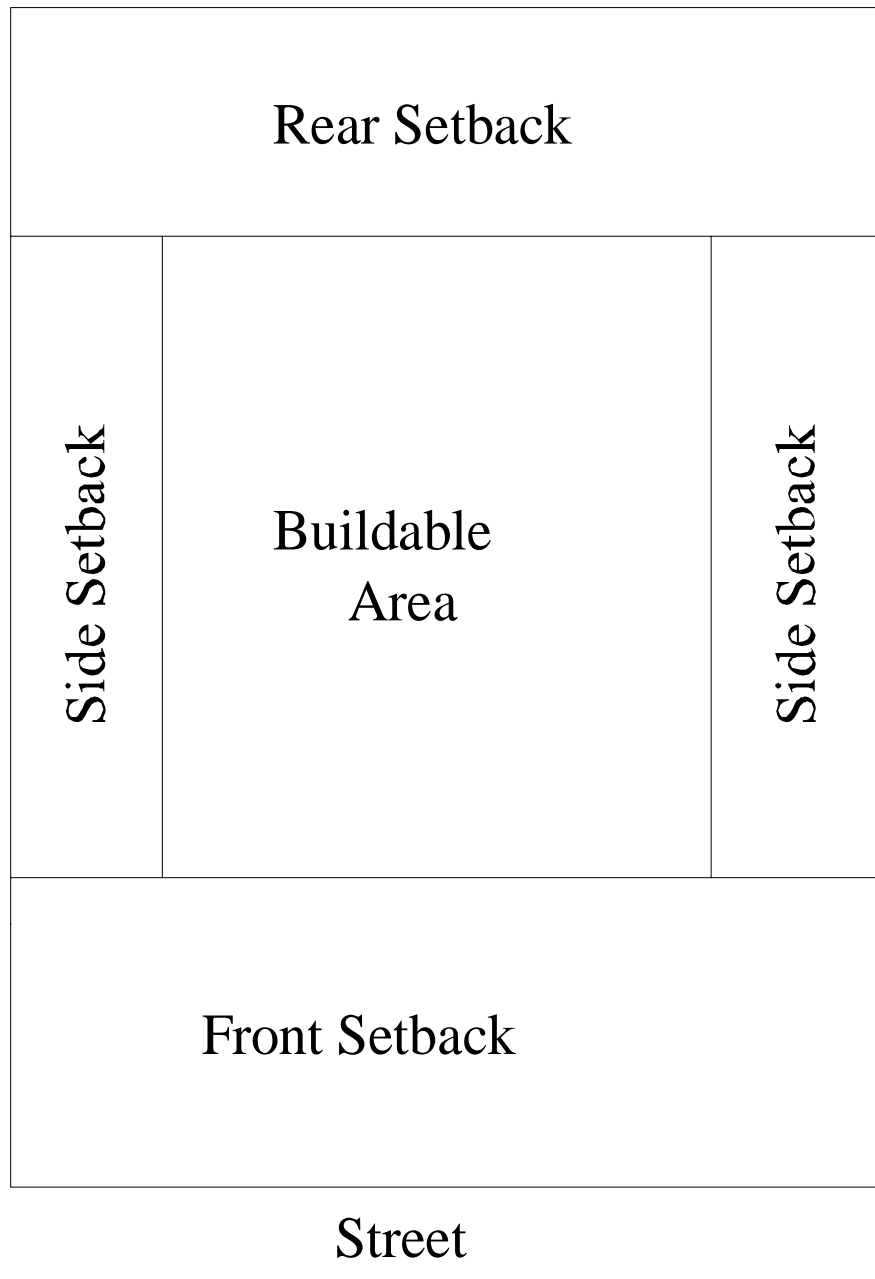
P = Permitted Use  
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Wholesale Sales								P		P	P
Wildlife Conservation Areas	P										C
Wood Distillation Plants											C

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 C = Conditional Use  
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## Appendix B: Exhibits

### Exhibit 240.1: Building Setbacks



## Exhibit 240.2: Floodplain

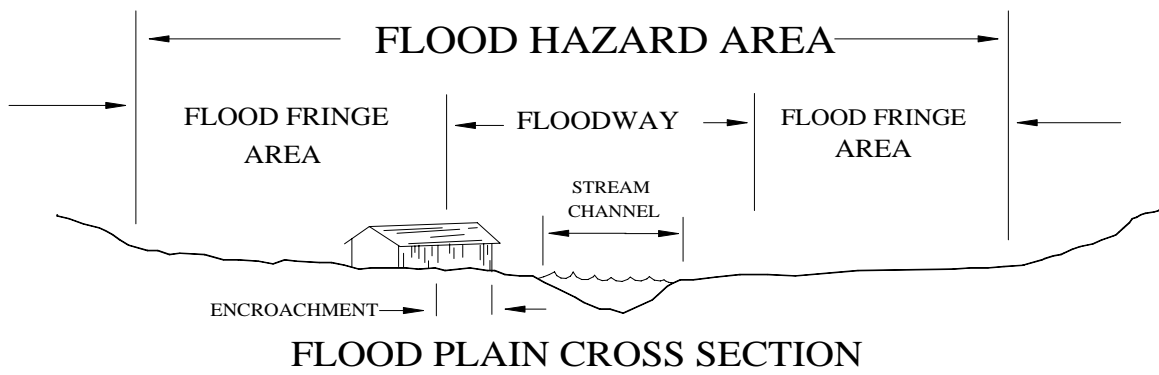


Exhibit 240.3: Height of Building

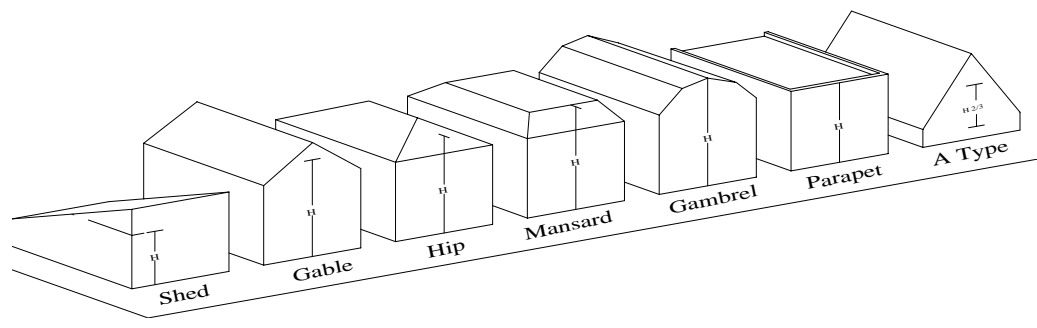
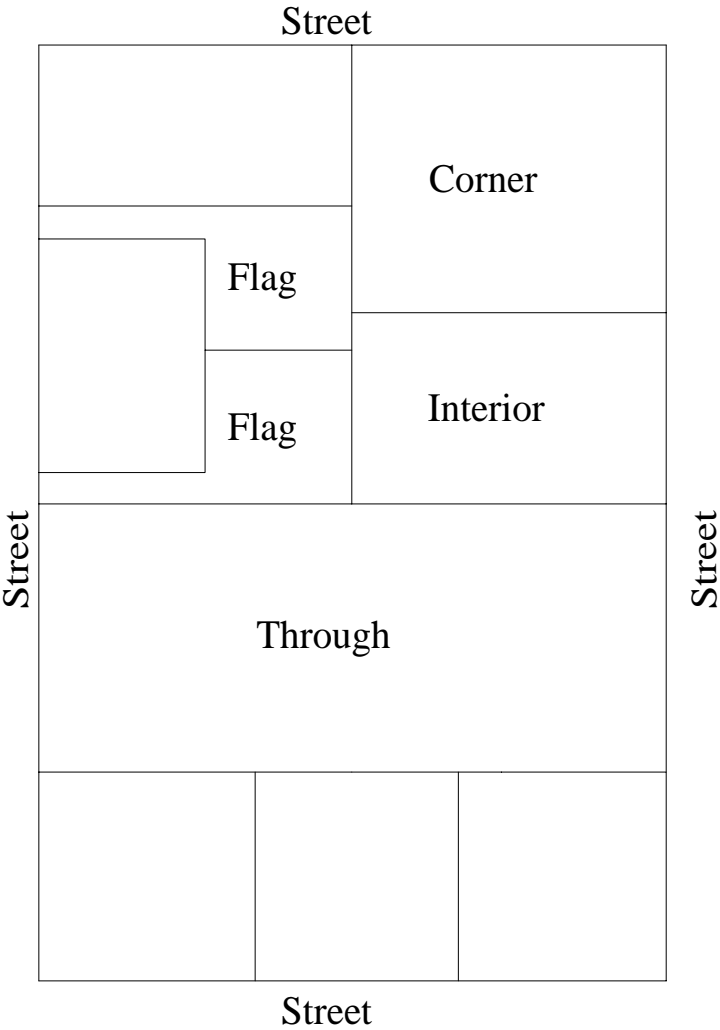


Exhibit 240.4: Lot Types



## Exhibit 240.5: Signs

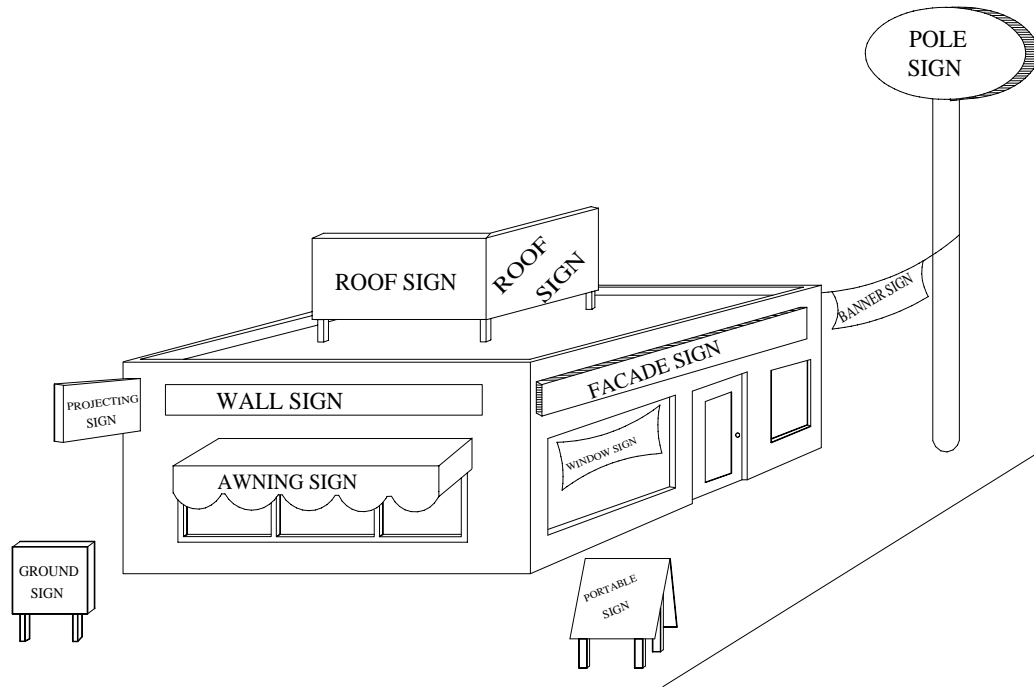
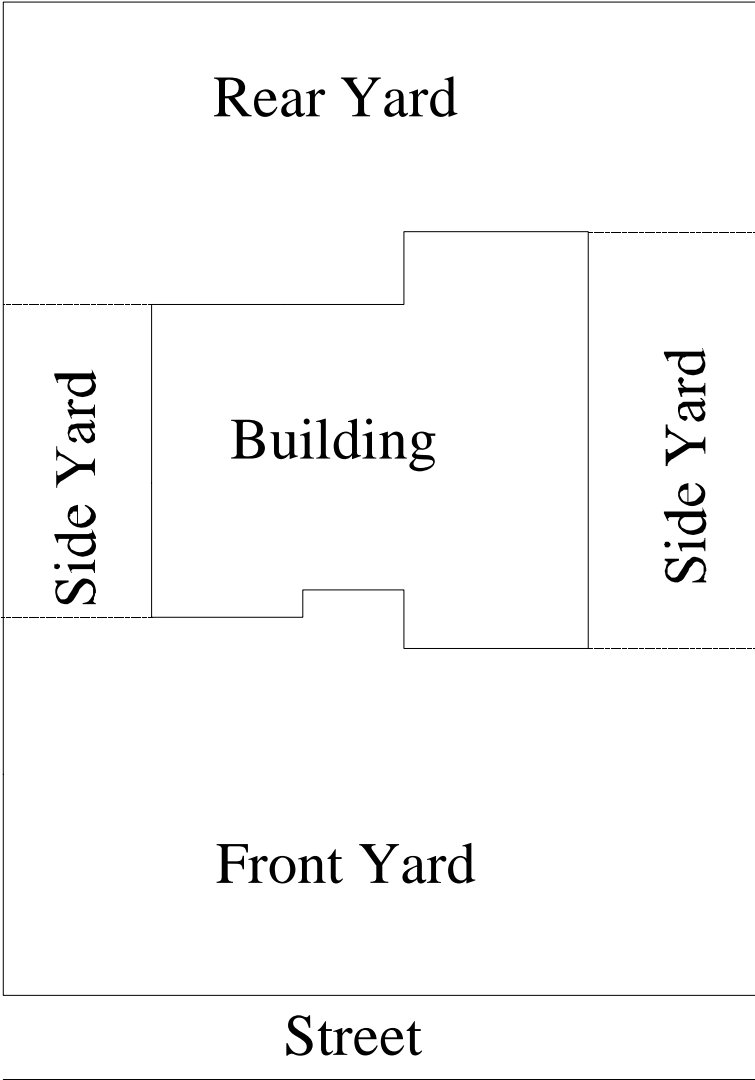
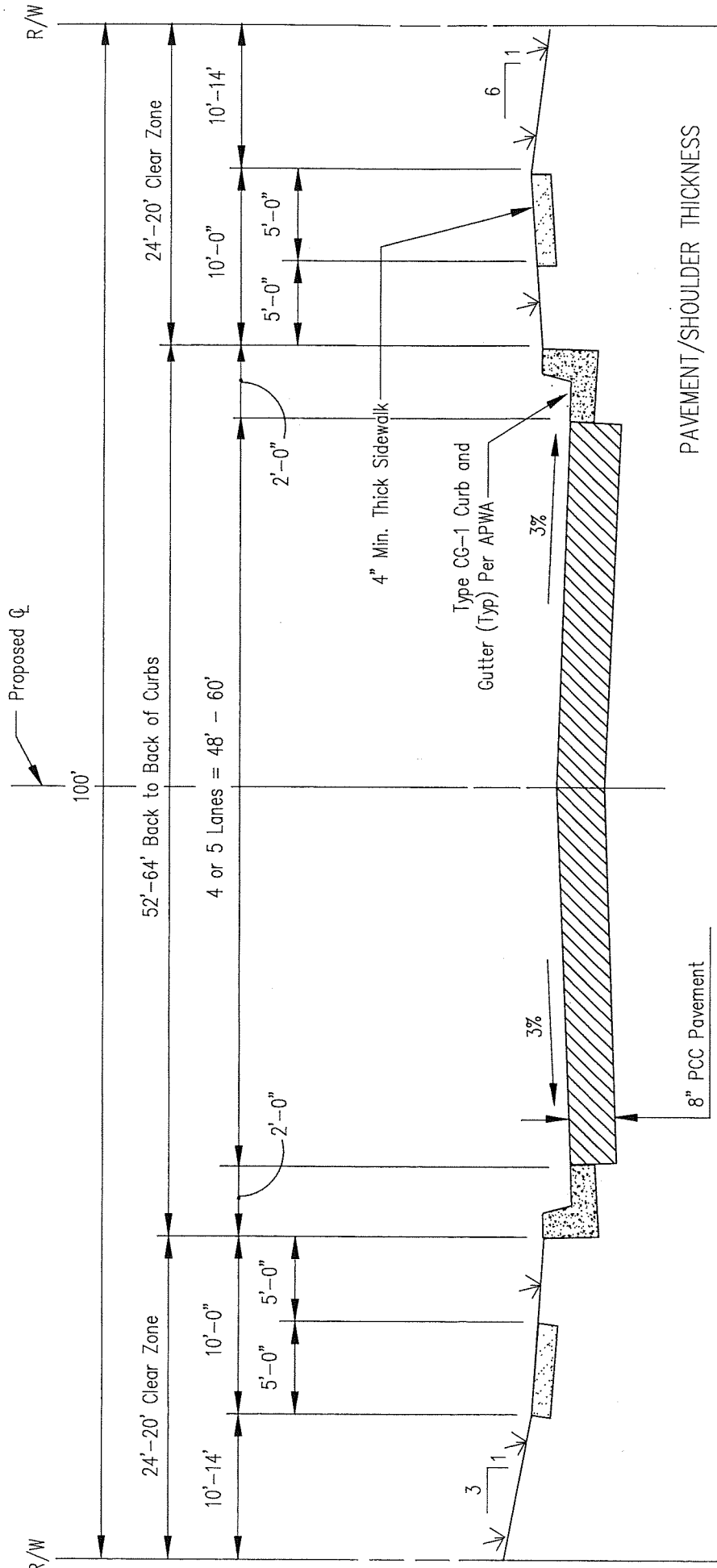


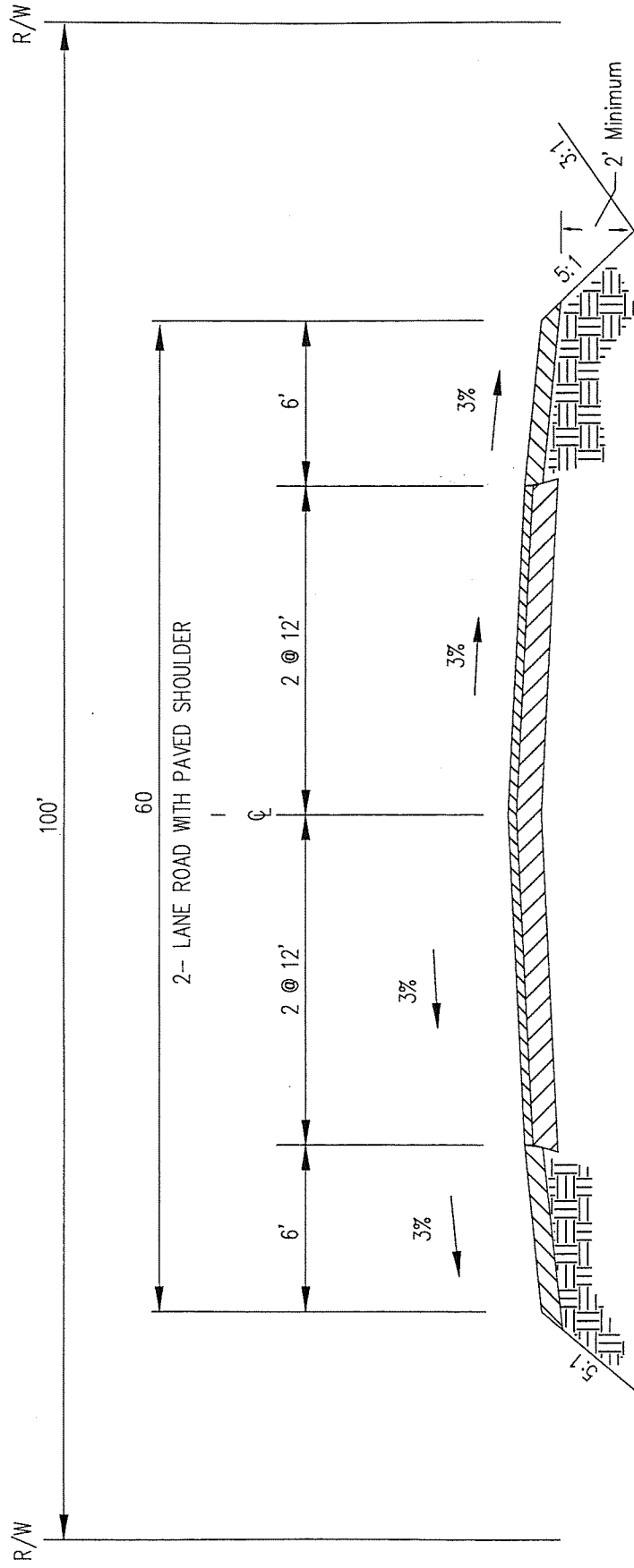
Exhibit 240.6: Yard Types







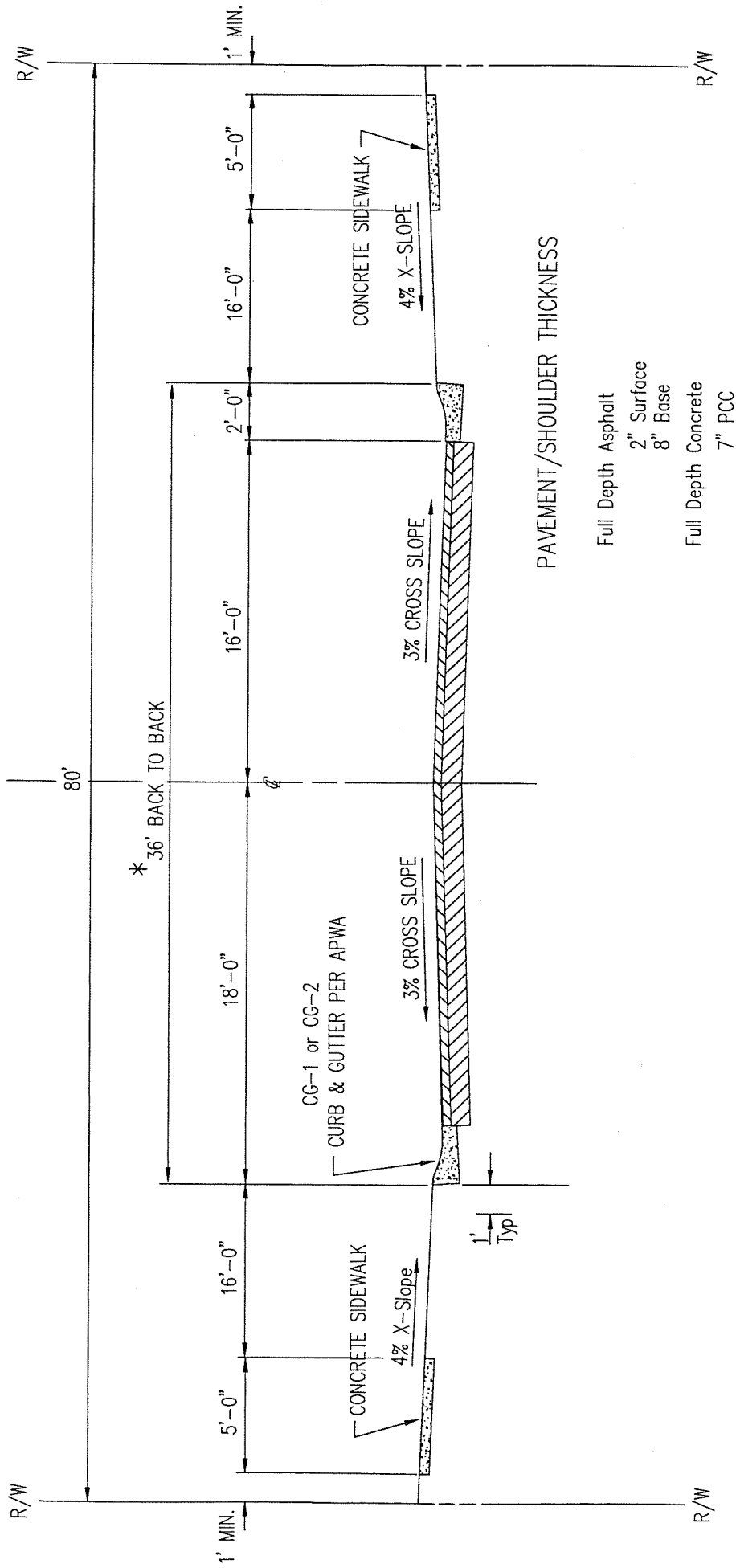
# Exhibit 240.20 TYPICAL SECTION URBAN MINOR ARTERIAL



# PAVEMENT/SOULDER THICKNESS

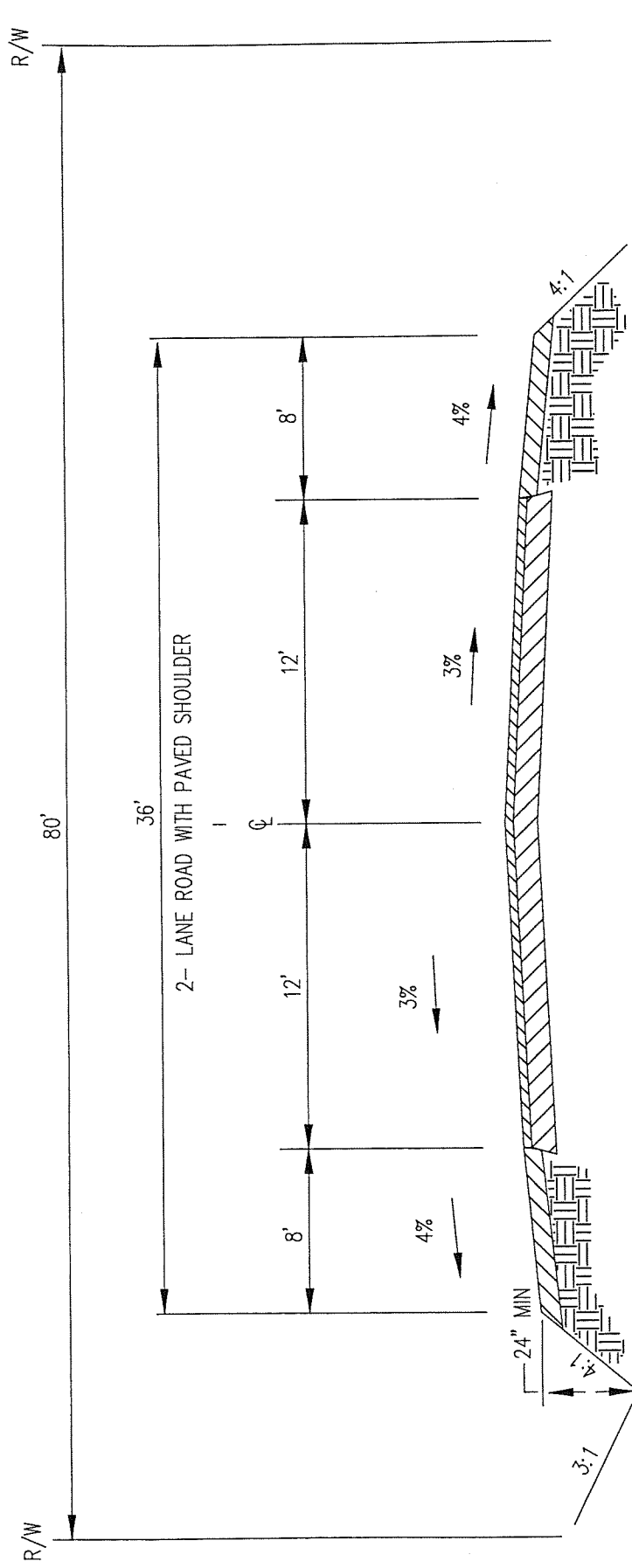
Full Depth Asphalt
2" Surface
10" Base
Full Depth Concrete
8" PCC
Asphalt Shoulders
5" Surface

## Exhibit 240.21 TYPICAL SECTION RURAL MINOR ARTERIAL



\* 52' BACK TO BACK WHEN PROJECTED  
20 YEAR ADT IS 4,000 TO 6,000.

# Exhibit 240.22 TYPICAL SECTION URBAN COLLECTOR



# PAVEMENT/SHOULDER THICKNESS

Full Depth Asphalt
2" Surface
8" Base
Full Depth Concrete
7" PCC
Asphalt Shoulders
8" Surface

## Exhibit 240.23 TYPICAL SECTION RURAL COLLECTOR

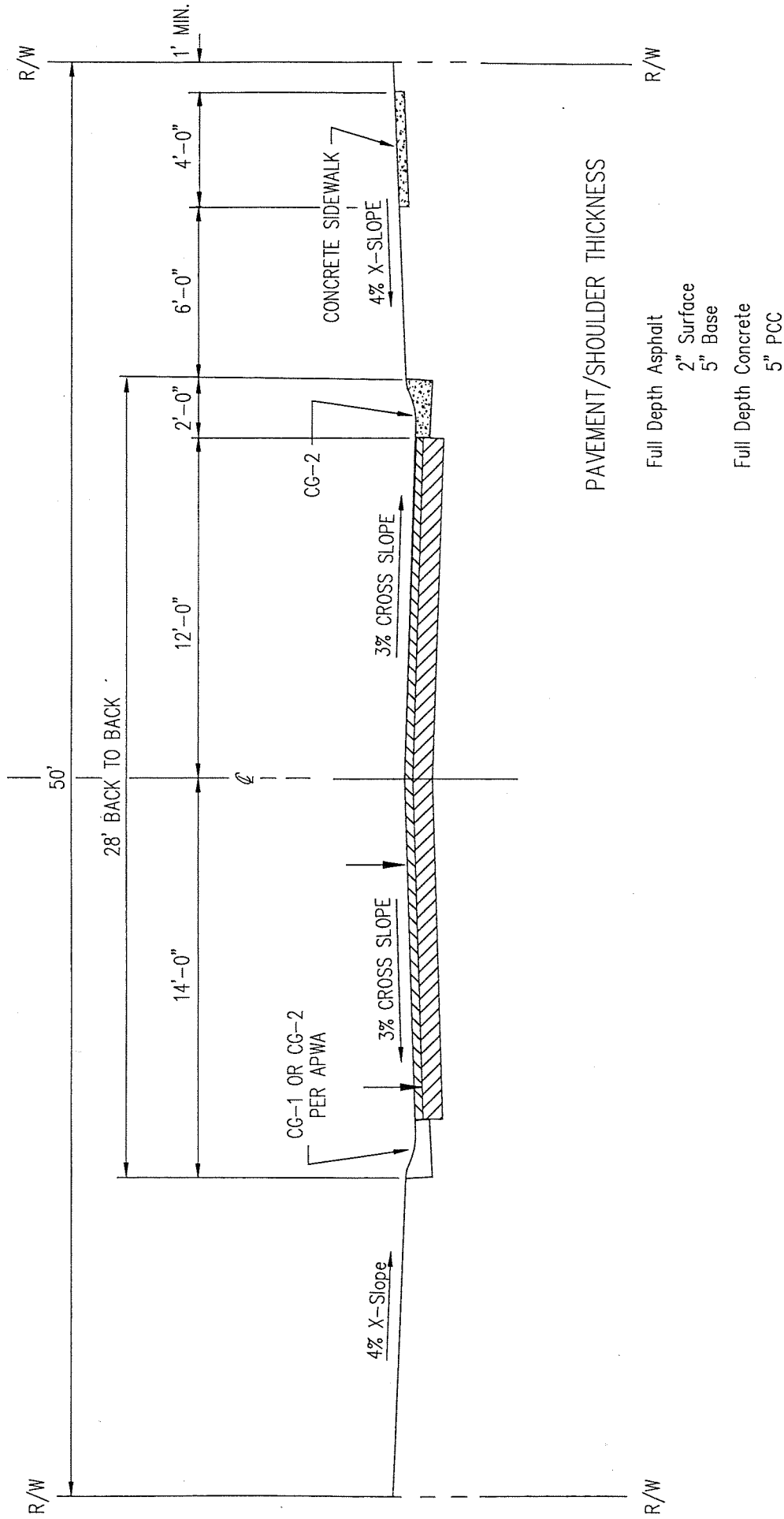
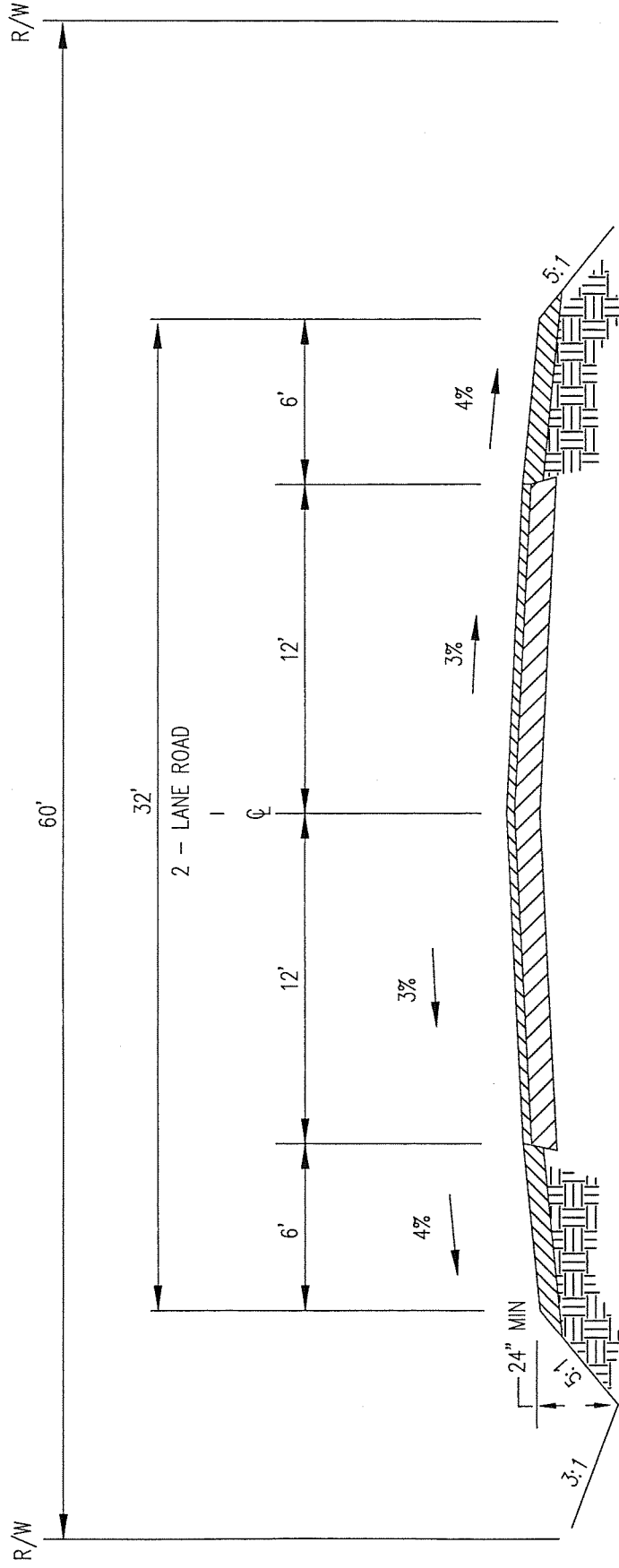


Exhibit 240.24  
TYPICAL SECTION  
URBAN LOCAL

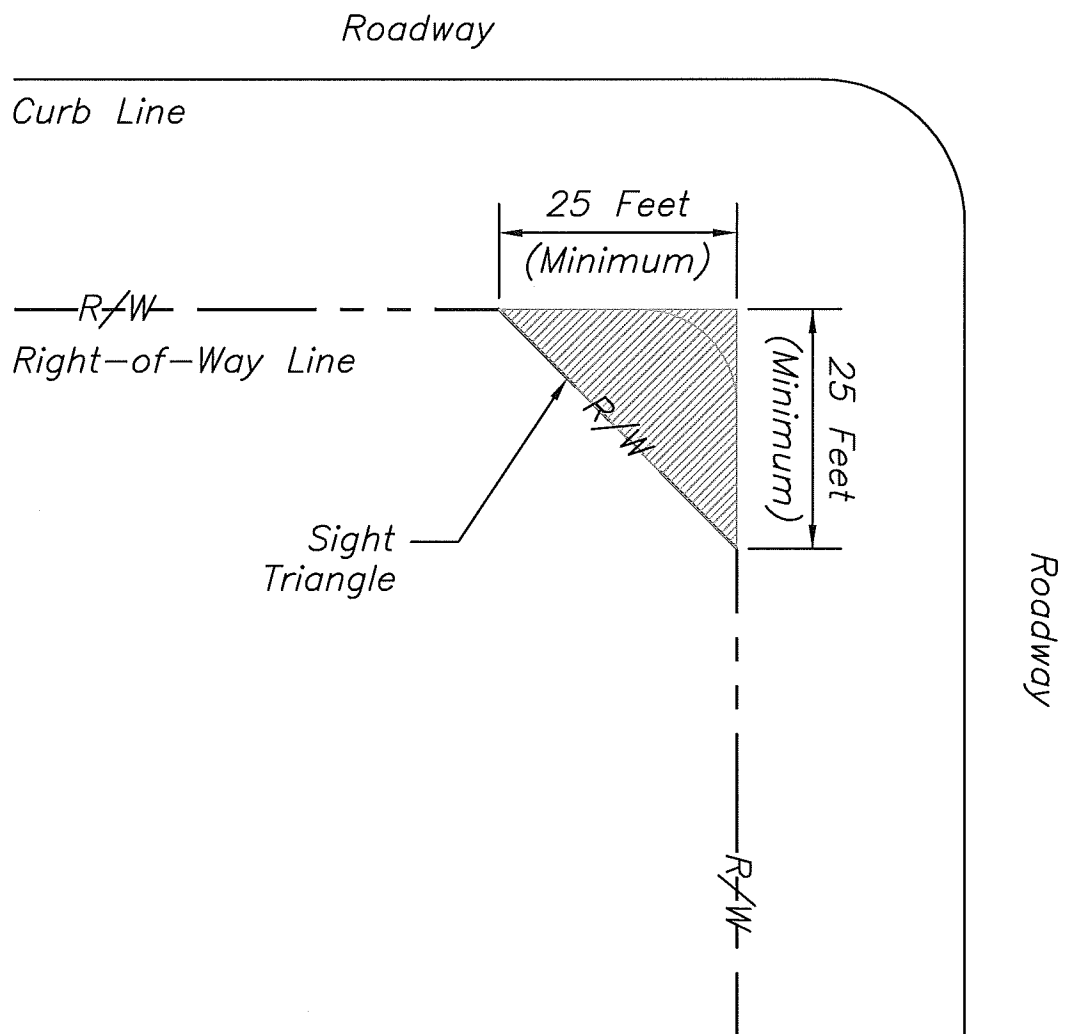


# PAVEMENT/SHOULDER THICKNESS

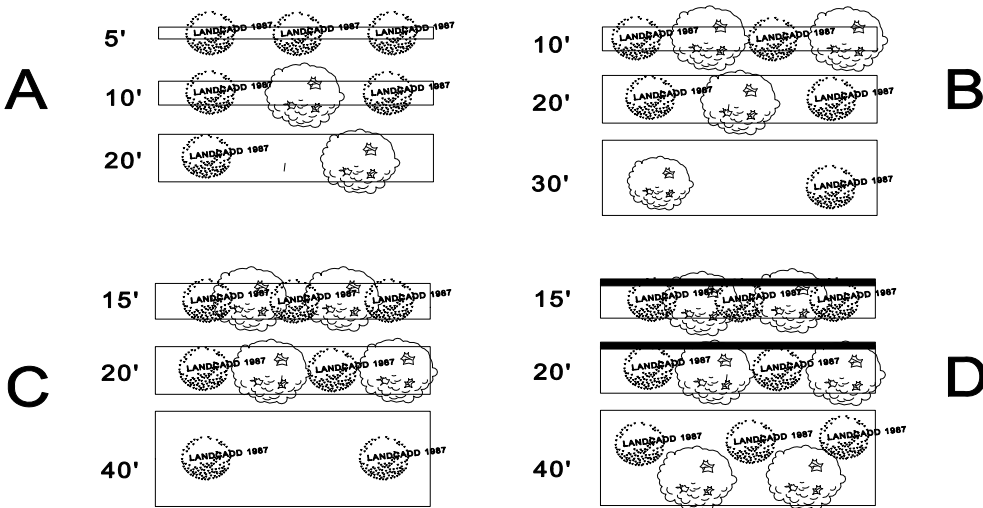
Full Depth Asphalt
2" Surface
5" Base
Full Depth Concrete
5" PCC
Asphalt Shoulders
4" Surface

## Exhibit 240.25 TYPICAL SECTION RURAL LOCAL

## Exhibit 240.33: Sight Triangle



# Plantings per 100 feet\*



## Key



Deciduous Tree



Fence or Berm



Evergreen Tree

**D**

Bufferyard Type

\*

4 Shrubs required per deciduous tree