

ACCESSORY STRUCTURE



GUIDELINES FOR PERMITTING, CONSTRUCTION AND USE OF ACCESSORY STRUCTURES IN CLAY COUNTY

NOTE: An accessory building shall not be constructed prior to the principal structure; (see Land Development Code Sec. 6.3B5a)

The following guidelines are provided to assist property owners and contractors of the requirements necessary for obtaining building permits for constructing Accessory Buildings, Decks and Swimming Pools in unincorporated Clay County. The proper and legal use of such structures is also discussed. These guidelines are in keeping with the provisions of the Clay County Building Codes (hereafter "Building Codes") and the Clay County Code of Ordinances (hereafter "the Land

Development Code"). Please read them carefully and understand that they are *summarized* to save space. Call the Planning and Zoning Department at 407-3380 with questions.

Human Habitation Prohibited

Please be aware that the Land Development Code and adopted Building Codes *prohibit* the human occupancy of any Accessory Building. This means that buildings such as metal buildings, pole barns, tool sheds, garages, or any other accessory structures shall **not** be constructed or used for human occupancy. Accessory Buildings are not constructed to the same Building Code standards as Dwellings and therefore are neither suitable nor safe as living quarters.

Use for Business Purposes

The Land Development Code limits the types of businesses that may be operated in residential and agricultural districts. Particular kinds of businesses are allowed to operate in these districts following specific restrictions and only with a Home Occupation permit. Please call the Planning and Zoning Department office at 407-3380 to obtain detailed information.

Swimming Pools Must Be Fenced

All swimming pools must be guarded per the 2012 Pool and Spa Code to prevent uncontrolled access by persons either from the street or any adjacent property. Most homeowner's insurance policies require fences/guarding for pools. Plans submitted for building permits must include such guarding.

Required Setbacks for Accessory Structures

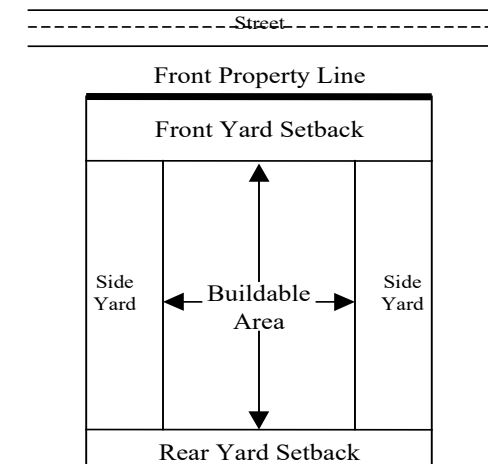


Illustration: Minimum Setbacks

In a Residential Zoning district:

- Accessory structures shall not be located in a front or street side setback.
- Not closer than 5 feet to any other building;
- May be placed in the rear yard, but not closer than the allowed setback (15 ft.) to any side or rear setback (15 ft.), and;
- Shall not exceed the maximum allowed height of the underlying zoning district.
- Shall not cover more of the lot than the principal building. (exception for principle buildings less than 1,500 sq. ft. ask P&Z Staff for details)
- 100' front & 50' side & rear setbacks for accessory buildings housing animals

All other districts:

- Not in any required front or side yard (refer to the particular district requirements within the Land Development Code);
- Not closer than 5 feet to any other building;
- May be placed in the rear yard, but not closer than the allowed setbacks to any rear lot line, and;

- Shall meet side yard setbacks for the pertinent district (refer to the Land Development Code).

Fences, All Districts:

- May be placed up to property boundary lines, but not within right-of ways,
- Fences 6 feet or less do not require a building permit
- Fences greater than 6 feet to 8 feet require a building permit
- Fences over 8 feet require a Conditional Use Permit

Subdivision Covenants and Restrictions

Many subdivisions in Clay County have covenants and restrictions, in addition to and separate from those regulations specified within the County Code that regulate construction specifications and types of structures allowed. The Building Inspector does not have copies of subdivision covenants. They are generally filed with the pertinent subdivision plat in the County Recorder's office. We advise that you review any that pertain to your property before applying for a building permit.

Permit Requirements

The County Commission of Clay County has adopted the following codes: The 2012 International Building Code; the 2012 International Residential Code; the 2012 International Plumbing Code; the 2012 International Fire Code; the 2011 National Electric Code and the 2012 International Mechanical Code. ***Please note that the adopted building codes require accessory buildings to withstand a 90 mile per hour wind load and a 20 pound per square foot ground snow load. Roof pitch cannot be less than 4:12.*** Refer to the code books referenced above for additional detailed information.

Clay County requires permits and inspections for almost all types of construction. Certain agricultural structures may be exempt from building permit fees, but still need to be reviewed by the building inspector for compliance with zoning requirements. Please call the Planning and Zoning office at 407-3380 to obtain detailed information about what is required for your particular project. Due to limited staff and the frequency of scheduled inspections, ***appointments to discuss your project or pay for the permit***, must be made with the Building Inspector, or call 816-407-3380.

Note: Any excavation in a County road right-of-way requires a permit from the **Clay County Highway Department**. Bonding is also required. For details, please contact the Clay County Highway Department at 407-3300.

To obtain permits for construction of Accessory Buildings, residential Decks, Swimming Pools, and Fences (over 6 feet to 8 feet high) you will need:

1. Drawing of the proposed construction. The plans must show construction design and materials in sufficient detail to allow the Building Inspector to determine whether the proposed structure meets the requirements of the adopted building codes (90 mile per hour wind load and 20 pound per square foot snow load).
2. Plot Plan of property showing the proposed building with distances from the building to all property lines.
3. Site approval from the Clay County Public Health Center **816-595-4350** or approval letter from private sewer company.
4. If the Accessory Building is in need of another street entrance then a driveway permit from either, the Clay County Highway Department (**phone# 407-3300**) for County maintained roads or the State of Missouri (Melissa Roberts

Melissa.roberts@modot.mo.gov or 816-607-2183) for state maintained roads.

5. Swimming Pools require filter and pump spec sheets. Heater Spec sheets of applicable.
6. Once you have all the required items, upload to the Clay County Planning and Zoning on-line permit applications at
*rejected submittals will need to be resubmitted

<https://www.claycountymo.gov/departments/commission-departments/planning-zoning/planning-zoning-online-applications-permits>

Permit Fees

The established permit fees (as of 2/1/2020) for accessory structures are as follows:

1. Accessory Buildings (Non-Farm, over 120 sq.ft.)
 - A) Type I- no plumbing **\$250.00**
(Includes footer/pad & final inspection)
 - B) Type II -with plumbing **\$300.00**
(Includes footer/pad, ground rough & final inspection)
 - C) Prefabricated Accessory Building **\$90.00**
2. Swimming Pools **\$175.00**
(Includes grounding inspection) (inground and above ground pools)
3. Pond dams **\$150.00**
(Includes one inspection) ***see separate handout for pond requirements***
4. Fences (over 6 feet) **\$125.00**
(Includes one inspection)
5. Decks (over 120 sq. ft. or 30" above grade) **\$100.00**