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Clay County, Missouri Land Development Code (LDC)

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August 26, 2019, by Ordinance 2019-ORD-27 Payment of Road Impact & Park Fees, Section 151-9.6

November 18, 2019, by Ordinance 2019-ORD-37 Medical Marijuana, Section 151-6.1,151-6.2, Medical Marijuana Definitions, 151-15

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Matt Tapp, AICP
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Debbie Viviano
Planner

Charles Adams
Building Official

Judi Ewing
Secretary/Clerk

Clay County Planning & Zoning Department

234 W. Shrader Street
Suite C
Liberty, Missouri 64068
(816) 407-3380
FAX (816) 407-3381

www.claycountymo.gov/planning

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Chapter 151-1 Introductory Provisions

151-1.1 Title

This Title shall be officially known and cited as the “Land Development Code of Clay County, Missouri.” For convenience, it may be referred to simply as the “Land Development Code.”

151-1.2 Authority

This Land Development Code is adopted pursuant to the powers granted and limitations imposed by the Constitution and laws of the State of Missouri, including the statutory authority conferred by Chapter 64 of the Revised Statutes of Missouri.

151-1.3 Applicability and Jurisdiction

This Land Development Code shall apply to all development, public and private, within unincorporated Clay County. All structures and land uses constructed or commenced hereafter and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this Land Development Code.

151-1.4 Replacement of Previous Ordinances

This Land Development Code shall replace Chapter 151 of the Clay County Code of Ordinances that existed before February 27, 2012 (2012-ORD-01).

151-1.5 Compliance Required

It shall be unlawful to conduct any development or construct any structure until (1) all applicable development review and approval processes have been followed; (2) all applicable approvals have been obtained; and (3) all required permits or authorizations to proceed have been issued. Violations will be processed according to Section 14 of this Land Development Code.

151-1.6 Minimum Requirements

The standards of this Land Development Code are minimum requirements. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Land Development Code shall not relieve the recipient of the responsibility for complying with all other applicable requirements of any other county, state or federal agency.

151-1.7 Purpose and Intent

This Land Development Code is adopted to promote the public health, safety and general welfare of residents and visitors to Clay County. More specifically, the regulations are intended to:

A. implement the Clay County *Comprehensive Plan*;

B. preserve and protect land, air, water, environmental resources and property values;

C. divide the unincorporated area of the county into zoning districts regulating land use and intensity of development;

D. promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resources and government expenditures;

E. regulate the type and intensity of development;

F. protect the public from fire, flood and other dangers;

G. protect and maintain the county’s unique and irreplaceable natural resources and agricultural land;

H. preserve open space, clean air, groundwater recharge and wildlife;

I. direct the timely and orderly development of Clay County;

J. assure adequate light and air is available in developed areas: and

K. does not discriminate against any class, group or type of person.

151-1.8 Implementation of the Comprehensive Plan

This Land Development Code has been prepared in accordance with the county's Comprehensive Plan. It is intended that decisions made pursuant to this Land Development Code will implement and be consistent with the Comprehensive Plan.

A. An amendment to the text of this Land Development Code shall be considered consistent with the Comprehensive Plan if it complies with the goals and policies stated in the Plan. A zoning map amendment shall be considered consistent with the Comprehensive Plan if the map amendment is consistent with the "Planning Tier Map" of the Comprehensive Plan.

B. Developments that have been legally established under regulations that predate this edition of the Land Development Code shall not be deemed inconsistent with the Comprehensive Plan.

151-1.9 Commentary

Commentaries are included in this Land Development Code whenever necessary to clarify the intent of a specific provision. These commentaries are a guide for administrative officials and the public to use in interpreting and understanding the Land Development Code.

151-1.10 Word Usage and Construction of Language

A. Meanings and Intent
All provisions, terms, phrases and expressions contained in this Land Development Code shall be construed according to the Purpose and Intent set out in Sec. 151-1.7. See also Sec. 151-15.1.

B. Headings, Illustrations and Text
In case of any difference of meaning or implication between the text of this LDC and any heading, drawing, table, figure, or illustration, the text shall control.

C. Lists and Examples
Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

D. Computation of Time
References to days are to Clay County workdays unless otherwise stated. The time in which an act is to be done shall be computed as follows:

1. periods of time of 7 days or less are inclusive of all days except Saturdays, Sundays and holidays observed by the county;
2. periods of time of more than 7 days are inclusive of all days.

E. References to Other Regulations, Publications and Documents
Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

F. Delegation of Authority
Whenever a provision appears requiring the head of a department or another officer or employee of the county to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

G. Technical and Non-technical Terms
Words and phrases shall be construed according to the common and approved usage of the

language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies
All public officials, bodies, and agencies to which references are made are those of Clay County, unless otherwise expressly stated.

I. Mandatory and Discretionary Terms
The words “shall,” “will,” “must” and “may not” are mandatory. The words “may” and “should” are advisory and discretionary terms.

J. Conjunctions
Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

”And” indicates that all connected items, conditions, provisions, or events apply, and “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

K. Tenses and Plurals
Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

L. Should any uncertainty remain about the specific use of language or definitions found within this code, the uncertainty shall be resolved by the Planning and Zoning Director, passed on the intent of the Comprehensive Plan, the stated intent of the Planning and Zoning Commission and County Commission and/or accepted standard planning principles. Such decisions may be appealed to the Board of Zoning Adjustment (Section 151-2.3-G2)

151-1.11 Zoning Map

A. General

1. The boundaries of the zoning districts established by this Land Development Code are shown on a map or series of maps designated as the official “Zoning Map,” which together with all legends, symbols, notations, references, district boundaries, and other information thereon, is adopted and made a part of this Land Development Code as fully as if it were set out herein in detail.

2. Original copies of the Zoning Map, which shall constitute the official record, are maintained in the office of the Planning and Zoning Director. In case of any dispute regarding the zoning classification of property subject to this Land Development Code, the maps maintained by the Planning and Zoning Director shall control.

3. Changes in the boundaries of any zoning district shall be reflected on the Zoning Map promptly upon approval of the amendment by the County Commission. All amendments to the Zoning Map shall be signed and attested to by the Planning and Zoning Director.

B. District Boundaries
The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map.

1. Wherever a site is divided by a zoning district boundary, the zoning regulations applicable within each district shall apply to each portion of the site situated in a separate district.

2. 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.

3. Where a district boundary divides a non-subdivided 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.

4. Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.

5. Where a street, alley or right-of-way is officially vacated or abandoned, the zoning designation of the abutting property shall apply to the centerline of the vacated or abandoned street, alley or right-of-way.

6. Should any uncertainty remain about the location or meaning of a boundary indicated on the Zoning Map, the uncertainty shall be resolved by the Planning and Zoning Director, whose decision may be appealed to the Board of Zoning Adjustment.

151-1.12 Conflicting Provisions

A. Conflict with State or Federal Regulations
If the provisions of this Land Development Code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

B. Conflict with Other County Regulations
If the provisions of this Land Development Code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the county, the more restrictive provision will control.

C. Conflict with Private Agreements and Covenants
This Land Development Code is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship. The county is responsible for enforcing this Land Development Code; it does not enforce private agreements.

151-1.13 Development Under Prior Regulations

A. Violations Continue
Any violation of the previous zoning, subdivision or sign regulations of the county shall continue to be a violation under this Land Development Code and shall be subject to penalties and enforcement under Section 151-14, unless the use, development, construction or other activity is consistent with the express terms of this Land Development Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before February 27, 2012 (2012-ORD-01.

B. Completion of Development

1. **Applications Submitted Before February 27, 2012 (2012-ORD-01)**
Any building, development or sign for which a complete application was submitted to the county before February 27, 2012 (2012-ORD-01) and pending approval on February 27, 2012 (2012-ORD-01) may, at the applicant's option, be reviewed wholly under the terms of the county's previous Land Development Code, zoning or subdivision regulations. If approved, such projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

2. **Permit Issued Before February 27, 2012 (2012-ORD-01)**
Any building, development or sign for which a permit was duly issued before February 27, 2012

(2012-ORD-01) may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, development or sign does not fully comply with provisions of this Land Development Code. If construction is not commenced or completed in accordance with the applicable permit terms, the County Commission may, for good cause shown, grant not more than 1 extension of up to 6 months for such construction. If the building is not completed in a timely manner, within the time allowed under the original permit or any extension granted, then the building, development or sign may be constructed, completed or occupied only in strict compliance with the requirements of this development code.

3. **Plats Approved Before February 27, 2012, (2012-ORD-01)**
Any subdivision for which a preliminary or final plat was approved before February 27, 2012 (2012-ORD-01). may be recorded in accordance with the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Land Development Code. If the subdivision is not recorded within the time requirements established by prior ordinance or resolution or within any schedule included in the approval of the plat, the County Commission may, for good cause shown, grant 1 extension of not more than 1 year for the recordation of such subdivision. If the subdivision is not recorded within the time required under the original approval or any extension that may be granted, then the subdivision may be recorded and buildings therein constructed and used only in strict compliance with the requirements of this Land Development Code.

C. Zoning

1. Existing uses may continue either in compliance with these regulations or as a legal non-conforming uses subject to the requirements of Chapter 151-13.

2. Existing lots that do not comply with the requirements of these regulations will be allowed to be developed pursuant to the requirements of Chapter 151-13.

D. Previous Zoning District Classifications & Regulations
All zoning districts authorized under prior regulations are hereby affirmed with the zoning district classifications assigned by the Resolution or Ordinance approving said zoning district as indicated by the adopted Zoning Map. Density and dimensional standards shall only apply as designated by the adopted zoning district and zoning map.

E. Zoning District Name Conversions
The zoning district names in effect before February 27, 2012 (2012-ORD-01) remain the same after February 27, 2012 (2012-ORD-01).

F. Conditional Uses
Any use that was legally established before February 27, 2012, (2012-ORD-01) without a Conditional Use Permit and which after February 27, 2012, (2012-ORD-01) would require a Conditional Use Permit, shall not be deemed a nonconforming use but rather shall be deemed to possess a Conditional Use Permit (without following the procedures of Sec. 151-3.9). This provision shall not apply to mobile homes or manufactured housing units.

151-1.14 Severability

A. If any Court of competent jurisdiction rules any provision of this Land Development Code invalid, that ruling shall not affect any Land Development Code provision not specifically included in the judgment.

B. If any Court of competent jurisdiction rules invalid the application of any provision of this Land Development Code to a particular property, building, or other structure, or use, that ruling shall not affect the application of the Land Development Code provisions to any property, building, other structure, or use not specifically included in the judgment.

Chapter 151-2 Review and Decision-Making Bodies

151-2.1 County Commission

The County Commission shall have all of the powers and duties specifically assigned in this Land Development Code, including the following:

A. Land Development Code Text Amendments
The County Commission shall be responsible for reviewing Land Development Code Text amendment applications and for taking final action to approve or deny such applications. (See Sec. 151-3.2)

B. Zoning Map Amendments
The County Commission shall be responsible for reviewing Zoning Map Amendment applications and for taking final action to approve or deny such applications. (See Sec. 151-3.3)

C. Subdivisions
The County Commission shall be responsible for reviewing subdivision plat applications and for taking final action to approve or deny such applications. (See Sec. 151-3.4).

D. Overlay and Special Purpose Zoning Districts

1. **Conservation District (CD)**
   The County Commission shall be responsible for reviewing all CD Plan/Plat applications and for taking final action to approve or deny such applications. (See Sec. 151-3.7)

2. **Planned Unit Development (PUD)**
   The County Commission shall be responsible for reviewing all PUD Concept Plan/Plat applications and for taking final action to approve or deny such applications. (See Sec. 151-3.8)

3. **Preservation Overlay District (POD)**
   The County Commission shall be responsible for reviewing all POD Plan applications and for taking final action to approve or deny such applications. (See Sec. 151-3.9)

E. Conditional Use Permits (CUPs)
The County Commission shall be responsible for reviewing CUP applications and for taking final action to approve or deny such applications. (See Sec. 151-3.10)

F. Vacations
The County Commission shall be responsible for reviewing Vacations (e.g. utility, public and ingress/egress easements, rights-of-way) applications and for taking final action to approve or deny such applications. (See Sec. 151-3.13)

G. Comprehensive Plan
The County Commission shall be responsible for reviewing amendments to the County Comprehensive Plan and recommending approval or denial to the Planning and Zoning Commission.

151-2.2 Planning and Zoning Commission

The Planning and Zoning Commission shall have all of the powers and duties specifically assigned in this Land Development Code, including the following:

A. Land Development Code Text Amendments
The Planning and Zoning Commission shall be responsible for reviewing Land Development Code Text amendment applications and for making a recommendation on the applications to the County Commission. (See Sec. 151-3.2)

B. Zoning Map Amendments

The Planning and Zoning Commission shall be responsible for reviewing Zoning Map Amendment applications and for making a recommendation on the applications to the County Commission. (See Sec. 151-3.3)

C. Subdivisions

The Planning and Zoning Commission shall be responsible for reviewing Subdivision plat applications and for making a recommendation on the application to the County Commission. (See Sec. 151-3.4).

D. Overlay and Special Purpose Zoning Districts

1. **Conservation District (CD)**
   The Planning and Zoning Commission shall be responsible for reviewing all CD Plan/Plat applications and for making a recommendation on the application to the County Commission. (See Sec. 151-3.7)

2. **Planned Unit Development (PUD)**
   The Planning and Zoning Commission shall be responsible for reviewing all PUD Plans/Plat applications and for making a recommendation on the application to the County Commission. (See Sec. 151-3.8)

3. **Preservation Overlay District (POD)**
   The Planning and Zoning Commission shall be responsible for reviewing all POD Plan applications and for making a recommendation on the application to the County Commission. (See Sec. 151-3.9)

E. Conditional Use Permits (CUPs)

The Planning and Zoning Commission shall be responsible for reviewing Conditional Use Permit applications and for making a recommendation on the application to the County Commission. (See Sec. 151-3.10)

F. Vacations

The Planning and Zoning Commission shall be responsible for reviewing Vacations (e.g. utility, public and ingress/egress easements, rights-of-way) applications and for making a recommendation to the County Commission to approve or deny such applications. (See Sec. 151-3.13)

G. Comprehensive Plan

The Planning and Zoning Commission shall be responsible for reviewing and taking final action on amendments to the County Comprehensive Plan.

H. Rules and Procedures

The Planning and Zoning Commission shall elect its own chairman and adopt rules of procedure consistent with the provisions of these regulations and the provisions of RSMo 64.510 to 64.695. All meetings of the Planning and Zoning Commission shall be open to the public, and minutes shall be kept of all proceedings and official actions which minutes shall be a part of the public record, filed in the Planning and Zoning Department.

I. Hearings

Hearings of the Planning and Zoning Commission shall be held at the call of the chairman and at such times as the Planning and Zoning Commission may determine. All testimony, objections, rulings, and actions shall be electronically recorded and filed in the Planning and Zoning Department.

151-2.3 Board of Zoning Adjustment

A. Creation
A Board of Zoning Adjustment is hereby created pursuant to RSMo. 64.660.

B. Composition
The Board shall consist of 5 residents of the county, including no more than 2 residents of the incorporated area of the county and no more than 1 member of the Planning and Zoning Commission.

C. Terms
The term of each member of the Board of Zoning Adjustment shall be 4 years.

D. Removal and Vacancies
Members of the Board of Zoning Adjustment shall be removable for cause by the County Commission upon written charges and after public hearings. Vacancies shall be filled by the County Commission.

E. Rules and Procedures
The Board of Zoning Adjustment shall elect its own chairman and adopt rules of procedure consistent with the provisions of these regulations and the provisions of RSMo. 64.510 through 64.695. The chairman, or in the chairman's absence the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be a part of the public record, filed in the Planning and Zoning Department.

F. Hearings
Hearings of the Board of Zoning Adjustment shall be held at the call of the chairman and at such times as the Board of Zoning Adjustment may determine. Within the budget established by the County Commission for such purpose, the Board of Zoning Adjustment will require all testimony, objections, rulings, and actions shall be electronically recorded and filed in the Planning and Zoning Department.

G. Powers and Duties

1. **Variances**
   The Board of Zoning Adjustment shall be responsible for reviewing Variance applications and for taking final action to approve or deny such applications. (See Sec. 151-3.12)

2. **Appeals of Administrative Decisions**
   The Board of Zoning Adjustment shall be responsible for hearing all appeals of administrative decisions and for taking final action on such appeal. (See Sec. 151-3.15)

H. Appeals of the Board of Zoning Adjustment Decisions
Appeals of the Board of Zoning Adjustment decisions shall be according to Sec. 151-3.12D4 and 151-3.15I.

151-2.4 Planning and Zoning Director and Other Administrative Staff

A. Power and Duties
The Planning and Zoning Director and other administrative staff shall have all of the powers and duties specifically assigned in this Land Development Code or otherwise assigned by the County Commission.

B. Technical Review Committee

A Technical Review Committee (TRC) reviews technical aspects of development, signs or other plans. The TRC shall include the following:

1. Planning and Zoning Director
2. Planning and Zoning Staff
3. Building Official
4. Clay County Highway Department representative
5. Clay County Engineer or Public Works representative
6. Clay County Parks representative
7. Clay County Health Department representative
8. Other public/quasi-public agency representatives, as required for specific reviews.

Chapter 151-3 Development Review Procedures

151-3.1 General

A. Authority to File Applications

Applications for development approval under this Land Development Code (LDC) may be filed by: the property owner of record, a purchaser under a contract for sale from the record owner, or the duly authorized agent of the record property owner. County officials shall be authorized to require proof of legal authority to take the action sought. The County Commission may initiate any action under this LDC with or without an application from the record property owner.

B. Form of Application

Applications required under this Section must be submitted on forms and in such numbers as required by the official responsible for accepting the application.

C. Fees

1. **Application Filing Fees**

   Applications must be accompanied by the nonrefundable fee established by the County Commission. Fees shall not be required with applications initiated by Review and or Decision-Making Bodies.

2. **Special Hearing Deposit**

   a. **Generally**

   Where the total time of a hearing is expected to exceed 2 hours, as determined by the Planning and Zoning Director, a special hearing expense deposit shall be paid by the applicant in addition to the application filing fee. Special hearing deposits are to cover actual expenses. The required deposit amounts have been established by the County Commission. At any point prior to the conclusion of all hearings on a matter, the County Commission may, for good cause and based on anticipated actual costs, require a deposit to exceed the amount required for applications falling in the “Other” category of “Special Hearing Deposit,” as shown in the Fee Schedule.

   b. **Application Review**

   At the time of application filing, the applicant shall state the number of witnesses and the amount of time the applicant anticipates for the presentation of all evidence to applicable review and decision-making bodies. The application must be accompanied by a list of witnesses and exhibits. The Planning and Zoning Director will review all applications and make a determination of whether the hearing is likely to exceed 2 hours in length. Such determination shall be based upon: (1) the information supplied in the application, (2) the expected amount of public input, and (3) the Planning and Zoning Director’s experience with local practices. If it is determined by the Planning and Zoning Director that the public hearing will exceed 2 hours in length, the applicant shall be subject to the special hearing deposit provisions of this subsection.

   c. **Deposit Required**

   If at any time either before the filing of the application, or prior to a final decision of the applicable decision-making body, the Planning and Zoning Director determines that the hearings are likely to exceed 2 hours in length, the Planning and Zoning Director shall notify the applicant in writing of this determination and order the applicant to post a special hearing expense deposit, which shall be held in an account by the County Treasurer in a depository established for that purpose by the County Commission. Upon the issuance of such order by the Planning and Zoning Director, all proceedings upon the application shall be stayed until the deposit is received by the county. After such a stay is in effect for a period of 14 calendar days and the deposit is not made with the county, the application shall be dismissed, without prejudice against re-filing of the application.

   d. **Escrow Account Established**

   There shall be an escrow account established under the supervision of the County

Treasurer's Office for each case for which the applicant pays an expense deposit. The County Treasurer shall disburse payment from the escrow account upon billings supplied by the Planning and Zoning Director and approved by the County Administrator. These billings shall reflect the actual charges incurred which will be charged against the amount on deposit in escrow. When each billing is made, the Planning and Zoning Director shall simultaneously mail a copy of the billing to the applicant at the address listed in the application.

e. **Additional Deposits**
At any time that the escrow account falls below a balance of 20 percent of the initial total expense deposit, the County Treasurer shall immediately inform the Planning and Zoning Director, whereupon the Planning and Zoning Director shall write to the applicant at the address shown on the application and direct the applicant to make deposit equal to the amount of the initial expense deposit. After the Planning and Zoning Director make such order, all proceedings on the application shall be stayed until the county receives the additional deposit. If the additional deposit is not received within 14 calendar days of said order, or if the applicant indicates a refusal to make such additional deposit, the application shall be dismissed without prejudice against re-filing.

f. **Refunds**
Upon final disposition of the application or dismissal of the application, the balance of the deposit in escrow with the County Treasurer, after all expense payments are made, shall be returned to the applicant upon the applicant's written request.

D. Complete Application
Applications that do not include required information or that are not accompanied by required fees will be returned to the applicant as incomplete, and no further processing of the application will occur until the deficiencies are corrected. Applications will be reviewed for completeness within 10 days of filing. If the official responsible for accepting the application determines that the application is complete, the application will be processed. If the official responsible for accepting the application determines that the application is incomplete, the application will be returned to the applicant along with a written explanation of the application's deficiencies.

E. Preapplication Conferences
All applicants are encouraged to schedule and attend a preapplication conference meeting with Planning and Zoning Department staff prior to submitting an application for review under this chapter. The purpose of a preapplication conference is to inform the applicant of applicable procedures, submittal requirements, development standards, and other pertinent matters before the applicant finalizes the development proposal. Staff opinions presented during a preapplication meeting are informational only and do not represent a commitment on behalf of the county regarding the acceptability of the development proposal.

F. Establishment of Processing Cycles
Officials responsible for accepting applications, after consulting with review and decision-making bodies, may promulgate processing cycles for applications. Processing cycles may establish:

1. Deadlines for receipt of complete applications;

2. Dates of regular meetings;

3. The scheduling of staff reviews and staff reports on complete applications;

4. All required steps in the application process (including public hearings, and reviews by other agencies); and

5. Required time frames for action by review and decision-making bodies.

G. Planning and Zoning Director and Agency Review
In conducting required reviews, the Planning and Zoning Director shall be authorized to distribute the application and other submittals to other departments and agencies for the purpose of soliciting

comments and ensuring that the proposal complies with all applicable standards and requirements. The Technical Review Committee (TRC) may be convened to review technical aspects of applications. (See Sec. 151-2.4B.)

H. Notices

All notices required under this Land Development Code must: (1) indicate the time and place of all scheduled public hearings; (2) describe the property involved in the application by street address, legal description or map; (3) describe the nature, scope and purpose of the proposal; and (4) indicate the location and source of additional information about the proposal.

1. **Written Notice**

   a. Unless otherwise expressly stated, when the provisions of this Land Development Code require that written notice be provided, the official responsible for accepting the application shall provide written notice by certified mail to all owners of the subject property and all property owners within 1,000 feet of the subject property. Written notice shall also be sent by regular mail to the City Clerk of any municipality within 1½ miles of the subject property.

   b. Written notices shall be deposited in the U.S. mail at least 15 days before the first scheduled public hearing.

   c. The applicant shall be responsible for providing the Planning and Zoning Department with a list of the names and addresses of the owners of record of all property within 1,000 feet of the subject property. The ownership information shall be obtained from a licensed abstractor, title company, registered surveyor or similarly qualified person whose services have been secured by the applicant. This information should be provided in electronic and printed form. Failure to notify all adjoiners may invalidate the public notice requirements and cause the application to be tabled until proper notification is completed.

2. **Published Notice**

   When the provisions of this Land Development Code require that notice be published in the newspaper, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation within Clay County at least 15 days before the first scheduled public hearing.

3. **Constructive Notice**

   Minor technical deviations from specified notice requirements shall not be deemed to impair notice where there is actual notice. Written notice shall be conclusively presumed to be properly given if placed, postage prepaid, with the United States Postal Service addressed in accordance with the list provided by the applicant. When required written notices have been properly given, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall determine whether there was compliance with the notice requirements of this section.

4. **Delay in County Commission Hearing**
   If there is a delay in forwarding a recommendation to the County Commission based on technical reasons, and no specific date is announced at the Planning and Zoning Commission public hearing, written notice shall be sent by regular mail to all adjoiners within 1000' at least 15 days prior to the County Commission hearing at which the application will be heard.

I. Action by Review and Decision-Making Bodies

1. Review and decision-making bodies may take any action on an application that is consistent with the notice given, including approving the application, approving the application in modified form or denying the application. Decision-making bodies shall also be authorized to remand an application back to a review body for further consideration and recommendation.

2. Review bodies may recommend and decision-making bodies may modify or allow amendments to the application if the effect of the modifications or amendments is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application. (See Zoning District Hierarchy, Sec. 151-4.1)

3. Decision-making bodies may not approve an application for a greater density of development, a more intensive use, a more intensive zoning district, reduced setbacks, more dwelling units, greater height, more access points or fewer improvements than indicated in the notice.

Figure 151-3-1: Review and Approval Procedures Summary

		Review and Decision-Making Bodies			
PROCEDURE	Sec. No.	Staff/ TRC	BZA	PZC	CC
LDC Text Amendments	151-3.2	R	-	R	DM
Zoning Map Amendments	151-3.3	R	-	R	DM
Minor Subdivision	151-3.5		-		
Preliminary Plat		R	-	R	DM
Final Plat		R	-	R	DM
Major Subdivision	151-3.6				
Preliminary Plat		R	-	R	DM
Engineering and Construction Plans		DM	-	-	-
Final Plat		R	-	R	DM
Overlay and Special Purpose Zoning Districts					
CD Plan/Plats	151-3.7	R	-	R	DM
PUD Plan/Plats	151-3.8	R	-	R	DM
POD Plan	151-3.9	R	-	R	DM
Conditional Use Permits	151-3.10	R	-	R	DM
Variances	151-3.12	R	DM	-	-
Vacations	151-3.13	R	-	R	DM
Written Interpretations	151-3.14	DM	-	-	-
Appeals of Administrative Decisions	151-3.15	-	DM	-	-
Comprehensive Plan	151-2.1 - 2.2	R	-	DM	R

Staff = Planning & Zoning Director
PZC = Planning & Zoning Commission
R=Review Body (Review and Recommendation)
BZA = Board of Zoning Adjustment
CC = County Commission
DM=Decision-Making Body (Final Action)

J. Inaction by Review and Decision-Making Bodies

1. **Review Bodies**
   When a review body fails to take action on an application, upon request of the applicant within three months from the first public hearing the application shall be forwarded to the decision-making body with no recommendation.

2. **Decision-Making Bodies**
   Unless otherwise expressly stated, when a decision-making body fails to take action on an application within a required time frame or 90 days, whichever is greater, that inaction will be deemed a denial of the application, unless an extension is granted.

K. Continuation of Public Hearings
A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the time of the public hearing.

L. Compliance with Missouri Revised Statutes
The development review procedures of this Section are intended to implement the procedural requirements of the Missouri Revised Statutes. In the event of conflict between the procedures of this chapter and those of the Missouri Revised Statutes (RSMo 64.510-690 and RSMo 64.905–906) the state statutes shall control.

M. Burden of Proof Persuasion
The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the county or other parties to show that the criteria have or have not been met.

151-3.2 Land Development Code (LDC) Text Amendments

A. Planning and Zoning Department's Review and Report
The Planning and Zoning Department shall review each proposed LDC text amendment and provide a report to the Planning and Zoning Commission.

B. Public Hearing Notice
Published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 151-3.1H-2.

C. Planning and Zoning Commission's Review and Recommendation
The Planning and Zoning Commission shall hold a public hearing on the proposed text amendment and make a recommendation to the County Commission based on the Approval Criteria of Sec. 151-3.2E.

D. County Commission Review and Decision
After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the application based on the Approval Criteria of Sec. 151-3.2E.

E. Approval Criteria
In taking action on LDC text amendments, review and decision-making bodies shall consider whether the proposed amendment advances the stated purpose and intent of Sec. 151-1.7.

151-3.3 Zoning Map Amendments

A. Application Filing
All property located within unincorporated Clay County are considered Agricultural (AG) district unless the property has been rezoned according to past or current zoning regulations of Clay County. Zoning Map Amendment ("Rezoning") applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department.

1. **Adjacent Property Owners**
   The applicant for a proposed rezoning shall provide the Planning and Zoning Department with a list of names and addresses of the owners of record of all property within 1,000 feet of the property in question, as specified by RSMo 64.645. A property abstractor, title company, registered surveyor, or similarly qualified person whose services have been secured by the applicant shall have originated such list. Such list shall be provided with the application in electronic and paper forms. Failure to properly notify all adjacent property owners may invalidate the public notice requirements and cause the application to be tabled until proper notification is completed.

2. **Water Supply Approval**
   Written approval from the respective public water supply district (PWSD) or a municipal water supplier for the proposed project shall be submitted with the application. If water service from the PWSD is not available, this should be noted in writing from the district. If the project is not within the boundaries of any PWSD or not capable of being served by any other water supplier, arrangements shall be made in accordance with this section.

3. **Sanitary Sewer Approval**
   Written approval of the project from the Clay County Health Department shall be submitted with the application. In instances where more than seven lots are being created (5 acres each or less) or fourteen lots are being created (over 5 acres each), written approval from the Missouri Department of Natural Resources (DNR) must be submitted at the time of application, in addition to morphology approvals from the County Health Department.

4. **Clay County Highway Department Approval**
   A plan review fee shall be paid to the Clay County Highway Department and submitted with the application. Written approval from the Clay County Highway Department of all roadways and accesses shall be required for subdivision approval.

5. **Missouri Department of Transportation (MoDOT) Approval**
   If the project abuts a State maintained highway, written approval from MoDOT shall be required for subdivision approval.

6. **Preliminary Plat/Site Plan**
   Rezoning applications must be accompanied by either a Preliminary Plat application if a subdivision is required in accordance with Section 151-3.4 or a Site Plan if a subdivision is not required.

   A Site Plan may include any existing and proposed conditions that will assist the decision-making bodies in determining compliance with zoning map amendment approval criteria as described in Section 151-3.3 (F).

B. Public Hearing Notice
Written and published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 151-3.1H-1 and Sec. 151-3.1H-2.

C. Planning and Zoning Department's Review and Report
The Planning and Zoning Department shall review each proposed Zoning Map Amendment and provide a report to the Planning and Zoning Commission.

D. Planning and Zoning Commission's Review and Recommendation
The Planning and Zoning Commission shall hold a public hearing on the proposed Zoning Map Amendment and make a recommendation to the County Commission based on the Approval Criteria of Sec. 151-3.3F. The Planning and Zoning Commission's hearing shall be set for a date not later than 60 days after receipt of a complete application. Transmittal of the recommendation shall be made to the County Commission within 90 days of the Planning and Zoning Commission's hearing, unless the applicant requests a delay or withdrawal in writing.

E. County Commission Review and Decision
After receiving the recommendation of the Planning and Zoning Commission, the County

Commission shall take action on the application based on the Approval Criteria of Sec. 151-3.3F.

F. Approval Criteria

In acting on proposed Zoning Map Amendments, review and decision-making bodies shall consider the following:

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;

2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;

3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;

4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and

5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, and natural resources.

G. Protest Petitions

1. **Super-Majority Vote Required**

   If a valid protest petition is submitted to the County Clerk within 14 days of the date of the conclusion of the Planning and Zoning Commission's last hearing on the proposed zoning map amendment, approval of the zoning map amendment by the County Commission shall require a favorable vote of at least ⅔ of all the members of the County Commission. If the County Commission returns the application to the Planning and Zoning Commission for reconsideration, previously filed petitions shall be invalidated and a new protest petition must be filed.

2. **Definition of "Valid" Protest Petition**

   a. In order to be deemed "valid," a protest petition must be:

      i. Signed and acknowledged by the owners of 30 percent of the frontage within 1,000 feet to the right or left of the frontage proposed to be changed;

      ii. Signed and acknowledged by the owners of 30 percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered; or

      iii. Made by resolution of the city council or board of trustees of a zoned municipality located within 1½ miles of the subject tract.

   b. The term "owner" for purposes of protest petitions shall include all those individuals that have ownership in the subject real property or property within 1,000 feet as provided in this section. If the property is owned by joint tenancy, all such owners must sign the petition by their own hand to be valid, unless the petition itself clearly indicates that one tenant has the legal authority to sign for and on behalf of the other. If a corporation, partnership or entity other than an individual meets the requirements to protest an action and desires to sign a petition; the following must appear on the petition in order for such organization to be counted with the petition:

      i. The proper name in which title to its property is held;

      ii. The address of its property;

iii. The name of the individual signing on behalf of the corporation, partnership or entity;

iv. The title or authorization of the individual to sign on behalf of the corporation, partnership, or entity; and

v. The signature of each owner signing the petition must be properly notarized.

H. Successive Applications

1. If the County Commission denies an application for a Zoning Map Amendment, an application for the same or more intensive zoning on the subject parcel, whether the parcel is in its original configuration or expanded or reduced in area, shall not be accepted for 6 months from the date that the County Commission acted to deny the amendment.

2. If the County Commission denies an application for a Zoning Map Amendment, for I-1or I-2 zoning, an application for the same or more intensive zoning district shall not be accepted for 3 years from the date that the County Commission acted to deny the amendment.

   a. The Planning and Zoning Director may permit a re-filing of an I-1 or I-2 district zoning amendment application after 6 months if the Planning and Zoning Director determines, based on clear and convincing evidence provided by the applicant, that a substantial change in circumstances has occurred since the County Commission denied the rezoning which is the result of new facts that were not discoverable by the applicant during the previous proceedings with the use of reasonable diligence or as a result of material facts which have arisen since the previous decision. Such showings must be made prior to acceptance of the application.

   b. The decision of the Planning and Zoning Director on a request to re-file an I-1 or I-2 zoning map amendment must be provided in writing and forwarded to the applicant with a copy of the decision to the Planning and Zoning Commission within 30 days of the submission of an application. Any person aggrieved by a decision of the Planning and Zoning Director under this section may appeal the decision of the Planning and Zoning Director to the Board of Zoning Adjustment within 30 days of decision of the Planning and Zoning Director.

I. Appeals

Any person aggrieved by a decision of the County Commission on a Zoning Map Amendment may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter.

151-3.4 Subdivision

This section sets out the review and approval process for Subdivision process and Plats. The process consists of 3 required steps: (1) Preliminary Plat review and approval; (2) Engineering Plan review and approval; and (3) Final Plat review and approval.

A. Applicability

The procedures of this section shall apply to all subdivisions of land unless otherwise expressly exempted. No building permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided in accordance with the subdivision procedures of this section.

1. **Exemptions**

   The following shall be exempt from the procedures of this section:

   a. A transaction between owners of adjoining unplatted property that involves only a change in the boundary between the land owned by such persons provided no additional tracts are created and such tracts comply with the lot size and setback standards of the underlying zoning district.

b. Property which is created by adjoining unplatted tracts which involves the combination of contiguous parcels of land into one larger parcel.

c. The conveyance of land for street or railroad right-of-way, utility or drainage easements, or other public utility purposes subject to local, state, or federal regulations, and where no new street or access easements are created.

d. The conveyance of land for public recreation, trails or similar easements and public purposes.

e. The division of land into parcels 20 acres or larger in area on or before June 13, 1994 and in compliance with the county subdivision regulations in force at that time.

f. The division of land into parcels 40 acres or larger in area after June 13, 1994 and in compliance with the county subdivision regulations in force at that time.

g. The division of land into parcels 40 acres or larger in area after the date of adoption of this chapter, provided such tracts have at least 100 total feet of frontage along a state or county maintained roadway, and access to the tracts and any remnant parcels comply with the county or state minimum sight distance requirements.

h. The division of land into cemetery plots.

i. The division of land by any court action pursuant to the law of eminent domain.

j. A division of property through the probate of an estate, or by order or judgment of a court of law of competent jurisdiction of the State of Missouri.

(Commentary: The exemption for cemetery plots exempts the creation of individual subdivision plots from the subdivision process. It does not exempt those creating a cemetery.)

151-3.5 Minor Subdivision

A Minor Subdivision refers to a reconfiguration of land that contains 3 or fewer residential lots. The intent is to streamline the process to accommodate subdivisions of land that are determined to be minor in nature. It requires a pre-application conference, possible Rezoning, Preliminary Plat, technical reviews, and Final Plat review and approvals by the Planning and Zoning Commission and the County Commission. After considering all prior subdivision activity on the greater parcel, a determination will be made by the Planning and Zoning Director whether or not the application may proceed as a Minor Subdivision.

A. Prerequisites

a) Creates no more than 3 residential lots
b) Does not require the extension of public facilities or the creating of significant public improvements, as determined by the Planning and Zoning Director
c) Has access to an existing street and does not involve any new interior streets
d) Shall be under one ownership
e) Shall be split from one contiguous parcel
f) Does not create a nonconforming lot
g) Does not contain a “phased development” plan
h) In the case of an existing nonconforming parcel, does not increase the nonconformity
i) Not more than one Minor Subdivision involving any part of the original property per every 5 years
j) Does not adversely affect the remainder of the parcel or adjoining properties and is not in conflict with any provisions of the Clay County Comprehensive Plan or these regulations.
k) The same zoning district is requested for all lots within the subdivision.

B. Process

1. **Pre-application Meeting**
   All applicants shall schedule and attend a pre-application meeting with Planning and Zoning Department staff prior to submitting an application for review under this chapter.

2. **Application Filing**
   A Minor Subdivision and/or rezoning (if necessary) application shall be submitted to the Planning and Zoning Department with the appropriate fees on forms available in the Planning and Zoning Department. All required information shall be filed with the Planning and Zoning Department at least 28 days prior to a regular meeting of the Planning and Zoning Commission. The Rezoning, Preliminary and Final Plats may be submitted concurrently for consideration as a Minor Subdivision.

3. **Preliminary Plat**
   A Preliminary Plat prepared by a registered surveyor shall conform to the requirements of Figure 151-3.6-1. The applicant shall submit 20 paper copies (24”x 36”) and 6 paper copies (11”x 17”).

4. **Final Plat**
   A Final Plat prepared by a registered surveyor shall conform to the requirements of Figure 151-3.6-2. The applicant shall submit 20 paper copies (24” x 36”) and 6 paper copies (11” x 17”).

5. **Technical Review of Preliminary/Final Plat**
   The Preliminary/Final Plat shall be reviewed by planning staff and the Technical Review Committee (TRC) for compliance with the Land Development Code, state statutes and other applicable codes. After such review, the applicant will be notified that the Minor Subdivision may or may not proceed to the Final Plat stage.

6. **Planning and Zoning Department’s Review and Report**
   The Planning and Zoning Department shall review each proposed application and provide a report to the Planning and Zoning Commission.

7. **Planning and Zoning Commission Review and Decision**
   Within 30 days of receipt of a complete application, the Planning and Zoning Commission shall review and take action on the application based on the appropriate approval criteria.

   a. **Approval Criteria**
      The application may be approved by the Planning and Zoning Commission if they determine that all of following approval criteria have been met:

      i. the subdivision complies with zoning regulations of the district in which it is located, the Subdivision Design and Improvement Standards of Chapter 151-8 and with all other applicable standards of this Land Development Code; and

      ii. adequate public safety, transportation and utility facilities/services will be available to serve the subdivision while maintaining adequate levels of service for existing development.

   b. **Transmittal**
      Transmittal of the recommendation to the County Commission shall be made within 90 days of the Planning and Zoning Commission’s hearing.

   c. **Denials**
      A recommendation of denial of an application by the Planning and Zoning Commission shall be forwarded to the County Commission for action, unless the applicant requests the application be withdrawn in writing within 30 days of the public hearing.

8. **County Commission Review and Decision**
   After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the application based on the appropriate approval criteria.

   a. **Approval Criteria**
      A Rezoning and/or Minor Subdivision may be approved by the County Commission if they determine that the application complies with the Land Development Code.

9. **Lapse of Final Plat Approval**
   The County Commission's approval of the Final Plat shall lapse and be of no further effect if the Final Plat is not recorded with the Recorder of Deeds within 1 year of the County Commission's approval.

10. **Appeals**
    Any person aggrieved by a decision of the County Commission on a Final Plat application may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter.

151-3.6 Major Subdivision

A Major Subdivision refers to a reconfiguration of land. It requires a pre-application conference, application, Rezoning (if necessary), Preliminary Plat, technical reviews by staff, and Final Plat review with approvals by the Planning and Zoning Commission and the County Commission. All subdivision applications shall be processed under the Major Subdivision regulations unless determined by the Planning and Zoning Director to be eligible for Minor Subdivision status.

(Commentary: Applicants for subdivisions are encouraged to discuss possible development site design possibilities and related issues with the Planning and Zoning Department prior to submission of any plat. After such pre-application conference, the applicant may submit a preliminary plat for consideration by the Planning and Zoning Commission)

A. Stormwater Management
All major subdivisions must be planned, designed, constructed, and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically, major subdivision requests must follow the stormwater design standards of Section 151-8.12, Stormwater Management/Design Criteria, and the erosion and sediment control requirements of 151-8.19, Erosion and Sediment Control Regulations.

The stormwater management development review process for each major subdivision request shall generally abide by the following process:

1. **Stage I – Erosion and Sediment Control Plan (ESC)**
   At the first stage of a major subdivision typically in conjunction with a Preliminary Plat, an **ESC** must be submitted using the supplied forms, applications, or any other material provided by the Clay County Planning & Zoning Department.

   a. **Other Permits Required (if applicable)**
      Other permits from the State of Missouri or other local authorities such as a Missouri Department of Natural Resources ("MoDNR") Land Disturbance Permit, Section 401, and Section 404 may be required for every ESC, if applicable.

2. **Stage II – Stormwater Pollution Prevention Plan (SWPPP)**
   At the second stage of a major subdivision typically in conjunction with a Final Plat, a **SWPPP** must be submitted using the supplied forms, applications, or any other material provided by the Clay County Planning & Zoning Department.

3. **Stage III – Land Disturbance Permit (LDP)**
At the third stage of a major subdivision, a **Land Disturbance Permit (LDP)** must be submitted using the supplied forms, applications, or any other material provided by the Clay County Planning & Zoning Department.

B. Preliminary Plats

1. **Application Filing**
Preliminary Plat applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department.

a. **Number of Copies to be Submitted**
The applicant shall submit at least 20 paper prints (24" x 36"), 6 paper prints (11" x 17"), and an electronic version of the Preliminary Plat, with a vicinity map showing the location of the proposed subdivision. All required information shall be filed with the Planning and Zoning Department at least 28 days prior to a regular meeting of the Planning and Zoning Commission at which the Preliminary Plat is to be considered. Information to be shown on the Preliminary Plat is indicated in Figure 151-3.6-1.

Copies should be folded so the lower right-hand corner is visible.

b. **Water Supply Approval**
Written approval from the respective public water supply district (PWSD) or a municipal water supplier for the proposed project shall be submitted with the preliminary plat application. If water service from the PWSD is not available, this should be noted in writing from the district. If the project is not within the boundaries of any PWSD, or not capable of being served by any other water supplier, arrangements shall be made in accordance with this chapter.

c. **Sanitary Sewer Approval**
Written approval of the project from the Clay County Health Department shall be submitted with the Preliminary Plat application. If the project contains more than 7 lots of 5 acres or less each, written approval must be submitted at the time of application from the Missouri Department of Natural Resources (DNR) in addition to the approval of the County Health Department.

i. If the project contains more than 14 lots of 5 acres or more each, written approval must be submitted at the time of application from the Missouri Department of Natural Resources (DNR) in addition to the approval of the County Health Department.

ii. If sanitary sewer service is to be provided from a sewer district or private sewer company, written approval of such service shall be provided from the service provider with the preliminary plat application.

d. **Clay County Highway Department Approval**
A plan review fee shall be paid to the Clay County Highway Department and submitted with the application. Written approval from the Clay County Highway Department of all roadways and accesses shall be required for subdivision approval.

e. **Missouri Department of Transportation (MoDOT) Approval**
If located on a state highway, written approval from MoDOT shall be submitted with the preliminary plat application.

f. **Surrounding Owners**
The applicant shall submit with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of all property located within 1,000 feet of property being proposed for subdivision. The applicant is responsible for providing the list of the surrounding property owners at the time of application. Such list shall be provided with the application in electronic and paper forms. Failure to properly notify all adjacent property owners may invalidate the public

notice requirements and cause the application to be tabled until proper notification is completed.

g. **Certificate of Ownership**
The applicant shall submit a certificate proving ownership or contract of the entire tract to be platted. If not the current owner, a signed and notarized Owners' Authorization form is required.

h. **Title Search**
The applicant shall be responsible for completing a title search locating any existing utility easements, ingress/egress easements, restrictions, and the like.

i. **Additional Information**
The Preliminary Plat shall be accompanied by other required approvals, such as those of the County Health Department, water and sewer service providers The Planning and Zoning Director, Technical Review Committee (TRC), and decision-making bodies shall be authorized to require other information, (e.g. drainage and grading plans, sewage treatment facility designs, traffic study) as determined necessary to ensure adequate review of the proposed plat.

j. **Plant Manual**
A copy of an Operations and Maintenance (O & M) Manual for any enclosed central sewage treatment facility or sewage package plant must be submitted to the Planning and Zoning Department when the treatment facility is operational.

Figure 151-3.6-1: Information Required on All Preliminary Plats

(1) The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of an existing subdivision.
(2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines based on Missouri State Plane Coordinates. "Legal Description"
(3) The names and addresses of the developer or owner and the engineer or land surveyor who prepared the plat and date of preparation located in the lower right corner of the plat.*****
(4) Scale of the plat, an inch equals 100 feet or larger.
(5) North arrow.
(6) Vicinity map with major streets labeled.
(7) Existing Conditions:
   a. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings in or within 200 feet of the proposed subdivision. The Planning and Zoning Director shall be authorized to reduce the 200-foot distance requirement if it is determined that such reduced distance will provide adequate information.
   b. All existing sewers, water mains, gas mains, culverts or other underground installations in or within 200-feet of the proposed subdivision, with pipe size and manholes, grades and location. The Planning and Zoning Director shall be authorized to reduce the 200-foot distance requirement if it is determined that such reduced distance will provide adequate information.
   c. Names of adjacent subdivisions, together with arrangements of streets and lots and owners of adjacent parcels or un-subdivided land.
   d. Topography, unless specifically waived, with contour intervals down to two feet, referred to county or U.S.G.S. datum. Where the ground is too flat for contours, spot elevations at 100-foot distances shall be provided. In non-urban subdivisions containing more than 40 acres, contour intervals may be increased to 10 feet.
   e. Location of water courses, bridges, wooded areas, ponds, lakes, ravines and such other features as may be pertinent to the subdivision.
   f. Current zoning classification.
   g. On all subdivisions the boundaries and elevations of the 100-year floodplains along drainage ways included in the official Flood Insurance Study (F.I.S.) for the county. Source document shall be noted.
   h. The predominant soil types in the subdivision.
   i. The location of any old or existing wells.
(8) The general arrangements of lots and their approximate size and dimensions.
(9) Front building setback lines, and proposed utility easements shown on each lot.

(10)	Location and width of proposed streets, alleys and pedestrian ways, trail easements and easements to accommodate local flooding and along major drainage ways to accommodate 100-year flooding.
(11)	The general plan of sewage disposal, water supply and drainage, including a map showing the drainage area of each major drainage way in which the subdivision is located.
(12)	Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.
(13)	General layout of adjacent property within 200-feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property. The Planning and Zoning Director shall be authorized to reduce the 200-foot distance requirement if it is determined that such reduced distance will provide adequate information.
(14)	Approximate grade of proposed new streets.
(15)	Stages of development if the total area is not proposed to be developed as a single unit.

2. **Planning and Zoning Department's Review and Report**
   The Planning and Zoning Department shall review each proposed Preliminary Plat application and provide a report to the Planning and Zoning Commission.

3. **Planning and Zoning Commission Review and Decision**
   Within 30 days of receipt of a complete Preliminary Plat application, the Planning and Zoning Commission shall review the Preliminary Plat and take action on the application based on the Approval Criteria of Sec. 151-3.3F.

4. **Approval Criteria**
   A Preliminary Plat may be approved by the Planning and Zoning Commission if they determine that all of following approval criteria have been met:

   a. the subdivision complies with zoning regulations of the district in which it is located, the Subdivision Design and Improvement Standards of Sec.151-8 and with all other applicable standards of this Land Development Code; and

   b. adequate public safety, transportation and utility facilities/services will be available to serve the subdivision while maintaining adequate levels of service for existing development.

5. **Transmittals**
   Recommendations of a Preliminary Plat by the Planning and Zoning Commission shall be forwarded to the County Commission for action within 90 days, unless the applicant requests in writing that the application be withdrawn or delayed for technical reasons.

6. **Lapse of Approval**
   An approved Preliminary Plat shall lapse and be of no further force and effect if a complete Final Plat application for the subdivision or a phase of the subdivision has not been submitted within 18 months of the date of Preliminary Plat approval by the Planning and Zoning Commission. If the subdivision is to be developed in phases, a phasing plan shall be approved as part of the Preliminary Plat approval.

7. **Appeals**
   Any person aggrieved by a decision of the Planning and Zoning Commission on a Preliminary Plat application may appeal to the County Commission by requesting the application be moved forward in the process, as outlined.

C. Engineering and Construction Plans

After approval of the Preliminary Plat and sixty (60) days prior to submittal of the Final Plat, applicants shall prepare and submit Engineering and Construction Plans (e.g. Site Grading & Land Disturbance, Street & Storm Sewer, Water Main Extension) for the public improvements that are to be constructed to serve the subdivision. These Engineering and Construction Plans shall be submitted to the Planning and Zoning Department who shall be responsible for ensuring that the plans are reviewed for compliance with all applicable standards and requirements. The consultant

engineer for the county will review the plans and their fees will be charged to the applicant./developer. After conducting a complete review of the Engineering and Construction Plans, the Highway Administrator and/or Planning and Zoning Director shall approve or deny the Engineering and Construction Plans and provide notice of the action taken to the applicant. (See Section 151-8). For Stormwater Management requirements refer to Section 151-3.6 A.

D. Final Plats

It is intended that final plat documents reflect approved Preliminary Plats. If the Planning and Zoning Commission determines that a Final Plat contains substantial changes from the approved Preliminary Plat, they shall be authorized to require that the Final Plat documents be revised to be consistent with the approved Preliminary Plat or that the developer re-apply for Preliminary Plat approval based on the modified subdivision design.

1. **Application Filing**

   Final Plat applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department.

   a. **Number of Copies to be Submitted**

      The applicant shall submit at least 20 large paper prints (24” x 36”) and 6 small paper prints (11” x 17”) of the Final Plat to the Planning and Zoning Department for review and consideration by the Planning and Zoning Commission at least 28 days prior to the meeting of the Planning and Zoning Commission. If the Final Plat is approved, the applicant shall submit 2 paper and 1 Mylar copies of the corrected Final Plat for recording purposes. In addition, an electronic copy of the Final Plat shall be made available to staff, effective January 1, 2004. If no electronic copy is submitted, the applicant will be charged an appropriate fee to cover the costs of producing the plat in an electronic format. Information to be shown on the Final Plat is indicated in Figure 151-3.6-2.

   b. **Names and Signatures**

      The names and signatures of the owner or owners of the property duly acknowledged shall appear on the submitted copies.

   c. **Format**

      The Final Plat, prepared for recording purposes by a licensed land surveyor, shall be drawn at a scale of at least one inch equals 100 feet. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches. Where the proposed plat is of unusual size, the final plat shall be submitted on two or more sheets of the same dimensions. If two or more sheets are required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale.

   d. **Additional Information**

      The Final Plat shall be accompanied by other required approvals, such as those of the County Health Department, water and sewer service providers and proof that all property taxes on said land are paid or that assurance for payment are guaranteed with the filing of the final plat. The Planning and Zoning Director, Technical Review Committee (TRC), and decision-making bodies shall be authorized to require other information, (e.g. drainage and grading plans, shared sewage treatment facility designs, traffic study) as determined necessary to ensure adequate review of the proposed plat.

A “re-plat” will be processed the same as a Final Plat, with the exception that all structures (houses, accessory buildings, ponds, etc.) should be located on the submission copies of the Final Plat for Commission review; then removed for the recording copies of the Final Plat.

Figure 151-3.6-2: Information Required on All Final Plats

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

(2) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct and based on the Missouri State Plane Coordinates. The allowable error of closing on any portion of the plat shall be one foot in 5,000. "Legal Description"

(3) The location of existing monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments

(4) The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.

(5) Lot numbers and block numbers or letters clearly shown in the center of the block.

(6) The exact locations, widths and names of all streets and alleys and locations, widths and purposes of all easements to be dedicated, including Northland Trails easements.

(7) Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.

(8) Building setback lines along the front and side lot lines where abutting streets with dimensions.

(9) On all subdivisions, the boundaries and flood elevations of the 100-year floodplains along all drainage ways included in the official Flood Insurance Study (F.I.S.) for the county. Source document shall be noted.

(10) Specific notes regarding Northland Trails easements, floodplain elevation source, current zoning with date and resolution number included..

(11) Name, signature and seal of the registered land surveyor who prepared the plat and the survey, and date of preparation located in the lower right corner of the plat.

(12) Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north arrow.

(13) Statement dedicating all easements, streets, alleys, trails and all other public areas not previously dedicated.

(14) The following certificates, which may be combined where appropriate:

a. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consented to the preparation and recording of said subdivision map.

b. A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.

c. The acknowledgment of a notary in the following form:

State of , County of , SS.

Be it remembered that on this day of , , before me, a notary public in and for said County and State, came to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.
(SEAL)

Notary Public
My Commission Expires _____

In testimony whereof: the undersigned have hereunto set their hands _____ day of _____, _____.

_____ _____

Signature Signature

d. A certificate signed by the registered land surveyor responsible for the survey and final map, to read as follows:

I HEREBY CERTIFY; that the within plat of (name) subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Minimum Standards for Property Boundary Surveys as established by the Department of Natural Resources, Division of Geology and Land Survey of the State of Missouri. I further certify that the bearings shown on this plat are based on (describe bearing reference system along with the method of obtaining the bearing reference); that the section and sectional subdivision corner monuments and survey boundary corner monuments were either found or set as indicated on this plat; that the lot corners and streets centerlines have been marked with permanent monumentation as indicated on this plat; that I have complied with all State and Clay County statutes, ordinances and regulations governing the practice of surveying and the platting of subdivision to the best of my professional knowledge and belief.

_____ _____ _____

(Name and RLS No.) (Signature) (Date)

e. Submission to and consideration of the County Commission in the following form: This plat of _____ has been submitted to and approved by the Clay County Planning and Zoning Commission this _____ day of _____, 20_.

_____ _____

Chairman, Planning and Zoning Commission Director, Planning and Zoning

These easements and rights-of-way were accepted by the County Commission of Clay County, Missouri, this _____ day of _____, 20_, Resolution #20___-_____.

_____ _____

Presiding Commissioner County Counselor

_____ Attest:_____

Western District Commissioner County Clerk

_____ STATE OF MISSOURI

Eastern District Commissioner COUNTY OF CLAY } SS

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

This is to certify that this instrument was filed for record in the Recorder of Deeds Office on the _____ day of _____, 20_. In Cabinet_____, Sleeve _____ at _____ am/pm o'clock.

_____

Recorder of Deeds

2. **Planning and Zoning Department's Review and Report**
   The Planning and Zoning Department shall review each proposed Final Plat application and provide a report to the Planning and Zoning Commission.

3. **Planning and Zoning Commission's Review and Recommendation**
   Within 30 days of receipt of a complete Final Plat application, the Planning and Zoning Commission shall review the Final Plat application and make a recommendation to the County Commission, based on the Approval Criteria of Sec. 151-3.3F and Sec. 151-3.6C5. Recommendations will be forwarded to the County Commissioners within 90 days of the Planning and Zoning Commission hearing unless the applicant requests in writing that the application be withdrawn or held for technical reasons.

4. **County Commission Review and Decision**
   After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the application based on the Approval Criteria of Sec. 151-3.3F and Sec.151-3.6C5.

5. **Approval Criteria**
   A Final Plat may be approved by the County Commission if they determine that the Final Plat complies with the approved Preliminary Plat and includes all corrections and conditions imposed by the County Commission during their approval of the Preliminary Plat.

   a. **Final Plat Approval Not Acceptance of Dedication Offers**
      Approval of a plat does not constitute acceptance by the county of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a final plat. However, the county may accept any such offer of dedication by resolution of the County Commission or by actually exercising control over and maintaining such facilities.

6. **Lapse of Final Plat Approval**
   The County Commission's approval of the Final Plat shall lapse and be of no further effect if the Final Plat is not recorded with the Recorder of Deeds within 1 year of the County Commission's approval. If the subdivision includes a phasing plan, the first phase shall be recorded after the public improvements have been installed and approved by the pertinent authority.

7. **Appeals**
   Any person aggrieved by a decision of the County Commission on a Final Plat application may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter.

8. **Recording**
   After all criteria has been satisfied, the recording copies of the Final Plat and any copies of restrictive covenants, Road Impact Fees, Developers Agreement, pond or driveway maintenance or other agreements applicable to the subdivision shall be recorded with the final plat.

9. **Plant Manual**
   A copy of an Operations and Maintenance (O & M) Manual for any enclosed central sewage treatment facility or sewage package plant must be submitted to the Planning and Zoning Department when the treatment facility is operational.

151-3.7 Conservation District (CD)

A Conservation District is an alternative to conventional subdivision design used to preserve and maintain the natural features and rural amenities in the county by allowing cluster-style residential development and preserving large tracts of permanent open space.

A. Description

The Conservation District (CD) is an overlay-zoning district that permits greater flexibility of land planning and site design than conventional zoning districts. CDs apply to residential use only. Through clustering and smaller lot sizes than conventional zoning, natural features of the land can be pre-served and infrastructure can be minimized. The Conservation District may be applied to any of the three development tiers; however, different standards apply to each tier.

B. Procedure

CDs shall be processed in five stages: Preapplication Conference, Concept Plan and Preliminary Plat, Rezoning to Conservation District overlay, Final Plan (which includes streets, stormwater systems, sewers, phases and other improvement plans and permits) and a Final Plat for each phase of development.

1. **Pre-application Conference**
   Before submitting a CD Concept Plan, the applicant shall confer with the Planning and Zoning Director or other officials designated by the Director such as Missouri Department of Conservation, Soil & Water Conservation District or other such agencies. The purpose of this preapplication conference is to discuss the proposal and the applicable development review procedures.

2. **Zoning Map Amendment (Rezoning)**
   A CD overlay and base zoning map amendment (rezoning) may be processed concurrently with the CD Concept Plan. Rezonings shall be processed in accordance with the zoning map amendment procedures of Section 151-3.3.

3. **CD Concept Plan**
   A CD Concept Plan is a generalized land use plan for the entire area proposed to be included within a CD. The purpose of a CD Concept Plan is to allow early review of a proposed CD before substantial technical planning work has been undertaken.

   a. The CD Concept Plan application is reviewed with respect to such issues as density, conservation of open space and natural features of the land, impacts on surrounding areas, and the adequacy of facilities and services. The result of this review is the establishment of the basic parameters for development of the CD. The CD Concept Plan approval establishes the maximum development 'envelope' with regard to density, lot sizes, overall scale, open space, environmental protection, and other land development and service provision issues.

Figure 151-3.7-1: Conservation District (CD)

Underlying zoning	R-1	R-5	RU-12
Minimum Lot (Straight Zone)	10 acres	5 acres	12,000 sq ft
Minimum total acreage required	50	50	40
Minimum open space required	30%	30%	30%
Increased density – Base Multiplier	% of open space (1.3, 1.47, etc.)	% of open space	% of open space
Bonus for each 100 acres	10% per 100 acres (Example: 30% for 300 acres)	10% per 100 acres	10% per 100 acres
Lot size, range	3 to 5 acres	3 to 5 acres	7,000 to 1 acre sq. ft.
Central sewer or package plant required	Yes	Yes	Yes

   b. CDs will allow incentives in the number of dwelling units in exchange for the preservation of permanent public and/or private open space based on the following formulas:

Figure 151-3.7-2: Example: Residential (R-1) Zoning District

Straight Zoning Lot Size (Minimum)	Maximum Lots	% of Open Space	Multiplier Factor	Yield in # of Lots	Bonus Multiplier per 100 ac. **	Final Yield in # of Lots
600 acres @ 10 ac.	60 lots	30	1.3	78 lots*	1.60	125*
		47	1.47	88 lots	1.60	141
		51	1.51	91 lots	1.60	145
		60	1.6	96 lots	1.60	154

* Figures are: .1-.4, rounded down; .5-.9 rounded up
** Applies to entire project acreage.

Figure 151-3.7-3: Example: Residential (R-5) Zoning District

Straight Zoning Lot Size (Minimum)	Maximum lots	% of Open Space	Multiplier Factor	Yield in # of lots	Bonus Multiplier per 100 ac. **	Final Yield in # of lots
100 acres @ 5 ac.	20 lots	30	1.3	26 lots*	1.1	29*
		40	1.4	28 lots	1.1	31
		50	1.5	30 lots	1.1	33
		60	1.6	32 lots	1.1	35

* Figures are: .1-.4, rounded down; .5-.9 rounded up
** Applies to entire project acreage.

Figure 151-3.7-4: Example: Residential (RU-12) Zoning District

Straight Zoning Lot Size (Minimum)	Maximum Lots	% of Open Space	Multiplier Factor	Yield in # of Lots	Bonus Multiplier per 100 ac.**	Final Yield in # of Lots
40 ac.@ 12,000 sq ft	145*	30	1.3	189 lots*	0	189 lots*
		40	1.4	203 lots	0	203 lots
		50	1.5	218 lots	0	218 lots
		60	1.6	232 lots	0	232 lots

* Figures are: .1-.4, rounded down; .5-.9 rounded up.
** Applies to entire project acreage.

Figure 151-3.7-5: Information Required on All CD Concept Plans

1. Name of the project, address, boundaries, date, north arrow and scale of plan.
2. Name and address of the owner of record, developer, and seal of the engineer, surveyor, architect or landscape architect who prepared the development plan.
3. Name and address of all owners of record of all property within 1,000 feet of the property in question.
4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and existing structures.
5. The general location of all existing and proposed streets adjacent to and within the development.
6. A natural resource basic inventory that would show the location of steep slopes, significant stands of trees, creeks, watercourses and drainage ways, floodplains, wetlands, wildlife habitat, soils, and any other environmentally sensitive features.
7. The location of historic, archaeological, and cultural sites.
8. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
9. The full legal description of the boundaries of the property or properties to be included in the Conservation District.
10. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed Conservation District.

11. If the CD calls for construction over a period of years, a schedule showing the proposed time and sequence within which the applications for final approval of all sections of the Conservation District are intended to be filed shall be submitted.
12. Front building setback lines, and proposed utility easements shown on each lot.
13. A written summary of the project proposal, including the following:
    - Gross area of CD
    - Number of dwelling units and density
    - Amount of common open space in acres and percentages
    - Natural features to be preserved
    - Recreation, trails and other amenities
    - Estimates of impervious ground coverage of development
14. For Preliminary Plat requirements, see Figure 151-3.6-1.
15. For Final Plat requirements, see Figure 151-3.6-2.

C. Application Fees

No application for any phase of the CD request shall be processed until the application is complete and the required fees have been paid. Applicable fees are established by the County Commission and are nonrefundable.

1. **Public Hearing Notice**
   Written and published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 151-3.1H-1 and Sec. 151-3.1H-2.

2. **Review and Report – Planning and Zoning Director**
   The Planning and Zoning Director shall prepare a staff report that reviews the CD Concept Plan application in light of the CD overlay standards of Sec. 151-5.2 and all other applicable development standards and planning policies. The Planning and Zoning Director shall provide a copy of the report to the Planning and Zoning Commission and the applicant.

   a. **Review and Recommendation - Planning and Zoning Commission**
      The Planning and Zoning Commission shall hold a public hearing on the CD Concept Plan. At the close of the public hearing, the Planning and Zoning Commission shall vote to recommend approval, approval with conditions or denial of the CD Concept plan application. A written summary of its rezoning and subdivision actions and proceedings shall be maintained in the case file. Recommendations will be forwarded to the County Commission within 90 days of the Planning and Zoning Commission hearing unless the applicant requests in writing that the application be withdrawn or held for technical reasons.

   b. **Review and Action – County Commission**
      After receiving the recommendations of the Planning and Zoning Commission, the County Commission shall act to approve, approve with conditions or deny the proposed CD Concept Plan. If the County Commission acts to approve the CD Concept Plan, it shall establish required time frames for development of the entire CD and its individual phases, if any.

   c. **CD Concept Plan Review Criteria**
      Applications for the CD Concept Plan shall be approved if the County Commission determines that the following criteria are met:

      i. The CD Concept Plan complies with the CD standards of Section 151-3.7B3 and Sec 151-5.2;

      ii. The county and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed at the time the property is developed;

      iii. The development is consistent with and implements the planning goals and objectives contained in the *Comprehensive Plan* and other adopted policy

documents; and

iv. The CD Concept Plan is consistent with sound planning practice and the development will promote the general welfare of the residents of the county.

d. **Effect of CD Concept Plan Approval**
Approval of a CD Concept Plan shall constitute acceptance of the overall planning concepts for the proposed CD development and is a prerequisite for the approval of a CD overlay and R-1, R-5 or RU-12 zoning, and the filing of a CD Final Plan and Final Plat.

e. **Lapse of CD Concept Plan Approval**
An approved CD Concept Plan shall lapse and be of no further force and effect if a Final Plan for the CD (or a phase of the CD) has not been approved within 2 years of the date of approval of the CD Concept Plan by the County Commission or 2 years of the schedule as approved by the County Commission. In the event of such lapse, the CD zoning classification shall be of no effect and the property shall be developed solely in accordance with the underlying zoning classification.

In the event of lapse of approval pursuant to this section, the Planning and Zoning Commission shall initiate action to remove the land from the CD overlay zoning district and may initiate action to rezone the property to its former or current base zoning district classification.

f. **Appeals to Conservation District Decisions**
Any person aggrieved by a decision of the County Commission on a Conservation District Conceptual Plan may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter of the Conservation District zoning.

3. **Engineering and Construction Plans**
After approval of the CD Concept Plan/Preliminary Plat and a minimum sixty (60) days prior to submittal of the Final Plat, applicants shall prepare and submit Engineering and Construction Plans (Site Grading & Land Disturbance, Street & Storm Sewer, Water Main Extension) for the public improvements that are to be constructed to serve the subdivision. These Engineering and Construction Plans shall be submitted to the Planning and Zoning Department who shall be responsible for ensuring that the plans are reviewed for compliance with all applicable standards and requirements. The consultant engineer for the county will review the plans and their fees will be charged to the applicant/developer. After conducting a complete review of the Engineering and Construction Plans, the Highway Administrator and/or Planning and Zoning Director shall approve or deny the Engineering and Construction Plans and provide notice of the action taken to the applicant. (See Section 151-8).For Stormwater Management requirements refer to Section 151-3.6A.

4. **CD Final Plan**
The CD Final Plan is the document upon which phases will be Final platted. The CD Final Plan review stage is the point at which developers bring forward detailed plans for carrying out the type of project conceptually approved during CD Concept Plan review. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable standards, requirements, and conditions have been met.

a. **Application**
After approval of a CD zoning classification and before the lapse of a CD Concept Plan, a complete application for CD Final Plan approval must be submitted to the Planning and Zoning Director. A CD Final Plan application may include the entire area covered in the CD Concept Plan or one or more phases of the approved CD Concept Plan.

b. **Information Required**
The CD Final Plan shall include the same information as required with a Concept Plan (see Figure 151-3.7-5).

c. **Review and Report – Planning and Zoning Director**
The Planning and Zoning Director shall prepare a staff report that reviews the CD Final Plan application in light of the approved CD Concept Plan and all other applicable development standards and planning policies.

i. **Minor Amendments**
The Planning and Zoning Director, with written documentation may approve minor variations between the CD Concept Plan and the Final Plan. Minor amendments are those which do not alter the maximum number of dwelling units or densities already approved, or significant changes in locations, footprints, and the like.

d. **Review and Recommendation – Planning and Zoning Commission**
The Planning and Zoning Commission shall hold a public hearing on the CD Final Plan. At the close of the public hearing, the Planning and Zoning Commission shall vote to recommend approval, approval with conditions or denial of the CD Final Plan application. A written summary of its rezoning and subdivision actions and proceedings shall be maintained in the case file. Recommendations will be forwarded to the County Commissioners within 90 days of the Planning and Zoning Commission hearing unless the applicant requests in writing that the application be withdrawn or held for technical reasons.

e. **Review and Action – County Commission**
The County Commission shall consider the CD Final Plan application and act to approve, approve with conditions or deny the CD Final Plan application.

f. **CD Final Plan Review Criteria**
The County Commission shall approve a CD Final Plan if it is determined by the County Commission to be in substantial compliance with the approved CD Concept Plan. The CD Final Plan shall be deemed to be in substantial compliance with the CD Concept Plan as long as, when compared with the CD Concept Plan, it does not result in:

i. An increase of project density or intensity, including the number of housing units;

ii. A change in the mix of housing types;

iii. A reduction in the amount of open space or its specific use designations;

iv. Any change to the vehicular system that results in a significant change in the amount or location of streets, parking areas, or access to the CD; or

v. A substantial change in the layout of lots.

g. **Homeowners Association Covenants**
A mandatory homeowners association with by-laws and community covenants which shall cover the ownership, maintenance, and management of the common open space shall be required. These covenants shall be submitted to the Planning and Zoning Director for review and will be recorded at the same time as the Final Plat at the Recorder of Deeds office.

h. **Lapse of CD Final Plan**
An approved CD Final Plan shall lapse and be of no further force and effect if a Final Plat for the CD (or a phase of the CD) has not been approved within 18 months of the date of approval of the CD Final Plan. In the event of such lapse, the applicant will be required to submit a new CD Final Plan with new appropriate fees.

5. **Final Plat**
   To complete the platting process, the applicant need only submit and record a Final Plat in accordance with Sec. 151-3.6D.

   a. The CD Final Plan and the Final Plat may be reviewed concurrently, at the option of the applicant.

   b. A note shall be included on the Final Plat stating:
      [Example:] "Rezoned to Residential (R-1, R-5 or RU-12) Zoning District with a Conservation District (CD) overlay."

   c. A Final Plat shall be recorded for each phase of the plan after the infrastructure to be built by the developer has been constructed and approved, or adequate bonding or letter of credit submitted to the County.

151-3.8 Planned Unit Developments (PUD)

A Planned Unit Development (PUD) is a type of overlay zoning district and a type of development plan that primarily address the issues of mixed-use development. PUD zoning districts are inextricably linked to PUD plans in that no rights of development apply to a PUD zoning designation other than those of the approved PUD plan.

A. Overview of Procedure
PUDs shall be processed in 5 stages: Preapplication Conference; Concept Plan; Zoning Map Amendment (Rezoning) to PUD overlay and base zoning district, Final Plan, and Final Plat.

1. **Preapplication Conference**
   Before submitting a PUD Concept Plan, the applicant shall confer with the Planning and Zoning Director or other officials designated by the Director such as Missouri Department of Conservation, Soil & Water Conservation District or other such agencies. The purpose of this preapplication conference is to discuss the proposal and the applicable development review procedures.

2. **Application**
   A complete application for PUD Concept Plan approval shall be submitted to the Planning and Zoning Director in a form established by the Planning and Zoning Director along with a nonrefundable fee that has been established by the County Commission. No application shall be processed until the application is complete and the required fee has been paid.

   a. A written summary of all proposed use and design requirements shall be submitted in narrative form along with the PUD Concept Plans. This narrative will explain the project goals and how certain elements being proposed might differ from the standard zoning district and subdivision requirements.

3. **Zoning Map Amendment (Rezoning)**
   A PUD overlay and base zoning map amendment (rezoning) may be processed concurrently with the PUD Concept Plan. Rezonings shall be processed in accordance with the zoning map amendment procedures of Section 151-3.3.

4. **PUD Concept Plan**
   A PUD Concept Plan is a generalized land use plan for the entire area proposed to be included within a PUD. The purpose of a PUD Concept Plan is to allow early review of a proposed PUD before substantial technical planning work has been undertaken.

   a. The PUD Concept Plan is not intended to be a highly detailed site plan, but rather to provide enough information to officials to allow an accurate determination of the merits of a proposed project prior to beginning detailed planning work. Much of the information required at the Concept Plan stage can be conveyed in written form, although some generalized drawings will likely be required to comply with the following list of required information. (Figure 151-3.8-1)

b. The PUD Concept Plan is reviewed with respect to such issues as density, including the number, type, and location of dwelling units and other uses; impacts on surrounding areas; and the adequacy of facilities and services. The result of this review is the establishment of the basic parameters for development of the PUD. PUD Concept Plan approval establishes the maximum development "envelope" with regard to density, lot sizes, overall scale, open space, environmental protection, and other land development and service provision issues.

Figure 151-3.8-1: Information Required with All PUD Concept Plans

1. Name of the project, address, boundaries, date, north arrow and scale of the plan.

2. Name and address of the owner of record, developer, and seal of the engineer, surveyor, architect or landscape architect who prepared the development plan, and date of preparation located in the lower right-hand corner.

3. Name and address of all owners of record of all property within 1,000 feet of the property in question.

4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.

5. The general location of all existing and proposed streets adjacent to and within the development.

6. The location of steep slopes, significant stands of trees; creeks, watercourses and drainage ways, floodplains, and any environmentally sensitive features.

7. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

8. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.

9. A generalized summary of land use arrangements within the PUD, showing types of uses and intensities proposed within areas of the PUD.

10. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed Planned Unit Development.

11. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

12. If the PUD calls for construction over a period of years, a schedule showing the proposed time and sequence within which the applications for final approval of all sections of the Planned Unit Development are intended to be filed shall be submitted.

13. A written statement by the applicant shall be submitted setting forth the reasons why, in his or her opinion, a Planned Unit Development would be in the public interest and would be consistent with the intent of land development code and the *Comprehensive Plan*.

14. A written summary of the project proposal, including the following:

    Gross area of PUD

    Number of dwelling units and density

    Amount of nonresidential floor area and floor area ratio

    Building coverage

    Common open space

    Natural features to be preserved

    Recreation, open space and other amenities

    Proposed building materials and architectural styles

c. **Public Hearing Notice**
Written and Published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 151-3.1H-1 and Sec. 151-3.1H-2.

d. **Review and Report—Planning and Zoning Director**
The Planning and Zoning Director shall prepare a staff report that reviews the PUD Concept Plan application in light of the PUD zoning standards of Sec. 151-8 and all other applicable development standards and planning policies. The Planning and Zoning Director shall provide a copy of the report to the Planning and Zoning Commission and the applicant.

e. **Review and Recommendation—Planning and Zoning Commission**
The Planning and Zoning Commission shall hold a public hearing on the PUD Concept Plan. At the close of the public hearing, the Planning and Zoning Commission shall recommend approval or denial of the PUD Concept Plan application and transmit a written summary of its action and proceedings to the County Commission. Recommendations will be forwarded to the County Commission within 90 days of the Planning and Zoning Commission hearing unless the applicant requests in writing that the application be withdrawn or held for technical reasons.

f. **Review and Action—County Commission**
After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall act to approve, approve with conditions or deny the proposed PUD Concept Plan. If the County Commission acts to approve the PUD Concept Plan, it shall establish required time frames for development of the entire PUD and its individual phases, if any.

g. **PUD Concept Plan Review Criteria**
Applications for PUD Concept Plan approval shall be approved if the County Commission determines that the following criteria are met:

i. The PUD Concept Plan complies with the PUD standards of Figure 151-3.8-1;

ii. The county and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

iii. The development is consistent with and implements the planning goals and objectives contained in *Comprehensive Plan* and other adopted policy documents;

iv. The PUD Concept Plan is consistent with sound planning practice and the development will promote the general welfare of the county; and

v. A PUD is necessary to address a unique situation or represents a substantial benefit to the county, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards;

vi. and the same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district or Variances.

h. **Effect of PUD Concept Plan Approval**
Approval of a PUD Concept Plan shall constitute acceptance of the overall planning concepts for the proposed PUD development and is a prerequisite for the filing of a PUD Final Plan and approval of a PUD zoning classification.

i. **Lapse of PUD Concept Plan Approval**
An approved PUD Concept Plan shall lapse and be of no further force and effect if a PUD Final Plan for the PUD (or a phase of the PUD) has not been approved within 2 years of the date of approval by the County Commission of the PUD Concept Plan. In the event of such lapse, the PUD zoning classification shall be of no effect, and the property shall be developed solely in accordance with the underlying zoning classification. In the event of lapse of approval pursuant to this section, the Planning and Zoning Commission shall initiate action to remove the land from the PUD overlay zoning district and may initiate action to rezone the property to its former base zoning district classification.

5. **PUD Final Plan**
The PUD Final Plan is the document upon which development phases are approved. The PUD Final Plan review stage is the point at which developers bring forward detailed plans for carrying out the type of project conceptually approved during PUD Concept Plan review. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable standards, requirements, and conditions have been met.

a. **Application**
After approval of a PUD zoning classification and before lapse of a PUD Concept Plan, a complete application for PUD Final Plan approval must be submitted to the Planning and Zoning Director in a form established by the Planning and Zoning Director along with a nonrefundable fee that has been established by the County Commission. No application shall be processed until the application is complete and the required fee has been paid. A PUD Final Plan application may include the entire area covered in the PUD Concept Plan or it may include one or more phases of the approved PUD Concept Plan. The final PUD plan shall include the same information as required with a Preliminary Subdivision Plat (see Figure 151-3.6-1).

b. **Review and Report—Planning and Zoning Director**
The Planning and Zoning Director shall prepare a staff report that reviews the PUD Final Plan application in light of the approved PUD Concept Plan and all other applicable development standards and planning policies.

c. **Review and Recommendation—Planning and Zoning Commission**
The Planning and Zoning Commission shall hold a public hearing on the PUD Final Plan. At the close of the public hearing, the Planning and Zoning Commission shall recommend approval or denial of the PUD Final Plan application and transmit a written summary of its action and proceedings to the County Commission.

d. **Review and Action—County Commission**
The County Commission shall consider the PUD Final Plan application and act to approve or deny the PUD Final Plan application.

e. **PUD Final Plan Review Criteria**
A PUD Final Plan shall be approved by the County Commission if it is determined by the County Commission to be in substantial compliance with the approved PUD Concept Plan. The PUD Final Plan shall be deemed to be in substantial compliance with the PUD Concept Plan so long as, when compared with the PUD Concept Plan, it does not result in:

i. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;
ii. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;
iii. A reduction in the amount of open space;

iv. Any change to the vehicular system which results in a significant change in the amount or location of streets, parking areas, or access to the PUD;
v. Any change within 50 feet of any residential zoning district;
vi. Any change determined by the Planning and Zoning Commission to represent an increase in development intensity; or
vii. A substantial change in the layout of buildings.

6. **Engineering and Construction Plans**
After approval of the PUD Concept Plan and Final Plan and a minimum sixty (60) days prior to submittal of the Final Plat, applicants shall prepare and submit Engineering and Construction Plans (Site Grading & Land Disturbance, Street & Storm Sewer, Water Main Extension) for the public improvements that are to be constructed to serve the subdivision. These Engineering and Construction Plans shall be submitted to the Planning and Zoning Department who shall be responsible for ensuring that the plans are reviewed for compliance with all applicable standards and requirements. The consultant engineer for the county will review the plans and their fees will be charged to the applicant./developer. After conducting a complete review of the Engineering and Construction Plans, the Highway Administrator and/or Planning and Zoning Director shall approve or deny the Engineering and Construction Plans and provide notice of the action taken to the applicant. (See Section 151-8). For Stormwater Management requirements refer to Section 151-3.6A.

7. **Final Plats**
To complete the platting process, the applicant need only to submit and record a Final Plat for the phase(s) under development in accordance with Figure 151-3.6-2.

a. The PUD Final Plan and the Final Plat for the first phase(s) may be reviewed concurrently, at the option of the applicant.

b. A note shall be included on the Final Plat stating: [Example:] "Rezoned to Residential (R-1, R-1A or R-1B) Zoning District with a Planned Unit Development (PUD) overlay."

c. A Final Plat shall be recorded for each phase of the plan after the infrastructure to be built by the developer has been constructed and approved, or adequate bonding or letter of credit submitted to the County.

8. **Appeals of Planned Unit Development District**
Any person aggrieved by a decision of the County Commission on a Planned Unit Development District (PUD) may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter of Planned Unit Development District zoning approval.

151-3.9 Preservation Overlay Districts (POD)

A Preservation Overlay District (POD) is a type of overlay zoning district divided into two (2) discrete yet related subcategories: ***Agricultural Land Preservation (ALP)***, and ***Shadow Plat (SP)*** as outlined in Section 151-5.4. POD overlay zoning districts are inextricably linked to their corresponding POD Plans in that no rights of development shall apply to a POD overlay zoning district other than those of the approved POD Plans.

A. Overview of Procedure
A POD request shall be processed in three (3) stages: Pre-application Conference, POD Plan, and Zoning Map Amendment.

1. **Pre-application Conference**
Prior to submitting a POD request, the applicant shall confer with the Planning and Zoning Director or other officials designated by the Director. The purpose of this pre-application conference is to discuss the proposal and the applicable development review procedures.

2. **POD Plan**
The POD Plan is a conceptual future land use plan for the entire area proposed to be included within a POD. The following standards shall apply to all POD Plans:

a. The POD Plan is intended to provide enough information to allow an accurate determination of the merits of the proposed project for planning considerations.

These added features of the POD Plan may be added to the layout drawing of an associated Preliminary Plat request (Figure 151-3.6-1), but will also need to comply with the additional list of required information in Figure 151- 3.9.1.

b. The POD Plan is reviewed with respect to related proposed density, infrastructure, open space, environmental protection, and other land development and service provision issues affecting the geographic region of each POD request.

POD Plans are organized into the two (2) subcategories: Agricultural Land Preservation (ALP) or Shadow Plat (SP).

c. ***Agricultural Land Preservation (ALP)*** allows for the subdivision of land to 5+ acre lots in the Natural Resources and Rural-Low Density Tiers and 10+ acre lots in the Urban Services Tier in compliance with Option B of the *2008 Comprehensive Plan* (see Table 4.3), provided that a minimum percentage (see Figure 151-3.9-1) of the proposed land to be subdivided be designated either for the conservation and/or preservation of farmland, forest land, and open space, *OR* the historic and cultural aspects of the land with the intention to protect the natural and/or ecological resources.

The review of an ***ALP*** POD may include but not be limited to:

i. Establishment must promote preservation, protection of historical elements and the cultural, environmental character of the area to be preserved.

ii. Establishment of the district shall not prohibit the future improvement of public roadways, utility services or acquisition of right of way for public roadways and utilities.

iii. The area of preservation may have the following if the use meets the requirements for the underlying zoning district:

a. Food plots for livestock and wildlife not to include lawns; dairying, pasturage, growing crops, beekeeping, horticulture, floriculture, orchards, plant nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;

b. Farm buildings (must be used only for farm purposes and that support an agricultural or farm purpose) and ponds; alternative energy sources (including but not limited to solar, geothermal, non-commercial wind energy); utilities; windmills; septic systems; erosion control; natural windbreak; all other structures shall be prohibited.

c. The breeding, raising, training and general care of livestock, not to include feedlots.

d. Other non-structural uses directly related to or as an accessory use of the premises for farming and the agricultural purposes as listed.

Figure 151-3.9-1

Lot Size (Acres)	**Percentage Required**
0 to 5	20%
>5 to 10	25%
>10 to < 20	30%

d. ***Shadow Plat (SP)*** allows for the subdivision of land into 10+ acre lots in the Rural-Low Density and Urban Services Tiers in compliance with Option B of the *2008 Comprehensive Plan* (see Table 4.3), only when a conceptual plan drawing illustrating possible future lot layout, street networks, utility systems and open space are documented in a *Shadow Plat (SP)* drawing or future build-out plan.

The review of an ***SP*** POD may include but not be limited to:

i. Permitted uses will be based on the underlying zoning district and on the SP POD illustrating possible future development lot layout, street networks,

utility systems, storm water management and open space as documented in the s*hadow plat* (build out plan).

ii. The layout of the future development lots and/or open space lots of the SP POD should be clustered, so as to integrate them within the Interim Development Line.

iii. Future development lots within one (1) mile of a city shall conform to the land use densities established by the nearest city's comprehensive plan. If a land use category is not defined within a city's comprehensive plan, the SP POD plan shall demonstrate an overall density of up to four (4) units per acre.

iv. Open space should not limit or prevent the ability to develop future development lots when urban services are available that will support future development.

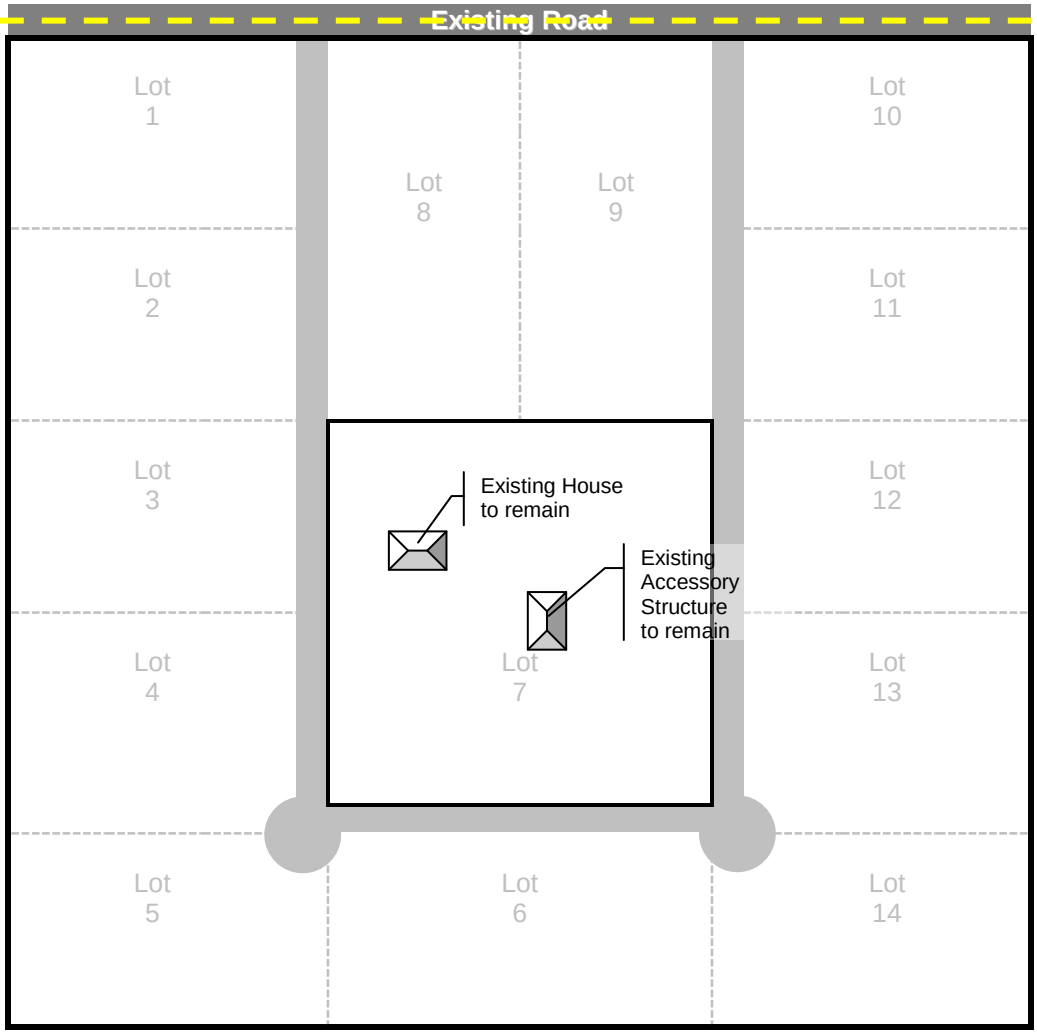
v. Future development lots should be related to residential cluster subdivision in a manner that best represents a logical expansion of the development pattern, extension of streets, utilities and other support infrastructure.

3. **Application**
A complete application for POD Plan approval shall be submitted to the Planning and Zoning Director on a form established by the Planning and Zoning Director along with a nonrefundable fee that has been established by the County Commission. No application shall be processed until the application is complete and the required fee has been paid.

Figure 151-3.9-2: Information Required with All POD Plans

1. Name of the project, address, boundaries, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer, surveyor, architect or landscape architect who prepared the development plan, and date of preparation located in the lower right-hand corner.
3. Name and address of all owners of record of all property within 1,000 feet of the property in question.
4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.
5. The general location of all existing and proposed streets adjacent to and within the development.
6. The location of steep slopes, significant stands of trees; creeks, watercourses and drainage ways, floodplains, and any environmentally sensitive features.
7. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
8. The full legal description of the boundaries of the property or properties to be included in the POD.
9. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed POD.
10. The ***Shadow Plat* (*SP*)** will include the following:
    - Gross area of SP
    - Show how the current proposed lots will be integrated with future development lots (For example, depict how a future internal public road with adequate right-of-way and utilities can traverse a property to serve future higher-density lots without negatively impacting current and future buildings and infrastructure of the original residence).
    - Common open space (if applicable)
    - Natural features to be preserved (if applicable)
    - Recreation, open space and other amenities (if applicable)
11. The ***Agricultural Land Preservation (ALP)*** will include the following:
    - Gross area of ALP, which is minimum percentage (See Figure 151-3.9-1) of the proposed land to be subdivded
    - Preserved features such as farmland, forest land, and open space, in addition to historic and cultural aspects with the intent to protect the natural and/or ecological resources

Figure 151-3.9-2: Example Illustration of Shadow Plat



= Existing 10-acre property line
= Interim Development Line between activities proposed prior to and following urban density
= Future proposed property lines at urban density
= Future public roadway at urban density

a. **Public Hearing Notice**
Written and Published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 151-3.1H-1 and Sec. 151-3.1H-2.

b. **Review and Report – Planning and Zoning Director**
The Planning and Zoning Director shall prepare a staff report that reviews the POD Plan application in light of the zoning standards, and all other applicable planning policies. The Planning and Zoning Director shall provide a copy of the report to the Planning and Zoning Commission and the applicant.

c. **Review and Recommendation – Planning and Zoning Commission**
The Planning and Zoning Commission shall hold a public hearing on the POD Plan. At the close of the public hearing, the Planning and Zoning Commission shall recommend approval or denial of the POD Plan application and transmit a written summary of its action and proceedings to the County Commission.

d. **Review and Action – County Commission**
After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall act to approve, approve with conditions or deny the proposed POD Plan.

e. **POD Plan Review Criteria**
Applications for POD Plan approval shall be approved if the County Commission determines that the following criteria are met:

i. The POD Plan complies with the POD standards of Figure 151-3.9-1;

ii. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

iii. The development is consistent with and implements the planning goals and objectives contained in the *2008 Comprehensive Plan* and other adopted policy documents;

iv. The POD Plan is consistent with sound planning practice and the development will promote the general welfare of the county.

f. **Effect of POD Plan Approval**
Approval of a POD Plan shall constitute acceptance of the overall planning concepts for the proposed POD and is a prerequisite for the filing of Final Plat in accordance with Section 151-3.6 (C).

Once designated, an approved POD shall be a compelling factor in any decision pertaining to land use decisions, rezoning requests, conditional use permits and other development within the designated area. This is to say that Clay County may deny any requests for rezoning, conditional use permits, or building permits that are incompatible with or would be detrimental to the nature and character of the approved POD Plan.

g. **Lapse of POD Plan Approval**
An approved POD Plan shall lapse and be of no further force and effect if a Final Plat that is in substantial compliance with the interim development and future proposed property lines of the POD Plan (as illustrated in Figure 151-3.9-2: Theoretical Illustration of Shadow Plat) is not submitted within 1 year of the County Commission's approval in accordance with Section 151-3.6 (C). In the event of lapse of approval pursuant to this section, the Planning and Zoning Commission shall initiate action to remove the land from the POD overlay zoning district and may initiate action to rezone the property to its former base zoning district classification.

3. **Zoning Map Amendment**
A POD overlay and base zoning map amendment (rezoning) may be processed concurrently with the POD Plan. Rezonings shall be processed in accordance with the zoning amendment procedures of Section 151-3.3.

4. **Appeals of Preservation Overlay District**
Any person aggrieved by a decision of the County Commission on a POD may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter of a POD zoning approval.

151-3.10 Conditional Use Permits (CUPs)

The purpose of a Conditional Use Permit ("CUP") is to allow for acceptable uses in the Land Development Code; however, additional review and conditions are necessary for permitting the use. The use is restricted to the individual applicant and is not transferable to another. The County Commission may make specific requirements that are not explicitly detailed in the Land Development Code, as deemed necessary for the activity to be conducted on a given parcel of land.

Conditional Use Permits are not transferable to another person or parcel of land, with the exceptions of Amateur or Non-Commercial Towers in accordance with Section 151-6.2 (F) and Commercial Communication Towers in accordance with Section 151-6.2 (G), which may be transferable to new owners and/or assignees of a lease. However, such parties must file new contact information with the Clay County Planning & Zoning Department within sixty (60) days of transfer of ownership and/or lease, or be subject to a new CUP.

A. Application Filing

Conditional Use Permit applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department.

1. **Adjacent Property Owners**
   The applicant for a proposed Conditional Use Permit shall provide the Planning and Zoning Department with a list, in both electronic and paper formats, of names and addresses of the owners of record of all property within 1,000 feet of the property in question, as specified by RSMo 64.645. A property abstractor, title company, registered surveyor, or similarly qualified person whose services have been secured by the applicant shall have originated such list.

2. **Water Supply Approval**
   Written approval from the respective public water supply district (PWSD) or a municipal water supplier for the proposed project shall be submitted with the application. If water service from the PWSD is not available, this should be noted in writing from the district. If the project is not within the boundaries of any PWSD and not capable to be served by any other water supplier, arrangements shall be made in accordance with this chapter.

3. **Sanitary Sewer Approval**
   Written approval of the project from the Clay County Health Department shall be submitted with the application. In some instances, written approval must be submitted at the time of application from the Missouri Department of Natural Resources (DNR) in addition to the approval of the County Health Department. If sanitary sewer service is to be provided from a sewer district or private sewer company, written approval of such service shall be provided from the service provider.

4. **Clay County Highway Department Approval**
   Written approval from the Clay County Highway Department of all roadways and accesses shall be submitted with the application.

5. **Missouri Department of Transportation (MoDOT) approval**
   If the project abuts a State maintained highway, written approval from the MoDOT shall be submitted with the application.

6. **Legal Description**
   Written and published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 151-3.1H-1 and Sec. 151-3.1H-2.

7. **Site Plan**
   20 copies of a site plan for the property on which the use is to be located shall accompany Conditional Use Permit applications. The site plan shall be drawn to scale, on an 11" x 17" sheet of paper. Information to be shown on the site plan is indicated in Figure 151-3.9-1.

Figure 151-3.9-1: Information Required on All Conditional Use Permit Site Plans

1. Project address, boundaries, date, north arrow and scale of the plan.

2. Name and address of the owner of record, developer, and name, address and phone number of plan preparer, if different.

3. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.

4. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. Show typical elevations and building materials.

5. The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

6. Location of required parking areas including parking stalls, setbacks and loading and service areas.

7. The location, height, size, materials, and design of all proposed signage.

8. The location of all present and proposed utility systems including:

   -- sewer or septic system;

   -- water supply system;

   -- telephone, cable and electrical systems; and

   -- storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swells.

9. Existing and proposed topography shown at not more than 2-foot contour intervals. All elevations shall refer to USGS datum.

10. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

11. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.

8. **Business Plan**
   A business plan for the proposed conditional use shall be submitted concurrently with the CUP application. This plan shall include pertinent business information such as the hours of operation, shipments, receiving and similar items that may have some affect on the adjacent property owners.

9. **Public Hearing Notice**
   Written and Published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 151-3.1H-1 and Sec. 151-3.1H-2.

10. **Planning and Zoning Department's Review and Report**
    The Planning and Zoning Department shall review each proposed Conditional Use Permit and provide a report to the Planning and Zoning Commission.

11. **Planning and Zoning Commission's Review and Recommendation**
    The Planning and Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit and make a recommendation to the County Commission based on the Approval Criteria of Sec. 151-3.10A13. The Planning and Zoning Commission's hearing shall be set for a date not later than 60 days after receipt of a complete application.

12. **County Commission Review and Decision**
After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the Conditional Use Permit application based on the Approval Criteria of Sec. 151-3.10A13.

13. **Approval Criteria**
A Conditional Use Permit shall not be approved unless the County Commission determines, based directly upon the particular evidence presented, that all of the following conditions exist:

    a. the proposed use complies with the intent of the Comprehensive Plan and general provisions of this Land Development Code, modified for the specific use request;

    b. the proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare;

    c. the proposed use will not cause substantial injury to the value of other property in the vicinity;

    d. adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets;

    e. adequate public safety, transportation and utility facilities/services will be available to serve the subject property while maintaining adequate levels of service for existing development; and

    f. the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

14. **Conditions of Approval**
In acting to approve a Conditional Use Permit, the Planning and Zoning Commission may recommend and the County Commission may approve conditions deemed necessary to eliminate or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of this Land Development Code, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. Such conditions may include site design requirements and time limitations on the Conditional Use Permit.

    The CUP Lapse of Approval provisions do not apply to uses that do not require a building permit. (e.g. a plant nursery)

15. **Lapse of Approval**
If a building permit for an approved Conditional Use has not been issued within 18 months of the date that the Conditional Use Permit was approved by the County Commission, the Conditional Use Permit shall lapse and be of no further effect. The time frames of this subsection may be extended for up to 1 year by the County Commission if an extension request is filed with the Planning and Zoning Department prior to expiration of the Conditional Use Permit. (See also, Conditional Use Permit Revocation, Sec. 151-14.4F)

16. **Successive Applications**

    a. If the County Commission denies an application for a Conditional Use Permit, an application for the same or more intensive use shall not be accepted for 6 months from the date that the County Commission acted to deny the amendment.

b. If the County Commission denies a Conditional Use Permit for a use first allowed in the I-1 or I-2 zoning districts, an application for the same or more intensive use on the subject parcel, whether the parcel is in its original configuration or expanded or reduced in area, shall not be accepted for 5 years from the date of the County Commission's action to deny the Conditional Use Permit.

   i. The Planning and Zoning Director may permit a re-filing of a Conditional Use Permit for a use first allowed in I-1 or I-2 zoning after 6 months if the Planning and Zoning Director determines, based on clear and convincing evidence provided by the applicant, that a substantial change in circumstances has occurred since the County Commission denied the rezoning which is the result of new facts that were not discoverable by the applicant during the previous proceedings with the use of reasonable diligence or as a result of material facts which have arisen since the previous decision. Such showings must be made prior to acceptance of the application.

   ii. The decision of the Planning and Zoning Director on a request to re-file a Conditional Use Permit for a use first allowed in I-1 or I-2 zoning must be provided in writing and forwarded to the applicant with a copy of the decision to the Planning and Zoning Commission within 30 days of the submission of an application. Any person aggrieved by a decision of the Planning and Zoning Director under this section may appeal the decision of the Planning and Zoning Director to the Board of Zoning Adjustment within 30 days of decision of the Planning and Zoning Director.

c. **Appeals**
   Any person aggrieved by a decision of the County Commission on a Conditional Use Permit may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter.

151-3.11 Sign Permits

This section sets out the procedures for review and approval of Sign Plans and Sign Permits for signs requiring permits under Sec. 151-12.

A. Sign Plans

1. **Applicability**
   Sign Plan approval shall be required for any site containing or proposed to contain more than 1 sign. No Sign Permit shall be issued for a site that is subject to Sign Plan requirements until a Sign Plan has been approved. Temporary signs shall be exempt from sign plan requirements.

2. **Application Filing**
   Sign Plan applications shall be submitted to the Building Official on forms available from the Building Official. In addition, a graphic shall be submitted that will give the location of the proposed sign(s) on the property measured in feet and inches, accurate dimensions of the proposed sign(s), type of construction proposed, lighting, and language to appear on the sign, logos, and other information to illustrate the proposed sign.

3. **Staff Review and Action**
   The Building Official shall review each proposed sign application in accordance with the Sign Plan review criteria set forth in Sec. 151-3.11A and act to approve, approve with conditions or deny the Sign Plan.

4. **Sign Plan Approval Criteria**
A Sign Plan may be approved only if the Building Official determines that all of the following approval criteria have been met:

a. the Sign Plan complies with all applicable standards of this Land Development Code, including the sign regulations of Sec. 151-12;

b. the Sign Plan is consistent with any approved or concurrently proposed PUD, subdivision or site plan for the site.

B. Individual Sign Permits

1. **Applicability**
Signs identified with a "P" in Table 151-12-1 shall be erected, installed or created only in accordance with a duly issued and valid sign permit. Sign permits shall be required for new signs, new sign structures and prior to changing the sign face on an existing sign structure.

2. **Application Filing**
Sign Permit applications shall be submitted to the Building Official on forms available from the Building Official.

3. **Staff Review and Action**
The Building Official shall review each proposed Sign Permit application for the purpose of determining whether the proposed sign complies with all applicable sign regulations of Sec. 151-12 and the Sign Plan, if applicable. Based on that review, the Building Official shall:

a. Issue the Sign Permit, if the sign complies in every respect with the standards of Sec. 151-12 and the Sign Plan, if applicable; or

b. Deny the sign permit if the sign fails in any way to comply with the standards of Sec. 151-12 or the applicable Sign Plan.

4. **Lapse of Approval/Inspections**
If an approved sign has not been erected or otherwise put in place within 6 months of the issuance of the Sign Permit, the Sign Permit shall lapse and be of no further effect. The applicant shall request that the Building Official inspect the sign at the end or following the end of the 6-month period following issuance of the Sign Permit. If, upon inspection, the construction is substantially incomplete, the Building Official shall give the property owner or tenant notice that the Sign Permit has lapsed. If, upon inspection, the construction is found to be substantially complete but not in full compliance with Sec. 151-11 or other applicable codes, the Building Official shall give the property owner or tenant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the Sign Permit shall lapse and the sign shall be removed immediately. The failure to remove sign for which permits have lapsed shall be unlawful.

151-3.12 Variances

When an applicant has a condition of development that requires a variance from the requirements of this Land Development Code, an application may be submitted to request a Variance from the Board of Zoning Adjustment.

A. Application Filing
Variance applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department.

B. Public Hearing Notice
Written and Published notice of the Board of Zoning Adjustment's public hearing on the Variance request shall be provided in accordance with Sec. 151-3.1H-1 and Sec. 151-3.1H-2.

C. Board of Zoning Adjustment Action

The Board of Zoning Adjustment shall hold a public hearing on the proposed Variance and take final action based on the Approval Criteria of Sec. 151-3.12D.

D. Approval Criteria

1. **Use Variances**

   A Variance that would have the effect of allowing a use that the underlying zoning district prohibits may be granted by the Board of Zoning Adjustment if the Board of Zoning Adjustment determines that all of the following conditions have been met:

   a. the requested Variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;

   b. the granting of the permit for the Variance will not be contrary to the public interest and will not adversely affect the rights of adjacent property owners or residents;

   c. the strict application of the provisions of which the Variance is requested will constitute a practical difficulty because the property cannot be used for an otherwise permitted use without coming into conflict with applicable site development standards; and

   d. the Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the *Comprehensive Plan*.

2. **Non-Use Variances**

   A Variance that does not have the effect of allowing a use that the underlying zoning district prohibits may be granted by the Board of Zoning Adjustment if the Board of Zoning Adjustment determines that all of the following conditions have been met:

   a. the requested Variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;

   b. the granting of the permit for the Variance will not be contrary to the public interest and will not adversely affect the rights of adjacent property owners or residents;

   c. the strict application of the provisions of which a Variance is requested will constitute an unnecessary hardship upon the property owner represented in the application; and

   d. the Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the *Comprehensive Plan*.

3. **Conditions of Approval**

   In acting to approve a Variance, the Board of Zoning Adjustment may impose conditions deemed necessary to eliminate or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of this Land Development Code, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. Such conditions may include site design requirements and time limitations on the Variance.

4. **Appeals**

   Any person aggrieved by a decision of the Board of Zoning Adjustment on a Variance application may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the Board of Zoning Adjustment’s decision on the matter.

151-3.13 Vacations

This section sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with RSMo 71.270.

A. Application Filing
Vacation applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department. The application shall include evidence of the vacation application to all utility providers in the general area of the application. The application shall be made by all owners of lands adjoining on both sides of the street, avenue, road, alley, public easement, public square or common area sought to be vacated. If the application is not submitted by all such owners, that fact shall be noted on the application along with the names and addresses of all adjoining owners who are not party to the application.

B. Planning and Zoning Department's Review and Report
The Planning and Zoning Department shall review each proposed Vacation application and provide a report to the Planning and Zoning Commission.

C. Public Hearing Notice
Written and Published notice of the County Commission's public hearing on the Vacation request shall be provided in accordance with Sec.151-3.1H-1 and Sec.151-3.1H-2.

D. Planning and Zoning Commission's Review and Recommendation
Within 30 days of receipt of a complete Vacation application, the Planning and Zoning Commission shall review the application and make a recommendation to the County Commission, based on the Approval Criteria of Sec.151-3.13F.

E. County Commission Review and Decision
After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the application based on the Approval Criteria of Sec.151-3.3F.

F. Approval Criteria
A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria have been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.

G. Easements
The County may retain or require easements in the vacated property if deemed necessary to protect the public welfare.

H. Recordation
Upon approval of a Vacation request, a certified copy of the approval shall be recorded in the office of the County Recorder of Deeds. The applicant shall pay any costs.

151-3.14 Written Interpretations

A. Application Filing
Applications for Written Interpretations of the provisions of this Land Development Code shall be submitted to the Planning and Zoning Department on forms available from the Planning and Zoning Department.

B. Planning and Zoning Director's Review and Decision
Within 30 days of receipt of a complete application for a Written Interpretation, the Planning and Zoning Director shall: (1) review and evaluate the application in light of the text of this Land Development Code, the Official Zoning Maps, the *Comprehensive Plan* and any other relevant documents; (2) consult with County Counselor and other staff as needed; and (3) render a written interpretation.

C. Form
The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretation.

D. Official Record of Interpretations
An official record of interpretations shall be maintained and made available for public inspection in the Planning and Zoning Department office during normal business hours.

E. Appeals
Appeals of the Planning and Zoning Director's written interpretation may be taken to the Board of Zoning Adjustment in accordance with the procedures of Sec. 151-3.14.

151-3.15 Appeals of Administrative Decisions

A. Authority
The Board of Zoning Adjustment shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Land Development Code.

B. Right to Appeal
Appeals of Administrative Decisions may be filed within 30 days by any person aggrieved by a decision of an administrative official in the administration or enforcement of this Land Development Code.

C. Application Filing
Applications for Appeals of Administrative Decisions shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department. Appeals of Administrative Decisions shall be filed within 30 days of the date of the decision being appealed.

D. Effect of Filing
The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Zoning Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Zoning Adjustment, or by a court of record.

E. Record of Administrative Decision
The official whose decision is being appealed shall transmit to the Board of Zoning Adjustment all papers constituting the record upon which the action appealed is taken.

F. Notice
Published notice of the Board of Zoning Adjustment' public hearing shall be provided in accordance with the requirements of Sec. 151-3.1H-2.

G. Board of Zoning Adjustment's Review and Action

1. The Board of Zoning Adjustment shall hold a public hearing on the Appeal.
2. In acting on the appeal, the Board of Zoning Adjustment shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

3. In exercising the appeal power, the Board of Zoning Adjustment shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Adjustment may reverse or affirm wholly or partly or may modify the decision being appealed.
4. If the Board of Zoning Adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

H. Approval Criteria

An appeal shall be sustained only if the Board of Zoning Adjustment determines that the administrative official erred.

I. Appeals

Any person aggrieved by a decision of the Board of Zoning Adjustment on an Appeal of Administrative Decision may present to the Circuit Court of Clay County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the Board of Zoning Adjustment's decision on the matter.

Chapter 151-4 Base Zoning Districts

151-4.1 Establishment of Base Zoning Districts

The following base zoning districts are hereby established:

District Name		Predominant Type	Land Use Planning Tiers * (2008 Comprehensive Plan)
AG	Agricultural District	Agricultural	Natural Resources Rural Low Density
R-1	Residential Rural District (minimum 10+ ac.)	Residential	Natural Resources Rural Low Density
R-5	Residential Ranchette (minimum 5+ ac.)	Residential	Natural Resources Rural Low Density
RU – Residential Urban Density Districts			
RU-80	Residential Urban Rural Single-Family District	Residential	Urban Services
RU-40	Residential Urban Estate District	Residential	Urban Services
RU-25	Residential Urban Large Lot District	Residential or Residential w/Open Space	Urban Services
RU-15	Residential Urban Low Density District	Residential or Residential w/Open Space	Urban Services
RU-12	Residential Urban Medium Density District	Residential or Residential w/Open Space	Urban Services
RU-9	Residential Urban High Density District	Residential or Residential w/Open Space	Urban Services
R-SD – Residential Services Districts			
R-SD	Residential Services District	Residential	Urban Services
R-SDM	Residential Services District Multi-Family	Residential	Urban Services
R-MHP	Mobile Home Park	Residential	Urban Services
C-1	Neighborhood Commercial District	Commercial	All
C-2	Community Commercial District	Commercial	Urban Services
C-3	Community Services District	Commercial	Urban Services
I-1	Limited Industrial District	Industrial	All
I-2	General Industrial District	Industrial	All
OP	Open Space/Trails/Parks/Public Uses	Public	All

Zoning District Hierarchy

Lowest to Highest Intensity

* Land Use Planning Tiers column is intended to be a guide based on the *2008 Comprehensive Plan*, and not purely exclusive. For example: AG would be allowed in the Urban Services Tier because it is less intensive.

151-4.2 Zoning District Hierarchy

References in this Land Development Code to less restrictive or more restrictive zoning districts are references to the “intensity” of development allowed, not necessarily the range of uses permitted. Under the hierarchy established by this Land Development Code, the AG district is the most restrictive base-zoning district, while the I-2 district is the least restrictive base-zoning district. Overlay and Special Purpose zoning districts are not included in the zoning district hierarchy.

(Comment: The zoning district hierarchy is generally based on development intensity, not use. Under this system, the AG district is listed as the most restrictive (also referred to as least intensive) because it allows the lowest density development (1 dwelling unit per 20 acres).)

151-4.3 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines of highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance there from as indicated on the Zoning Map.

D. Where the boundary of a district line follows a railroad line, such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated. (County Order of 1990).

151-4.4 AG, Agricultural District

A. Description

The Agricultural district (AG) is primarily intended to help retain large tracts which may have one dwelling unit per lot or parcel of land and/or to used for agricultural and open space purposes and to minimize conflicts between agricultural uses and adjacent development. The AG district is appropriate for application in the Natural Resources, Rural Low Density Planning and the Urban Services Tiers as illustrated on the *Planning Tier Map and Tables 4.2 and 4.3, Land Use Planning Tiers* of the *2008 Comprehensive Plan*.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

The following standards shall apply to all development in the AG district:

Minimum Lot Standards	
Minimum lot size	20 acres
Minimum lot width *	300 feet @ Building Line (B/L)
Minimum front/street side setback	50 feet
Minimum interior side setback	25 feet
Minimum rear setback	50 feet
Maximum Building Height **	
Principal structures	40 feet
Farm structures	No limit
Non-farm accessory structures	30 feet
Accessory Structures	Subject to 151-6.3B
Minimum Residential Living Area	
1-Story	1,000 square feet
2 or More Stories	1,400 square feet

* Shared Driveways excepted

** No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

151-4.5 R-1, Residential Rural District

A. Description

The Residential Rural district (R-1) is primarily intended to accommodate very low density residential development, at a density not to exceed 1 dwelling unit per 10 acres. The purpose of the 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 R-1 district is appropriate for application in the Rural Low Density and Urban Services (*accompanied with a Shadow Plat, See Sections 151-3.9 and 5.4*) Planning Tiers as illustrated on the *Planning Tier Map and Tables 4.2,and 4.3 Land Use Planning Tiers* of the *2008 Comprehensive Plan*.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

1. **Conventional Development**

The following standards apply to all Conventional (residential and nonresidential) development in the R-1 district:

Minimum Lot Standards	
Minimum lot size	10 acres
Minimum lot width	300 feet @ Building Line (B/L)
Minimum front/street side setback	50 feet
Minimum interior side setback	25 feet
Minimum rear setback	50 feet

2. **All Development**

The following standards apply to all development in the R-1 district:

Maximum Building Height *	
Principal Structures	40 Feet
Accessory Structures	30 Feet
Minimum Residential Living Area	
1-Story	1,000 square feet
2 or More Stories	1,400 square feet

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

151-4.6 R-5, Residential Ranchette District

A. Description

The Residential Ranchette district (R-5) is primarily intended to accommodate lower density residential development, at a density not to exceed 1 dwelling unit per 5 acres. The purpose of the district is to provide a transition between rural and higher density suburban areas.

The R-5 district is appropriate for application in the Natural Resources and Rural Low Density Planning Tiers (accompanied with Agricultural Land Preservation or “Farmstead Dwelling”, see Sections 151-3.9 and 5.4) as illustrated on the *Planning Tier Map and Tables 4.2, and 4.3 Land Use Planning Tiers* of the *2008 Comprehensive Plan*.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

1. **Conventional Development**
   The following standards apply to all Conventional (residential and nonresidential) development in the R-5 district:

Minimum Lot Standards	
Minimum lot size	5 acres
Minimum lot width	300 feet @ Building Line (B/L)
Minimum front/street side setback	50 feet
Minimum interior side setback	25 feet
Minimum rear setback	25 feet

2. **All Development**
   The following standards apply to all development in the R-5 district:

Maximum Building Height *	
Principal Structures	40 Feet
Accessory Structures	30 Feet
Minimum Residential Living Area	
1-Story	1,000 square feet
2 or More Stories	1,400 square feet

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

151-4.7 RU, Residential Urban Density Districts

The following zoning districts fall within the group designation of RU, Residential Urban Density Districts, which are primarily intended to accommodate more urban-level density residential development in areas where adequate urban services are readily available, and are appropriate for application predominantly in the Urban Services Tier as illustrated on the *Planning Tier Map and Tables 4.2 and 4.3, Land Use Planning Tiers* of the *2008 Comprehensive Plan*.

A. Description

Descriptions of the RU Districts are as follows:

1. RU-80, Residential Urban Rural Single-Family District
The Residential Urban Rural Single-Family District (RU-80) is primarily intended to accommodate urban density residential development in areas where more rural amenities exist but at a density higher than the R-5 Residential Ranchette District, with a minimum lot size of 80,000 square feet.

2. RU-40, Residential Urban Estate District
The Residential Urban Estate District (RU-40) is primarily intended to accommodate urban density residential development in areas where more rural amenities exist but at a density higher than the R-5 Residential Ranchette and R-80 Rural Single-Family Districts, with a minimum lot size of 40,000 square feet

3. RU-25, Residential Urban Large Lot District
The Residential Urban Large Lot District (RU-25) is primarily intended for single-family development at low density. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive urban residential area, with a minimum lot size of 25,000 square feet.

4. **RU-15, Residential Urban Low Density District**
The Residential Urban Low Density District (RU-15) is primarily intended for single-family development at a higher density than permitted in the R-25, Residential Urban Large Lot District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive urban residential area, with a minimum lot size of 15,000 square feet.

5. **RU-12, Residential Urban Medium Density District**
The Residential Urban Medium Density District (RU-12) is primarily intended for single-family development at a higher density than permitted in the R-15, Residential Urban Low Density District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive urban residential area, with a minimum lot size of 12,000 square feet.

6. **RU-9, Residential Urban High Density District**
The Residential Urban High Density District (RU-9) is primarily intended for single-family development at a higher density than permitted in the R-12, Residential Urban Medium Density District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive urban residential area, with a minimum lot size of 9,000 square feet.

7. **Open Space Incentive**
Increased lot densities are available as incentive for RU, Residential Urban Density Districts 25, 15, 12 and 9 when open space is permanently dedicated as described in Section 151-4.7.

   a. For the layout and design of the open space areas, see Section 151-8.2 D.

   b. This is a non-inclusive list of tract dedications that are *not* to be included in the calculation of the open space acreage: any utility system (e.g. electricity, gas, water, sewer, etc.) treatment or transmission infrastructure, subdivision or any sign easement, and traffic movement areas (right-of-way).

B. Use Regulations
For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards
The following standards shall apply to all residential and nonresidential development in the following RU, Residential Urban Density Districts:

RU, Residential Urban Density Districts	RU-80	RU-40	RU-25	RU-15	RU-12	RU-9
Minimum Lot Standards						
Minimum lot size (sq. ft.)	80,000	40,000	25,000	15,000	12,000	9,000
Minimum lot size (acres)	1.8	.92	.57	.34	.28	.23
Minimum lot width @ Building Line	140 feet	100 feet	80 feet	80 feet	80 feet	80 feet
Minimum front/street side setback	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Minimum interior side setback	20 feet	15 feet	10 feet	10 feet	10 feet	10 feet
Minimum rear setback	35 feet	35 feet	25 feet	25 feet	25 feet	25 feet
Maximum Building Height *						
Principal structures	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Accessory structures	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Minimum Residential Living Area						
1-story (sq. ft.)	1,000	1,000	1,000	1,000	1,000	1,000
Other (sq. ft.)	1,400	1,400	1,400	1,400	1,400	1,400
Open Space Incentive (See Section 151-4.7 A 7)			**RU-25I**	**RU-15I**	**RU-12I**	**RU-9I**
Minimum lot size (sq. ft.)			20,000	12,000	10,000	8,000
Minimum lot size (acres)			.46	.28	.23	.18

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

151-4.8 R-SD, Residential Services District

A. Description

The Residential Services District (R-SD) is primarily intended to accommodate two-family urban density residential development in areas where the full range of urban services are available. The R-SD district is appropriate for application only in the Urban Services Tier as illustrated on the *Planning Tier Map and Tables 4.2, and 4.3 Land Use Planning Tiers* of the *2008 Comprehensive Plan*.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

The following standards apply to all residential and nonresidential development in the R-SD district:

Minimum Lot Standards	
Minimum lot size	
Detached (Single-Family) House	8,000 square feet
Duplex	12,000 square feet
Minimum lot width	70 feet @ Building Line (B/L)**
Minimum front/street side setback	35 feet
Minimum interior side setback	10 feet **
Minimum rear setback	35 feet

Maximum Building Height *	
Principal Structures	35 Feet
Accessory Structures	30 Feet
Minimum Residential Living Area	
1-Story	1,000 square feet
2 or More Stories	1,400 square feet

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

** Attached houses are exempt. (See Section 151-6.2I

1. Homeowner Association Protective Covenants are required when there are common areas to be maintained under open space. (See Section 151-8.2D)

151-4.9 R-SDM, Residential Services District Multi-Family

A. Description

The Residential Services District Multi-Family (R-SDM) is primarily intended to accommodate multi-family urban density residential development in areas where the full range of urban services are available. The R-SDM district is appropriate for application only in the Urban Services Tier, as illustrated on the *Planning Tier Map and Tables 4.2, and 4.3 Land Use Planning Tiers* of the *2008 Comprehensive Plan*.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

The following standards apply to all residential and nonresidential development in the R-SDM district:

Minimum Lot Standards	
Minimum Lot Size	
Detached (Single-Family) House	8,000 square feet
Duplex	12,000 square feet
Multi-Unit	First Dwelling Unit: 8,000 square feet Each additional: 4,300 square feet
Other	8,000 square feet
Minimum lot width	70 feet @ Building Line (B/L)
Minimum front/street side setback	35 feet
Minimum interior side setback	10 feet
Minimum rear setback	35 feet

Maximum Building Height *	
Principal Structures	40 Feet
Accessory Structures	20 Feet
Minimum Residential Living Area	
1-Story	1,000 square feet
2-Story	1,400 square feet
Apartment	800 square feet

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

151-4.10 R-MHP, Residential Mobile Home Park District

A. Description

The Residential Mobile Home Park district (R-MHP) is primarily intended to accommodate the grouping of mobile homes within mobile home parks on spaces rented or leased to the occupant of the manufactured housing unit. The district is intended to provide a safe and healthy living environment; to assure the compatibility with nearby land uses and to promote affordable housing opportunities, consistent with the provisions of the *Comprehensive Plan*.

The R-MHP district is intended for application only in the Urban Services Tier, as illustrated on the *Planning Tier Map* of the *2008 Comprehensive Plan*. Full urban services will generally be required for all development in this district.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. General Standards

1. **Platting**
   Each mobile home park shall be platted as one lot.

2. **Minimum Site Area**
   Mobile home parks shall contain a minimum gross area of 15 acres, including all private streets, parking spaces, mobile home spaces and common areas within the mobile home park. The minimum width of a mobile home park shall be 300 feet.

3. **Site Conditions**
   A mobile home park shall be located on a well-drained site and be properly graded to ensure rapid drainage.

4. **Access**
   Mobile home parks shall be provided with at least 2 permanent entrances, both of which shall be at least 40 feet in width.

5. **Density**
   There shall not be more than 7 mobile homes per gross acre within a mobile home park.

D. Mobile Home Space Standards

1. **Area**
   Individual mobile home spaces within a mobile home park shall have a minimum area of 4,000 square feet.

2. **Frontage**
   Every mobile home space shall have at least 35 feet of frontage on a paved street (with curb and gutter) constructed to county standards. Turn-around streets (cul-de-sacs) shall have a minimum diameter of 80 feet.

3. **Perimeter Setbacks**
   Mobile homes shall set back at least 25 feet from all mobile home park property lines.

4. **Mobile Home Setbacks and Separation Distances**
   Minimum building setbacks shall be provided on each mobile home space measured from the space boundaries as shown on the mobile home park site plan, as follows:

   Minimum front yard: 15 feet
   Minimum rear yard: 10 feet
   Minimum side yard: 10 feet on one side and 15 feet on the other side.

5. **Access to Mobile Home Spaces**
   All mobile homes shall front onto a street within the mobile home park. Mobile home spaces may be arranged with the long or short side of the mobile home fronting the street.

6. **Placement and Anchoring**

   a. Every mobile home shall be placed on a solid concrete slab or on 2 runners, with a minimum width of 2.5 feet. These runners shall be under at least 80 percent of the length of the mobile home and have a design strength adequate to support the structure. Each transportable section of a mobile home shall be placed on such slab or runner.

   b. All mobile homes shall be blocked at a maximum of 5-foot centers along the weight bearing beams of each mobile home and this blocking shall provide 8 inches by 16 inches bearing upon the concrete stand with 16-inch dimension at a 90-degree angle to the length of the beams.

   c. Tie-downs and ground anchors shall secure all mobile homes to the ground in accordance with state law and shall include anchors at each comer of the mobile home and at the center of the length of the mobile home frame.

7. **Parking**
   Each mobile home space shall be provided with two paved off-street parking spaces designed in accordance with the off-street parking requirements of these regulations.

8. **Storage Buildings**
   Each mobile home space without an enclosed garage shall have a separate, enclosed accessory structure of at least 100 square feet in area and a height of at least 5 feet. This storage building shall be securely fastened to the ground.

9. **Landscaping**
   Each mobile home space shall be provided with landscaping of at least 2 shade trees with a caliper of at least 1.5 inches.

10. **Refuse**
    Each mobile home shall be provided with a weather-tight metal container with a tight fitting cover for refuse. Centralized refuse containers may be provided instead of individual ones if they are so located as to be easily accessible to all mobile home residents and sized to accommodate the trash from those residents. The park owner shall insure that containers are emptied regularly, at least weekly, and maintained in a usable sanitary condition.

11. **Electricity**
    Each mobile home space shall be provided with an electrical source supplying at least 240 volts, in accordance with county construction codes.

12. **Skirting**
    Each mobile home shall be skirted within 30 days after placement in a park by enclosing the open area under the unit with a metal or synthetic material that is compatible with the exterior finish of the mobile home.

13. **Patios**
    Each mobile home space shall be provided with a paved patio area of not less than 200 square feet. Parking spaces shall not be counted as patios.

E. Mobile Home Park Improvements

1. **Sidewalks**
   A sidewalk of a width of at least 3 feet shall be constructed along one side of each street within the mobile home park, except on turn around (cul-de-sac) streets, in accordance with county construction standards.

2. **Lighting**
   Lighting shall be provided for sidewalks and streets in accordance with county standards.

3. **Storm Shelters**
   An underground storm shelter shall be provided that is sufficient to accommodate 2 persons per mobile home and shall be located so that no mobile home is more than 660 feet away from an underground storm shelter.

4. **Recreation Space**
   A minimum of 500 square feet of recreational or open space shall be provided per mobile home space. Each recreational or open space shall contain a minimum of 5,000 square feet in area, and shall be fully developed by the time the park is 50 percent occupied.

5. **Phasing**
   If the development is shown to be divided into phases on the approved plan, the recreational or open space areas may also be phased, as long as the amount of park land is equivalent to 500 square feet for each mobile home space in each phase, the park land is fully improved when the appropriate phase is 50 percent occupied, and each park area is accessible via a paved road or sidewalk to all residents within the developed areas of the mobile home park.

6. **Maintenance**
   All developed park or open space areas shall be maintained in a neat and usable manner with at least the improvements shown on the approved site plan.

7. **Ground Treatment**
   Exposed ground surfaces in all parts of every mobile home park shall be paved, covered with stone screenings, or other solid materials, or protected with a vegetative ground cover capable of preventing soil erosion and controlling dust.

8. **Sewer and Water**
   Every space within a mobile home park shall be provided with public sanitary sewer and public water service with all utility lines constructed in accordance with county approved plumbing, sanitary, and construction codes. Water and sewer lines under all streets shall be the same diameter and materials as required for public streets and shall "loop" or connect to each other as is practical. All utility lines, including electrical service, shall be placed underground.

F. Mobile Home Park Approval Procedure
An application for R-MHP zoning shall be processed as a zoning map amendment in accordance with the procedures of Sec. 151-3.3. At the time of submission of the rezoning application, the applicant shall submit a site plan for the mobile home park. The site plan shall accompany the rezoning application and be reviewed concurrently with the rezoning application by the Planning and Zoning Commission and County Commission. A list of the information required to be shown on the site plan may be obtained from the Planning and Zoning Department.

151-4.11 C-1, Neighborhood Commercial District

A. Description
The Neighborhood Commercial district (C-1) is intended to accommodate limited retail, service and office facilities for the convenience of the residents in the immediate vicinity of the district. The district is intended for uses that are designed and operated to be compatible in scale and appearance with nearby residential development. C-1 districts are generally appropriate for application along or at existing or planned intersections of principal and minor arterial streets. The C-1 district is appropriate for application in the Urban Services, Highway Corridor Overlay District Tiers as illustrated on the *Planning Tier Map* of the *2008 Comprehensive Plan*.

B. Use Regulations
For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards
The following standards shall apply in the C-1 district:

Minimum Lot Standards	
Minimum Lot Size	20,000 square feet
Minimum lot width	150 feet @ Building Line (B/L)
Minimum front/street side setback	35 feet
Minimum interior side setback	25 feet
Minimum rear setback	25 feet

Maximum Building Height *	
Principal Structures	35 Feet
Accessory Structures	35 Feet
Maximum Coverage Area	
Maximum building cover	60 percent
Maximum gross floor area	12,000 square feet

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

D. Other Regulations
The following additional regulations shall apply in the C-1 district.

1. Outdoor storage/display of equipment, materials and merchandise is prohibited.
2. Drive-through windows shall require review and approval in accordance with the Conditional Use Permit procedures of Sec. 151-3.10.

3. No vehicle or equipment other than a passenger vehicle or truck under 1 ½ ton may be stored or parked in areas visible from off-site for more than 96 consecutive hours.

4. 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 or agricultural zoning districts.

5. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions.

6. Any loading dock or loading area shall be fully screened from any property zoned agricultural or residential within 300 feet.

7. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least 200 feet from any property zoned residential or agricultural and from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification.

   Measurements shall be made between the exterior wall of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.

8. If a C-1 district abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.

151-4.12 C-2, Community Commercial District

A. Description

The Community Commercial district (C-2) is intended to accommodate retail sales, service and office facilities that for the convenience of the residents in the local community and that are conducted entirely indoors. Uses in the C-2 district are intended to be compatible in scale and appearance with nearby development. It is also intended that development in the C-2 district be located, designed and operated in such a way as to mitigate the impacts of traffic generation, noise and light on nearby residential neighborhoods. C-2 districts are generally appropriate for application along or at existing or planned intersections of principal and minor arterial streets.

The C-2 district is appropriate for application in the Urban Services, Highway Corridor Overlay District Tiers, as illustrated on the *Planning Tier Map* of the *2008 Comprehensive Plan*. In the Rural Low-Density Tier large scale commercial and industrial or employment uses may be appropriate adjacent at the intersections of state highways. Full urban services are required for most uses in the C-2 district.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

The following standards shall apply in the C-2 district:

Minimum Lot Standards	
Minimum Lot Size	40,000 square feet
Minimum lot width	150 feet @ Building Line (B/L)
Minimum front/street side setback	25 feet
Minimum interior side setback	25 feet
Minimum rear setback	25 feet

Maximum Residential Density
10 units per acre

Maximum Building Height *	
Principal Structures	40 Feet
Accessory Structures	40 Feet
Maximum Coverage Area	
Maximum building cover	70 percent
Maximum gross floor area	75,000 square feet

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

D. Other Regulations

The following additional regulations shall apply in the C-2 district.

1. Outdoor storage or display of equipment, materials and merchandise is prohibited.
2. No vehicle or equipment other than a passenger vehicle or truck under 1½ ton may be stored or parked in areas visible from off-site for more than 96 consecutive hours.
3. 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 or agricultural zoning districts.
4. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions.
5. Any loading dock or loading area shall be fully screened from any property zoned agricultural or residential within 300 feet.
6. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least 200 feet from any property zoned residential or agricultural and from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification. Measurements shall be made between the exterior wall of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.
7. If a C-2 district abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.

151-4.13 C-3, Commercial Services District

A. Description

The Commercial Services district (C-3) is intended to accommodate moderate- to high-intensity commercial uses, which may include outdoor display or storage. C-3 districts are generally appropriate for application along or at existing or planned intersections of principal and minor arterial streets.

The C-3 district is appropriate for application in the Urban Services and Highway Corridor Overlay Tiers, as illustrated on the *Planning Tier Map* of the *2008 Comprehensive Plan*. In the Rural Low-Density Tier large scale commercial and industrial or employment uses may be appropriate adjacent at the intersections of state highways. Full urban services are required for most uses in the C-3 district.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

The following standards shall apply in the C-3 district:

Minimum Lot Standards	
Minimum Lot Size	40,000 square feet
Minimum lot width	150 feet @ Building Line (B/L)
Minimum front/street side setback	25 feet
Minimum interior side setback	25 feet
Minimum rear setback	25 feet

Maximum Building Height *	
Principal Structures	40 Feet
Accessory Structures	40 Feet
Maximum Coverage Area	
Maximum building cover	85 percent
Accessory structures	Subject to Section 151-6.3B

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

D. Other Regulations

The following additional regulations shall apply in the C-3 district.

1. No vehicle other than a passenger vehicle or truck under 1½ ton may be stored or parked in areas visible from off-site for more than 96 consecutive hours.

2. 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 or agricultural zoning districts.

3. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions

4. Any loading dock or loading area shall be fully screened from any property zoned agricultural or residential within 300 feet.

5. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least 200 feet from any property zoned residential or agricultural and from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification. Measurements shall be made between the exterior wall of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.

6. If a C-3 district abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.

151-4.14 I-1, Limited Industrial District

A. Description

The Limited Industrial district (I-1) is intended to accommodate research and development activities with or without light fabrication and assembly operations; limited industrial/manufacturing activities; and wholesale trade or warehousing which may include associated administrative office uses within a planned employment center environment and generally arranged in a business park, office park, industrial park, campus style setting.

The I-1 district is appropriate for application in the Urban Services and the Highway Corridor Overlay District Tiers, as illustrated on the *Planning Tier Map* of the *2008 Comprehensive Plan*. In the Rural Low-Density Tier large scale commercial and industrial or employment uses may be appropriate adjacent at the intersections of state highways that are adequately buffered from adjacent residential districts.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

The following standards shall apply in the I-1 district:

Minimum Lot Standards	
Minimum Lot Size	60,000 square feet
Minimum lot width	200 feet @ Building Line (B/L)
Minimum front/street side setback	35 feet
Minimum interior side setback	30 feet
Minimum rear setback	40 feet

Maximum Building Height *	
Principal Structures	45 Feet
Accessory Structures	45 Feet
Maximum Coverage Area	
Maximum building cover	50 percent

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

D. Other Regulations

The following additional regulations shall apply in the I-1 district.

1. All manufacturing and repair activities shall be conducted within an enclosed building.

2. Outdoor storage areas that are visible from public rights-of-way or residential zoning districts shall be screened from view of such rights-of-way or zoning districts by buildings, solid, opaque fences or walls or by dense vegetative plantings that effectively block views of the material being stored. The height of the building, fence, wall or vegetation shall be at least as tall as the material being screened.

3. Direct access to and frontage on at least one arterial or minor arterial street shall be required.

4. All uses shall be operated so as to comply with the following performance standards:

    a. All uses shall be so operated as to comply with all applicable state and federal standards governing radiation, smoke, dust, particulate matter, toxic or noxious waste materials.

    b. 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.

c. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any residential or commercial district.

d. Each use shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained in the County Code.

e. 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.

151-4.15 I-2, General Industrial District

A. Description

The General Industrial district (I-2) is intended to accommodate 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.

The I-2 district is appropriate for application in the Urban Services and the Highway Corridor Overlay District Tiers, as illustrated on the *Planning Tier Map* of the *2008 Comprehensive Plan*. In the Rural Low-Density Tier large scale commercial and industrial or employment uses may be appropriate adjacent at the intersections of state highways that are adequately buffered from adjacent residential areas and commercial properties used by the general public.

B. Use Regulations

For a summary of uses allowed in all zoning districts, see Sec. 151-6.1.

C. Density and Dimensional Standards

The following standards shall apply in the I-2 district:

Minimum Lot Standards	
Minimum Lot Size	80,000 square feet
Minimum lot width	300 feet @ Building Line (B/L)
Minimum front/street side setback	50 feet
Minimum interior side setback	40 feet
Minimum rear setback	50 feet

Maximum Building Height *	
Principal Structures	45 Feet
Accessory Structures	45 Feet
Maximum Coverage Area	
Maximum building cover	50 percent

* No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)

D. Other Regulations

The following additional regulations shall apply in the I-2 district.

1. Outdoor storage areas that are visible from public rights-of-way or residential zoning districts shall be screened from view of such rights-of-way or zoning districts by buildings, solid, opaque fences or walls or by dense vegetative plantings that effectively block views of the material being stored. The height of the building, fence, wall or vegetation shall be at least as tall as the material being screened.

2. All uses shall be operated so as to comply with the following performance standards:

   a. All uses shall be so operated as to comply with all applicable state and federal standards governing radiation, smoke, dust, particulate matter, toxic or noxious waste materials.

b. 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.

c. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any residential or commercial district.

d. Each use shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained in the County Code.

e. 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.

151-4.16 OP, Open Space/Trails/ Parks/Public Use

The Open Space/Trails/Parks/Public Use (OP), district is intended to implement the Parks Master Plan and the Northland Trails Master Plan. The district is designed to accommodate areas reserved for public uses, which may include passive or active recreations areas, shelter houses, historical buildings, marinas, trails and other uses. The intent is to provide for public recreation of Clay County residents. All buildings and structures will be supportive of the recreational aspects of the land use. (See Section 151-8.17)

The OP District is appropriate for application in all development tiers of the 2008 Comprehensive Plan.

A. Use Regulations
For a summary of other uses allowed in this district and all zoning districts, see Sec. 151-6.1.

B. Density and Dimensional Standards
There are no set standards for density and dimensions that shall apply in the OP District.

C. Other Regulations
The following additional regulations shall apply in the OP district:

1. All uses within the OP district shall be owned by a public entity and constructed with public and/or foundation funds.

2. Specific uses may be operated by contract, rather than by government staff.

3. Conditional Use Permits are required on uses that may have more significant impacts on neighboring uses, environmental concerns, traffic generation, impervious surfaces, and require more in-depth review.

Chapter 151-5 Overlay and Special Purpose Zoning Districts

151-5.1 Overlay and Special Purpose Zoning Districts Established

The purpose of overlay and special purpose zoning districts are to impose special requirements in certain areas of the County which have special characteristics or special development opportunities. The overlay and special zoning districts herein established are each created to accomplish stated objectives from the Comprehensive Plan, as well as to help promote the general health, safety, and welfare of the citizenry. Overlay and special purpose zoning district regulations shall be supplemental to the standard regulations of the underlying zoning districts in Section 151-4 and shall prevail if there is a conflict.

The following Overlay and Special Purpose zoning districts are hereby established:

	District Name	Type
CD	Conservation District	Overlay District
PUD	Planned Unit Development District	Overlay District
POD	Preservation Overlay District	Overlay District
A-O	Airport Area Overlay District	Overlay District

151-5.2 CD, Conservation District

The Purpose of the Conservation District is to encourage state-of-the-art alternatives (e.g. cluster-style development in conjunction with conserving open space) to conventional subdivision design in order to preserve and maintain the natural features and rural amenities in the county through better site selection and better site design. The concept of Conservation Districts was adopted on November 7, 2001 by the Clay County Planning and Zoning Commission as an amendment to the 1997 Clay County Comprehensive Plan.

A. Description

The Conservation District (CD) is an overlay zoning district that permits greater flexibility of land planning and site design than conventional zoning districts. The Conservation District regulations:

1. Provide for the conservation of natural features of land.
2. Encourage preservation of natural waterways and farmlands while increasing the residential housing stock of the county.
3. Provide for efficient use of public services and improvements.
4. Discourage the consumption of land through better site selection and better site design.

B. Applicability

The Conservation District may be applied to any of the three development tiers; however, different standards apply to each tier. (See Sec. 151-3.7)

1. The CD will apply to residential subdivisions only. Mixed-use plans should be processed as a Planned Unit Development (PUD).
2. A CD will allow incentives in the number of dwelling units, based on the formulas in Sec. 151-3.7, in exchange for the conservation of permanent public or private open space.
3. CDs will be designed around natural features such as unusual topography; floodplains, streams and associated riparian corridor, wetlands, and steep slopes; preserve and maintain woodlands, existing fields, pastures, meadows, prairies, soils and other natural features; and shall be designed to conserve and protect existing tree lines, hedgerows, and minimize impacts on large woodlands; protect wildlife habitat areas and water quality; sites of historic, archaeological, or cultural value; provide active recreational areas; and to facilitate pedestrian, equestrian, and bicycle access within neighborhoods, and to- and-from adjoining neighborhoods, schools and other public uses.

4. CDs will be allowed only when a central wastewater treatment system is installed, or connection is made to a public sewer system. Each privately managed system will be required to participate in the Clay County Sewer District when it is established by the County Commissioners.

5. Streets, infrastructure and impervious surfaces will be minimized through design.

6. Driveways shall access local streets only, unless there is no reasonable alternative.

7. Cul-de-sacs may be a maximum of 1,620 feet, unless otherwise restricted by the local fire protection district.

8. Curb and gutter is required in a CD; however, R-1 zoning may ask for a waiver from the highway department if it can demonstrate design standards that address stormwater runoff and pavement integrity.

9. Any CD containing over 50 dwelling units must provide at least 2 access points.

10. On- and off-site improvements for any development will be evaluated on the basis of the anticipated impacts of the specific proposal. The developer will be financially responsible for 100% of interior improvements (e.g. streets, sidewalks, culverts, water mains) and 50% financially responsible for necessary off-site improvements (e.g. turn lanes, traffic signals, increases in culvert sizes).

11. The maximum allowed coverage of impervious uses (streets, houses, etc) in a CD is 30%. The goal is 15%.

12. Adherence to Section 151-8.19, Erosion and Sediment Control Regulations is required.

13. CDs shall have a minimum of 30% open space, based on gross acreage of the entire project.

14. Amenities shown on the CD Concept Plan will be completed on a timetable established at the time of Conceptual Plan review. Bonding for amenity improvements may be a requirement.

15. Each subdivision in a CD shall be identified with a monument sign at each major entrance.

16. Lots shall transition in size from existing adjacent land uses to more dense away from existing lots.

17. Each CD shall have a mandatory homeowners association (HOA).

    a. The developer will be provided with a model CD Covenant.

    b. Covenants will be reviewed and approved by the Planning and Zoning Director.

    c. The homeowners association shall be organized by the applicant and shall be approved by the Planning and Zoning Director prior to the sale of any lots within the subdivision.

    d. The conditions and timing of transferring control of the association from applicant to homeowners shall be specified, e.g. 65% of lots sold.

    e. The HOA shall be responsible for maintenance of insurance and taxes on all common areas, enforceable by liens placed by the County on the homeowners' association property. The HOA may place liens on the homes or lots of its members who fail to pay their association dues in a timely manner.

    f. The members of the HOA shall share equitably the costs of maintaining and developing the common areas, swimming pools, clubhouses, etc. Shares shall be defined within its bylaws.

g. The HOA shall be responsible for the maintenance and operation of the wastewater treatment system and the HOA shall be subject to the associated cost due to its failure, enforceable by liens placed by the County on the HOA. The HOA may place liens on the homes or lots of its members.

h. The HOA shall be required to provide maintenance and upkeep of the common area shall constitute a violation of this Zoning for the common area. Failure by the HOA to maintain and provide Order, and the violating party(ies) shall be guilty of a misdemeanor.

i. The HOA may lease common area to any other qualified person, or corporation for operation, management and maintenance thereof.

j. Farmland that is included in the open space may be leased by the HOA for crop production based on conservation practices.

k. Fencing, maintenance, and animal limitations shall be part of the HOA regulations, but not less stringent than County requirements.

C. Developer's Statement of Intent

Each Conservation District Plan application shall contain a statement from the applicant describing how the proposed development will accomplish the goals of natural resource conservation, stormwater management, erosion and sediment control and topsoil conservation.

The common open space shall be permanent, designated as public or private and will be dedicated, deeded and maintained in perpetuity accordingly.

D. Additional Conditions

The Planning and Zoning Commission shall recommend and the County Commission shall impose such other conditions as are necessary to accomplish the purposes of this Land Development Code, such as:

1. A stormwater drainage plan that incorporates conservation principles of minimizing volume and velocity with maximizing the use of green space for stormwater management. Stormwater and drainage plans shall address concerns of United States Environmental Protection Agency, U.S. Army Corps of Engineers, MO Department of Natural Resources, FEMA/SEMA, MO Department of Health and other agencies.
2. Traffic impact study.
3. Construction plans including pollution prevention procedures that shall be approved by county highway department and/or county engineer prior to final plat approval.
4. A minerals and/or natural resource assessment including extraction plans, if any.
5. Sign a developer's agreement that includes provisions for the completion of on- and off-site improvements.

151-5.3 PUD, Planned Unit Development District

The PUD, Planned Unit Development district is an overlay zoning district that permits greater flexibility of land planning and site design than conventional zoning districts. Its intended use is for large scale design-oriented developments, commercial, industrial and mixed-use developments. The PUD regulations:

1. Provide flexibility in architectural design, placement, and clustering of buildings; use of open areas and outdoor living areas; provision of circulation facilities and parking; and related site and design considerations;
2. Encourage the conservation of natural features;
3. Provide for efficient use of public services and improvements;
4. Encourage and preserve opportunities for energy efficient development;

5. Promote attractive and functional business environments in nonresidential zoning districts that are compatible with surrounding development; and

6. Promote an attractive and safe living environment in residential zoning districts.

A. Applicability

A PUD district may be approved only when the applicant demonstrates to the satisfaction of the County Commission that a proposed PUD project would result in a greater benefit to the county than would development under conventional zoning district regulations.

B. Developer's Statement of Intent

Each PUD Concept Plan application shall contain a statement from the applicant describing how the proposed development departs from the otherwise applicable standards of this Land Development Code and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable standards.

C. Review and Approval Procedures

PUDs shall be reviewed and approved in accordance with the procedures of Sec. 151-3.8.

D. Effect of other Zoning District Standards

Except as expressly authorized by the regulations of this section and approved as part of a PUD plan, all of the standards of this Land Development Code apply to development within a PUD. Otherwise applicable standards of this Land Development Code may be modified by the County Commission as part of its approval of a PUD if such modifications are consistent with the *Comprehensive Plan* and if the development is found to be an improvement over what would be required under otherwise applicable standards.

E. Use Regulations

The County Commission shall determine the types of uses allowed within a PUD at the time of Concept Plan approval. Only uses that are consistent with the *Comprehensive Plan* may be allowed within a PUD.

F. Development Intensity

The total number of dwelling units and level of nonresidential development allowed within a PUD shall be consistent with the *Comprehensive Plan* and not exceed the level that can be adequately served by public facilities. To evaluate the capacity of streets and other facilities serving a PUD, the Planning and Zoning Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis to provide information on the development's expected impacts on existing and planned facilities.

G. Roadway Access

Unless otherwise expressly approved during the PUD approval process, principal vehicular access to PUDs must be from a local county A or B and higher classification streets. Any PUD containing over 50 dwelling units or 50,000 square feet of nonresidential floor space must provide at least 2 access points, wherever possible.

H. Open Space

At least 30 percent of the gross land area in PUDs must consist of common open space.

I. Preservation of Natural Features

Mature trees, vegetative cover, watercourses and other natural site features must be preserved to the maximum extent feasible.

J. Additional Conditions

The Planning and Zoning Commission shall recommend and the County Commission shall impose such other conditions as are necessary to accomplish the purposes of this Land Development Code such as a sewage treatment facility plans and Section 151-3.8B.

151-5.4 Preservation Overlay District (POD)

A. Purpose

The purpose of the Preservation Overlay District (POD) is to identify, preserve and protect the historic, cultural, or environmental character of designated areas that allows flexibility in planning for the intent of insulating the land from the negative aspects of development. The POD was designed to implement the future land use tier policy guidelines established by the *2008 Clay County Comprehensive Plan*. Interested property owners and/or applicants that are requesting POD designation initiate said designation.

The central purposes of the POD may include but not be limited to the following:

1. Provide for future lot placement, clustering of residences, use of open areas, street networks, utility locations, and related design considerations.
2. Conservation and preservation of natural, historical and cultural features.
3. Provide for efficient use or future use of public services and improvements.
4. Encourage and preserve opportunities for energy efficient development.
5. Promote attractive and functional development that is compatible with surrounding development.
6. Promote an attractive and safe living environment in residential zoning districts.

B. Applicability

A POD designation is appropriate and necessary for any zoning map amendment and/or subdivision request that falls into one (1) of the following POD subcategories:

1. ***Agricultural Land Preservation (ALP)***
   The purpose of this POD subcategory is to conserve and/or preserve farmland, forest land, and open space, in addition to historic and cultural aspects of the land with the intent to protect the natural and/or ecological resources. When a request for an ALP is submitted, at times it will need to be applied with flexibility and still maintain the general purpose of land conservation and preservation. ALP is recommended within the Natural Resources, Rural-Low Density Tiers and Urban Services Tiers in compliance with Option B of the *2008 Comprehensive Plan* (see Table 4.3).
2. ***Shadow Plat (SP)***
   The purpose of this POD subcategory is to create a conceptual future land use plan for a particular piece of property illustrating speculative future lot layout, street networks, open space and utility locations in the event the property is ever further subdivided and/or developed when municipal-level infrastructure becomes available without negatively impacting current buildings and infrastructure. When a request for a SP is submitted, at times it will need to be applied with flexibility and still maintain the general purpose of land conservation and preservation. SP is recommended within the Rural-Low Density and Urban Services Tiers in compliance with Option B of the *2008 Comprehensive Plan* (see Table 4.3).

C. Description

A POD district may be approved when the applicant demonstrates to the satisfaction of the County Commission that a proposed development will provide better conservation and preservation of land, *OR* a *Shadow Plat (SP)* adequately illustrating possible future lot layout, street networks, open space and utility locations that will provide a future benefit to the County.

Careful consideration as to the practicable suitability of an area requesting POD designation with respect to the existing and reasonably assumable future land uses should factor heavily in the decision of whether or not to approve a POD.

Once designated, PODs shall be a compelling factor in any decision pertaining to land use decisions, rezoning requests, conditional use permits and other development within the designated area. This is to say that Clay County may deny any requests for rezoning, conditional use permits, or building permits that are incompatible with or would be detrimental to the nature and character of the approved POD Plan.

D. Review and Approval Procedures
Each POD request shall be reviewed and approved in accordance with the procedural standards described in Section 151-3.9.

E. Effect of other Zoning District Standards
Except as expressly authorized by the regulations of this code and approved as part of a POD Plan in accordance with the procedural standards of Section 151-3.9, all of the standards of this code apply to development within a POD Overlay District. Otherwise applicable standards of this section may be modified by the County Commission as part of its approval of a POD if such modifications are consistent with the *2008 Comprehensive Plan.*

F. Use Regulations
The County Commission shall determine the types of uses allowed within a POD at the time of POD Plan approval. Only uses that are consistent with the *2008 Comprehensive Plan* may be allowed within a POD.

G. Development Intensity
The total number of dwelling units and level of nonresidential development allowed within a POD shall be consistent with the *2008 Comprehensive Plan* and not exceed the level that can be adequately served by public facilities.

H. Open Space
A percentage (See Figure 151-3.9-1) of the proposed development land area related to a POD *Agricultural Land Preservation (ALP)* subcategory must consist of either conservation and/or preservation of farmland, forest land and open space or the historic, cultural aspects of the land, with the intention to protect the natural and/or ecological resources.

I. Additional Conditions
The Planning and Zoning Commission shall recommend and the County Commission shall impose such other conditions as are necessary to accomplish the purposes of this Land Development Code (LDC).

151-5.5 A-O Airport Area Overlay District

These A-O district regulations are consistent with and serve to implement the goals, policies and strategies contained in the *Comprehensive Plan*, Airport Land Use Study and the U.S. 69 Corridor Study. The primary purpose of the regulations of this section is the protection of the public's health, safety, and welfare through avoiding the establishment of airport hazards, lessening or preventing noise impacts affecting the public and the surrounding landowners, and promoting a pattern of future land uses that encourages compatibility between the airport and its environs. Airport hazards are contrary to the public interest, endanger the lives and property of users of the airport and of occupants of land nearby, and, if of the obstruction type, in effect reduce the size of the area available for the landing, taking-off and maneuvering of aircraft, and thus tend to destroy or impair the utility of the airport and the public investment or interest therein. Accordingly, the provisions of this overlay district assume the following:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport;
2. That it is therefore necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented;
3. That both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the County may raise and expend public funds and acquire land or property interests therein; and
4. That the minimization of aircraft noise impacts on the surrounding area is critical for striving to achieve airport-environs compatibility and for assuring that persons who live, work, or own property near the airport may enjoy a maximum amount of freedom from noise or other adverse impacts of the airport.

A. Purpose and Intent

The Midwest National Air Center (MNAC) Airport Area Overlay district (A-O) is intended to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of Midwest National Air Center (MNAC) to:

1. Protect persons and property near the airport.
2. Provide for aircraft safety in the use of the airport.
3. Regulate land uses and development to ensure compatibility with the airport.
4. Provide a comprehensive zoning plan to provide for orderly development of land near the airport.

B. Effect of Overlay Zoning Designation

The regulations of the A-O district shall be supplementary to the regulations of the underlying zoning districts. In the event of a conflict between the regulations of this section and any other regulations applicable to this same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and control to the extent of such conflict, but no further.

C. Special Definitions

The definitions of this section shall be used solely for the purpose of interpreting and administering the A-O district regulations of this section. If the definitions of this section conflict with other definitions of this Land Development Code, the definitions of this section shall control.

Term	Definition
Airport	The Midwest National Air Center (MNAC) and all appurtenances used or acquired for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes, for airport buildings or other airport facilities, and all other appurtenant rights-of-way or other interests either heretofore or hereafter established
Airport Elevation	The highest point of an airport's usable landing area measured in feet from sea level
Airport Hazard	Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at the MNAC or is otherwise hazardous to such landing or taking-off of aircraft
Approach Surface	A surface longitudinally centered on the extended centerline of the runway and extending outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth herein. In plan-view, the perimeter of the approach surface coincides with the perimeter of the approach zone
Approach, Transitional, Horizontal, and Conical Zones	Height hazard zones as defined and set forth herein
A-O District Zoning Map	The official map for the A-O district prepared by the Planning and Zoning Department and duly adopted by the County Commission and any amendments thereto
Communications Nuisance	A use or structure which creates interference with radio communications and electronic navigational aids or devices, including instrument landing systems, for aircraft using the airport
Conical Surface	An inclined surface extending upward and outward from the periphery of the horizontal surface at a slope of 1 foot upward for each 20 feet outward for a horizontal distance of 4,000 feet.

Term	Definition
Datum	For the purpose of determining the height limits in all zones set forth herein, the datum shall be mean sea level elevation unless otherwise specified
Decibel	The unit for expressing and measuring the relative intensity of sounds on a scale from zero for the average least perceptible sound for the human ear to about 135 for the average sound level which inflicts pain to humans
FAA	Federal Aviation Administration
Height	The vertical distance between the top of any structure and datum unless a reference elevation other than datum is specifically required by the regulations of this section
Helipad	The designated takeoff and landing area for helicopters at a heliport
Helipad Primary Surface	A horizontal plane area which coincides with the size and shape of the helipad and which is at the established elevation of the helipad
Heliport	A landing, loading and takeoff area used by helicopters, whether at ground level or elevated on a structure, and including necessary passenger and cargo facilities, maintenance equipment and overhaul areas, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces
Horizontal Surface	A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan-view coincides with the perimeter of the horizontal zone
Identified Critical Corridors	The linear-shaped areas of the width and length established by the regulations of this section which are located along and centered on the extended centerline of runway 18-36 at the Midwest National Air Center (MNAC)
Illumination Nuisance	A use which creates difficulty for pilots to distinguish between navigational lights or markers and other lights or which otherwise impairs visibility with respect to aviation operations in the vicinity of the airport
Imaginary Surfaces	Planes having no real existence at the heights, slopes and dimensions of the approach, transitional, horizontal, and conical surfaces as defined and established by the regulations of this section.
Ldn (Day-night Average Sound Level)	The unit of measurement of sound levels on the day-night loudness decibel scale which averages the decibel levels of sounds over a 24-hour period and reflects the tendency for sounds to be more disruptive between 10:00 P.M. and 7:00 A.M. by adding 10 decibels (Ldn) to all sound intensities occurring between those hours
Noise-sensitive Land Use	(a) an activity or use of property which is sensitive to aircraft noise generation (examples include, but are not limited to: residential uses; educational classroom or assembly facilities; religious classroom or worship facilities; hospitals and similar health service facilities; transient lodging quarters; outdoor places of public assembly such as amphitheaters, stadiums, arenas, and the like; indoor places of public assembly such as auditoriums, convention centers, concert halls, meeting halls, theaters, Departments; and the like) or (b) such unconstructed uses as listed above, having an approved subdivision plat, development plan or building permit
Nonconforming Use	Any legally established, pre-existing structure, tree, or use of land that does not conform to the provisions contained within this section, or any amendment thereto.

Term	Definition
Non-precision Instrument Runway	A runway having a non-precision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for straight-in, non-precision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an approved airport layout plan or any other officially adopted airport planning document
Official Zoning Map	The map showing zoning districts for land subject to the zoning authority of Clay County as prepared by the Planning and Zoning Department and duly adopted by the County Commission and any amendments thereto
Plan-View	The image of an object or area as would be seen from directly above all points on the object or area being viewed
Planning and Zoning Commission	The Clay County Planning and Zoning Commission.
Planning and Zoning Department	The Clay County Planning and Zoning Department.
Precision Instrument Runway	A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR), and any runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other officially adopted airport planning document
Primary Surface	A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth herein. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. (See also helipad primary surface)
Runway	A defined area on the airport prepared for landing and take-off of aircraft along its length.
SEL (Sound Exposure Level)	The unit of measurement of single-event sound levels which combines both the maximum intensity and the duration of the sound event
Structure	Any object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, smokestacks, poles, pole lines, light poles, signs, earth formations, overhead transmission lines, radio and television aerials and antennae
Transitional Surfaces	The surfaces extending outward at a 90 degree angle to the centerline of the runway and the extended centerline of the runway at a slope of 1 foot upward of each 7 feet outward from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. The transitional surfaces connect the horizontal, conical, primary and approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 measured horizontally from the edge of the approach surface and at a 90 degree angle to the centerline of the runway and the extended centerline of the runway
Tree	Any object of natural growth
Utility Runway	A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less
Visual Runway	A runway intended solely for the operation of aircraft using visual approach procedures
Zoning Map	See A-O district Zoning Map

D. Establishment of A-O District

The A-O district shall be established in accordance with the procedures of Sec. 151-3.3. There are 2 categories of overlay zones within the A-O district: the MNAC Airport Height Hazard Overlay Zones (hereinafter referred to as "Height Hazard Zones") and the MNAC Airport Interest Area Land Use Overlay Zones (hereinafter referred to as "Land Use Zones"). Boundaries for the A-O district and the 2 overlay zones are described in the following section.

E. A-O District and Boundaries of Overlay Zones

The outer boundaries of the A-O district coincide with the outer boundaries of the Height Hazard Zones and the Land Use Zones. The Zoning Map reflects the A-O district and Overlay Zone boundaries as follows:

1. **Height Hazard Zones**
   The boundaries of the Height Hazard Zones are identical to the boundaries of the approach, transitional, horizontal, and conical surfaces of the airport as established in the Clay County Regional Airport Final Master Plan Report (9-25-92) and are shown in Exhibit 3 therein. Said surfaces shall be based upon the obstruction surfaces described in Subpart C of Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace.

2. **Land Use Zone**
   Consistent with Exhibit 3 of the Clay County Regional Airport Final Master Plan Report (9-25-92) which outlines the boundaries of the Airport Interest Area around the Midwest National Air Center, the outer boundaries of the Land Use Zones match the outer boundaries of the Airport Interest Area as shown in Exhibit 3 therein. The boundaries of zones in the Land Use Zones area are established as shown on the Zoning Map.

3. **Zoning Map**
   The boundaries of the Height Hazard Zones and the Land Use Zones are shown on the County Zoning Map.

F. Permitted Uses

Permitted uses within the A-O district shall be those uses which are permitted by regulation in the underlying zoning district, with the exception of those uses which are prohibited by the regulations in this section. Furthermore, all uses that are permitted by regulation in the underlying zoning district and not prohibited by the regulations of this section are subject to all qualifications and limitations as established by the regulations of this section.

G. Conditional Uses

Conditional uses within the A-O district shall be those uses which are listed as conditional uses in the specific underlying zoning district, with the exception of those uses which are prohibited by this section. Furthermore, the approval of conditional uses shall be subject to all qualifications and limitations as established by the regulations of this section.

H. Property Development Standards

Property shall be developed in accordance with the property development standards of the underlying zoning district, unless such standards are in conflict with the regulations of this section, in which event the regulations of this section shall control. The applicable development standards shall include, but not be limited to, the regulations governing the following development characteristics: minimum lot size, maximum lot coverage, bulk regulations, open space requirements, landscaping and screening requirements, parking and loading regulations, and sign regulations.

I. Use Limitations

In addition to the use limitations imposed by the underlying zoning district, the following use limitations shall also apply to all properties located within the A-O district:

1. Uses within this the A-O district shall be permitted only in accordance with the maximum height restrictions of these regulations.

2. Uses located within the Land Use Zones within the A-O district shall be permitted only in accordance with all applicable restrictions and standards as set forth in these regulations.

3. Uses located within the Noise Impact Area of the Land Use Zones within the A-O district shall be permitted only in accordance with any applicable noise attenuation construction standards as required under these regulations.

4. At the time of issuance of any building permit for any structure within the A-O district, the County Commission reserves the right to request the voluntary dedication of a navigation easement when it is determined by the Commission that said easement is needed over the subject property to further the purpose and intent of the regulations in these regulations.

J. Height Hazard Zones and Height Limitations

In order to carry out the regulations of this section, and in furtherance of Federal Aviation Regulations Part 77 which recommends height limitation standards, there are hereby established Height Hazard Zones. The Height Hazard Zones shall encompass all the lands within Clay County lying beneath the approach, transitional, horizontal, and conical zones which are based on and reflect the approach, transitional, horizontal, and conical surfaces (See Exhibit 3, Clay County Regional Airport Final Master Plan Report (9-25-92), as they apply to the Midwest National Air Center and as further defined within this Section. The Height Hazard Zones are shown on the Zoning Map. The height limitations established for these zones shall be based upon the established elevation of the MNAC, which is 777 feet. From and after the effective date of the regulations of this section, as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow or allowed to exist in any zone created by the regulations of this section to a height in excess of the applicable height limitations established herein for the Height Hazard Zones. An area located in more than one of the identified zones is considered to be only in the zone with the more restrictive height limitation.

1. **General Provisions**

   a. The centerline of all Runway Approach Zones coincides with the continuation of the centerline of the runway.

   b. The inner edge of all runway approach zones coincides with the outer edge of the primary surface of the runway and has the same width as the primary surface of the runway.

   c. All approach zones expand outward uniformly from the inner edge to the outer edge at the horizontal distance and outer edge width specified in Exhibit 3, Clay County Regional Airport Final Master Plan Report (9-25-92).

   d. The height limitation at the inner edge of all approach zones is the same elevation as the primary surface.

   e. The height limitation in all approach zones increases continually and evenly from the inner edge to the outer edge of the approach zone at the rate or grade specified in the Clay County Regional Airport Final Master Plan Report (9-25-92), and the rate of increase in elevation is expressed and specified in the format of: "horizontal distance in feet outward for each foot of increased elevation," and is commonly abbreviated as, "horizontal distance: vertical distance."

   f. The height limitations in the approach zones are established by the imaginary surface sloping upward at the grade specified for the particular approach zone as specified in the Clay County Regional Airport Final Master Plan Report (9-25-92).

   g. Airport Approach Zones and the imaginary surfaces establishing applicable height limitations are established as provided in Exhibit 3, Clay County Regional Airport Final Master Plan Report (9-25-92).

2. **Airport Transitional Zones, AT, and Height Limitations**

   a. The Airport Transitional Zones are the areas beneath the transitional surfaces of the airport runways as further defined herein.

   b. The height limitations for the Airport Transitional Zones are established by an imaginary surface that slopes one foot upward for each 7 feet outward, beginning at the sides of, and at the same elevation as the primary surface and the approach surface, and extends to a height of 150 feet above the established airport elevation (Horizontal Surface elevation of 927.0 feet). In addition to the foregoing, there are established height limits sloping one foot upward for each 7 feet outward beginning at the sides of, and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway Airport Approach Zone projects beyond the Airport Conical Zone, there are established height limits sloping one foot upward for each 7 feet outward beginning at the sides of, and the same elevation as the approach surface, and extending a horizontal distance of 10,000 feet measured at a 90 degree angle to the extended runway centerline.

3. **Airport Horizontal Zone, AH, and Height Limitations**

   a. The Airport Horizontal Zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Airport Horizontal Zone does not include the Airport Approach Zones or the Airport Transitional Zone.

   b. Airport Horizontal Zone height limitation is established at 150 feet above the established airport elevation or 927.0 feet.

4. **Airport Conical Zone, AC, and Height Limitations**

   a. The Airport Conical Zone is established as the area that commences at the periphery of the Airport Horizontal Zone and extends outward for a horizontal distance of 4,000 feet.

   b. The Airport Conical Zone height limitation is established by an imaginary surface that slopes one foot upward for each 20 feet outward beginning at the periphery of the Airport Horizontal Zone and at 150 feet above the established airport elevation or 927 feet and extending to a height of 350 feet above the airport elevation to a height of 1,124 feet.

K. Exceptions To Height Limitations

Nothing in the regulations of this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 75 feet above the surface of the land.

L. Permits in Airport Height Hazard Overlay Zone

Except as specifically provided in the regulations of this section, no new structure or use may be constructed or otherwise established in any zone created by the regulations of this section unless a permit therefore shall have been applied for and granted by the County. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particulars for the County to determine whether the resulting use or structure would conform to the regulations of this section. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of the regulations of this section shall be granted unless a variance has been approved as provided for in the regulations of this section.

1. **Initial Approach Zones**
   In areas lying within the limits of the approach zones, but at a horizontal distance of more than 5,000 feet from Runway 36 or more than 3,500 feet from Runway 18, no permit shall be required for any structure less than 75 feet of vertical height above the ground, except when such structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such approach zones.

2. **Transitional Zones**
   In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than 75 feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.

3. **Conical Zones**
   In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such structure would extend above the height limits prescribed for such zones.

M. Land Use Zones

1. Prohibited Development and Land Use Characteristics
   Notwithstanding any other provision to the contrary contained within the regulations of this section, no use may be made of land or water within the Land Use Zones that would in any manner:

   a. Create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft,

   b. Make it difficult for pilots or aviation operations personnel of the control tower to distinguish between airport lights and other lights,

   c. Result in glare in the eyes of pilots using the airport or the eyes of aviation operations personnel of the control tower,

   d. Impair visibility with respect to aviation operations in the vicinity of the airport,

   e. Endanger or interfere, in any other way, with the landing, takeoff, or maneuvering of aircraft,

   f. Create bird strike hazards or promote large population concentrations of birds, or

   g. Emit or discharge smoke, steam or fog that would impair visibility with respect to aviation operations in the vicinity of the airport in any manner which would interfere with the health and safety of pilots and the public in the use of the airport.

2. **Minimum Performance Standards**
   The following minimum standards and specifications shall apply for all land uses within the Land Use Zone.

   a. **Lighting and Glare**
      All lights, illumination, or glare used in conjunction with street, parking, signs or use of land and structures shall be arranged and/or operated in such a manner that is not misleading or dangerous to aviation operations at the airport or within the vicinity thereof. Except when lighting must be otherwise installed or operated for proper aviation operations at the airport or within the vicinity thereof, all lights shall be so installed and operated to prevent glare and deflect illumination from residential developments, streets and the aircraft flight paths normally used by aircraft arriving at or departing from the airport.

b. **Fire and Explosion Hazards**
All activities involving the storage of inflammable and explosive materials, where permitted, shall be provided with adequate safety devices to guard against the hazard of fire and explosion, and with adequate fire-fighting and fire suppression equipment and devices standard in the industry. All such activities shall meet or exceed the minimum requirements imposed by Clay County.

c. **Burning**
Burning of waste materials in open fires shall be prohibited within the Land Use Zone unless otherwise authorized by law, and shall be subject to such reasonable conditions as may be prescribed in each case.

d. **Electrical Disturbance**
No electrical disturbance or activities shall be permitted which would interfere with or disrupt the reliable and effective use of communications or navigation equipment normally used for aircraft operations at the airport or in the vicinity thereof. No electrical or other disturbance resulting from radio or television transmission or the operation of electrical, electronic, electro-magnetic equipment or devices shall be tolerated which affects adversely the operation at any point in the Land Use Zones of any equipment other than that of the creator of such disturbance.

e. **Smoke, Fly Ash, Fumes, Vapors, Gases, and other forms of Air Pollution**
No emission shall be permitted at any point in the Land Use Zones that exceeds those standards established in any applicable local, state, and/or federal air pollution regulations.

3. **Critical Corridor Areas**

a. **Establishment of Critical Corridor Areas**
There are hereby established Critical Corridor Areas within the area of the Land Use Zones as shown on the Zoning Map. These Critical Corridor Areas extend outward from both ends of Runway 18R-36L. Each Critical Corridor Area is located along and centered on the extended centerline of the respective runway.

These Critical Corridor Areas extend both north and south of the airport to the distances shown on the Zoning Map, and the Critical Corridor Areas serve as the normal approach/departure flight path for aircraft using the runways. Within these Critical Corridor Areas, three Sub-areas are defined and established: Critical Corridor Sub-area A: Limited Development and Uses Area, Critical Corridor Sub-area B: Limited Development Area, and Critical Corridor Sub-area C: Development of Compatible Uses Area.

b. **Critical Corridor Area Use Restrictions**
Due to the increased noise impacts and the increased potential for aircraft accidents within the Critical Corridor Areas, the use of land in the Critical Corridor Areas is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:

i. **Critical Corridor Sub-area A: Limited Development and Uses Area**.
Due to the noise sensitivity of residential uses and the potential for land use compatibility conflicts if there are high concentrations of persons within this area, the use of land within the Critical Corridor Sub-area A: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:

a. General agricultural uses except feedlots or other agricultural uses which have the potential to attract substantial quantities of birds;

b. Conservation areas or open space or any combination thereof;

c. Public or private parks, golf courses, or similar or natural recreation areas;

d. Cemeteries;

e. Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;

f. Public utility local distribution or transmission facilities necessary for public service;

g. Open storage area for personal property such as boats and travel trailers;

h. Off-street parking lots; and

i. Drainage ways without new permanent impoundments.

ii. **Critical Corridor Sub-area B: Limited Development Area**
Due to the noise sensitivity of residential uses and the potential for land use conflicts if there are high concentrations of persons within this area, the use of lands within Critical Corridor Sub-area B: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:

a. Planned Cluster Developments for uses and densities consistent with the *Comprehensive Plan*. Such Planned Cluster Developments shall:

i. place any new dwellings outside the Critical Corridor Area wherever possible,

ii. not result in uses that concentrate more than 100 persons in the Critical Corridor Sub-area B at any one time,

iii. result in the Noise Attenuation Construction Standards of the regulations of this section being satisfied for any new dwellings, and

iv. result in the provisions of the Land Development Code for the MNAC Interest Area being satisfied for any new subdivisions.

b. Uses permitted in Critical Corridor Sub-area A also are permitted in Critical Corridor Sub-area B.

iii. **Critical Corridor Sub-area C: Development of Compatible Uses Area**
Sub-area C is an area for general commercial and airport industrial park uses. Nonresidential uses are generally less sensitive to aircraft noise impacts and are therefore determined to be more compatible with airport operations. However, concentrations of persons within this area remains a primary concern when evaluating proposed urban development within Critical Corridor Sub-area C. Nonresidential development and uses are permitted within Critical Corridor Sub-area C if nonresidential development and uses also are permitted by the underlying zoning district and if the development and uses fully comply with the following restrictions:

a. Compliance with the Noise Attenuation Construction Standards contained in the regulations of this section shall be required for all structures as therein defined that develop in the Critical Corridor Sub-area C: Development of Compatible Uses Area.

b. Nonresidential uses are permitted in Critical Corridor Sub-area C: Development of Compatible Uses Area as permitted by the underlying zoning district. However, special design standards shall be applied to site development plans reviewed with respect to the regulations of this section. The purpose of the special design standards is to achieve, to the greatest extent possible, site layouts that place open space or only very low-density uses in the most critical locations that are generally those areas of highest aviation activity.

   Compliance with the special design standards therefore is intended to minimize concentrations of persons in areas of highest aviation activity. For example, compliance with these special design standards could result in the use of Critical Corridor Sub-area C for accessory site uses such as off-street parking lots, drainage and open space areas, outdoor storage areas, and the like.

c. The following uses are encouraged within Critical Corridor Sub-area C, as permitted by the underlying zoning district:

   i. General agricultural uses except feed lots or other agricultural uses which have the potential to attract substantial quantities of birds;

   ii. Conservation areas or open space or any combination thereof;

   iii. Public or private parks, golf courses, or similar or natural recreation areas;

   iv. Cemeteries;

   v. Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;

   vi. Public utility local distribution or transmission facilities necessary for public service;

   vii. Warehousing including buildings for commercial storage of personal property;

   viii. Outdoor storage of equipment, automobiles, machinery, building materials, contractor's equipment storage yards;

   ix. Open storage areas for commercial or private storage of personal property such as boats and travel trailers;

   x. Rail or trucking freight terminal;

   xi. Off-street parking lots, and

   xii. Drainage ways without new permanent impoundments.

N. Review Procedures and Issuance of Permits

1. **Application**
The review procedures contained within this Subsection shall apply and be utilized by the County Commission as a supplementary part of its prescribed zoning and land use regulation procedures for the following types of zoning and land use development activities which occur or are proposed within the A-O district:

   a. Zoning and rezoning applications;

   b. Conditional use permit applications;

   c. Subdivision plat proposals; and

   d. Development and/or site plans for any multi-family residential development of four or more dwelling units per building or any non-residential development.

2. **Administrative Review**

   a. **Generally**
   Written notices of all zoning and land use development activities listed above shall be provided as follows:

      i. For all unincorporated areas, including airport-owned properties located within the A-O district area, the Planning and Zoning Department shall provide written notice to the MNAC Advisory Board, and to the County Commission;

      ii. For all incorporated areas, including airport-owned properties located within any incorporated area within the A-O district: the affected municipal jurisdiction of Mosby or the affected municipal jurisdiction of Prathersville, as applicable, shall provide written notice to the Planning and Zoning Department, the MNAC Airport Advisory Board and to the County Commission.

      The review procedures contained within this Subsection may be further implemented through mutually-agreed upon departmental procedures established by the affected jurisdictions hereto. Said procedures may be supplementary to the review procedures established herein, but shall not, in any instance, supersede or nullify the review procedures established within this Subsection. In the event of a conflict, either real or apparent, between such supplementary departmental procedures and the regulations contained within this Subsection, the regulations contained within this Subsection shall control.

   b. Jurisdictional Notice

      i. The Planning and Zoning Department, upon receipt of any zoning or land use development proposal or application as defined in this section, shall provide written notice and copies of all relevant documentation within 7 days of their receipt, to the Chairman of the MNAC Airport Advisory Board (hereinafter referred to as the "airport advisory board") and to the governing bodies of any affected municipal jurisdiction. The written notice shall be sent by Certified Mail, Return Receipt Requested, and the notice shall invite and seek to obtain review and comment regarding said proposals or applications.

      ii. The airport advisory board and the municipal jurisdiction shall submit their comments to the Planning and Zoning Department within 25 working days after receipt of the notice and documentation. Failure on the part of the reviewing jurisdiction to provide comments within this time frame shall indicate their concurrence with said proposal or application.

iii. The Planning and Zoning Department shall incorporate any such comments and recommendations received on the proposal or application within its review and shall include them in the official record related thereto;

iv. The Planning and Zoning Department shall provide to the airport advisory board and any affected municipal jurisdiction a full and complete copy of its comments or recommendations upon the proposal or application at least 5 days prior to the applicable Planning and Zoning Commission meeting at which official consideration or action would be expected to be initiated;

v. The airport advisory board and any municipal jurisdiction shall notify the Planning and Zoning Department in writing, within 3 days of receipt of the Planning Department's comments or recommendations, of any conflict or dispute related to the recommendations on the proposal or application;

vi. If no conflict or dispute is identified throughout this review procedure, the Planning and Zoning Commission may proceed to take final action on the proposal or application through its regular review procedures, including as exhibits to the staff reports all comments submitted by the airport advisory board or the affected municipal jurisdiction;

vii. Upon receipt of any notice of conflict or dispute from the airport advisory board or the affected municipal jurisdiction, the Planning and Zoning Commission shall refrain from any official consideration or official action upon the proposal or application until representatives of the Planning and Zoning Department, the airport advisory board, and the affected municipal jurisdiction have met to discuss resolution of the conflict or dispute. Said meeting shall be held within 30 days following the receipt of notice of conflict or dispute;

viii. In the event the conflict cannot be resolved through mutually acceptable recommendations at the staff level, then the Planning and Zoning Department shall submit the joint review comments and recommendations to the Planning and Zoning Commission for consideration and action. All comments received from the airport advisory board or the affected municipal jurisdiction shall be included as exhibits to the staff reports;

ix. In the event the conflict or dispute cannot be resolved through mutually acceptable recommendations at the Planning and Zoning Commission level, then all statements of objection and recommendations submitted by the airport advisory board or the affected municipal jurisdiction shall be included as exhibits to the staff reports and shall be made a part of the official record on the proposal or application. The proposal or application shall then be submitted to both the County Commission and to the governing body for the affected municipal jurisdiction for final approval or denial. Both governing bodies must approve the proposal or application in order for said proposal or application to be granted; denial of a proposal or application by either of the governing bodies shall render said proposal or application denied. The two governing bodies shall take action on the proposal or application within 30 days of each other.

c. **Issuance of Permits**

Permits for land uses or developments which have been approved pursuant to the regulations of this section shall be issued by the Director of the Planning and Zoning Department. No permit for a land use which is inconsistent with any provision of the regulations of this section shall be granted unless a variance has been approved as provided for in the regulations of this section.

O. Noise Attenuation Construction Standards

Attenuation of noise, or outdoor to indoor Noise Level Reductions (NLR) by blocking noise paths or by use of other soundproofing measures, can reduce the impacts of aircraft noise on Noise Sensitive Land Uses. It should be noted, however, that while compliance with the NLR criteria required in this Section will reduce noise impacts, compliance will not eliminate, nor is it intended to eliminate, all indoor or outdoor noise problems resulting from outdoor noise sources.

1. In the Noise Impact Area of the Land Use Zones within the A-O district, if any building or any portion of any building as follows are regularly occupied by humans more than 4 hours per day with respect to Noise-Sensitive Land Uses, compliance with the Noise Attenuation Construction Standards designated herein shall be required:

    a. all new building or portions thereof,

    b. all addition to any building that existed before the adoption of the regulations of this section,

    c. all building which existed before the adoption of the regulations of this section if alteration, repair or renovation costing more than 50 percent of the market value of the building immediately prior to the alteration, repair or renovation are undertaken.

2. The Planning and Zoning Director shall determine whether the proposed alteration, repair or renovation would cost more than 50 percent of the market value of such building. The determinations shall be made with respect to evidence from the tax appraisal records, the estimated cost of the proposed alteration, repair or renovation, and, if necessary for an accurate determination, with respect to evidence from qualified, independent, third-party real estate appraisals and evidence from qualified, independent, third-party estimates of the construction cost.

3. Furthermore, the Noise Attenuation Construction Standards contained herein are strongly recommended, although not required, throughout all other areas of the A-O district.

4. The above-identified types of buildings, structures or portions thereof shall provide acoustical treatment at the time of construction that is capable of provided a Noise Level Reduction (NLR) of a total of 30 decibels. For comparative purposes, normal construction standards can be expected to provide a NLR of 20-25 decibels.

5. This standard shall be met by the applicant submitting at the time of building permit application a verification statement by an acoustical engineer or other qualified professional engineer or architect that the design of the structure and the construction practices and/or materials of the structure will achieve the specified interior noise level reduction. The acoustical professional shall submit relevant information to permit the Planning and Zoning Director to verify that the proposed measures will achieve the interior noise level reduction standard.

P. Nonconforming Uses

1. **Regulations Not Retroactive**

    The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations of this section when adopted or amended, or otherwise interfere with the continuance of such nonconforming use, except as otherwise expressly provided.

2. **Removal or Relocation of Poles and Lines**
The county may require, upon 30 days notice in writing to any person, firm, association, or corporation owning and maintaining any nonconforming pole or pole line, upon the roads and highways immediately adjoining the airport to remove, lower, change, or alter said nonconforming pole or pole line upon prior payment by the County, to said person, firm, association, or corporation of the reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines; or in lieu thereof to execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering, changing, or altering such pole or pole lines. Reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines shall include, among other items of expense, the actual cost of: 1) constructing underground conduits and the construction of such wires and equipment in such conduits, and 2) rerouting wires together with the poles, cross arms and other equipment connected thereto, together with the cost, if any, of new right-of-way made necessary by such rerouting. Clay County shall not be held to be responsible for payment for the removal or relocation of poles and lines, if said costs have been previously addressed through franchise agreement.

3. **Termination of Nonconforming Uses**

a. **Abandonment**
Where there has been a discontinuance of a nonconforming use for a period of 1 year, or where there has been an express acknowledgment by the property owner that the use has in fact been abandoned, regardless of the time period involved, then said nonconforming use shall be considered abandoned, and such nonconforming use shall not thereafter be used.

b. **Partial Destruction**
Any nonconforming use which as a result of fire, explosion, or other casualty, has been damaged to the extent of more than 50 percent of its value immediately prior to damage, shall thereafter be terminated, and any new construction, repair, alteration, and/or renovation shall be in accordance with the regulations of this section.

c. **Change of Nonconforming Use**
Whenever a nonconforming use has been changed to a more restrictive or conforming use, such previously existing nonconforming use shall not thereafter be allowed.

d. **Nonconforming Use Not to be Expanded**
Any existing nonconforming use, structure or tree shall not be expanded so as to permit it to be made or become higher or become a greater hazard to air navigation than it was when the regulations contained herein were adopted or than it was when the application for a permit was made.

Q. Hazard Marking And Lighting
In granting any permit or variance under these regulation, the County may, if it deems such action advisable to effectuate the purposes of the regulations of this section and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the County, at its own expense, to install, operate, and maintain such markers and lights as may be necessary to indicate the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

R. Administration

1. **Enforcement**
It shall be the duty of the Planning and Zoning Director to administer and enforce the regulations of this section. Violations of the regulations of this section shall be processed in accordance with the County regulations concerning violations thereof.

2. **Interpretations**
   In the event an administrative interpretation of the regulations of this section is necessary, interpretations shall be made in accordance with Sec. 151-3.14. If it is determined by the Planning and Zoning Director that the interpretation could constitute a significant departure from the normal interpretation typically made by the Planning and Zoning Director, then the Planning and Zoning Director shall notify the Planning and Zoning Directors of all affected jurisdictions which are a party to the regulations of this section, including the Executive Director of the airport advisory board, informing them of the interpretation. Appeals of interpretations shall be processed in accordance with Sec. 151-3.15.

3. **Variances**
   Any landowner desiring to erect or increase the height of any structure or permit the growth of any tree or otherwise use his property in violation of the airport zoning regulations in these regulations, may apply for a variance in accordance with Sec. 151-3.12.

4. **Effective Date**
   The A-O district regulations of this section shall be in full force and effect from and after its adoption by all affected jurisdictions: the affected municipal jurisdictions of Mosby, Missouri, the affected municipal jurisdiction of Prathersville, Missouri, and the County of Clay, Missouri and the regulations of this section shall be incorporated into and declared a part of the Land Development Code.

5. **Recording of Notice of A-O District Zoning**
   Following the adoption of the regulations of this section by the County Commission, the Planning and Zoning Department shall prepare and record notices for all unincorporated properties located within the A-O district stating that the property is located within this special overlay district and is therefore, subject to certain restrictions which have been placed on the development and use of land within this A-O district. The notice shall also state that the zoning of the property has been changed to include the A-O district designator. A copy of said notice shall be sent to the property owner of record as of the effective date of the regulations of this section by certified mail, return receipt requested.

Chapter 151-6 Use Regulations

151-6.1 Use Table

The following table summarizes the principal use regulations of the Land Development Code's base zoning districts.

P

Uses Permitted By-Right
A "P" indicates that a use category is allowed by-right in the respective zoning district, subject to compliance with all other applicable regulations of this Land Development Code.

C

Conditional Uses
A "C" indicates that a use category is allowed only if reviewed and approved as a conditional use, in accordance with the Conditional Use Permit procedures of Sec. 151-3.10. and subject to all other applicable standards of this Land Development Code.

151-6.2

Uses Subject to Specific Standards
A number in the final ("Use Standards") column indicates that the listed use type is subject to use-specific standards in one or more of the districts in which the use is allowed. The number provides a cross-reference to the use-specific standards.

Uses Not Allowed
A blank cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

New or Unlisted Uses
If an application is submitted for a use type that is not listed as an allowed use in one or more zoning districts, the Planning and Zoning Director shall be authorized to make a similar use interpretation in accordance with Sec. 151-3.14. In the event that a similar use interpretation cannot be made, the proposed use type shall be allowed as a conditional use in the I-1 district and as a use permitted by-right in the I-2 district.

ZONING DISTRICT USE STANDARD

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Residential														
Congregate Living									C	P				
Duplex					P	P								
Group Home, Class I (Limited) < 8 residents	C	C	C	C	C	C			C	C				
Group Home, Class I (General) 8-15 residents	C	C	C	C	C	C			C	C				
Group Home, Class II > 15 residents						C			C	C				
Group Residential						P		P						
House, Attached					P	P		P						151-6.2 I
House, Detached	P	P	P	P	P	P	P	P						
Mobile Home							P							
Mobile Home Park							P							
Multi-Unit Housing						P		P	P					151-6.2 Q
Retirement Housing, General						P								
Retirement Housing, Limited						P								
Transitional Housing					C	C				C	C			
Civic/Institutional														
Animal Shelter									C	P	P	P	P	151-6.2 W
Cemetery	C	C						C	C	C	C	C		RSMo.214
Crematorium											C	C		
Club or Lodge	C								P	P				
College or University	C								P	P	P			
Community Recreation, Private	P	P	P	P	P	P	P							
Convalescent Services						C		C	P	P				
Cultural Services								P	P	P			P	
Day Care, Family (1-5 children/adults)	P	P	P	P	P	P								
Day Care, Group (6 or more children/adults)	C	C	C	C	C	C			P	P				
Day Care, Commercial (21+ children/adults)						C			P	P			C	
Detention Facilities											C	C		
Guidance Service									P	P				
Hospital									C	C	P	P		
Parks & Recreation	P	P	P	P	P	P	P	P	P	P	P		P	
Postal Facility									C	P	P	P		
Railroad Facility											C	P	P	
Recycling Collection, Drop-Off										C	P	P		
Religious Assembly, Standard	P	P	P	P	P	P	P	P	P	P	P	P		
Religious Assembly, Mega	C	C	C	C				P	P	P	P	P		
Residential Treatment Facility	C	C	C	C	C	C			C	C				
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Primary	C	C	C	C	C	C		P	P	P				
School, Secondary	C	C	C	C	C	C		P	P	P				
Utility Service, Major	C	C	C	C	C	C	C	C	C	C	C	P	C	
Utility Service, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Commercial														
Adult Use										C	C			
Agricultural Sales/Service	C									P	P	P		
Amusement Park										P	P	P	C	
Animal Services	C								C	C	C	C	C	151-6.2 W
Archery Range, Public	C									C	C	C	C	
Bar or Lounge									P	P			C	
Bed and Breakfast (B&B)	C	C	C						C	C				151-6.2 K
Boat Storage (w/in 2 mi. of Smithville Lake)	P	P								P	P	P		151-6.2 L
Business or Trade School									P	P	P			
Cabins, Rental	C							P	P				P	151-6.2 M
Campground/ Recreational Vehicle Park	C								P	P			P	151-6.2 N
Construction Sales/Services									C	P	P	P		
Convenience Store						C		P	P	P	P			
Financial Services, with Drive-through								C	P	P	P			
Financial Services, without Drive-through								P	P	P	P			
Firearm Sales, Retail									C	P				
Firearm Sales (only with shooting range)	C													151-6.2 T
Food Sales									P	P			C	
Funeral Services	C	C						P	P	P	C			
Greenhouse, Retail									P	P	P	P		
Greenhouse, Wholesale	C								P	P	P		P	
Hotel-Motel									P	P	P			
Kennel	C								C	C	C			151-6.2 W
Landscaping and Lawn Care Services	C								C	P	P	P		151-6.2 CC
Liquor Sales									P	P			C	
Marina	C								P	P			P	
Medical Marijuana Dispensary									P	P	P	P		151-6.2DD
Motorized Vehicle Tracks, Public												P	C	151-6.2 P
Office								P	P	P	P		P	
Organic Recycling Facilities (“Commercial Composting”)	C										C	C		151-6.2 Y
Parking, Commercial									P	P	P			
Pawn Shop									P	P				
Personal Improvement Service								P	P	P				
Recreational Equipment & Vehicle Storage, Commercial	C									C	P	P		151-6.2 R
Recreation+Entertainment, Indoor	C								C	P	P	P	P	
Recreation+Entertainment, Outdoor	C								C	P	P	P	P	
Repair Service, Consumer								P	P	P	P			
Restaurant, Fast Food							C	C	P	P	P		C	
Restaurant, General								C	P	P	P		C	
Retail Sales+Service, Convenience							C	P	P	P	P			
Retail Sales+Service, General								P	P	P	P			
Scrap and Salvage Service											C	C		

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Self-Service Storage										P	P	P		
Service Station									C	P	P			
Shooting Range	C									C	P		C	151-6.2 T
Stable, Training and Riding, Public	C	C											C	
Telecommunications Facility, Commercial	C	C	C	C						C	C	C		151-6.2 G
Utility & Stock Trailer Sales	C								P		P	P		151-6.2 V
Vehicle Repair, General									C	P	P	P		
Vehicle Sales/Rental										P	P	P		
Vehicle Service, Limited								C	P	P	P	P		
Vehicle Storage										P	P			
Wind Energy System, Micro < 10 kw output, < 40' height	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.2 H
Wind Energy System, Micro < 10 kw output, 41 – 80' height	P	P	P					P	P	P	P	P		151-6.2H
Wind Energy System, Micro or Small 81 – 120' height	C	C	C					C	C	C	C	C		151-6.2 H
Wind Energy System, Large > 100 kw output	C										C	C		151-6.2 H
Industrial														
Aviation+Surface Transportation											C	P		151-6.2 J
Industrial Service/Yard											C	P		151-6.2 O
Manufacturing and Production											P	P		
Medical Marijuana Cultivation Facility											P	P		151-6.2DD
Medical Marijuana Testing Facility											P	P		151-6.2DD
Medical Marijuana Infused Products Facility											P	P		151-6.2DD
Warehouse and Freight Movement											P	P		
Wholesale Sales										C	P	P		
Agricultural and Other Uses														
Accessory Apartment	P	P	P	C	C	C	C	C	C	C	C	C	P	151-6.3 A
Accessory Dwelling Units	P	P	P	C	C	C	C	C	C	C	C	C	P	151-6.3 A
Accessory Guest House	P	P	P	C	C	C	C	C	C	C	C	C	P	151-6.3A&C
Accessory Security/Guard/House	C							C	C	C	C	C	P	151-6.3B3&4
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.3 B
Agricultural Tourist Operations – Class I	P									P				151-6.2 Z
Agricultural Tourist Operations - Class II	C									C				151-6.2 Z
Air Strip, Private	C										C	C		151-6.2 J
Animal Production	P									P	P	P	P	151-6.2 D
Animal Production, Concentrated Animal Feeding Operations (CAFOs)	C											C		151-6.2 D 5
Animal Wildlife Refuge, Public or Private	C										C	C	C	151-6.2 E 7
Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	
Distilleries	C									C	C	C		151-6.2 AA
Domestic Animal, Companion Animal	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.2 C 1 a
Domestic Animal, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.2 C 1 b

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Domestic Animal, Medium	P	P	P											151-6.2C1c
Domestic Animal, Large	P	P	P											151-6.2C1d
Exotic/Dangerous/Wild (EDW) Animal	C	C								C				151-6.2 E
Ethanol Production Facilities (EPF)	C										C	C		151-6.2 BB
Horticulture/Viticulture	P	P									P	P	P	151-6.2 AA
Motorized Vehicle Tracks, Private	C	C												151-6.2 P
Recycling Center											C	P		
Resource Extraction												C		151-6.2 S
Soil Extraction	C											C		151-6.2 U
Stable, Private Boarding	P													
Telecommunications Facility, Amateur or Non-Commercial ≥ 20 acres	P	P												151-6.2 F
Telecommunications Facility, Amateur or Non-Commercial < 20 acres	C	C	C	C										151-6.2 F
Vineyard	P	P								P	P	P	P	151-6.2 AA
Wineries and Breweries, Class I 20+ acres	P	P								P				151-6.2 AA
Wineries and Breweries, Class I 10 – 19.9 acres	C	C								C				151-6.2 AA
Wineries and Breweries, Class II 20+ acres	C	C								P				151-6.2 AA
Wineries and Breweries, Class II 10 – 19.9 acres	C	C								C				151-6.2 AA
Wineries and Breweries, Class III 20+ acres	C	C								P				151-6.2 AA
Wineries and Breweries, Class III 10 – 19.9 acres	C	C								C				151-6.2 AA
Wineries and Breweries, Class IV 20+ acres	C									C	C	C		151-6.2 AA
Wineries and Breweries, Class V 20+ acres	C									C	C	C		151-6.2 AA
Waste-Related Use												C		151-6.2 X
Zoological, Public or Private	C										C	C	C	151-6.2 E 7

151-6.2 Use Standards

A. Accessory Dwelling Units
See Section 151-6.3A

B. Accessory Structures
See Section 151-6.3B

C. Animal Standards

1. ***Domestic animal*** means any animal that is domesticated and not normally found in the wild state, and is bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter. They have been classified as Companion, Small, Medium or Large Domestic Animals, or combination thereof.

   Animals considered exotic/dangerous/wild (EDW) under Section 151-6.2 (E) require an approved Conditional Use Permit (CUP) in accordance with Section 151-3.10 and registration with the Clay County Sheriff's Office.

   a. **Companion Domestic Animals**
   Companion Animals are typically animals that are commonly kept by persons as companion pets. These include but are not limited to domesticated dogs, cats,

and non-commercially raised rabbits, gerbils, guinea pigs, hamsters, mice, ferrets, caged birds, and non-venomous spiders, reptiles and amphibians. Animals raised commercially will be regulated as small domestic animals.

i. Companion animals are limited to three (3) domesticated dogs and four (4) domesticated cats over six (6) months of age per household.

ii. The number of companion animals is not limited on Agricultural (AG) zoned land with a minimum of 10 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3).

iii. Normal once annual breeding of the allowable number of adult companion animals with young being placed in private homes is permitted.

iv. **Kennels**
Locations providing boarding or care services for a number of dogs and cats in excess of the above allowances shall be considered Kennels, and must comply with the additional use regulations under Section 151-6.2 (W).

b. **Small Domestic Animals**
Small Domestic Animals means any animal commonly used by persons for purposes of pleasure or hobby (except cats and dogs covered by Companion Domestic Animals) employing some form of yarding, but not intended to be a part of an Animal Production facility in accordance with 151-6.2 (D).

The definition of Small Domestic Animals includes but is not limited to chinchillas, rabbits, guinea pigs and fowl such as, chickens, turkey, peacocks, geese, ducks, guineas and other similar fowl, and other similarly sized animals.

i. Offspring from <u>one</u> (1) female are permitted at any one time, until those offspring are able to live independently.

ii. The number of Small Domestic Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.

iii. For allowed number of adult animals on property between three (3) acres and less than twenty (20) acres, refer to the Animal Units tables under Section 151-6.2 (C) (1) (e).

c. **Medium Domestic Animals**
Medium Domestic Animals means any animal commonly used by persons for purposes of draft or pleasure employing some form of free-range, yarding, or a combination thereof but **not** intended to be a part of an Animal Production facility in accordance with Section 151-6.2 (D).

The definition of Medium Domestic Animals includes but is not limited to: swine, sheep, goats, emus and ostriches and other similarly sized animals.

i. Medium Domestic Animals are permitted on three (3) continuous acres or more in AG, R-1, and R-5 zoning districts.

ii. Sucklings from <u>one</u> (1) female are permitted at any one time.

iii. At least one (1) acre of continuous pasture to be used for roaming and grazing must be provided. Pastures do not include barns, storage sheds, and other structures. The pasture must have access for trucks to deliver feed and remove manure.

iv. The number of Medium Domestic Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.

v. For allowed number of adult animals on property between three (3) acres and less than twenty (20) acres, refer to the Animal Units tables under Section 151-6.2 (C) (1) (e).

d. **Large Domestic Animals**
Large Domestic Animals means any animal commonly used by persons for purposes of draft or pleasure employing some form of free-range, yarding, or a combination thereof but **not** intended to be a part of an Animal Production facility in accordance with 151-6.2 (D).

The definition of Large Domestic Animals includes but is not limited to: cattle, buffalo, horses or mules, donkeys or burros, alpaca and llamas, and other similarly sized animals.

i. Large Domestic Animals are permitted on three (3) continuous acres or more in AG, R-1, and R-5 zoning districts.

ii. Suckling's from one (1) female are permitted at any one time.

iii. At least one (1) acre of continuous pasture to be used for roaming and grazing must be provided. Pastures do not include barns, storage sheds, and other structures. The pasture must have access for trucks to deliver feed and remove manure.

iv. The number of Large Domestic Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.

v. For allowed number of adult animals on property between three (3) acres and less than twenty (20) acres, refer to the Animal Units tables under Section 151-6.2 (C) (1) (e).

e. **Animal Units**
An animal unit is an expression of the impact of specific types of animals based on weight, size, and environmental impact compared to a cow as a baseline. For example, one (1) cow equals one (1) animal unit (AU), while a sheep is 0.2 AU. Consequently, five (5) sheep equal the impact of one (1) cow per each acre of land.

Allowed number of animal units shall be determined by the following tables:

Figure-151-6.2-1

Medium & Large Domestic Animals (Permitted on ≥ 3 acres)		
	Animal Units	**Animals/acre**
Llamas/Alpacas	0.2 AU	5
Sheep/Goat	0.2 AU	5
Ostriches/Emus	0.4 AU	2.5
Swine	0.6 AU	1.67
Cow	1 AU	1
Horse/Mule	1 AU	1
Donkey/Burros	1 AU	1
Buffalo	2 AU	0.5
Other ≥ 500 lbs	1 AU	1
Other 200 - 499 lbs	0.6 AU	1.67
Other 50 - 199 lbs	0.2 AU	5
Other ≤ 49 lbs	0.08 AU	12.5

i. **Numbers Allowed**
The number of Companion, Small, Medium, or Large Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.

1) **Small Domestic Animals**
A prorated portion of allowed number of animal units will be applied to small domestic animals if a property is less than one (1) acre. For example, if a property is .50 acre, then the allowable animal units will be calculated at 50%; for a .35 acre property, it would be a 35% rate.

(*Example: Animals/acre for Chickens = 16.67 x .35 acre = 5.83 or 6 chickens would be allowed*)

Figure-151-6.2-2

Small Domestic Animals		
	Animal Units	**Animals/acre**
Turkeys	0.06 AU	16.67
Rabbits/Chinchillas/Guinea Pigs	0.06 AU	16.67
Chickens	0.06 AU	16.67
Other large birds $\geq$ 5 lbs	0.06 AU	16.67
Other small birds $\leq$ 4.99 lbs	0.02 AU	50

f. **Fencing and Structures**
Fencing requirements shall conform to the Missouri Revised Statutes Chapter 272 and Section 151-6.3 (E) of this Land Development Code (LDC). Structures shall conform to Section 151-6.3 (B) of this Land Development Code (LDC).

g. **Animal Waste**
The following regulations shall apply to all lands on which domestic animals are allowed:

i. Manure shall be removed in a regular and reasonable manner or otherwise composted or spread in such a manner as to protect surface and groundwater and to minimize the breeding of flies and to control odors.

ii. Manure piles shall be set back a minimum distance of one hundred (100) feet from any lot line, well, stream, waterbody, or other sensitive natural features on a property.

iii. Adequate drainage facilities or improvements shall be provided by the landowner and constructed to protect any adjacent land from runoff containing contaminants such as sediment or organic wastes.

h. **Vegetation Standards**
The following regulations shall apply to all lands on which domestic animals are allowed:

i. The site, excluding that area which is allowed to be de-vegetated, must be maintained with vegetative groundcover.

ii. Vegetative groundcover includes native or introduced grasses and forbs, but does not include weeds on bare dirt.

iii. In areas where exposed shelf-rock or cap-rock is the natural terrain, this well be considered to be vegetative groundcover.

iv. All corrals, outdoor arenas, paddocks, run pens, round pens, unpaved or un-graveled parking areas shall be included when calculating the maximum area de-vegetated.

v. The area within the required minimum setback shall be fully maintained with vegetation.

vi. The maximum land area that may be de-vegetated is as follows:

Lot Area	Maximum De-vegetated Area
Less than 5 acres	25% of total site
5 acres to 10 acres	20% of total site or 1.25 acres whichever is larger
10 acres or more	15% of total site or 2 acres whichever is larger to a maximum of 10 acres

2. **Beekeeping**
It shall be unlawful to keep or harbor any bees except in Agricultural zoned property and then 50 feet from property lines. Any beehive used or occupied by bees in violation of this section is hereby declared to be a nuisance and shall be removed.

3. **Animal Nuisances**

a. It is unlawful to keep an animal in the county in such a manner that it creates a nuisance by reason of excessive noise (barking), odors, flies, disease, or unsightly appearance.

b. Owners are responsible for companion animals that cause injury to other animals or humans.

c. Feral cats and stray dogs are not permitted.

4. **Cruelty**
Cruel treatment, animal abuse or neglecting to provide adequate shelter and nutrition is unlawful. Animal abandonment is also an act of cruelty and is punishable by law. Animal abuse is a misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or torturing a live animal which is a felony.

5. **Mistreatment**
Any animal that is deemed by the Clay County Sheriff to be cruelly mistreated or suffering may be seized from the property of its owner or keeper to abate the mistreatment or the suffering of that animal, and it may be confined at an animal shelter for disposition.

6. **Abandonment**
It shall be unlawful for any owner or keeper to abandon any animal. For the purpose of this section, the term “to abandon” includes but is not limited to any instance where the owner or keeper leaves an animal without demonstrated or apparent intent to recover or to resume custody; or leaves an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence; or turns out or releases an animal; or dumps or releases an animal from a vehicle. Abandonment is a misdemeanor.

7. **Animal Control**

a. Complaints shall be made to the Planning and Zoning Department, unless the issue is of an urgent nature, then a call should be placed to the Clay County Sheriff’s Department.

b. The Clay County Sheriff is permitted entry without warrant on any private or public property where an exotic/dangerous/wild or diseased animal is kept or running at large where such animal is to be found in plain sight for the purpose of enforcement of this chapter and to seize such animal from such private property to abate ordinance violation(s).

c. An animal responsible for an unprovoked severe or fatal injury shall be quarantined. Owners of the animal are considered responsible for the animal's actions.

D. Animal Production

Animal production shall be allowed only on lots or parcels having a minimum area of at least 20 continuous acres in AG, C-3, I-1, I-2, and OP zoning districts, provided that all buildings used to house such animals are set back at least 100 feet from the front property line and at least 50 feet from side and rear property lines. Animal Production is not intended to be covered under Section 151-6.2 (C).

1. Animal production is limited to farm animals such as cattle, horses, and chickens, or as noted in Section 151-15.1,"Farm Animals".

2. All animals shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards in conformance with Missouri Revised Statutes Chapter 272 and Section 151-6.3 (E).

3. Animal care and boarding regulations are covered under Section 151-6.2 (W).

4. **Diseased Animals**

   No animal afflicted with a contagious or infectious disease shall be allowed to run at large, nor be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the County Sheriff. Disposal of diseased animals shall be under the direction of a veterinarian and conform to the regulations established by the Missouri Revised Statutes (RSMo), Missouri Department of Natural Resources (DNR), and Missouri Department of Agriculture.

5. **Concentrated Animal Feeding Operations (CAFOs)**

   CAFOs or feedlots are regulated by the State of Missouri through the Missouri Department of Natural Resources NPDES (National Pollutant Discharge Elimination System) permitting process. Any agricultural-related feeding or disposal activity shall obtain the proper NPDES permit (e.g. construction permit and operation permit) when required.

   Specific laws and regulations from the Revised Missouri State Statutes and Missouri Code of State Regulations shall be followed (e.g. 10 CSR 20-6.300 Concentrated Animal Feeding Operations and 10 CSR 20-8.020 Design of Small Sewage Works). When the County's requirements conflict with the State's requirements, the more restrictive standards shall apply.

   a. CAFOs may be approved through applying for a Conditional Use Permit (CUP) in AG and I-2 zones in accordance with Section 151-3.9.

      The County shall assess the impact of CAFOs during the review process for a Conditional Use Permit (CUP), which may include but is not limited to the following:

      i. The size of the operation and type of animal raised in the operation.

      ii. The method of sprading or incorporating manure from the feedlot.

      iii. The measures which will be taken to minimize odor at the feedlot site and during the disposal of manure.

      iv. The method of disposal of dead, dying, or diseased animals.

      v. Additional conditions may be imposed by the Planning & Zoning Commission and County Commission which are considered necessary to protect public health, safety, and welfare.

   b. Pasturing of animals shall not be considered CAFOs under this section.

   c. CAFOs shall be a minimum of 1,000 feet from water supply wells, water supply reservoirs, or any other sensitive drinking water source.

   d. Commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep, or goats shall not be conducted on the premises.

E. Animals, Exotic/Dangerous/Wild (EDW)

It is the intent of Clay County to protect the public against health and safety risks that exotic, dangerous or wild animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

1. ***Exotic/Dangerous/Wild (EDW) animals*** include but are not limited to any or all of the following orders and families, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

    a. Artiodactyl (hippo, antelope, giraffe, camel, yak, zebra)
    b. Bats (bat, flying fox)
    c. Cannabis satina and indica (skunks)
    d. Canine (wolf, coyote, fox, jackal, dingo)
    e. Crocodilian (alligator, crocodile, gharials, and caimans)
    f. Edentata (anteater, sloth, armadillo)
    g. Feline (lion, tiger, bobcat, cougar, leopard, jaguar, jaguarondi, lynx, Canada lynx, ocelot, mountain lion, panther, cheetah, margay)
    h. Fowl (raptors, fowl not native to the continental United States)
        Canary, finch, parakeet, lovebirds, parrots, pheasants, and peacocks bred domestically, legally imported, or naturally occurring population are exempt.
    i. Hyaenidae (hyena)
    j. Marine animals and sea mammals (seal, dolphin, whale, walrus)
        Fish for aquarium use and native fish are exempt.
    k. Marsupial (kangaroo, opossum, wombat, koala)
    l. Mustelid (weasel, otter, badger)
        Ferret, mink, and sable bred domestically or legally imported are exempt.
    m. Perissodactyl (rhinoceros, tapir)
    n. Non-human primates (monkey, chimpanzee, baboon, ape, gibbon, gorilla)
    o. Proboscidian (elephant)
    p. Procyonidae (raccoon, coatis, panda, mongoose)
    q. Reptiles (all venomous snakes, constricting snakes, iguana, venomous lizards, and nonpoisonous/nonconstricting snakes more than six (6) feet in length)
    r. Rodents weighing more than one (1) pound.
        Guinea pigs and rabbits are exempt.
    s. Ungulate (wild cattle, wild deer, wild boar, takin, water buffalo)
    t. Ursine (all bears)
    u. Viverrine (mongoose, civet, and genet)
    v. Any other poisonous creature such as certain spiders or tarantulas.
    w. Endangered species shall be considered EDW animals and are not permitted as pets.

2. EDW animals as listed in Section 151-6.2 (E) (1) are allowed only under an approved Conditional Use Permit (CUP) in AG, R-1, or C-3 Districts in accordance with Section 151-3.10, in addition to being registered with the Clay County Sheriff's Department.

    If a CUP is granted for an EDW animal, a display sign shall be placed upon the premises stating that there are EDW animals on the property. The sign shall be visible and capable of being read from the public street that abuts the property.

3. It shall be unlawful for any person or corporation to own, possess, keep, harbor, shelter, sell, offer for sale, bring, or have in one's possession an EDW animal within unincorporated Clay County without an approved CUP and registration with the Clay County Sheriff's Office.

4. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within unincorporated Clay County or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an EDW animal upon the property, residence or premises without an approved CUP and registration with the Clay County Sheriff's Office.

5. It shall be unlawful for any person to own any animal EDW or otherwise that has inflicted severe or fatal injury on a human being or domestic animal, livestock or poultry without provocation on or outside the owner's property. "Severe injury" shall include an animal bite or action that results in broken bones or inpatient hospitalization.

6. Any person finding or capturing any EDW animal, as outlined in this ordinance, shall make a report to the Clay County Sheriff's Office within six (6) hours of the time of capture.

7. **Exemptions**

    a. Provisions of this act shall not apply to:

        i. Institutions accredited by the American Zoo and Aquarium Association
        ii. Circus (Temporary Use Permit required in accordance with Section 151-6.4)
        iii. Scientific and/or educational institution, research laboratory
        iv. Licensed Humane Societies
        v. Licensed pet shops, veterinary hospitals, or clinics
        vi. Any wildlife rehabilitator, licensed by the state of Missouri who temporarily keeps any EDW animals within the limits of unincorporated Clay County when the purpose is to return the animals to the wild. An animal wildlife refuge public or private is allowed as a CUP in an Agricultural (AG), Limited Industrial (I-1), General Industrial (I-2) and an Open Space/Trails/Parks/Public Uses (OP) zoning districts.
        vii. An organized event sponsored by a federal, state or county agency

8. **Violations and Penalties**

    a. Conduct made unlawful by this section of this ordinance constitutes a crime subject to the provisions set forth in Clay County's penalty section.

    b. Persons found guilty of violating the provisions of this ordinance shall be guilty of a misdemeanor.

    c. For the purpose of enforcement of this chapter, the Clay County Sheriff's Office is permitted entry without warrant on any private or public property where an EDW or diseased animal is or is believed to be kept or running at large, and to seize such animal from such private property to abate ordinance violation(s).

9. **Nonconforming**
   The owner or possessor of any EDW animal who owned, possessed, kept, or harbored the EDW animal on or before the effective date of this ordinance may keep the same EDW animal as long as he/she satisfies licensing requirements of the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable federal agencies and complies any other housing and maintenance regulations which may be adopted by the County Commission.

   In addition, the animal must be registered with the Clay County Sheriff's Office and Planning & Zoning Department within 30 days of the effective date of this ordinance.

10. **Owner's Responsibility**
    Permitted and registered EDW animals in compliance with Section 151-6.2 (E) (2) shall be confined on the owner's premises either indoors or in a securely enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping.

ANIMAL REGULATIONS SUMMARY TABLE

The following table summarizes the information detailed in Section 151-6.2 (C) thru (E) above and (W), in addition to referencing the principal use regulations table in Section 151-6.1.

Animal Type	Permitted Use	Conditional Use Permit	Setback Requirements	General Remarks
Domestic animals, Companion	All districts			Maximum 3 dogs, 4 cats, or 4 companion other pets. Limitless in AG zoning, but cannot create nuisance. Subject to 151-6.2 (C) (1) (a).
Domestic animals, Small	All districts			Limitless in AG zoning, but cannot create nuisance Subject to 151-6.2 (C) (1) (b)
Domestic animals, Medium	AG, R-1, R-5		100 feet from front property line 50 feet from side and rear property lines	Minimum 3 acres with 1 acre of continuous pasture. Limitless in AG zoning, but cannot create nuisance. See Animal Unit Tables under Section 151-6.2 (C) (1) (e) Subject to 151-6.2 (C) (1) (c)
Domestic animals, Large	AG, R-1, R-5		100 feet from front property line 50 feet from side and rear property lines	Minimum 3 acres with 1 acre of continuous pasture. Limitless in AG zoning, but cannot create nuisance. See Animal Unit Tables under Section 151-6.2 (C) (1) (e) Subject to 151-6.2 (C) (1) (d)
Kennels		AG, C-2, C-3, I-1	300 feet from any residential zoned property	Minimum 3 continuous acres. Subject to 151-6.2 (W)
Animal Production	AG, C-3, I-1, I-2, OP		100 feet from front property line 50 feet from side and rear property lines	Minimum 20 continuous acres Subject to 151-6.2 (D)
Animal Production, CAFOs		AG, I-2	100 feet from front property line 50 feet from side and rear property lines. 1,000 feet from any sensitive drinking water source.	Subject to 151-6.2 (D) (5)
Exotic/Dangerous/Wild (EDW) Animals		AG, R-1, C-3		Subject to 151-6.2 (E)

F. Telecommunications Facility (Amateur or Non-Commercial)

Amateur or Non-Commercial Telecommunication Facilities are permitted in AG and R-1 zoning districts on parcels of land 20 acres or greater, and may be approved through applying for a Conditional Use Permit (CUP) in AG, R-1, R-5 and R-U zoning districts on parcels of land less than 20 acres. These structures are specific to recreational transmission such as “Ham Radios,” with evidence of approved federal licenses and permits if applicable, and may not be used for commercial purposes.

This shall also include a structure or facility operated by a utility company or governmental entity for its own use such as electricity or natural gas provider, water district, or other company which is licensed and/or regulated by the State or the Federal government.

1. **Federal Requirements**

   Amateur or Non-Commercial Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency or department of the federal government with the authority to regulate towers and antennas. These regulations shall also include radio frequency emissions. If such standards and regulations are changed, then the owners of the towers and antennas governed by this code shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with this section.

2. **Accessory/Principal Uses**

   Amateur or Non-Commercial Telecommunication Facilities may only be considered accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control.

   Amateur or Non-Commercial Telecommunication Facilities that are installed, in accordance with the provisions of this code shall not be deemed to constitute the expansion of a non-conforming use or structure. Accessory equipment shall include only such buildings and facilities necessary for transmission functions and ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function.

3. **Height and Setback**

   The maximum height for all Amateur or Non-Commercial Telecommunication Facilities and their support structures shall not exceed 120 total feet above ground level. Towers and support structures must be set back a minimum distance equal to one hundred percent (100%) of the height of the tower from all adjoining property lines.

4. **Installation of Facilities on Existing Structures**

   No Conditional Use Permit (CUP) shall be required to install Amateur or Non-Commercial Telecommunication Facilities on existing tall structures such as radio towers, elevated water storage structures, church steeples, silos, and other buildings, provided no structure height is added. When such facilities are installed on an existing structure, a building permit is required from the Planning and Zoning Department. The information submitted for the building permit by the applicant shall also include a report from a structural engineer, registered in the State of Missouri, indicating that the existing structure is capable of supporting the additional antenna. Such report shall be obtained by and at the expense of the applicant.

G. Telecommunications Facility (Commercial)

Commercial Telecommunications Facilities may be approved through applying for a Conditional Use Permit (CUP) in AG, R-1, R-5, RU, C-3, I-1 and I-2 zones only. These typically include structures or facilities operated for financial gain by a person, corporation, or business.

1. **Federal Requirements**
   Commercial Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency or department of the federal government with the authority to regulate towers and antennas. These regulations shall also include radio frequency emissions. If such standards and regulations are changed, then the owners of the towers and antennas governed by this code shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with this section.

2. **Abandoned Towers**
   Any Commercial Telecommunication Facility tower that is no longer in use for its original communications purpose shall be removed at the owner’s expense. Should this installation remain unused for a period of more than 12 consecutive months, then it shall be deemed abandoned, and the owner shall be notified that the tower will be demolished at the cost of the owner, by order of the County Commission. A bond, irrevocable letter of credit, or other form of surety acceptable to the county, shall be kept on file with the County Clerk's office equal to an amount of a binding bid for the demolition of the proposed tower structure, if the county deems the tower abandoned by the owner. Such binding bid and corresponding surety shall be updated every 5 years. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.

3. **Location on County Property**
   Commercial Telecommunication Facilities located on property owned, leased, or otherwise controlled by the County Commission shall require a Conditional Use Permit (CUP) in accordance with the provisions of this section. The placement of new antennas on existing supports or towers shall be approved by the County Commission and may be exempt from the provisions of this section. However, this shall not be construed to eliminate the requisite building permit.

4. **Inspection**
   Commercial Towers shall be inspected by a structural engineer registered in the State of Missouri in accordance with the standards established under ANSI/TIA - 222. Copies of such inspection records shall be provided to the County.

5. **Accessory Tower Equipment Storage**
   Mobile or immobile equipment not used in direct support of a Commercial Tower shall not be stored or parked on the site of the communication tower, unless repairs or necessary maintenance are being made to the tower.

6. **Fences**
   Commercial Towers shall be enclosed by security fencing not less than 6 feet in height, maintain a locked gate, and be equipped with an appropriate anti-climbing device. Signs shall also be posted on each outward face of the fence indicating "No Trespassing," "High Voltage" and any other pertinent information.

7. **Design and Construction**
   A building permit shall be issued for the construction of a Commercial Tower, and meet all requirements of the county's building codes. All plans and specifications shall be from a professional engineer, registered in the State of Missouri experienced in the design and/or analysis of communication towers. Facilities should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through

location and design, to blend in with the existing characteristics of the site to the extent practical.

8. **Lighting**
   Commercial Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the County Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

9. **Landscaping**
   Commercial Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound. The landscaping may be placed outside of the fenced complex on the landowner's property through the use of a landscape easement, granted to the tower owner from the property owner, to maintain the landscaping.

10. **Collocation**
    Unless otherwise exempted in this section, all Commercial Towers shall be constructed for a capacity of 3 times the intended use in order that secondary users may lease the balance of the tower capacity at a fair market rate. Proof must be presented to the county that there are no other suitable sites within a 1-mile radius of the proposed tower site. To encourage co-location, the following table establishes the minimum number of users on a tower based on its height:

Height (feet)	Minimum Number of Users
0–80	1
80–120	2
Over 120	3

The county shall be notified by letter of all additional users of the tower and related facilities. This letter shall also include an engineering certification that additional equipment was properly installed. Public safety and emergency agencies shall, if technologically feasible, be allowed to co-locate on the tower without charge.

11. **Accessory/Principal Uses**
    Commercial Towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.

    Commercial Towers that are constructed, and antennas that are installed, in accordance with the provisions of this code shall not be deemed to constitute the expansion of a non-conforming use or structure. Accessory uses shall include only such buildings and facilities necessary for transmission functions and ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function.

12. **Separation from Existing Commercial Towers**

New Towers	Existing Towers		
	Lattice	Guyed	Monopole
Lattice	5,000 feet	5,000 feet	1,500 feet
Guyed	5,000 feet	5,000 feet	1,500 feet
Monopole	1,500 feet	1,500 feet	1,500 feet

The County Commission may, upon recommendation of the Planning and Zoning Commission, grant a deviation from the setback and separation standards. In support of a deviation request from the separation requirements, the applicant shall submit a technical study acceptable to the county, which confirms that there are no other suitable sites available within the separation requirements.

13. **Height and Setback**
The maximum height for Commercial Towers and their support structures shall not exceed 300 total feet above ground level. Towers and support structures must be set back a minimum distance equal to one hundred percent (100%) of the height of the tower from all adjoining property lines.

14. **Installation of Antennas on Existing Structures**
No Conditional Use Permit (CUP) shall be required to install Commercial Towers on existing tall structures such as radio towers, elevated water storage structures, church steeples, silos, and other buildings, provided no structure height is added. When such antennas are installed on an existing structure, a building permit is required from the Planning and Zoning Department. The information submitted for the building permit by the applicant shall also include a report from a structural engineer, registered in the State of Missouri, indicating that the existing structure is capable of supporting the additional antenna. Such report shall be obtained by and at the expense of the applicant.

H. Wind Energy Systems ("WES")

1. **Purpose**
The purpose of this section is to regulate the placement, construction, and modification of WES in order to:

   a. Promote the safe, effective, and efficient use of WES in order to reduce pollution and the consumption of fossil fuels in producing electricity;

   b. Protect the health, safety, and welfare of the public by reducing and minimizing the potential adverse impacts of WES;

   c. Protect the public by ensuring the design, construction, maintenance, and removal of WES is undertaken in a manner that protects neighboring properties, the County and the public as a whole; and

   d. Provide for a procedure to review, approve, deny, or condition proposed WES.

2. **Definitions:**

a. **Accessory Use:** Any use authorized herein that exists in addition to the principal use of the property.

b. **Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

c. **Anemometer Tower:** See Meteorological or "Met" Tower

d. **ANSI:** American National Standards Institute.

e. **dB(A):** The sound pressure level in decibels. Refers to the "a" weighted scale as defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

f. **Blades:** The aerodynamic surface that catches the wind.

g. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

h. **Director:** The Director of Planning and Zoning of Clay County or his/her designee.

i. **IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

j. **ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

k. **FAA:** The Federal Aviation Administration

l. **FCC:** The Federal Communications Commission

m. **Height:** For purposes of this section, the vertical distance measured from the average grade of the base of the structure above ground level to its highest point of any WES, which shall be calculated at the tip of the rotor blade at its highest point, or any higher portion of the structure that may exist.

n. **Horizontal Axis WES:** Type of WES that has the main rotor shaft and electrical generator at the top of the tower, and must be pointed into the wind. The turbine is generally pointed upwind of the tower, and the blades placed some distance in front of the tower.

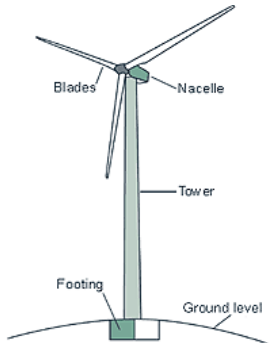
o. **Large WES:** A WES that produces an output greater than 100 KW, consist of a grouping of two or more non-exempt WES, or otherwise do not meet the requirements for systems authorized by permitted use or administrative approval.

p. **Meteorological or "Met" Tower:** A tower used at a potential project site which has equipment attached to it which is designed to assess wind resource. Generally a met tower will have anemometers, wind direction vanes, temperature and pressure sensors, and other measurement devices attached to it at various levels above the ground.

q. **Micro WES**: A WES consisting of a wind turbine, tower, and the associated control or conversion electronics, which has a rated capacity of 10 kW or less. Examples of items that can be used to power include small appliances in boats and campers, a few lights, or portable communication systems, such as radio equipment.

r. **Modification:** Any change to a structure requiring a building permit or other governmental approval.

s. **Nacelle:** The structure that houses all of the generating components, gearbox, drive train, etc., typically found behind the blade at the top of the tower.



Source: http://www.deus.nsw.gov.au/energy/renewable%20energy/wind.asp

t. **Net Metering:** Using metering equipment sufficient to measure the difference between the electrical energy supplied to a customer-generator by a retail electric supplier and the electrical energy supplied by the customer-generator to the retail electric supplier over the applicable billing period and as so defined pursuant to RSMo Section 386.290.2(5).

u. **Overspeed Controls:** Mechanisms that are used to limit the speed of blade rotation to below the design limits of the WES. The following systems describe different methods for slowing or stopping a wind turbine in the event of malfunction, for repairs, or any other incident as needed:

i. **Braking:** Method of overspeed control that utilizes a disc brake, which can be applied mechanically, electrically, or hydraulically to stop the rotor in emergencies.

ii. **Feathering:** Method of overspeed control that rotates the blade axis, or rotors, at an angle to maintain the torque at above rated wind speeds.

iii. **Furling:** Method of overspeed control by which the blades are turned away from the direction of the wind.

v. **Rotor:** An element of a WES that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

w. **SCADA Tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

x. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

y. **Small WES:** A WES consisting of a wind turbine, tower, and the associated control or conversion electronics, which has a rated capacity of more than 10 kW but less than 100 kW or less, and that fully complies with the General Standards for WES and satisfy all other requirements of this code applicable to Small WES.

z. **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

aa. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels, or dB(A).

bb. **Tower:** The monopole, freestanding, or guyed structure that supports the wind turbine generator assembly (typically nacelle and blades). Towers are regularly made from tubular steel, concrete, or steel lattice. The vertical component of a WES that elevates and supports the wind turbine generator and attached blades above the ground up out of the turbulent wind.

cc. **Turbine:** The parts of a WES that include the blades and nacelle.

dd. **Vertical Axis Wind Turbines:** The type of wind turbine that has the main rotor shaft arranged vertically; as a result this type of turbines does not have to be pointed into the wind. This type of turbine also allows the generator and gearbox to be placed near the ground, and is typically mounted either near the ground or on a building rooftop.

ee. **Wind Energy System ("WES"):** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the WES to the grid.

ff. **Wind Site Assessment:** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WES.

3. **General Standards for WES**

a. **Federal & State Regulations**. All WES shall meet or exceed current State and Federal standards and regulations including, without limitation:

i. No WES shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the Federal Aviation Administration (FAA) guidance on airspace protection.

ii. Section 386.890 of the Missouri Revised Statutes, also known as the Net Metering and Easy Connection Act, which mandates that covered equipment conform to applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code (NEC), the National Electrical Safety Code (NESC), the Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), and the Federal Energy Regulatory Commission.

b. **Building Code Compliance**. A WES shall be constructed and maintained in compliance with all standards contained in applicable state and local building codes. In addition to any other approvals required by this section, no WES shall be erected prior to receipt of an approved Building Permit.

i. **National Electric Code**
Building Permit applications for all WES shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (NEC).

ii. **Engineered Drawings**
Building permit applications for all WES shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.

c. **Design**.

i. **Self-Supporting Structures**. The support structure of any WES may be of a monopole, lattice, or guy wire design. Towers requiring guy wire supports must be limited to parcels of 20 acres or more and the guy wires shall be setback from all property lines a minimum of 150% of the height of the WES.

ii. **Visual Impact**. Subject to the requirements of the FAA or any applicable state or federal agency, all visible portions of the WES shall be of a non-reflective gray or other approved neutral color consistent with the natural or built environment of the site. Unpainted galvanized exposed material is prohibited.

The applicant shall avoid any state or federal scenic areas or significant visual resources listed in the most current Clay County, Missouri comprehensive plan.

iii. **Accessory Structures**. No equipment shelters or other accessory structures shall be permitted in conjunction with a Micro or Small WES except where underground, contained within an existing building, or otherwise appropriately concealed.

iv. **Utility Connections**. Reasonable efforts shall be made to locate utility connections from a WES underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

v. **Electrical Wires**. All electrical wires associated with a WES shall be located underground except for those wires necessary to connect the wind turbine generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.

vi. **Protective Safety**. The supporting tower shall either be enclosed with a six (6)-foot tall fence or the base of the tower shall not be climbable up to twelve (12) feet above ground level. All access doors to the tower and electrical equipment shall be locked. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of a WES.

For a Small or Large WES only, signage shall be posted near the base of each tower or Operations and Maintenance Office building that contains emergency contact information. For a Large WES only, additional warning signage must be placed at the base of each tower or at each point of transportation ingress/egress of a secured project site, displaying “Danger-High Voltage”, “Caution-Electrical Shock Hazard” or similar message.

vii. **Safety Shutdown**. Each WES shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No wind turbine shall be permitted that lacks an automatic braking, furling, or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades, and turbine components.

viii. **Lighting**. A WES shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build, or modify the facility. Equipment cabinets and shelters, if permitted, may have lighting only as approved by the Director on the approved Site Development Plan. The requirement by the FAA or other agency for lighting of any proposed structure may be considered as a

reasonable basis for denial of an application in any residential area or otherwise where incompatible with the surrounding uses.

ix. **Advertising**. The placement of advertising on structures regulated by this section is prohibited, provided that a manufacturer or specification notice of one (1) squire foot or less in size shall be permitted.

x. **Minimum Blade Clearance**. The blade tip clearance for a Micro WES shall, at its lowest point, have a ground clearance of not less than 15 feet. The minimum blade clearance for all other WES shall be 30 feet.

xi. **Noise**. The noise emitted from any wind turbine shall not exceed 60 dB(A), as measured at the nearest property line, except during short-term events such as utility outages and severe windstorms. This sound pressure noise level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 60 dB(A), the standard shall be ambient level plus 5 dB(A).

d. **Historic Districts**. WES proposed for locations within any designated local historic district or for locations which will be visible from multiple points of a recognized historic district shall obtain a certificate of appropriateness.

e. **Overlay Zone:** If the site of the proposed project is subject to Section 151-5.4, Airport Overlay District (A-O), the proposed project shall meet or exceed the applicable standards in that overlay zone, if stricter than the regulations within this section.

4. **Exempt WES**

a. Having a rotor arc of one meter (or 39.37 inches) or less in diameter, and other type of turbine having a rotation device with no dimension greater than one meter (or 39.37 inches); AND,

b. Mounted on an existing structure having a primary authorized use other than as a support structure for a WES; AND,

c. Having a setback from property lines at least twenty (20) feet plus the principal building setback in addition to other setback requirements herein; AND,

d. With no portion more than ten (10) feet above the highest part of the existing structure and no exposed moving part having less than fifteen (15) feet of clearance to the ground or other point of pedestrian access.

e. No more than three (3) exempt systems may exist on any one (1) parcel.

5. **Size Specific:**

a. **Micro and Small WES:**

i. **Location.** All Micro and Small WES must be located behind the front building line. Alterations to this standard for only Small WES may be reviewed as part of the Conditional Use Permit (CUP) application in accordance with Section 151-3.10. Exceptions to this standard for only Micro WES must be pursued in accordance with Section 151-3.11, Variances.

ii. **Utility Notification.** No building permit for a Micro or Small WES shall be issued until a copy of the appropriate utility company's approval for interconnection of a customer-owned generator has been provided. Off-grid systems shall be exempt.

b. **Large WES:**

i. **Soil.** All new applications for Large WES must provide certification from a professional engineer registered in the State of Missouri that the soil and subsoil surfaces are capable of accepting the projected loads.

ii. **Shadow Flicker.** Large WES shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses and right-of-way through either siting or mitigation.

iii. **Security**. Large WES shall be protected form unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any building permit and/or Conditional Use Permit (CUP) application. Additional measures may be required as a provision to the issuance of a Building Permit as deemed necessary by the Director.

Scale Category	Allowable Zoning District(s)	Minimum Lot Size	Maximum Height*	Minimum Setback	How Permitted
Micro WES (commonly < 10 kw)	All Districts	1 acre	40 feet	110% of the height of the turbine and tower from any property line or above ground utilities	Accessory Structure Building Permit
	C-1 thru I-2	1 acre	80 feet		
	AG, R-1, and R-5	5 acres	80 feet		
Micro or Small WES	AG , R-1 and R-5	5 acres	120 feet	110% of the height of the turbine and tower from any property line or above ground utilities	Conditional Use Permit (151-3.10)
	C-1 thru I-2	3 acres	120 feet		
Large WES (commonly > 100 kw)	AG, I-1, I-2	20 acres	Not applicable	150% of the height of the WES from any property line or above ground utilities	Conditional Use Permit (151-3.10)
*The height shall be measured from ground level (grade) to the top of the tower or blade, depending on whichever is higher.					

6. **Application – contents and submission requirements**

a. **Micro WES.** The following items shall be submitted in support of an application for building permit for a Micro WES:

i. A plot plan, utilizing a standard engineering scale not to exceed 1:100, indicating the placement of the WES and distances from the proposed turbine location and the nearest built structure, any above ground utilities, the nearest tree(s), and all property lines.

ii. Turbine information: specific information on the type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower and electrical transmission equipment.

iii. Data in sufficient detail to allow for a determination that the proposed WES shall meet all the aforementioned standards.

iv. Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.

v. Building permit applications for Micro WES shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (NEC).

vi. Written guarantee in the form of a notarized letter from the WES owner that each wind turbine shall not produce noise in excess of 60 dB(A) at the property lines. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 60 dB(A), the standard shall be ambient level plus 5 dB(A).

b. **Small or Large WES.** The following items shall be submitted in support of a Condition Use Permit (CUP) application for either a Small or Large WES:

i. All application filing requirements in Section 151-3.10.

ii. The site plan depicting the location and distance of the proposed turbine structure from the nearest built structure, any above ground utilities, the nearest tree(s), and all property lines.

iii. The proposed design of the WES, including all turbines, ground equipment, accessory structures, transmission infrastructure, access, fencing, exterior lighting, etc.

iv. Turbine information: specific information on the type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower, and electrical transmission equipment.

v. Written guarantee in the form of a notarized letter from the WES owner that each WES shall not produce noise in excess of 60 dB(A) at the property lines. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 60 dB(A), the standard shall be ambient level plus 5 dB(A).

c. **Large WES only.** The following items shall be submitted in support of a CUP application for a Large WES only:

i. **Noise Study**
A noise study prepared by a qualified professional, shall demonstrate that except for during short-term events such as utility outages and severe windstorms, each Large WES or accumulation of Large WES shall not produce noise in excess of 60 dB(A) at any property line. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 60 dB(A), the standard shall be ambient level plus 5 dB(A). The noise study shall include:

a. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis for such expectations.

b. A description and map of the noise sensitive environment, including any sensitive noise receptors (e.g. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers and other facilities where quiet is important or where noise could be a nuisance) within one thousand (1,000) feet of the complete subject property.

c. A survey and report prepared by a qualified engineer that analyzes the pre-existing ambient noise (including seasonal variation) and the affected sensitive receptors located within one thousand (1,000) feet of the complete subject property.

ii. **Soil**
A geotechnical report shall be furnished along with the certification which shall, at a minimum, include the following:

a. Soils engineering and engineering geologic characteristics of the site based on on-site sampling and testing.

b. Foundation design criteria for all proposed structures.

c. Slope stability analysis.

d. Grading criteria for ground preparation, cuts and fills, and soil compaction.

iii. **Shadow Flicker**
A shadow flicker model shall demonstrate that shadow flicker shall not fall on or in any existing residential structure. The shadow flicker model shall include:

a. Map and describe the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways within a one thousand (1,000) foot radius of the proposed wind energy system. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed; AND,

b. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the shadow/flicker at these locations, calculate the total number of hours per year of shadow/flicker at all locations; AND,

c. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

iv. **Environmental Impact**
The applicant shall have a qualified third (3rd) party professional conduct an analysis to identify and assess any potential impacts on the natural environment, including but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measure to minimize, eliminate, and/or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

The applicant shall comply with applicable parts of the Federal Clean Water Act, Missouri Clean Water Laws (RSMo Chapters 640 and 644), Federal Safe Drinking Water Act, and Clay County LDC Section 151-11, Environmental. The applicant shall be responsible for making repairs to any public roads damaged by the construction of a Large WES.

v. **Avian and Wildlife Impact**

The applicant shall have a qualified third (3rd) party professional conduct an analysis to identify and asses any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, and/or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refugees, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or State listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Title 3, Department of Conservation, of the Missouri Code of State Regulations (also known as “Missouri Wildlife Code”).

The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and if not, the reasons why such a study does not need to be conducted. All necessary above-ground power lines and utilities must comply with the Avian Power Line Interaction Committee (APLIC, http://www.aplic.org/) published standards to prevent avian mortality.

A good example of an avian and wildlife impact analysis is the US Department of the Interior Fish and Wildlife Service’s “Potential Impact Index (PII)”. The PII estimates the use of the site by selected wildlife species as an indicator of potential impact. Emphasis of the PII is on initial site evaluation and is intended to provide more objectivity than simple reconnaissance surveys.

vi. **Decommissioning**

The applicant shall submit a decommissioning plan. The plan shall include:

a. The anticipated life of the project; AND,

b. The estimated decommissioning costs net of salvage value in current dollars; AND,

c. Financial security in the form of a bond, letter of credit, or other financial security as approved by the County Legal Counsel; right of access; and any other measures necessary and sufficient to ensure such removal, should it become necessary; AND,

d. The anticipated manner in which the project will be decommissioned and the site restored.

vii. **Complaint Resolution**

a. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint.

The process shall not preclude Clay County from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

7. **Abandonment and Removal**
If the use of any WES ceases, and the turbine is not used for a continuous period of twelve (12) months, the turbine shall be considered abandoned, and the owner of such WES shall remove both the wind turbine and tower within ninety (90) days of receipt of notice from the County notifying the owner of such abandonment. If such WES is not removed within said ninety (90) days, the County may remove such WES at the owner's expense.

I. Attached Houses
Attached houses shall be allowed in the indicated districts, subject to the following standards.

1. **Lot Width**
Attached housing is exempt from lot width standards.

2. **Setbacks**
No interior side setback is required on the "attached" side of a lot containing an attached house. The street, side, and rear setback standards shall apply around the perimeter of an attached housing development.

3. **Number of Units**
In the R-SD district, no single structure may contain more than 2 dwelling units.

J. **Aviation and Surface Transportation Facilities**
The following standards shall apply to all airplane landing fields, public or private.

1. The use shall be subject to all requirements as set forth by the Federal Aviation Administration (FAA).

2. Runways shall not be located within 1½ miles of any city or residential zoning district.

3. A private landing field shall not require a significant increase in services such as roads, water, or sewer.

4. All development within an aviation district is subject to the Airport Guidelines in the Comprehensive Plan and the Airport Overlay Zoning District (A-O) under Section 151-5.5.

K. **Bed and Breakfast Inn**

1. All applicable local, state and federal regulation shall be met, including those pertaining to construction, health, safety and welfare.

2. No food preparation, other than beverages, is allowed within individual guestrooms. Meal service shall be restricted to residents and overnight guests only, and must meet all Federal, State, and local regulations.

3. In addition to required parking of the principal dwelling unit, a minimum of 1 off-street parking space shall be provided for each guestroom. All guest parking areas shall maintain a minimum of a chip/seal surface.

4. No common dining or lounge areas may be leased for social or business events. Services of the facility shall be provided to guests of the inn only.

5. The maximum stay shall not exceed 14 consecutive days.

6. A maximum of 6 guestrooms shall be permitted on the premises. Unless otherwise noted in this subsection, all guestrooms shall be located in the principal residential structure.

7. The owner/operator of a bed and breakfast inn shall be a resident of the principal residential structure and there shall be no employees except immediate members of the family household.

8. In the AG district on parcels of over 20 contiguous acres, up to 2 guestrooms may be located in an accessory building or guesthouse.

L. Boat Storage in the Smithville Lake Area

In the Smithville Lake area, boat storage (with or without compensation) is permitted as an accessory use in AG or R-1 residential zoning districts and as a permitted use in the C-3, I-1 and I-2 zoning districts, subject the following standards:

1. **Location**
   The lot on which the storage occurs must be located within 2 miles of where an official public boat ramp enters Smithville Lake and where such ramp existed on February 1, 1984.

2. **Minimum lot Area**
   The minimum size of the tract or parcel containing the storage use shall be 10 contiguous acres under the same ownership.

3. **Allowed Storage**
   Storage shall be for watercraft **only**, including, but not limited to: motorboats, sailboats, fishing boats, pontoon boats, personal watercraft, and cabin cruisers but excludes land-based major recreational equipment including, but not limited to: travel trailers, pickup campers, tent trailers, and motor homes.

4. **Number of Watercraft**
   Storage shall be limited to not more than 20 boats stored on a site, which are not owned by the property owner or occupant of the premises.

5. **Enclosures**
   Boat storage uses shall be totally enclosed within a building or within a solid, visually obstructing fence with a height of at least 6 feet but not to exceed 8 feet.

6. **Signs**
   Signs for a boat storage use shall comply with the sign regulations of the district in which it is located, except that in the AG district, signs may be a maximum of 32 square feet per side.

7. **Setbacks**
   Front setbacks for the storage use shall be established at twice that required for the district in which the use is to be located. No building or paved area used for such storage facility shall be closer than 20 feet to a side or rear property line or the minimum required setback of the underlying district, whichever is less.

8. **Access**
   All boat storage uses that will house more than 4 boats shall have direct vehicular access to a paved public road. Depending on the location of the ingress/egress point for the storage site, all driveway entrances for such storage sites shall be reviewed and approved by the County Highway Department or the Missouri Department of Transportation. The minimum width of such driveways shall be 24 feet.

M. Cabins, Rental

The following standards apply to rental cabins.

1. Overnight rental cabins are permitted in C-1, C-2 and OP zones and require a Conditional Use Permit on AG zoned land.

2. A single cabin shall contain no more than two rental units.

3. 800 sq. ft. shall be the maximum footprint for each unit.

4. Cabins may contain kitchens.

5. Rentals may not exceed 30 consecutive days.

N. Campgrounds and Recreational Vehicle Parks

The following standards shall apply to campgrounds, including recreational vehicle parks.

1. All campgrounds shall be at least 10 acres in area, requires a Conditional Use Permit (CUP) on AG zoned land, and are permitted on C-2, C-3 and OP zoning districts.

2. All portions of campgrounds shall be located at least ¼ mile from any residential zoning district. Measurements shall be made between the utility box of the closest parking site to the nearest residential zoning district boundary.

3. Driveways shall be provided for all traffic on the site. These driveways shall be at least 24 feet wide with a dust-free surface capable of supporting the weight of recreational vehicles. Dead-end roads and driveways must have a turn around with an adequate radius for the turning of recreational vehicles. No vehicles shall be permitted to drive on other than such a designated driveway.

4. Campgrounds must contain a County Health Department approved sewage disposal dumping system providing for the sanitary collection of wastes and their adequate treatment. Public toilets shall be provided in adequate numbers to support the planned visitor load of the campground.

5. Every campground shall provide a water loading station that will not create runoff onto adjacent properties.

6. Trash containers with secure lids shall be provided for the collection of garbage from campground visitors. Trash containers shall be provided at a minimum rate of 1 per 2 sites and shall be emptied regularly.

7. Individual campground spaces that will be used for recreational vehicles shall be surfaced with a material adequate to support these vehicles.

8. There shall be no more than 12 campground sites per gross acre.

9. Campgrounds shall have direct vehicular access onto a dust-free county or state road.

10. All public use areas shall be graveled, hard surfaced or maintained with grass.

11. Space rentals are limited to 30 days maximum.

O. Industrial Service/Yard

The following standards shall apply to auto wrecking yards, junk yards, salvage yards, and scrap processing yards.

1. Such uses shall be located at least 300 feet from a residential zoning district. Measurements shall be made between the exterior of the required building, fence or wall surrounding the yard and the nearest residential zoning district boundary.

2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least 8 feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be maintained by the proprietor so as to ensure maximum safety to the public, obscure the stored material from view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard. No scrap, junk or other salvaged materials may be piled above the height of the enclosing fence or wall.

3. No material shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

4. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the County Commission and the chief of the applicable fire department or fire district, except when prohibited by the State Department of Natural Resources. A DNR permit may be required.

P. Motorized Vehicle Tracks

Motorized vehicle tracks are not a protected use on Agricultural zoned land, per the Missouri Farmland Preservation Act.

1. **Private**

    a. Privately owned motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed by a Conditional Use Permit, and only in Agricultural (AG) and Rural Residential (R-1) zoning districts on parcels of land 20 acres or more.

    b. Hours of use will be limited to between the hours of 8:00 am and 8:00 pm for a period of not more than 2 hours in a 24 hour period, or as stated in the Conditional Use Permit.

    c. No part of the track or course may be located within 400’ of the property line.

    d. The operations may **not** include overnight camping, sales of food or beverages, or any other commercial activities.

    e. Temporary restroom facilities are not allowed at any time.

    f. All tracks are subject to MoDNR regulations (e.g. clean air, dust control).

    g. At property lines, noise levels may not exceed 65 dbl.

2. **Public**

    a. Publicly owned or operated motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed as a Conditional Use Permit in the Open Space/Parks (OP) districts, on parcels of land 20 acres or more.

    b. Publicly owned or operated motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed in the I-2 district on parcels of land 20 acres or more in size.

c. When dues or fees are assessed, whether informal or legally formed, the operation is considered public and not permitted in any districts other than I-2 or OP.

d. Overnight camping is limited to 3 successive nights.

e. Temporary restroom facilities are allowed for a three day maximum and only as supplemental to permanent restroom facilities.

f. All tracks are subject to MoDNR regulations (e.g. clean air, dust control).

Q. Multi-Unit Housing

These standards shall apply to multi-unit housing in the R-SDM, C-1 and C-2 districts.

1. **Access**
   Primary access to all multi-unit housing developments shall be provided from an arterial street. A minimum of one secondary point of ingress-egress shall also be required. No vehicular access entering and leaving the property is permitted from multi-unit housing developments into local streets serving single-family residences; however, emergency vehicle access may be provided.

2. **Perimeter Landscaping**
   Perimeter landscaping shall be provided and shall include plant materials consistent with adjacent neighborhoods as approved by the Planning and Zoning Director. Planting strips at least 15 feet in width from back of curb shall be maintained abutting arterial and local A and B streets. Meandering pathways or sidewalks shall be provided within the right-of-way or setback area. Additionally, a minimum 10-foot planting strip shall be provided and maintained abutting all residential property with a less intensive zoning classification. This planting strip shall contain shrubs and 3-inch diameter trees planted no more than 25 feet on center.

3. **Open Space**
   400 square feet of open space, a minimum of 75 percent of which is usable, is required to be provided and maintained for each dwelling unit within the multi-unit housing development.

4. **Building Setbacks**
   Building setbacks shall be provided according to the following:

   a. Multi-story buildings shall maintain setbacks equal to or greater than their height.

   b. No multi-unit housing structure exceeding 1-story or 20 feet in height shall be constructed within 40 feet of an adjacent residential property line.

   c. Minimum building separation shall be 25 feet. Walls containing windows shall be separated from opposing windows in the same, or any other, residential development by a distance of not less than 30 feet.

R. Recreational Equipment and Vehicle Storage, Commercial

The following standards shall apply to Commercial Recreational Equipment and Vehicle Storage uses in the AG, C-3, I-1 and I-2 districts:

1. A Conditional Use Permit is required in an AG and C-3 districts; uses are permitted in the I-1 and I-2 districts.

2. All commercial and equipment storage shall be totally enclosed within a building, or behind an eight (8') fence in the I-1 district.

3. All recreational vehicles (campers, motor homes, boats, watercraft, etc.) may be stored outdoors; however, shall be enclosed within an eight (8') foot fence with locking gate.

4. Front/street side setbacks shall be required in accordance with all district standards.

5. All storage facilities that house more than 4 pieces of recreational equipment shall have vehicular access from the facility to a paved public roadway.

6. No recreational vehicles shall be used for living, sleeping, or housekeeping purposes while in storage.

7. Facilities shall be used strictly for the storage of private recreational vehicles and/or equipment. Such facilities shall not be used for sale, rental, repair, or construction of such recreational vehicles and/or equipment.

8. All customer use areas shall have a dust-free surface.

9. Depending on the location of the ingress/egress point for the storage site, all driveway entrances for such storage sites shall be reviewed and approved by the County Highway Department or the Missouri Department of Transportation. The minimum width of such driveways shall be 24 feet.

S. Resource Extraction

1. The conditional use permit application shall be accompanied by a plan for the proposed operation and rehabilitation of the site (I-2 zoning, only) that shall include the following:

    a. An outline of the area to be excavated.

    b. The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products;

    c. The proposed locations of any buildings, scale-house, equipment storage areas, and equipment repair sheds or areas;

    d. The sequence of operations and the schedule of rehabilitation measures; and

    e. A plat of survey or a map, at a scale of no greater than 1 inch equals 100 feet, showing the site's existing topography at 2-foot contour intervals.

2. The operation and rehabilitation of extractive products areas shall be in accordance with the following conditions:

    a. Excavation to a depth of more than 10 feet shall not take place within 100 feet of any right-of-way or property line.

    b. All above-ground soil extraction, mining or quarrying operations shall be located at least 680 feet from any lot within a platted subdivision. Measurements shall be made between the outer limits of the area be mined and the nearest lot boundary.

3. All mining and quarrying operations shall have direct access to arterial roads capable of handling the expected heavy truck traffic. All roads and drives leading to a quarrying or mining operation must be paved or maintained by the applicant in a dust-free condition.

4. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table on surrounding properties;

5. No excavation, removal, or fill shall be permitted if the finished conditions would contain the following:

    a. Deep pits having side slopes of greater than 30 degrees;

    b. Serious on-site erosion problems or erosion problems which could extend to neighboring properties; and

    c. Undrained depressions other than artificial lakes, or drainage problems that adversely affect neighboring properties.

6. Cliffs and embankments with a drop of 30 feet or more which are created as part of the mining or quarrying operation shall be fenced so as to prevent pedestrian access.

7. Unless otherwise approved in accordance with state requirements, after completion of operations, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least 3 inches (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.

8. Unless otherwise approved in accordance with state requirements, a performance guarantee in the form of a letter of credit or cash bond shall be furnished to the county in an amount adequate to assure compliance with the approved rehabilitation plan. The exact amount and a termination date for the completion of operations and the rehabilitation of the tract shall be established in the conditional use permit review process and imposed at the time of approval based upon the estimated costs of rehabilitating the site and the estimated length of time the operation will be conducted.

9. The hours and days of operation may be specified in the Conditional Use Permit.

10. The lifespan of the permit may be specified. Extension of the lifespan shall be subject to review and approval by the County Commission.

11. The site and its operations shall be subject to an annual review and inspection for compliance with this Land Development Code.

12. In addition to any other remedies provided by law, the Conditional Use Permit for soil extraction, mining or quarrying facilities may be revoked at any time by the County Commission when a violation of any of the provisions of this Land Development Code has occurred. Before revocation of the Conditional Use Permit the county shall give written notice to the permit holder and a hearing before the County Commission shall be held.

T. Shooting Range

The following standards shall apply to the development of a shooting range. The County Commission may, upon recommendation of the Planning and Zoning Commission, vary from these standards where the applicant has demonstrated that the proposed facility includes designs and features, either natural or man-made, that otherwise mitigate the potential adverse impacts to the health, safety and welfare of the owners or users of neighboring properties and the general public.

1. The minimum site area shall be 15 acres.

2. The facility owner shall provide to the county a hold-harmless agreement signed by all owners of the facility and to remain valid throughout the term of the Conditional Use Permit.(CUP)

3. The minimum distance from any firing point measured in the direction of fire to the nearest property line shall not be less than 500 feet and at least 3,000 feet from any existing dwelling unit.

4. A site plan must be submitted and approved with a CUP that illustrates the general design of the facility, including but not limited to, shooting areas layout, parking areas, proposed and existing buildings, sound deflection devices, absorbent barriers, and other safety provisions.

5. A landscape plan shall be submitted and approved with the facility construction plans. Such plan shall indicate the location and types of plantings to be made to aid in noise suppression and visual enhancement.

6. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

7. The facility shall be monitored at all times by an attendant, and no unsupervised clients shall be permitted in any of the shooting areas.

8. All facilities to be designed and constructed in accordance with nationally recognized guidelines for such facilities, such as the National Rifle Association's *The Range Manual: A Guide to Planning and Construction.*

9. All construction of such facilities shall comply with all codes including the county's adopted fire code and building code, as amended.

10. The entire perimeter of all outdoor shooting ranges shall be fenced and signed to reduce the potential for trespassing into firing zones. Warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the shooting range is located at intervals of not more than 75 feet.

11. All firing lines should be aimed at target lines to the northeast, north, or northwest unless there is sufficient standing timber or other natural topographic features, or sun shields constructed on the property controlled by the range operator to mitigate the effects of glare from the sun.

12. No sales or consumption of alcoholic beverages shall be permitted on the property. Signs announcing this restriction shall be posted in at least 3 locations on the property, including the parking area.

13. The following information shall be submitted with all applications for a shooting range conditional use permit:

    a. A list of the types of firearms, ammunition, and shooting to be allowed at the facility, such as trap, skeet, high power rifle, pistol, black powder.

    b. All existing and proposed structures and appurtenances on the range including landscaping, screening, buildings, driveways, parking areas, walkways, utilities, etc.

    c. Information pertaining to firing lines, firing positions, target lines, safety fans, shotfall zones and related data.

    d. The location, composition and dimensions of all baffles, safety berms, backstops and related safety features.

    e. A list of all property owners and land uses within 3,000 feet of the perimeter of the property proposed.

    f. Other information deemed appropriate by the Planning and Zoning Department, the Planning and Zoning Commission, or the County Commission.

U. Soil Extraction

The following standards shall apply to the removal of surface dirt or soil.

1. Removal of surface dirt or soil is allowed by a Conditional Use Permit in AG or 1-2 districts only.

2. All aboveground soil extraction operations shall be permitted by the Missouri Department of Natural Resources and through a permit issued by the Clay County Planning and Zoning Department.

3. The area of the soil extraction shall be located on a site plan with the exact location of disturbance designated.

4. The area of extraction shall be located at least 100 feet from any right-of-way or property line.

5. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table on surrounding properties;

6. No excavation, removal, or fill shall be permitted if the finished conditions would contain the following:

    a. Deep pits having side slopes steeper than 1 on 4 (1 foot vertical to 4 feet horizontal);

    b. Serious on-site erosion problems or erosion problems which could extend to neighboring properties; and

    c. Undrained depressions other than artificial lakes, or drainage problems that adversely affect neighboring properties.

7. Unless otherwise approved in accordance with state requirements, after completion of operations, the premises shall be cleared of debris and shall be seeded with grass or other ground cover to prevent erosion.

8. The length of the permit may be specified. Extension of the length shall be subject to review and approval by the County Commission.

9. The site and its operations shall be subject to an annual review and inspection for compliance with this Land Development Code.

10. In addition to any other remedies provided by law, the Conditional Use Permit for soil extraction may be revoked at any time by the County Commission when a violation of any of the provisions of this Land Development Code has occurred. Before revocation of the Conditional Use Permit, the county shall give written notice to the permit holder and a hearing before the County Commission shall be held.

V. Utility and Stock Trailer Sales

The following standards shall apply to retail utility and stock trailer sales in the C-2, I-1 and I-2 districts and as a Conditional Use Permit in an Agricultural (AG) District.

1. All applicable local, state, and federal regulations shall be met regarding the conduct of the business.

2. Signs for such facility shall comply with the sign regulations of Chapter 151-12.

3. All facilities associated with the business shall have direct access onto a public road.

4. All open, off-street parking and loading areas shall be graded and paved or otherwise improved with an all-weather, dustless surface, a minimum of chip-and-seal.

5. In addition to the required parking spaces, dust-free surfaced, off street loading areas, at least 10 feet in width and 60 feet in length, shall be provided to accommodate a minimum of 2 parked vehicles with attached trailers.

W. Animal Services, Kennels, and Animal Shelters

Dog and cat kennels and outdoor dog boarding facilities shall be subject to the following standards.

1. Kennel areas shall be completely enclosed or screened so that they cannot be viewed from locations other than on the subject parcel.

2. Kennel areas or outdoor boarding facilities in excess of the allowed number of companion animals in accordance with 151-6.2 (C) shall be located on lots or parcels having a minimum area of at least three (3) acres and not within 300 feet of any residential zoning district.

3. Kennels shall be developed and maintained so as to meet all County and State health codes and so as to minimize pollution or health risks to adjacent property owners.

4. Kennels may be allowed through applying for a Conditional Use Permit (CUP) in AG, C-2, C-3, and I-1 zoning districts in accordance with Section 151-3.10.

5. Animal Services may be allowed through applying for a Conditional Use Permit (CUP) in AG, C-2, C-3, I-1, I-2, and OP zoning districts in accordance with Section 151-3.10.

6. Animal Shelters established by a public entity is permitted in C-3, I-1, I-2, and OP zoning districts, and may be allowed through applying for a CUP in a C-2 zoning district.

X. Waste-Related Uses

The standards of this section shall be considered the minimum requirements for approval and maintenance of a Conditional Use Permit for a waste-related use, including sanitary landfills and waste processing facilities. Sanitary landfills shall include Demolition Landfills as referenced in 10 CSR 80-4.010 and Missouri Revised Statutes (RSMo) Chapter 260. Waste Processing Facilities shall include uses as referenced in 10 CSR 80-5.010 and Missouri Revised Statutes (RSMo) Chapter 260.

1. The applicant shall be responsible for demonstrating that:

    a. The site is environmentally compatible with the surrounding land uses.

    b. That the applicant is financially responsible and able to satisfy the requirements for closure and post closure care, of a solid waste disposal area, contained in 10 CSR 80-2.030 or other applicable federal, state, or county regulations. Any financial assurance instrument shall be in a form satisfactory to the County Commission and to the State of Missouri which may satisfy the requirements of both jurisdictions without the necessity of separate assurances provided the financial assurance shall not be in the form of a corporate guarantee or letter of credit.

2. The application shall contain plans prepared or approved by a professional engineer and shall include:

    a. A detailed description of the solid waste to be accepted, the procedure for handling the various types of solid waste, and the storage areas for accepted solid waste.

b. Land use and zoning within ¼ mile of the facility boundary, including any buffer zone, showing the location of all residences, buildings, roads, wells, water ways, creeks, streams, drainage areas, and wetlands.

c. The location of utilities and the effects of the facility using the utilities with regard to availability, capacity and loading.

d. The identity of the roads, which serve the route to the facility and the potential effect upon such roads from increased traffic volume and vehicle weights.

e. A report evaluating the effect of noise, odors, air pollutants and potential explosions or fires upon existing land uses within ½ mile.

f. Provisions for control of surface water run off and for collection of process or wastewater for on site treatment, recirculation or discharge.

g. Provisions for dust control on site.

h. A specification of the facilities and methods for extinguishing fires.

3. The application shall contain a Statement which shall be reviewed at the expense of the applicant by a firm or person selected by the Planning and Zoning Commission, and which shall assess the environmental, social and economic impact of the facility, and which shall include the following:

a. A detailed and comprehensive soils report describing the overburden soils (above bedrock). This report must include sufficient borings to identify the soils from the ground surface to the top of bedrock. Soils must be classified according to the Standard test Method for Classification of Soils for Engineering purposes ASTM D-2487. Boring logs must be submitted for each boring in accordance with Standard Practice for Description and Identification of soils ASTM D-2488 and must be submitted to verify the initial visual classification. Standard split spoon sampling ASTM D-1586 should be performed and recorded in a representative number of borings. Representative rock core borings extending a minimum of five feet into the bedrock must be taken to delineate the type and extent of bedrock in the area, and the porosity or voids in the rock that could conduct groundwater.

b. A mapping of all individually identifiable vegetation community types found on the site, and an analysis as to the impacts of the proposed facility on the site's vegetation.

c. An assessment of the wildlife resources on the site, and an analysis of all impacts of the proposed facility upon wildlife resources.

d. An assessment of existing water quality of all creeks, streams and ditches and all surface bodies of water on or adjacent to the site, and an analysis of all impacts of the proposed facility upon such existing water.

e. A statement of overall site activity which will generate, create, cause, or sustain air or noise pollution including differentiation and identification of point sources or complex sources, both during construction and after construction is completed.

f. An archeological survey, together with data as to artifacts which have already been uncovered at or near the site and knowledge estimates of the degree to which development of the site would inhibit or eliminate the possibility of significant archeological finds.

g. A financial impact statement indicating the financial feasibility of the proposed development, the local economic impact of the proposed development, the immediate and future impact of the proposed development on the value of adjoining properties and an interpretation and evaluation of the extent to which the proposed development will add to (or detract from) the tax base of the county.

4. All applicable national pollution discharge elimination systems (NPDES) permits necessary and other permits necessary to comply with the requirements of RSMo 644.006 through 664.141. shall be a condition of any permit before any facility shall go into operation.

5. Air quality shall be addressed in the application, which shall contain a copy of all applicable permits, approval, and authorizations in accordance with RSMo 643. or a local air pollution exemption certificate authorized by RSMo 643.

6. Any facility shall be designed so that it is physically attractive. This includes provisions to screen from public view the unloading, storage and processing of solid waste. Facilities shall be enclosed within a fence with a height of at least 6 feet of adequate construction to deter access by children, animals, and vandals, and to deter unlawful entry.

7. There shall be a minimum distance of 500 feet from the area utilized for the operation to the property boundary, which shall be maintained as a buffer zone that cannot be used for any building or storage, with the exception of an administrative building. The buffer shall be dedicated to wildlife, habitat or agricultural use during the active life of the facility.

8. There shall be no operations between 7:00 p.m. and 8:00 a.m. nor on Sundays or legal holidays, within 1,000 feet of a residential structure.

9. A centralized site with access over State Highways is preferred. All access roads utilized by the facility must be capable of carrying the maximum weight allowed by law. The applicant shall agree that any damage to county roads or bridges resulting from the facilities operations shall be remedied by the operator of the facility. Access on local roads through residentially zoned areas shall be prohibited.

10. That portion of an access road within the area of permit and located within five hundred feet of a lot line shall be provided with a hard surface which shall be dust free. Drainage along access roads, including culverts, shall also be provided to direct and control storm runoff.

11. Excavation and operations shall not be located in a 100 year flood plain.

12. The site shall have adequate drainage for run-off as well as protection from storm water run-on. Level areas should be given a minimum slope of 1 to 2 percent to prevent water pooling. Drainage swales shall be marked and properly maintained to keep organic material from being deposited into drainage areas. A storm water drainage plan shall be submitted with topographical intervals of no more than 2 feet. The storm water drainage plan shall be approved by the Planning and Zoning Director whom may also require a storm water detention/retention area to avoid adverse effects on other property.

13. The slope of material in any excavation shall not exceed the normal angle of repose or 45 degrees whichever is less.

14. Before approval is granted for a landfill operation, a plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be brought to final grade by a layer of earth of five feet, or better, a capable of supporting vegetation.

15. Upon request, operators of landfills shall agree to provide to the County Health Department records of the type of waste and origin of all wastes received; and annually shall file with the Recorder of Deeds either a detailed description or a licensed surveyor's plat showing the general type and location of wastes, depth of fill and upon closing of a landfill, this information and the location of leachate or gas control facilities.

16. The design and operation of a landfill must be in accordance with the rules and regulations adopted by Clay County, Missouri, the Missouri Solid Waste Management Law and the Department of Natural Resource Regulations, or RECRA Sub Title D, whichever is more stringent.

17. Any facility may be inspected by the county and/or its designated agent, during business hours Monday through Friday, to determine compliance with all of the provisions within these regulations.

18. For Refuse Incineration and Waste Processing Facilities, the applicant shall comply with the following requirements in addition to those listed above.

    a. Water source in the form of a statement from a public water supplier, or provision for on site water supply, shall be provided sufficient for anticipated use and adequate fire protection.

    b. A statement as to the method of operation shall be submitted and shall include information regarding the type of waste proposed to be accepted. Such operation must meet or exceed applicable standards under federal, state or county regulations.

    c. Waste Processing Facilities, Solid Waste Transfer Stations and Recycling Facilities, which are totally enclosed within a building, shall require no greater buffer zone or setback than required by zoning classifications.

Y. Organic Recycling Facilities ("ORF")

Organic Recycling (also known as "Commercial Composting") Facilities ("ORF") may be approved pursuant to a Conditional Use Permit in Zoning Districts AG, I-1, and I-2 in accordance with Section 151-3.10. The following items shall be considered the minimum requirements for said approval, and may be augmented during the CUP review process as necessary in order to protect the general health, safety and welfare of Clay County citizens.

1. Particular Considerations

The operation of an ORF shall be in conformance with the regulations herein and shall not contribute to the following:

a. Soil erosion by water and/or wind.

b. Adverse effects on soil fertility, drainage and lateral support of abutting land or other properties.

c. Adverse effects on the water table, wetlands, streams, lakes, ponds or other water bodies.

d. Traffic congestion on public streets, roads or highways.

2. Site Size

The ORF must be operated on a site of not less than one (1) acre for every one thousand (1,000) cubic yards of compost material.

3. **Location**
A centralized site with access over hard-surfaced, non-crowded roads is preferred. Access on local roads through residentially zoned areas shall be prohibited. Sites adjacent to cemeteries, parks, runway buffers at airports, fallow farm fields, golf courses and buffer areas of old landfills may provide suitable sites.

An ORF shall not be located within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) 100-year floodplain or water drainage area, and shall be no closer than the following:

a. One-quarter (¼) of a mile from water plants and wells or water bodies used for drinking purposes.

b. One-quarter (¼) of a mile up gradient from a wetland, stream, river, lake or other water body.

4. **Buffer Zones/Setbacks**
Buffer zone requirements in addition to the regular setback requirements of the site shall provide a minimum setback distance of one thousand (1,000) feet from the ORF area of permit to residential dwelling(s) or other sensitive land uses.

ORF activities shall be no closer than one hundred (100) feet to the outer edge of the area of permit. In addition, any buildings that are constructed shall conform with the setback requirements of the district in which the site is located, but in no case shall a building be constructed that is closer than one hundred (100) feet to the outer edge of the area of permit. When the area of permit abuts an adjacent street, such setback shall contain an earth berm with landscaping and screening so as to provide a year-round dense screen between the roadway and ORF operation.

5. **Hours of Operation**
If the ORF is within one thousand (1,000) feet of residential districts or residential dwellings in existence at the time of initial operation, there shall be no operations between 7:00 P.M. and 8:00 A.M.

6. **Fencing**
The site shall have a fence at least six (6) feet in height with suitable gates, where necessary, around the perimeter of the site to prevent illegal dumping and vandalism. Fencing may not be required if natural geographical barriers exist to control access to the site.

7. **Stormwater Runoff and Drainage**
The site shall have an adequate drainage pattern for runoff as well as protection from stormwater run-on. Any ORF request must comply with the regulations set forth in Section 151-8.19, Erosion and Sediment Control Regulations. Water runoff shall be directed so that it will move between compost piles rather than through them.

8. **Air Quality**
Any ORF request must comply with all State of Missouri and Federal regulations related to air quality standards.

9. **Access Roads**
That portion of an access road to the staging and unloading areas within the area of permit and located within five hundred (500) feet of a lot line shall be provided with a dust-free surface (see Section 151-10.1 (F) (4)). Drainage along access roads, including culverts, shall also be provided to direct and control stormwater runoff. Access roads should provide for a circular pattern for entering and exiting so that traffic congestion is kept to a minimum. Adequate turning and dumping areas shall be provided to allow for the efficient drop-off of waste materials. Staging and dumping areas should be constructed of an all-weather surface to ensure the site's fullest use.

The Clay County Planning & Zoning Commission may require a hard surface during the review process of the CUP if the volume and type of traffic justify the improvement.

10. **Water Supply**
A water source shall be provided on site so as to allow windrows to be watered down and to prevent burning of the compost.

11. Coordination with Regional Plans and State Regulations

An ORF shall be reviewed in part with respect to the Mid-America Regional Council ("MARC") Regional Solid Waste Plan and all State of Missouri regulations.

12. Method of Operations

A statement as to the method of operations for the proposed ORF shall be submitted in conjunction with the CUP request. Said method of operations statement satisfies the Business Plan requirement as outlined in Section 151-3.10 (A) (8) for a CUP application.

The written statement should include the following:

a. Approximate number of cubic yards or thousands of gallons of waste to be accepted per day.

b. Detailed description of the operation.

c. Method of protecting wastes from exposure to wind, rain, or biological influences.

d. Types of liners or other barriers to prevent movement through the soils.

e. Types of leachate generated and method of managing these materials.

f. Type and origination of the waste materials.

g. Average number and weights of vehicles entering the site and the routes taken to State Roads.

h. On-site management techniques used to protect against odor, dust, litter, animal and insect vectors.

i. Method of disposition of excess water during operation.

j. Machinery, type and noise levels.

k. Safety measures and monitoring of complaints.

l. Source of water if final plan shows use of water.

m. Estimated life of operation and maximum extent of area disturbed, final depths and side wall slopes. Approval of the Use shall be for the time specified under the conditional use permit.

13. Site Plan

In addition to the items outlined pursuant to a Conditional Use Permit process in accordance with Section 151-3.10, the following information shall also be included:

a. Surrounding land uses within one-quarter (¼) mile including residences, buildings, wells, watercourses, springs, lakes, etc.

b. The layout of the operation (i.e., staging and unloading area, access drives, composting areas, setback area, etc.).

c. Prevailing wind patterns as determined by the National Weather Service ("NWS").

d. Wetlands, streams, lakes or other water bodies within one thousand (1,000) feet.

e. Vegetative cover on the site and dominant species.

f. Interior road pattern, its relation to operation yard and points of ingress and egress to any State or County roads as well as an emergency access and fire protection plan with review and approval by the applicable responding service provider.

g. Proposed tree and berm screen locations.

h. Soil embankments ("berms") for noise, dust, and visual barriers, and heights of spoil mounds.

i. Traffic Impact Study if required by Section 151-10.3 (A).

14. Rehabilitation Plan

An end use plan for the rehabilitation of the site after the ORF operation is completed shall be submitted and must be approved by the Clay County Planning & Zoning Commission. Such plan shall show and provide for either a final end use or an open space use.

If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submittal. If an end use plan shows use of water, the source of water shall be shown. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted.

When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of topsoil to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material that prevent soil erosion and provide vegetation cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

For all rehabilitation and final end uses, proper legal documents must be presented that adequately outlines the following:

a. Post-operation maintenance procedures; AND,

b. Legal responsibility for any environmental pollution that could occur after the facility is closed; AND,

c. Financial security in the form of a bond, letter of credit, or other financial security as approved by the County Legal Counsel; right of access; and any other measures necessary and sufficient to ensure such rehabilitation and final end use, should it become necessary.

d. If the use of any ORF ceases, and does not operate for a continuous period of twelve (12) months, the ORF shall be considered abandoned, and the owner of such ORF shall rehabilitate the area of permit within ninety (90) days of receipt of notice from the County notifying the owner of such abandonment. If such ORF is not rehabilitated within said ninety (90) days, the County may rehabilitate the area of permit at the owner's expense.

Z. Agricultural Tourist Operations (ATOs)

1. Purpose and Intent

The purpose of this section is to designate land best suited for working farms and other uses that attract and serve visitors to the agricultural amenities of Clay County. Preservation and conservation of agriculture, natural resources, and cultural traditions is paramount in these areas.

The Comprehensive Plan includes a major objective to promote tourism and special activities by attracting visitors to the County and create a unique sense of place. Clay County's distinct character and quality resources provides the foundation for developing appropriate types of authentic tourism products that would ensure that the County remains a unique and competitive destination in the future.

Therefore, any agricultural-based tourism venture or experience must be directly related to supporting the primary use of the farm by interpreting the local agricultural heritage and provide a distinctly Clay County experience. Furthermore, certain types of uses are more appropriate than others because of the direct nexus to experiencing Clay County's local agricultural heritage.

Proposed aspects of ATOs determined by the Planning & Zoning Commission to not meet this fundamental agricultural heritage and educational nexus threshold and/or not incidental to the primary agricultural use should not be allowed.

Wineries and Breweries, and their customary accessory uses are regulated under Section 151-6.2 (AA). ATOs are grouped into the following 2 classifications, and defined under Section 151-15.1.

2. Agricultural Tourist Operation (ATO) – Class I

The below activities shall be permitted by right ("P") in Agricultural (AG) and Community Services (C-3) zoning districts on individual parcels that contain ten (10) acres or more and have a minimum of five (5) acres of permanent agricultural crop in production or ten (10) acres of annual crop in production that are properly maintained and cared for to produce a commercial crop, and provided they are held concurrently with the sale of agricultural products produced on-site.

The total building areas not used in conjunction with the working farm must not take up more than 5,000 square feet, nor remove more than 1 acre from the working farm. All structures associated with a Class I ATO shall meet the regulations within the adopted International Building Code (IBC).

ATO Class I are subject to the following standards in addition to the Development Standards for all ATOs as listed under subsection (4) below

a. **Picnic Areas**
Picnic areas for daylight use.

b. **Handicrafts and Agricultural Promotional Items**
The display and sale of handicrafts and agricultural promotional items produced on-site or off-site, provided that the primary product sold is an agricultural product produced on the subject property.

c. **General Gift Display and Sales Area**
General gift display and sales area (not including handicrafts and agricultural promotional sales items above) not to exceed a total of 500 square feet of interior floor space for the retail sale of agricultural related promotional items, gift items, and/or pre-packaged goods *not* produced on the subject property. The general gift display and sales area shall be operated concurrently with the sale of agricultural products and/or byproducts produced on site and subject to any Federal, State, and local regulations.

Sales shall be subject to available parking as set forth in Section 151-10.1.

d. **Prepared Food**
Prepared food locations operated concurrently with the sale of agricultural products and agricultural byproducts produced on-site subject to any Federal, State, and local regulations.

e. **Food Service**
Only picnic areas are allowed for the consumption of prepared food in accordance with the preceding provision.

f. **Special Events**
Special events for commercial purposes not to exceed 75 persons at one time with the number of events not exceeding the following limits:

i. Parcels less than 20 acres in size - 4 per year;

ii. Parcels 20 acres or more in size - 6 per year;

iii. All special events, weddings, and similar functions shall be subject to the development standards set forth in Section 151-6.2 (Z) (4).

g. **Marketing Promotional Events**
Marketing promotional events promoting the agricultural operation on the parcel on which the event is held, subject to available parking as set forth in Section 151-10.1.

i. For the purpose of this section, a “Marketing Promotional Event” is defined as events sponsored by the property owner, an association of agricultural property owners, or similar non-profit organizations formed to assist the agricultural industry in the area, to promote the sale of agricultural products and byproducts and which is intended to benefit the agricultural use of the site and/or the agricultural region.

ii. No single event shall exceed 3 consecutive days.

h. **Alcoholic Beverages**
The sale of alcoholic beverages made from agricultural products produced on-site is subject to Section 151-6.2 (AA), Wineries and Breweries.

i. **Agricultural-Related Museums**
Agricultural-related museums not to exceed a total of 500 square feet of interior floor space.

j. **Signs**
ATO – Class I facilities must adhere to the sign provisions set forth in Section 151-12.

k. **Conversion of Agricultural Land**
The facilities and permanent parking shall be located within the general area already developed for buildings and residential uses and shall not convert more than five (5) acres total (inclusive of parking and buildings) of agricultural land to nonagricultural uses.

3. Agricultural Tourist Operation (ATO) – Class II
Class II Agricultural Tourist Operations tend to be a more intense scale of operation as compared to a Class I. The below activities may be approved pursuant to a Conditional Use Permit (CUP) in Agricultural (AG) and Community Services (C-3) zoning districts subject to the procedures outlined in Section 151-3.10 on individual parcels that contain ten (10) acres or more and have a minimum of five (5) acres of permanent agricultural crop in production or ten (10) acres of annual crop in production that are properly maintained and cared for to produce a commercial crop, and provided they are held concurrently with the sale of agricultural products produced on-site.

Applicants must submit a site plan in conjunction with the application for a CUP in accordance with Section 151-3.10. Additional information on the site plan not typically a part of 151-3.10 may include but not be limited to the following: activities of the requested Agricultural Tourist Operation, all farm buildings, crop areas, dwellings, existing and proposed driveways, access drives, parking areas, vehicle traffic circulation and turn around areas, location of sanitary facilities, and the limitations on the capacity of the proposed accessory uses

The amount of total building area not used in conjunction with the working farm shall not be limited, but not cause a nuisance to any surrounding property owners in accordance with the following regulations. All structures associated with a Class II ATO shall meet the regulations within the adopted International Building Code (IBC).

ATO Class II are subject to the following standards in addition to the Development Standards for all ATOs as listed under subsection (4) below:

a. **General Gift Display and Sales Areas**
Gift display and sales areas are not limited for the retail sale of agricultural related promotional items, gift items, and/or pre-packaged goods. The gift display and sales area shall be operated concurrently with the sale of agricultural products and/or byproducts produced on site subject to any Federal, State, and local regulations.

Sales shall be subject to available parking as set forth in Section 151-10.1.

b. **Dispensation of Agricultural Products**
The processing and/or packaging of agricultural products and agricultural byproducts produced on-site may be within any accessory structure on parcels containing ten (10) or more continuous acres.

c. **Prepared Food**
Prepared food locations operated concurrently with the sale of agricultural products and agricultural byproducts produced on or off-site subject to any Federal, State, and local regulations.

d. **Food Service**
Dining facilities and picnic areas are allowed for the consumption of prepared food in accordance with the preceding provision subject to any Federal, State, and local regulations.

e. **Special Attractions**
Use of special attractions for commercial purposes such as but not limited to music festivals, concerts, carnivals, or other nonagricultural activities subject to available parking as set forth in Section 151-10.1;

f. **Special Events**
Special events for commercial purposes over 75 persons at one time, subject to available parking as set forth in Section 151-10.1, with the number of events not exceeding the following limits:

i. Parcels less than 20 acres in size - 6 per year;

ii. Parcels 20 acres or more in size - 12 per year;

iii. All Special events, weddings, and similar functions shall be subject to the development standards set forth in Section 151-6.2 (Z) (4).

g. **Alcoholic Beverages**
The sale of alcoholic beverages made from agricultural products produced on-site is subject to Section 151-6.2 (AA), Wineries and Breweries.

h. **Agricultural-Related Museums**
Agricultural-related museums are allowed with no square feet of interior floor space limitation.

i. **Signs**
ATO – Class II facilities must adhere to the sign provisions set forth in Section 151-12, with the following exception:

i. Off-Site Sign

1. 1 off-site sign with a total sign surface not to exceed 64 square feet (single or double-sided) may be approved in conjunction with a Conditional Use Permit (CUP) for the ATO – Class II, or as part of a separate approval process to the County Commission if a CUP is not required for the facility.

2. Approval criteria may include but not be limited to the proximity to the subject ATO, surrounding landuses and zoning districts, and the need for the off-site sign due to the location of the facility.

j. **Conversion of Agricultural Land**
The facilities and permanent parking shall be located within the general area already developed for buildings and residential uses and shall not convert more than ten (10) acres or 20% of agricultural land to nonagricultural uses whichever is greater.

4. Development Standards
The following development standards shall apply to all ATOs as set forth above:

a. **Site Plan**
Copies of a site plan illustrating the ATO shall accompany a Class I (*Building Permit*) and Class II (*CUP application*). The site plan shall be drawn to scale, on an 11" x 17" sheet of paper. Information to be shown on the site plan is indicated in Figure 151-3.9-1.

b. **Parking**
The number of guests may be limited based on the availability of approved off-street parking. On-street parking is not permitted.

ATOs must adhere to the parking provisions as set forth in Section 151-10.1. However, the following exceptions may be approved in conjunction with a Conditional Use Permit (CUP) for the facility, or as part of a separate approval process to the County Commission if a CUP is not required for the facility:

i. Permanent parking spaces consisting of unpaved surfacing such as but not limited to gravel.

ii. Temporary overflow parking spaces consisting of dust-free grass or dirt for special events, weddings, marketing promotional events and similar functions provided the parking areas are declared fire safe as authorized by the proper Fire District.

c. **Sanitary Facilities**
Sanitary facilities shall be provided in accordance with Federal, State, and local requirements.

d. **Structure Size**
If a permanent structure is proposed as part of the ATO, the maximum size of that structure shall be equal to or less than the size of the largest farm structure used on-site.

e. **Access**
The access to all ATOs open to the public shall be connected to a publicly maintained roadway, except as provided below.

i. Access through a private roadway shall be subject to the review and approval by both the Highway Administrator and Director of the Planning & Zoning Department.

f. **Waste Disposal**
All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every 7 days. Pomace, culls, lees, and stems may be recycled onsite so long as no nuisance is generated.

g. **Cultural Resource Protection**
AFOs on property that has any designated National Register of Historic Places (NRHP), State of Missouri, or local historic district resources shall be required to preserve the historic elements if feasible. Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resources report done by a professional meeting or exceeding the Secretary of the Interior's Historic Preservation Professional Qualification Standards.

h. **Noise Restrictions**
All events featuring outdoor amplified noise including but limited to music or speech must not exceed 60 dB(A), as measured at the nearest property line. If ambient sound pressure level exceeds 60 dB(A), then the standard shall be ambient level plus 5 dB(A).

No outdoor amplified noise will be permitted beyond 10:00 pm Central Standard Time if located within 1,000 feet of existing residential dwellings.

i. **Nuisance**
ATOs must be located and designed so they will not interfere with agricultural operations on the site of the proposed use or any nearby properties.

j. **Discontinuance**
Should the proper maintenance and care of the required minimum agricultural crop acreage cease as determined by the Director of the Planning & Zoning Department, the right to operate any of the ATO becomes void.

5. Any proposed ATO that does not meet the standards set forth above may be considered by a Conditional Use Permit (CUP) in accordance with Section 151-3.10.

AA. Wineries and Breweries

1. **Purpose and Intent**
The purpose of this section includes:

a. Provide for the orderly development and location of Wineries and Breweries along with their customary accessory uses within designated zoning districts to ensure compatibility with adjacent land uses in accordance with the Clay County Comprehensive Plan.

b. To encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products.

c. To implement Clay County Comprehensive Plan policies that encourage development of agricultural-related uses while protecting the agricultural character and long-term production of agricultural lands.

2. **Use Standards**

Wineries and Breweries may also require a Land Disturbance Permits (LDP), Floodplain Development Permit (FDP), building permits, or other permits as required by the County. All structures associated with Wineries and Breweries shall meet the regulations within the adopted International Building Code (IBC). Those uses identified as allowed by Conditional Use Permit (CUP) must follow the procedures outlined in Section 151-3.10.

Due to their tendency towards an agricultural character, Wineries and Breweries should generally be located outside of the Urban Services land use tier as illustrated on the Planning Tier Map of the Clay County Comprehensive Plan as these areas tend to encompass less combatable urban and suburban residential development.

a. **Classifications**

Wineries and Breweries, and their customary accessory uses are grouped into the following five (5) classifications:

i. **Wineries and Breweries – Class I**

Class I facilities include the following:

- Tasting facilities, if not exceeding 30% of the total square footage of the on-site production structures except distillation
- Wholesale and retail sales of product produced on-site, except distillation.
- Public tours
- Picnic areas
- Marketing events

ii. **Wineries and Breweries – Class II**

Class II facilities include Class I plus the following:

- Retail sales of product not produced on-site limited to the provisions of Section 151-6.2 (AA) (3) (b) (ii)
- Special events limited to the provisions of Sections 151-6.2 (AA) (3) (b)

iii. **Wineries and Breweries – Class III**

Class III facilities include Class I and II plus the following:

- Tasting facilities exceeding 30% of the total square footage of the on-site production structures except distillation
- Commercial kitchen facilities (on-site functions only)

iv. **Wineries and Breweries – Class IV**

Class IV facilities include Class I, II, and III plus the following:

- Distilleries
- Dining facilities

v. **Wineries and Breweries – Class V**

Class V facilities include all the above plus the following:

- Special events limited to the provisions of Sections 151-6.2 (AA) (3)(b)

b. **Uses Allowed**

Wineries and Breweries, and their customary accessory uses shall be allowed as set forth below (acreages are gross acreages of continuous land).

WINERIES AND BREWERIES REGULATIONS SUMMARY TABLE
The following table summarizes the information detailed in Section 151-6.2 (AA), in addition to referencing the principal use regulations table in Section 151-6.1.

		ZONING DISTRICTS							
Class	Uses	AG	R-1	AG	R-1	C-3	C-3	I-1	I-2
		20+ acres		10 – 19.9 acres		20+ acres	10 – 19.9 acres		
Class I	Base classification	P	P	C	C	P	C		
Class II	Special Events: Up to 75 PAOT* < 20 ac. = 4 events per year 20+ ac. = 6 events per year	P	C	C	C	P	C		
Class III	Commercial kitchen facilities (on-site functions only)	C	C	C	C	P	C		
Class IV	Distilleries	C				C	C	C	C
Class IV	Dining facilities	C				C	C	C	C
Class V	Special Events: More than 75 PAOT* More than 6 events per year	C				C	C	C	C

* PAOT = Persons At One Time

P

Uses Permitted By-Right
A "P" indicates that a use category is allowed by-right in the respective zoning district, subject to compliance with all other applicable regulations of this Land Development Code.

C

Conditional Uses
A "C" indicates that a use category is allowed only if reviewed and approved as a conditional use, in accordance with the Conditional Use Permit procedures of Sec. 151-3.10. and subject to all other applicable standards of this Land Development Code.

3. **Specific Use Standards**
The following specific use provisions shall apply to all Wineries and Breweries, and their customary accessory uses:

a. **Winery Provisions**

i. The primary purpose of Wineries shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside Clay County.

ii. Wineries include those areas of a winery where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where winery operations such as racking, filtering, blending, or bottling of wines are carried out, and on-site case goods storage.

b. **Tasting Facilities**

i. **Subordinate to Winery or Brewery**
Tasting facilities shall be clearly related, and subordinate to the primary operation of the production facility. The primary focus of the tasting facilities shall be the marketing and sale of the product produced on-site.

ii. **Retail Sales**
Retail sales of wine fruit and/or malt liquor products shall be limited to those produced, processed, or bottled on the property, or custom crushed at another facility for the operator, subject to the provisions of the State of Missouri Division 70, Division of Alcohol and Tobacco Control.

Retail sales of products and merchandise not produced on-site shall only be allowed within the tasting facilities and shall not be under any circumstances located in a separate structure. Sales of non-alcohol merchandise shall be clearly incidental, related, and subordinate to alcohol sales.

c. **Dining Facilities**
A dining facility must be subordinate to the retail sale of products produced on-site, and does not include areas that are set up for employee break rooms.

d. **Distilleries**
Distilleries may be approved pursuant to a Conditional Use Permit (CUP) in accordance with the procedures outlined in Section 151-3.10 in AG, C-3, I-1, and I-2 zoning districts. Permissible activities include but are not limited to: blending, aging, storage, bottling, administrative functions, warehousing operations, wholesale sales, retail sales, and tasting facilities.

e. **Commercial Kitchen**
Food preparation facilities and sale of prepackaged food items must comply with all Federal, State, and local regulations. Commercial kitchens that are permitted shall be clearly incidental, related, and subordinate to the primary operation as a production facility.

f. **Picnic Areas**
Picnic areas shall be clearly incidental, related, and subordinate to the primary operation as a production facility.

g. **Catering**
Use of an on-site, authorized commercial kitchen for catering off-site events may be allowed only by CUP and only when the catering use is found to be clearly incidental, related, and subordinate to the primary operation as a production facility.

4. **Development Standards**
The following development standards shall apply to all Wineries and Breweries as set forth above. Additional requirements may be added through the discretionary permitting process if applicable.

a. **Site Plan**
Copies of a site plan for which the Winery or Brewery area will be located shall accompany for a permitted use with the *Building Permit* and for a *CUP* with the application. The site plan shall be drawn to scale, on an 11” x 17” sheet of paper. Information to be shown on the site plan is indicated in Figure 151-3.9-1.

b. **Building Setbacks**
All building structures associated with Wineries and Breweries must be setback a minimum of 200 feet from all property lines.

However, if proposed Wineries and Breweries are adjacent to residential zoning districts on any side (including but is not limited to R-1, R-5, RU, R-SD, and R-SDM), the minimum setback shall be increased to 400 feet from any property line.

c. **Signs**
Wineries and Breweries must adhere to the sign provisions set forth in Section 151-12, with the following exception:

i. Off-Site Sign

1. One (1) off-site sign with a total sign surface not to exceed 64 square feet (single or double-sided) may be approved in conjunction with a Conditional Use Permit (CUP) for Wineries and Breweries if applicable, or as part of a separate approval process to the County Commission if a CUP is not required for the facility.

2. Approval criteria may include but not be limited to the proximity to the subject winery or brewery, surrounding landuses and zoning districts, and the need for the off-site sign due to the location of the facility.

d. **Parking Standards**
The number of guests may be limited based on the availability of approved off-street parking. On-street parking is not permitted.

Wineries and Breweries must adhere to the parking provisions as set forth in Section 151-10.1. However, the following exceptions may be approved in conjunction with a Conditional Use Permit (CUP) for the facility, or as part of a separate approval process to the County Commission if a CUP is not required for the facility:

i. Permanent parking spaces consisting of unpaved surfacing such as but not limited to gravel.

ii. Temporary overflow parking spaces consisting of dust-free grass or dirt for special events, weddings, marketing promotional events and similar functions provided the parking areas are declared fire safe as authorized by the proper Fire District.

e. **Sanitary Facilities**
Sanitary facilities shall be provided in accordance with Federal, State, and local regulations.

f. **Access**
The access to all Wineries and Breweries shall be connected directly to a public roadway, except as provided below.

i. Access through a private roadway shall be subject to the review and approval by both the Highway Administrator and Director of the Planning & Zoning Department.

g. **Size Limitations**

Buildings associated with Wineries and Breweries shall not occupy more than 5 acres or 50% of the gross total property area, whichever is less, but do not include production agricultural buildings, residential buildings, garages, outbuildings, and structures not associated with the facility.

i. All temporary structures (such as but not limited to tents) that exceed 1,200 square feet of floor area and visible from a publicly maintained road shall be limited to 90 days or 3 times per calendar year whichever is less, unless additional time frames are approved by the Director of the Planning & Zoning Department through a Temporary Use Permit in accordance with Section 151-6.4.

ii. The total enclosed square footage (all floors) of buildings associated with Wineries and Breweries shall not exceed the square footage shown in the following table. Any buildings exceeding the square footage in the following table shall require a Conditional Use Permit (CUP).

Lot Size	Maximum Building Size
10 to less than 20 acres	10,000 square feet
20 to less than 40 acres	40,000 square feet
40 acres and larger	60,000 square feet

h. **Waste Disposal**
All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days. Pomace, culls, lees, and stems may be recycled onsite so long as no nuisance is generated.

i. **Cultural Resource Protection**
Wineries and Breweries on property that has any designated National Register of Historic Places (NRHP), State of Missouri, or local historic district resources shall be required to preserve the historic elements if feasible. Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resources report done by a professional meeting or exceeding the Secretary of the Interior's Historic Preservation Professional Qualification Standards.

j. **Noise Restrictions**
All events featuring outdoor amplified noise including but limited to music or speech must not exceed 60 dB(A), as measured at the nearest property line. If ambient sound pressure level exceeds 60 dB(A), then the standard shall be ambient level plus 5 dB(A).

No outdoor amplified noise will be permitted beyond 10:00 pm Central Standard Time if located within 1,000 feet of existing residential dwellings.

BB. Ethanol Production Facilities ("EPF")

1. **Purpose and Intent**
The intent of this section is to provide regulations for the proper location and safe operation of Ethanol Production Facilities (EPFs) in order to provide for the safety and welfare of nearby residents, protect property, and preserve the natural environment.

2. **Use Standards**
EPFs may be approved pursuant to a Conditional Use Permit (CUP) in AG, I-1, and I-2 zoning districts in accordance with the procedures outlined in Section 151-3.10.

The following items shall be considered the minimum requirements for said approval, and may be augmented during the CUP review process as necessary in order to protect the general health, safety and welfare of Clay County citizens.

3. **Building Permit**
A building permit shall be required for the installation of an EPF following the approval of the CUP in accordance with Section 151-3.10.

4. **Development Standards**

   a. **Setbacks**
   All equipment used to produce ethanol, storage tanks used to hold ethanol, and buildings used in the production of ethanol shall be setback a minimum of 200 feet from any property line. Additionally, all setbacks and standards for the underlining zoning district must be met, as well as all standards, setback requirements, fire codes, and building codes of all applicable local, state, and federal government agencies.

   However, if a proposed EPF is adjacent to residential zoning districts on any side (including but is not limited to R-1, R-5, RU, R-SD, and R-SDM), the minimum setback shall be increased to 400 feet from any property line.

5. **Outside Agencies**
   EPFs shall not occur unless the owner operator can provide the County with proof of compliance with all necessary Federal, State, and local agencies involved in permitting any of the following aspects of ethanol production: storage of raw materials, fuel, and byproducts used in or resulting from ethanol production, reuse and disposal of byproducts resulting from ethanol production; air quality standards associated with ethanol production; and transportation of ethanol products.

6. **Additional Information**
   In addition to the items outlined pursuant to a CUP in accordance with Section 151-3.10, the following information shall also be included in an EPF request:

   a. The process used to produce the ethanol.
   b. The anticipated production of ethanol, measured in gallons per year.
   c. Surrounding land uses within one-quarter (¼) mile including residences, buildings, wells, watercourses, springs, lakes, etc.
   d. The layout of the operation (i.e., staging and unloading area, access drives, production areas, setback area, etc.).
   e. Prevailing wind patterns as determined by the National Weather Service ("NWS").
   f. Wetlands, streams, lakes or other water bodies within one thousand (1,000) feet.
   g. Vegetative cover on the site and dominant species.
   h. Interior road pattern, its relation to the facility and points of ingress and egress to any State or County roads, as well as an emergency access and fire protection plan with review and approval by the applicable responding service provider.
   i. Proposed tree and berm screen locations.
   j. Traffic Impact Study if required by Section 151-10.3 (A).

7. **Performance Standards**
   The owner operator of the EPF shall maintain the facility in a neat and clean condition and operate it so as not to create a nuisance. An EPF shall contain sufficient storage for raw materials, fuel, and byproducts for have the capacity to dispose of the same through land application, livestock consumption or sale, each in accordance with all Federal, State, and local regulations. The environment within the premises shall be controlled to minimize noise, vibration, odors, and lighting pollution.

   The County shall have the right to make inspection of the premises upon which any EPF is maintained.

CC. Landscaping and Lawn Care Services

1. **Purpose and Intent**
   The intent of this section to provide regulations for the proper location and operation of Landscaping and Lawn Care Services in order to provide for the welfare of nearby residents, protect property, and preserve the natural environment.

2. **Use Standards**
Landscaping and Lawn Care Services may be approved pursuant to a Conditional Use Permit (CUP) in AG and C-2 zoning districts, and is permitted in the C-3, I-1 and I-2 zoning districts in accordance with the procedures outlined in Section 151-3.10.

The following items shall be considered the minimum requirements for a Landscaping and Lawn Care Services, and may be augmented during the CUP review process as necessary in order to protect the general health, safety and welfare of Clay County citizens.

a. The scope of the Landscape and Lawn Care Services shall be appropriate to the size of the property and its neighboring uses.

b. All sales from the Agriculturally (AG) zoned property are prohibited excluding the seasonal sale of products grown on the property..

c. Buildings used for the business operation shall comply with Section 151-6.3 and those of the applicable zoning district.

d. If the Landscaping and Lawn Services business abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.

e. 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 or agricultural zoning districts.

f. Parking Standards of Section 151-10 will apply.

g. Vehicles over 1½ tons and equipment used for the business shall be garaged or screened so as to not be visible from adjacent property or roadway.

h. Vendor material deliveries shall occur between the hours of 7:30 a.m. and 7:00 p.m.

i. Storage of landscape materials on the property may be permitted in limited quantities provided the materials are specifically identified on the site plan and confined. Such plan shall show the location and means of confinement of any material to be stored. Material may include bark mulch, topsoil, sand-based material, stone, brick, concrete block, peat moss, plants and timbers. Limited quantities of fertilizer and/or insecticide may also be stored, provided they are in the manufacturer's original sealed containers and placed inside of a building and in compliance with local, state and federal regulations.

j. All landscape debris and refuse shall be contained in appropriate sized containers and no debris or refuse shall be stored on the ground.

k. The on-site bulk storage of gasoline, diesel fuel, other petroleum products is prohibited.

l. The proposed use shall not create traffic, noise, odors or produce light that are considered a nuisance

DD. Medical Marijuana Facilities

1. Purpose and Intent
The intent of this section to provide regulations for the proper location and operation of Medical Marijuana Facilities in order to provide for the welfare of nearby residents, protect property, and preserve the natural environment.

2. Use Standards
All medical marijuana facilities are allowed in Limited Industrial (I-1) District and General Industrial (I-2) District; medical marijuana dispensaries are also allowed in Community Commercial (C-2) District and Community Services (C-3) District.

The following items are additional regulations designed to protect the general health, safety and welfare of Clay County citizens.

a. No medical marijuana facility shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day-care center, or church. The measurement guidelines shall follow the state regulations.

b. Outdoor storage is prohibited. All storage of materials, products, or equipment shall be within a fully enclosed building.

c. All medical marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

d. Any plans for a medical marijuana facility shall meet the regulations contained in the Land Development Code and the International Building & Fire codes adopted by the County

e. No marijuana may be consumed on the premises of any medical marijuana facility.

f. Medical marijuana dispensaries hours of operation shall be limited to 8am to 9 pm daily.

151-6.3 Accessory Uses

Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal use. All interpretations regarding allowed accessory uses shall be made by the Planning and Zoning Director.

A. Accessory Dwelling Units

1. Accessory dwelling units that are never rented (e.g. 'mother-in-law' apartments, guest suite, guest house, maid's quarters,) are permitted in AG, R-1,R-5 and OP districts and may be allowed in all other zoning districts through a Conditional Use Permit.
2. An accessory dwelling unit may be incorporated within the principle structure or may be a separate unit located within 100 feet of the principle structure.
3. No more than 1 accessory dwelling unit shall be allowed on any lot or parcel.
4. The accessory dwelling unit shall not have a separate address or utilities from the primary residence, whether attached or detached.
5. No accessory dwelling unit shall exceed 33 percent of the size of the principal dwelling unit or finished living area be more than 850 square feet, whichever is greater.
6. No more than 2 bedrooms shall be permitted within the accessory dwelling unit.
7. Limited kitchen facilities in an accessory dwelling unit shall be as follows:

   a. **Permitted**
   Single basin hospitality sink, 16" x 16" maximum
   Apartment-sized refrigerator, 16 cu. ft. or less
   Microwave
   Built-in oven
   Dishwasher

   b. **Not permitted are:**
   Range top/stove/burners/hot plates
   Double basin kitchen sink

8. Internal conversions shall not result in a reduction in the number of off-street parking spaces below the minimum required for the principal dwelling unit. At least 1 off-street parking space must be provided for the accessory dwelling unit.
9. The combined total number of individuals that reside in the principal and accessory dwelling units shall not exceed the number that is allowed for a single household or allowable maximum capacity of the sewage system, whichever is less.
10. A guest house shall meet additional requirements, which are found in Section 151-6.3C.

B. Accessory Structures

All accessory structures shall be subordinate to the principle structure.

1. **In Agricultural districts:**

    a. Accessory agricultural uses shall include all residential accessory uses and those accessory uses and activities customarily associated with agricultural operations, as determined by the Planning and Zoning Director. All buildings used to house such animals are set back at least 100 feet from the front property line and at least 50 feet from side and rear property lines. (Refer to Section 151-6.2C for animals standards.)

    b. Guest House and Accessory Dwelling Units, subject to Sec. 151-6.3A & C.

    c. The retail sales of firearms and law enforcement equipment shall be allowed as an accessory use to a shooting range in the AG zoning district. (See Sec. 151-6.2S) Such use shall require review and approval of a Conditional Use Permit in accordance with the procedures of Sec. 151-3.10.

    d. Farm structures are permitted only for farm purposes with a minimum of 3 acres. No building permit is required, but you must submit a plot plan showing the location of the building on the property and fill out a check list for farm structure with the Building Official.

2. **In Residential districts:**

    a. Farm structures are permitted only for farm purposes with a minimum of 3 acres. No building permit is required, but you must submit a plot plan showing the location of the building on the property and fill out a check list for farm structure with the Building Official.

    b. Accessory apartment or dwelling units, subject to Sec. 151-6.3A;

    c. Fences and walls, subject to Sec. 151-6.3E;

    d. Structures housing animals must be set back at least 100 feet from the front property line and at least 50 feet from side and rear property lines (Refer to Section 151-6.2C for animals standards);

    e. Garages, carports and off-street parking areas;

    f. Gate houses and guardhouses;

    g. Home occupations, subject to Sec. 151-6.3D;

    h. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings.

    i. Recreational and play facilities for the use of residents;

    j. Solar collectors, subject to Sec. 151-6.3G;

    k. Towers (Amateur or Non-Commercial), subject to 151-6.2F;

    l. Towers (Commercial), subject to Sec. 151-6.2G;

    m. Wind Energy Systems (WES), subject to Sec. 151-6.2H;

    n. Swimming pools and hot tubs, subject to Sec. 151-6.3F;

    o. Other necessary and customary uses determined by the Planning and Zoning Director to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the Planning and Zoning Director as a means of ensuring land-use compatibility.

3. **Commercial and Industrial**

    a. Accessory dwelling units for security or maintenance personnel;

    b. Fences and walls, subject to Sec. 151-6.3E;

    c. Gates and guard houses;

    d. Off-street parking areas;

e. Radio and television receiving antennas and support structures;

f. Recreation areas and facilities for the use of employees;

g. Solar Collectors, subject to Sec. 151-6.3G;

h. Towers (Commercial), subject to Sec. 151-6.2G;

i. Other necessary and customary uses determined by the Planning and Zoning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Planning and Zoning Director as a means of ensuring land-use compatibility.

4. **Institutional and Civic**

a. Refreshment stands and food and beverage sales located in uses involving public assembly;

b. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;

c. Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;

d. Recreation areas and facilities for the use of employees;

e. Solar collectors, subject Sec. 151-6.3G;

f. Security trailers are allowed for public or quasi-public uses. They are permitted for a maximum of 18 months. Thereafter, a permanent structure meeting county building codes is required.

g. Other necessary and customary uses determined by the Planning and Zoning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Planning and Zoning Director as a means of ensuring land-use compatibility.

5. **General Standards**
The following standards shall apply to all accessory uses and structures unless otherwise expressly stated. (See also standards applicable to specific accessory uses in Sec. 151-6.3C through Sec. 151-6.3G)

a. **Time of Establishment**
No accessory use shall be established and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained. This provision shall not apply to farm structures with a minimum of 3 acres.

b. **Setbacks and Location**
Accessory structures shall not be located in a front or street side setback. In a residential district, no accessory building or structure shall be erected forward of the principal dwelling unit.

i. Detached accessory structures shall not be erected closer than 5 feet to any other building.

ii. Accessory structures shall meet the following setback requirements:

ZONING DISTRICTS													
Minimum Setbacks	**AG**	**R-1**	**R-5**	**RU**	**R-SD**	**R-SDM**	**R-MHP**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**	**OP**
Front/street side	50’	50’	50’	35’	35’	35’	15’	35’	25’	25’	35’	50’	N/A
Side	25’	15’	15’	15’	15’	15’	10’	25’	25’	25’	30’	40’	N/A
Rear	15’	15’	15’	15’	15’	15’	10’	25’	25’	25’	40’	50’	N/A

c. **Setbacks from Public Easements**
No accessory structure, other than a fence or wall, may be located within any recorded public easement or over any known public utility.

d. **Height**
Accessory structures shall not exceed the height of the principal building on the lot along a horizontal plane from the front building line or the maximum allowed height of the underlying zoning district, whichever is less. This provision shall not apply to to farm structures with a minimum of 3 acres.

e. **Building Coverage**
Each detached accessory structure may not cover more of the lot than does the principal building as established by its footprint size in square feet taken from an aerial overhead or bird’s eye view. This provision shall not apply to to farm structures with a minimum of 3 acres

f. **Prohibited Accessory Uses**

i. The use of recreational vehicles, motorized homes, mobile homes, or any accessory buildings as principle dwelling units shall be prohibited except during periods of construction of a principal dwelling unit on the same property. This use is limited to one year. A building permit for a single family residence and a prohibited use permit shall be issued and all appropriate fees paid before this use is authorized. In addition, approval from the Clay County Public Health Center shall be required to ensure all wastewater is handled appropriately. This use may be extended for only six (6) months by the Planning & Zoning Manager, upon the owner showing good cause and payment of additional fees by the applicant

ii. The use of an accessory building for commercial, service, or industrial purposes shall be prohibited except in zoning districts in which such activities are allowed uses or in conformance with the home occupation standards of Sec. 151-6.3 (D).

c. **Guest Houses**
Guest houses are permitted in the AG, R-1, R-5 and OP districts, and may be allowed in all other districts through a Conditional Use Permit.

1. **Size**

a. Guest houses shall be subordinate to the principal structure.

b. Guest houses shall be a maximum of 850 sq. ft.

2. **Rental**

a. Guest Houses may be used for private use (not-for-rent) in AG, R-1 or R-5 districts.

b. Guest Houses may be used for short-term rental of 21 days or less <u>only</u> in the OP and AG districts.

D. Home Occupations
Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this subsection are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an

accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained.

A permit must be obtained from the Planning and Zoning Director in order to establish a home occupation on an AG, R-1, R-5, RU, R-SD or R-SDM districts.

1. **Where Allowed**
   Home occupations that comply with the regulations of this subsection shall be allowed as an accessory use to any allowed residential or agricultural principal use.

2. **Allowed Uses**
   The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited.

3. **Prohibited Uses**
   The following uses by the nature of their investment or operation have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations once started and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations.

   a. **Animal Care or Boarding**
      Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations.

   b. **Antique Shops**

   c. **Auto/Equipment Repair, Rental or Sales**
      Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation in all districts

   d. **Clinics or Hospitals**

   e. **Clubs or Lodges**

   f. **Dancing or Choreography Schools**
      Dancing or Choreography Schools training in excess of six (6) students is not allowed as a home occupation.

   g. **Employee Dispatch Centers**
      Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations

   h. **Funeral Homes or Mortuaries**
      Funeral homes and funeral service activities are not allowed as home occupations.

   i. **Gift Shops**

   j. **Medical Offices or Clinics**
      Medical offices and medical clinics are not allowed as home occupations. This includes doctors' offices, dentists' offices, psychologist's offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in their home on an emergency basis.

k. **Nursery Schools**
Nursery Schools or Preschools educating in excess of six (6) students is not allowed as a home occupation.

l. **Painting**
The painting of vehicles, trailers, boats, fencing, or other items not directly related to the onsite residential use is not allowed as a home occupation.

m. **Restaurants and Lodging**
Restaurants, food service establishments, lodging uses, and Bed and Breakfasts are not allowed as home occupations.

n. **Stables or Kennels**

o. **Tourist Homes**

4. **Employees**
No home occupation shall have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

5. **Resident Operator**
The operator of a home occupation shall be a full-time resident of the dwelling unit.

6. **Customers**
Customers may visit the site only during the hours of 8 a.m. to 8 p.m. No more than 6 customers or clients may visit the site of a home occupation in any single day.

7. **Floor Area**
No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation. Up to 1,000 square feet of an accessory structure, such as a garage, may be used for a home occupation. These figures represent storage of materials, inventory and finished products.

8. **Signs**
Home occupations shall be limited to nameplate signs, not exceeding 2 square feet in area, on each side.

9. **Outdoor Activities**
All activities and storage areas associated with home occupations must be conducted within completely enclosed structures.

10. **Exterior Appearance**
There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

11. **Operational Impacts**
No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation. Hazardous substances shall follow the Environmental Protection Agency (EPA) regulations in the Code of Federal Regulations (40 CFR) defining four (4) hazardous waste characteristic properties:

ignitability, corrosivity, reactivity, or toxicity (see 40 CFR 261.21-261.24). Hazardous substances may also adhere to the common household hazardous waste products list produced by the Mid-America Regional Council of Governments (MARC).

12. **Trucks**
No truck or van with a payload rating of more than the manufacturers rating of 1½ ton may be parked at the site of a home occupation.

13. **Deliveries**
Deliveries or pick-ups of supplies or products associated with home occupations are allowed only between 8 a.m. and 8 p.m.

14. **Retail Sales**
Retail sales of goods shall be prohibited except when conducted entirely as an accessory activity to any services provided on the site (e.g., hair care products sold to hair style customers).

15. **Number**
No more than one home occupation permit may be conducted on a single site.

16. **Home Care Services**
Notwithstanding any other provision of this section, home care services shall be considered a home occupation, subject to state and federal requirements.

17. **Workmen's Compensation**
Pursuant to RSMo 287, each applicant for an occupational or business license must produce a Certificate of Insurance for Workmen's Compensation, if required, to cover the applicant's liability under RSMo 287.

E. Fences

Except as otherwise expressly provided in other county codes or regulations, the following regulations shall apply to the construction of fences:

1. Fences with a height of 4 feet or less may be constructed in the required front setback. Such fences front shall not have a visual density greater than 50 percent per square foot.

2. Fences and walls may be located within any required setback, subject to Section 151-6.3 E.

3. No fence shall encroach public right of way or be constructed that will constitute a traffic hazard.

4. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals. No fence shall be constructed of barbed wire, sharp glass or any other material likely to inflict damage, except for properties of 10 acres or more in AG, R-1, or OP zoning districts. Electrical fences shall only be allowed for properties of 10 acres or more in AG or R-1 zoning districts. In commercial or industrial zoning districts such barriers shall be located along the top of a fence and at least 8 feet above the ground.

5. No person shall erect or maintain any fence that materially damages adjacent property by obstructing views, shutting out sunlight or hindering ventilation.

6. No person shall erect or maintain any fence that adversely affects the public health, safety, or welfare.

7. Fences with a height 6 feet or less do not require a building permit, but fences greater than 6 feet but no more than 8 feet must apply for a building permit.

8. No fence shall be constructed of a height greater than 8 feet, except:

    a. fences erected upon public or parochial school grounds or in public parks, in public playgrounds or on other public lands; and

    b. fence heights of greater than 8 feet authorized by Conditional Use Permit (See Sec. 151-3.10).

9. For emergency purposes, a gate or other access shall be provided for all rear yards that are totally enclosed by a fence with a height greater than 30 inches.

10. All fences shall comply with the construction standards of the building code, as applicable.

11. Landscaping walls of two angles shall not be considered fences.

F. Swimming Pools and Hot Tubs

1. Outdoor swimming pools, hot tubs and spas shall be enclosed by a fence or wall with a self-latching gate.

2. The fence or wall shall have a minimum height of 48 inches.

3. Enclosing the entire yard containing the swimming pool, hot tub or spa in accordance with these requirements shall satisfy the intent of this section, but in no case shall swimming pool or hot tub covers, in-lieu of the required fence or wall, satisfy the requirements.

4. Swimming pools, hot tubs and spas shall be setback at least 5 feet from all side and rear property lines, as measured from the water's edge.

5. Swimming pools, hot tubs and spas shall not be allowed within utility easements.

G. Solar Collectors

Solar collectors shall be permitted provided that the following performance standards are met:

1. Roof-mounted residential building solar collectors located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.

2. Roof-mounted residential building solar collectors located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than four feet as measured perpendicularly to the roof at the point where it is mounted.

3. Ground-mounted solar collectors shall not exceed 8 feet in total height and shall be located within the rear yard at least 12 feet inside the property lines.

4. All utility service lines serving a ground-mounted solar system shall be located underground.

5. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building shall not be permitted.

6. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. No freestanding panels or panel racks shall be allowed.

7. If an active solar or photovoltaic solar system is utilized, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, and the like.

8. All exposed metal, including the framework of active collector panels or exposed mullions and framework of passive systems shall be colored to visually blend into the surroundings.

151-6.4 Temporary Uses

The following temporary uses may be allowed in any zoning district, subject to the standards of this section. Unless otherwise expressly stated, no temporary use shall be established until the Planning and Zoning Director has issued a temporary use permit for the use. The Planning and Zoning Director shall be authorized to forward any temporary use permit request to the County Commission for final review and approval.

A. Street Sales

The outdoor retail sale of merchandise shall be allowed for a period not to exceed 3 consecutive days. No more than 2 street sales shall be allowed per calendar year. Street sale displays need not comply with zoning district setback standards, provided that no merchandise shall be displayed in required intersection visibility triangles. (See Sec. 151-10.4)

B. Holiday Sales

Holiday sales (such as Christmas trees and pumpkins) shall be allowed in nonresidential zoning districts for a period not to exceed 60 days. Display of sales items need not comply with setback requirements, provided that no merchandise shall be displayed within the required intersection visibility triangle. The site shall be cleaned and returned to its previous condition at the conclusion of the activity.

C. Contractor's Office

Contractor’s offices, security and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project shall be allowed only during the duration of construction, and must be removed from the site within 30 days after a Certificate of Occupancy is issued.

D. Real Estate Office

Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to new housing developments shall be allowed only until the sale or lease of all dwelling units in the development.

E. Seasonal Sales

Seasonal sale of farm produce in an AG or R-1 districts shall be allowed when the items offered for sale have been grown on the premises on which it is to be sold.

F. Carnival or Circus

1. A carnival or circus may be allowed as a temporary use, but only on a site abutting a paved road that is zoned AG, R-1, C-1, C-2, C-3, I-1, and I-2 or is located in a public park.

2. The temporary use shall not exceed 2 weeks.

3. Carnival and circus permits shall be approved by resolution of the County Commission.

4. Such use need not comply with the front setback requirements, provided that structures or equipment that might block the view of operators of motor vehicles on the public streets shall comply with the intersection visibility standards of Sec. 151-10.4.

5. Carnivals and circuses must comply with all local building codes.

G. Garage, Yard and Rummage Sales

The sale of personal items on an infrequent basis at a residential use shall be allowed as a temporary use. Such sales shall be limited to no more than 3 days in any 1-month period and shall

not be conducted within any public right-of-way. No temporary use permit shall be required.

H. Fireworks Sales

1. Fireworks sales may be allowed as a temporary use if a permit for such sales is obtained from the County Clerk.

2. Such uses shall be allowed only in an AG, R-1, C-1, C-2, C-3, I-1, or I-2 District and for a time period in accordance with the County Clerk regulations.

3. Display of merchandise need not comply with the setback requirements of this Land Development Code, provided that all display areas shall comply with the intersection visibility standards of Sec. 151-10.4.

4. The site shall be cleaned and returned to its previous condition within 2 weeks after Independence Day and New Year's Day.

5. Compliance with all applicable state regulations (RSMo 320) shall be required.

6. No temporary use permit shall be required.

I. Temporary Use of Manufactured Buildings

1. Manufactured housing may be used for a period not to exceed 180 days when a natural disaster requires temporary shelter and only when approved by resolution of the County Commission.

2. The County Commission may grant extensions of time at the end of the 180-day period if they determine that an extension of time is necessary to allow construction of permanent structures. Although there is no limit on the number of extensions that may be granted by the County Commission, each extension shall be limited to a maximum of 90 days in length.

3. The Planning and Zoning Director shall be authorized to approve a temporary use permit for manufactured buildings that are to be used for nonresidential public purposes, such as libraries or polling places. Such uses shall be limited to a maximum period of 30 days.

Chapter 151-7 Density and Dimensional Standards

151-7.1 Density and Dimensional Standards Table

The following table summarizes the density and dimensional standards applicable in the Land Development Code's base zoning districts. In the event of conflict between this table and the standards listed in Sec. 151-4.4 through Sec. 151-4.15, this table shall control.

	AG	R-1	R-5	R-U	R-SD	R-SDM	C-1	C-2	C-3	I-1	I-2
Minimum Lot Area (sq. ft.)											
House	20 Ac.	10 Ac.	5 Ac.	[6]	8,000	8,000	[3]	N/A	N/A	N/A	N/A
Duplex	N/A	N/A	N/A	N/A	12,000	12,000	[3]	N/A	N/A	N/A	N/A
Multi-Unit	N/A	N/A	N/A	N/A	N/A	8,000 [2]	N/A	[4]	[4]	N/A	N/A
Other	20 Ac.	10 Ac.	5 Ac.	[6]	8,000	8,000	20,000	40,000	40,000	60,000	80,000
Min. Lot Width (ft.) @ Building Line (B/L)	300 [5]	300	300	[6]	70 [7]	70	150	150	150	200	300
Minimum Setbacks (ft.)											
Front/Street Side	50	50	50	[6]	35	35	35	25	25	35	50
Interior Side	25	25	25	[6]	10 [7]	10	25	25	25	30	40
Rear	50	50	25	[6]	35	35	25	25	25	40	50
Maximum Building Height (ft.)											
Principal/Access [1]	40/30	40/30	40/30	35/30	35/30	40/20	35/35	40/40	40/40	45/45	45/45
Minimum Residential Living Area (sq. ft.)											
1-Story	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	N/A	N/A
Other	1,400	1,400	1,400	1,400	1,400	[8]	1,400	1,400	1,400	N/A	N/A
Max. Build. Cover (%)	N/A	N/A	N/A	N/A	N/A	N/A	60	70	85	50	50
Max. Floor Area	N/A	N/A	N/A	N/A	N/A	N/A	12,000	75,000	N/A	N/A	N/A

[1] No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5)
[2] For first dwelling unit; plus 4,300 square feet for each additional unit beyond the first.
[3] Residential uses in C-1 district are subject to R-SD district (conventional) standards.
[4] Residential uses in C-2 and C-3 districts are subject to R-SDM district (conventional) standards.
[5] Shared Driveways excepted
[6] See Section 151-4.7C
[7] Attached houses are exempt. (See Section 151-6.2I
[8] See Section 151-4-9 C

151-7.2 Measurements, Computations and Exceptions

A. Density

Density refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of the site on which the dwelling units are located. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met. The maximum density established for a district is not a guarantee that such densities may be obtained, nor a justification for adjusting other dimensional or development standards

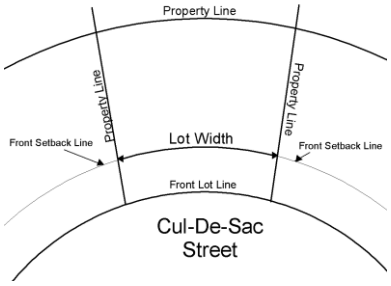
B. Lot Area

Lot area refers to the horizontal land area within lot lines. No building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this Land Development Code except in the following cases:

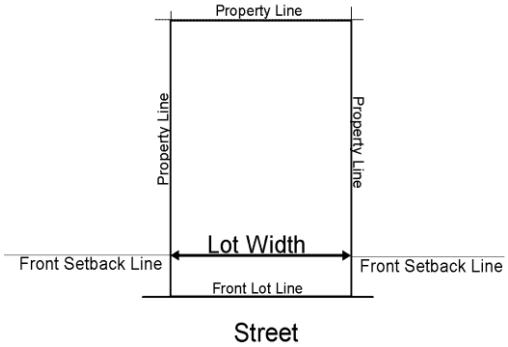
1. The minimum lot area standards of this Land Development Code shall not be construed to prohibit the construction of a detached house on a legal lot, provided that it is constructed in compliance with all applicable setback standards.

2. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from the minimum lot area standards.

C. Lot Width



Lot width is measured between side lot lines along a line that is parallel to the front lot line or its chord and located the minimum front setback distance from the front lot line.



D. Lot Depth

Lot depth is measured from the center (mid-point) of the front lot line to the center (mid-point) of the rear lot line.

E. Setbacks

Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. Setbacks must be unobstructed from the ground to the sky except as specified in this section.

1. Exceptions to Setbacks

Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection:

a. Trees, shrubbery or other landscape features may be located within any required setback;

b. Fences and walls may be located within any required setback, subject to Sec. 151-6.3E;

c. Driveways and sidewalks may be located within any required setback;

d. Utility lines, wires and associated structures, such as power poles, may be located within any required setback.

e. Signs, where permitted, may be located within any required setback but may not obstruct views of vehicular traffic;

f. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to 10 feet into any required front, rear or street side setback and up to 3 feet into any required interior side setback;

g. Openwork fire balconies and fire escapes may extend up to 3½ feet into any required setback;

h. Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to 3 feet into any required setback;

i. Off-street parking and loading areas may be located within required front or rear setbacks, subject to Sec. 151-10.1D;

j. Chimneys and flues may extend up to 2 feet into any required setback;

k. Accessory structures may be located within setbacks only if expressly stated in Sec. 151-6.3;

l. Solar panels and other apparatus needed for the operation of active and passive solar energy systems, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors, and piping may project into a required rear setback by up to 10 feet and into a side setback by up to 3 feet. In all cases, however, they must be located at least 3 feet from all lot lines; and

m. Satellite dish antennas may be placed in required rear setbacks.

2. Reduction for Public Purpose

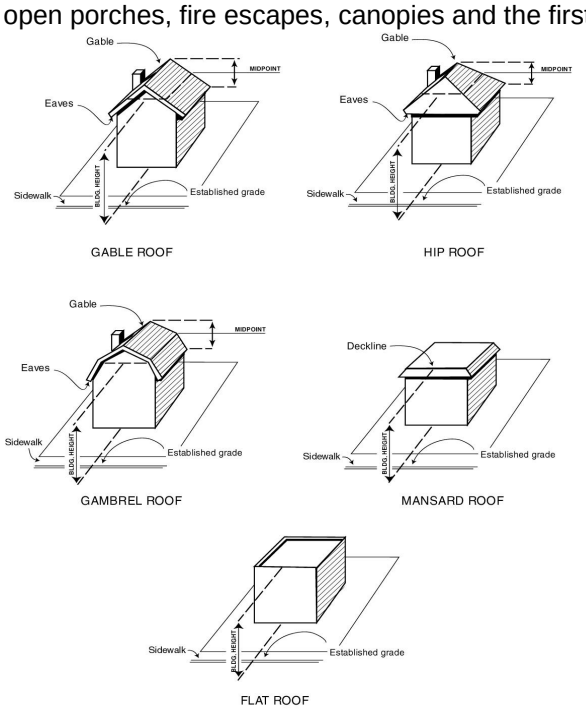
When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50 percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this Land Development Code.

3. Alleys and Rear Setbacks

In computing the depth of a rear setback for any lot abutting an alley, one-half the width of such alley may be included in the rear setback dimension.

F. Building Coverage

Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first 2 feet of a roof overhang.



G. Height

Building height refers to the vertical distance between the average finished grade (based on an average of the highest and lowest ground points) at the base of the building being measured and: 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.

1. **Fences or Walls**
   In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

2. **Exemptions from Height Limits**
   The height limitations contained herein shall not apply to any of the following:

   a. No height limit for farm structures unless regulated by airport height restrictions and regulations. (See Section 151-5.5);

   b. electrical power transmission lines;

   c. belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

   d. bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

3. **Exceptions for Towers and Antennae**
   Towers and antennae for 2-way or commercial broadcast, wireless telecommunications, or towers for wind-powered generators or pumps may be allowed to extend above the district height standards if approved by Conditional Use Permit.

Chapter 151-8 Subdivision Design and Improvements

151-8.1 General

A. Applicability
The standards of this chapter shall apply to all subdivisions of land unless otherwise expressly exempted.

B. Technical Specifications and Design Criteria Manual
Standards and specifications for public improvements and technical subdivision design standards are addressed in the County's *Technical Specifications and Design Criteria Manual*. Compliance with the standards of the *Technical Specifications and Design Criteria Manual* shall be required on all publicly dedicated rights-of-way.

C. Exemptions
The standards of this chapter shall not apply to the following subdivisions:

1. A transaction between owners of adjoining unplatted property which involves only a change in the boundary between the land owned by such persons provided no additional tracts are created and such tracts comply with the lot size and setback standards of the underlying zoning district.

2. Property which is created by adjoining unplatted tracts which involves the combination of contiguous parcels of land into one larger parcel.

3. The conveyance of land for street or railroad right-of-way, utility or drainage easements, or other public utility purposes subject to local, state, or federal regulations, and where no new street or access easements are created.

4. The conveyance of land for public recreation, trails or similar easements and public purposes.

5. The division of land into tracts 20 acres or larger in area on or before June 13, 1994 and in compliance with the subdivision regulations in force at that time.

6. The division of land into tracts 40 acres or larger in area after June 13, 1994 and in compliance with the County Subdivision Regulations in force at that time.

7. The division of land into tracts 40 acres or larger in area after the date of adoption of this chapter, provided such tracts have at least 100 total feet of frontage along a state or county maintained roadway, and access to the tracts and any remnant parcels comply with state minimum sight distance requirements.

8. The division of land into cemetery plots, provided that such division complies with RSMo 214.

   (Commentary: The exemption for cemetery plots exempts those creating individual subdivision plots from the subdivision process. It does not exempt those creating a cemetery.)

9. The division of land by any court action pursuant to the law of eminent domain.

10. A division of property through the probate of an estate, or by order or judgment of a court of law of competent jurisdiction of the State of Missouri.

151-8.2 Layout and Design Generally

A. Compliance with Plans and Regulations

The design of subdivisions shall be consistent with:

1. The *Comprehensive Plan* and all other adopted plans and policies of the County Commission; and

2. The requirements of the zoning district in which the property is located and all other applicable standards of this Land Development Code.

B. Traffic Movement and Pedestrian Circulation

1. The design of subdivisions should create an integrated system of lots, streets, trails, and infrastructure that provides for efficient movement of people, bicycles, and automobiles within the subdivision and to and from adjacent development.

2. All subdivisions should provide for the efficient movement of through traffic by providing a completely interconnected hierarchy of streets in order to avoid isolation of residential areas and over-reliance on arterial streets.

3. Subdivisions should be designed to provide safe and attractive pedestrian routes to nearby commercial centers, employment, recreation, and other uses.

4. Street layouts should be uncomplicated, so that emergency services, public services, and visitors can find their way to their destinations.

5. The proliferation of individual driveways on state and county roads shall be avoided. A tract of land which must provide a 60 foot wide shared ingress/egress easement for driveway access for a maximum of four (4) of at least 20 acre lots will be allowed. The homeowners are responsible for all maintenance of driveway easements. Specific address signage may be required.

6. Residential subdivisions involving 5 or more lots should be served by internal street systems rather than relying on the state and county roads for direct access to all lots, unless exempted by the Clay County Highway Department or the state regulating authority. If the decision-making body allows direct residential driveway access to state or county roads, the decision-making body shall be authorized to require shared access drives and other mitigation measures to reduce the number of access points on to state and county roads and thereby promote public safety and efficient movement of traffic.

C. Streetscape Appearance

1. Lot and street designs should be designed to avoid extended distances of back yard frontage on arterial streets, and where that cannot be avoided, buffering of back yards from those streets should be landscaped with buffers and fences.

2. Edges of subdivisions should include adequate landscaping and buffering to improve the image of the area, and to protect future residents of the subdivision and adjacent developments from adverse impacts caused by significant differences in use, development intensity, or development height.

3. Lots and streets should not be designed to require significant numbers of adjacent dwelling units with front-loaded garages that dominate the streetscape.

D. Open Space Areas

1. Open space areas should be integrated into and throughout the subdivision, should be connected with each other and with open spaces in adjacent development, and should include trails that connect to pedestrian routes in the subdivision and to regional trail systems.

2. Open space areas should be located on relatively flat, well-drained terrain with easy access for all users directly off of a public street or equivalent at a maximum of eight percent (8%) grade.

3. Open space areas anticipated for use as active or developed parks should be located on prominent high points with significant views, or along significant and interesting geological features or wooded areas, or along significant drainages.

4. Open space areas that are anticipated to serve as trail corridors should be continuous with anticipated trail corridors on adjacent properties. Any private trails traversing open space areas should not create a nuisance nor limit access caused by rainwater washout, erosion, or any other natural hazard.

5. Subdivisions should be designed and laid out in a manner that creates the least damage to the natural environment, avoids to the maximum extent feasible, significant natural resources such as prime agricultural lands, wooded areas and wetlands.

6. Homeowner Associations should be the sole owner and responsible party for maintaining open space areas and Homeowner Association Protective Covenants are required.

7. See Section 151-4.7 A 7 for Open Space Incentives in the Residential Urban Density zoning districts.

E. Specifications and Standards Generally

1. All public improvements shall be constructed in compliance with the standards and specifications established by this chapter, the County Code and adopted regulations, including all design standards and requirements set forth in the *Technical Specifications and Design Criteria Manual*. (Adopted: November 8, 1999) which includes KC-APWA Standards.

2. No subdivider shall be relieved of the duty to construct public improvements for the subdivision until all public improvements are constructed, approved and accepted by the county. This may be accomplished by an irrevocable letter of credit, cash escrow, performance bond, or other financial improvement guarantee acceptable to the County.

151-8.3 Required Infrastructure and Improvements

Infrastructure and subdivision improvements shall be required in accordance with the following table and all other LDC chapters with approval of the Highway Administrator or other administrative staff:

Zoning District	Streets / Roads	Water	Fire Protection	Wastewater Systems	Sidewalks
	See 151-8.7, 151-8.8 and 151-9	See 151-8.9	See 151-8.9	See 151-8.10	See 151-8.6
AG R-1	All ditch and road profiles must be approved by Highway Administrator. Perimeter road improvements	Municipal, PWSD or well [2]		Central (gravity) system, package plant or septic [3]	Trails/trail easements as necessary [4]. Sidewalks exempted under [5].
R-5	Asphalt, curb and gutter [1]. Perimeter road improvements	Municipal or PWSD [2]	Hydrants required unless exempted pursuant to 151-8.9-B	Central (gravity) system, package plant or septic [3]	Trails/trail easements as necessary [4]. Sidewalks exempted under [5].
RU R-SD R-SDM R-MHP	Asphalt, curb and gutter [1]. Perimeter road improvements	Municipal or PWSD [2]	Hydrants required unless exempted pursuant to 151-8.9-B	Central (gravity) system or package plant [3]	Both sides required [4] [5]
C-1 C-2 C-3 I-1 I-2	Asphalt, curb and gutter [1]. Perimeter road improvements	Municipal or PWSD [2]	Hydrants required unless exempted pursuant to 151-8.9-B	Central (gravity) system, package plant or septic [3]	One side only required in Urban Services Tier.

[1] See Street Design Requirements (Sec. 151-8.7L).

[2] As approved/required by decision-making body. See Section 151-8.9 H.

[3] As approved/required by decision-making body. See Section 151-8.10.

[4] Decision-making bodies shall be authorized to require trails/trail easements as necessary to implement the *Comprehensive Plan*.

[5] Sidewalks are not required in subdivisions where the average of all lot sizes are more than 1.8 acres.

151-8.4 Lots

A. Width to Depth Ratio
The width to depth ratio of any lot shall not exceed 1 to 4 (width to depth).

1. Exceptions to the Width to Depth Ratio:

   a. **Cul-de-sac Lots**
   This provision shall not apply to lots fronting a cul-de-sac public street or equivalent in accordance with Section 151-8.7 G,

   b. **Shared Driveways in AG zoning districts**
   This provision shall not apply to lots not fronting a public street or equivalent accessing a Shared Driveway in accordance with Sections 151-8.2 B 5 and 151-4.4 C.

B. Lot Area
Minimum lot area shall be subject to the underlying zoning district in which the subdivision is located, unless modified by Conservation District or Planned Unit Development.

C. Land Remnants
Remnants of land containing less area than prescribed by the underlying zoning district regulations shall not be permitted unless designated and accepted for utility or public purposes.

D. Side Lot Lines
All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on a straight street, or from the tangent of a curved street.

E. Setbacks
Front building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setbacks required by the underlying zoning district or any other regulations adopted by the County Commission.

F. Double Frontage
Double frontage lots shall be avoided except along arterial streets. An exception to this rule may be granted by the decision-making body if in their opinion street alignment and lot arrangement will be improved due to said double frontage.

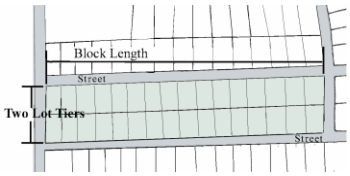
Lots within subdivisions with interior roads shall only have driveway access off of said internal roads.

G. Street Access
Every lot should abut on and have access to a public street other than an alley, provided that the decision-making body may approve lots with access to private streets when included as part of a Conservation District or Planned Unit Development.

H. Existing Structures
The subdivision or re-subdivision of a tract or lot shall not be permitted where the subdivision or re-subdivision causes an existing permanent structure to violate the standards of this Land Development Code.

151-8.5 Blocks

A. Width
Blocks must have sufficient width to provide for 2 tiers of lots, except where single tier lots are required to separate residential development from through vehicular traffic, to separate lots from another type of incompatible use, to allow for unusual topographic conditions or when adjacent to the outer perimeter of the subdivision.



B. Length
Block lengths shall not exceed 1,320 feet, and when blocks longer than 800 feet are proposed, pedestrian crossings may be required near the center of the block.

151-8.6 Pedestrian Circulation (Sidewalk and Trails)

Where required (See Sec. 151-8.3), sidewalks shall meet the following standards.

A. Location
Sidewalks shall be constructed inside the road right-of-way a maximum of 5 feet from the right-of-way line. Sidewalks shall also be installed in any pedestrian easements as may be required by the decision-making body.

B. Paving Width and Depth
Sidewalks shall be constructed in accordance with the *Technical Specifications and Design Criteria Manual* and/or KC-APWA Standards, unless different design criteria are approved by the County Commission (e.g. trails instead of sidewalks).

C. Responsibility for Installation
Construction of sidewalks along streets shall be the responsibility of the builder on each lot adjacent to the street. Sidewalks in common open spaces, greenways or parks shall be the responsibility of the subdivider.

D. Maintenance
The maintenance of sidewalks shall be the responsibility of the adjacent property owner or homeowners association and shall not be the responsibility of the County.

E. Sidewalk Exemptions

1. Sidewalks are not required in subdivisions where the average of all lot sizes are more than 1.8 acres.
2. Sidewalks are required on one side only in the Urban Services Tier for the C-1, C-2, C-3, I-1 and I-2 zones.
3. Sidewalks are required on both sides of the street in an R-U, R-SD, R-SDM and in the R-MHP zones.
4. Pedestrian trails, particularly where they connect to the Northland Trails System or the Clay County Master Parks Plan, may be substituted for sidewalks.

151-8.7 Vehicular Circulation (Streets and Bridges)

All new public street and bridge construction shall comply with all applicable state and county requirements. It is furthermore intended that all streets be dedicated, along with required rights-of-way, to the county. The standards of this section shall apply to any street or bridge regardless of location in a Natural Resources, Rural Low Density or Urban Services Planning Tiers, unless otherwise expressly stated. In the Urban Services Tier, compliance with more restrictive standards of the nearest municipality may be required if such property lies within the Stated Annexation Intent Area of the subject municipality.

A. Street Curvature
On streets with reverse curves, a reasonable tangent shall be provided between curves to permit a smooth flow of traffic.

B. Street Layout
Proposed streets shall conform to topography as nearly as possible to reduce drainage problems and grades. Intersections shall be designed with a flat grade. Except in unusual circumstances (as determined by the County Highway Administrator), in hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than 2 percent rate for a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground, and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance within the right-of-way. Sight triangles shall conform to the requirements of Sec. 151-10.4. The cross-slopes on all streets, including intersections, shall be 3 percent or less.

C. Principal or Minor Arterial Street Intersections
The number of intersections and private vehicular access points (curb cuts) along principal or minor arterial streets shall be held to a minimum. Unless otherwise expressly approved by the decision-making body, the distance between intersections shall not be less than 1,200 feet.

D. Principal or Minor Arterial Streets
Principal and minor arterial streets through subdivisions shall conform to the major roadway plan of the *Comprehensive Plan*.

E. Local County A and B Streets
Unless otherwise expressly approved by the decision-making body, local county A and B streets (as designated in the *Comprehensive Plan*) on either side of a principal or minor arterial street shall be offset by at least 600 feet (measured centerline to centerline).

F. Alleys
Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end.

G. Cul-de-sacs
An adequate turnaround of not less than 120-foot diameter right-of-way shall be provided at the closed end of a dead-end local street longer than one lot in length. If such cul-de-sac does not have a curb and gutter ("temporary"), the turnaround right-of-way shall not be less than a 100-foot diameter. The maximum length of a cul-de-sac street shall be as follows:

Land Use Planning Tiers (2008 Comprehensive Plan)	Maximum Length *	
	Temporary	Permanent
Rural Low Density Tier	1,600 feet	1,620 feet
Natural Resources Tier	1,600 feet	1,620 feet
Urban Services Tier	1,000 feet [1]	1,000 feet [1]

[1] Or more restrictive standard of the nearest municipality or fire district.

* Length shall be measured from the centerline of an intersection of a cross street to the center point of the cul-de-sac.

H. Offset
Local streets shall be at least 150 feet apart (measured centerline to centerline).

I. Right-Angle Intersections
Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be 60 degrees.

J. Required Street (Right of Way) Dedications
With the platting of any property, right of way shall be dedicated to provide the proper width for the street type as shown in Section 151-8.7 L Street Design Requirements. Any such dedication of right of way shall not create a lot area less than the minimum lot area of the applicable zoning classification.

K. Streets Adjacent to a Railroad, Freeway, Principal Highway or Arterial Street
Where lots front or side, but do not back on railroad right-of-way, limited access freeways, or principal highways or arterial streets, the decision-making body may require a marginal access street or frontage road adjacent to the boundary of such right-of-way in order to ensure traffic safety and maintain adopted levels of service on the adjacent street. The distance from said right-of-way shall be determined based on a consideration of minimum distance requirements for approach connections to future grade-separated intersections.

L. Street Design Requirements

Unless otherwise specified herein, the minimum design criteria, construction methods and material specifications for public improvements required by the chapter shall conform to the current standards adopted by the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA), for Streets. Any specification as to procedure, equipment, or materials not covered in the street specifications and standards APWA, and subsequent amendments and/or revisions thereto, or the Clay County Highway Department's special instructions, shall be subject to the current specifications of the Missouri Department of Transportation (MoDOT) Standards for Highway Construction and subsequent amendments and/or revisions thereto, for all Clay County roads in the unincorporated area. The right-of-way, grades and widths for proposed or existing abutting streets and alleys shall conform to the designation in the *Comprehensive Plan* and shall not be less than the minimum for each classification as follows:

Feature	Street Types			
	Principal Arterial	Minor Arterial	Local County A	Local County B
Minimum Right-of- Way Width (ft) [1]	120 Ft.	100 Ft.	60	60
Roadway Pavement Width	44+ Ft.	32+ Ft.	24	24
Degree of Curvature	12.5	12.5	28	28
Maximum Grade	6%	6%	6%	8%
Minimum Gradient	2%	2%	2%	2%
Curb Radii	30	30	25	25
Curbing	CG-1	CG-1	CG-2	CG-2
Number of Lanes	2–4	2–4	2	2–3
Pavement Section	[2]	[2]	[4]	[3]

[1] When existing or anticipated traffic on streets warrants greater widths of right-of-way, the additional width shall be dedicated.

[2] To be constructed to specifications of APWA Standard Drawing ST-1 design or Clay County Technical Specification Design Criteria Manual (TSDC) D14-3 (Minor) D14-5 (Major or Principal).

[3] To be constructed to specifications of APWA Standard Drawing ST-2 design or Clay County TSDC D14-1.

[4] To be constructed to specifications of APWA Standard Drawing ST-1 design. The absolute minimum gradient on a street shall be 2 percent.

M. Low Impact Development Design

Low Impact Development (LID) design standards may be substituted for standard street design, curb and gutter requirements used within Conservation Districts and Planned Unit Developments with the approval of the Highway Department, Planning and Zoning Commission and County Commission, and provided they are maintained by the homeowner association for the subdivision.

LID design standards may include, but are not limited to: engineered vegetative swales, individual lot rain gardens, lot layout adjustments to preserve natural drainage ways, open space, wetlands, lakes, upland prairie plantings, minimizing impervious surfaces, maximizing green space and other stormwater management tools which slow, reduce and filter stormwater runoff to mimic per-existing hydrologic conditions and protect water quality.

Developments using Conservation District or Low Impact Development design may reduce the street width from 60 feet to 50 feet.

151-8.8 Construction Standards for Vehicular Circulation (Streets and Bridges)

The subdivider shall install, construct, or provide for the construction of the improvements required by this chapter and in conjunction with all laws, restrictions, and codes established by this chapter, the Statutes of the State of Missouri, and all other applicable regulations. All required improvements shall conform to the specifications of this chapter and compliance therewith shall be confirmed by the County Highway Department prior to release of the surety by the County Commission.

A. Assignment of Responsibilities to the Subdivider
The dedication of right-of-way and the construction of improvements for new interior roads shall be at the expense of the subdivider. All right-of-way dedication and road construction shall be in conformance with the provisions of this chapter, and other pertinent codes of Clay County.

B. Location of Street Paving
All street paving shall be located in the center of the right-of-way.

C. Construction Plans
No grading or other construction shall take place within a street right-of-way until construction plans have been examined and approved by the County Highway Administrator and all necessary permits have been obtained.

D. No Use Prior to Acceptance
No right-of-way may be used for vehicular access until the required improvements are accepted by the County Commission, in accordance with the provisions of this chapter.

E. Access to Adjoining Land Required
In instances where proposed development abuts undeveloped land on at least 2 sides, a minimum of 2 street accesses shall be provided to such undeveloped property. This requirement may be waived by the decision-making body in cases where a traffic study conducted by a licensed engineer determines that 1 or more such accesses are impractical due to topography, water courses, or traffic.

F. Connecting Streets Required
Streets in the proposed developments shall connect with existing streets that abut the proposed development.

G. Street Trees
Street trees may be planted by the subdivider on all streets in the subdivision. Such trees, if provided, shall be planted on private property and located at least 5 feet back from the right-of-way line.

H. Street Names
Street names shall conform to the County's 911 Emergency Response standards. Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets in accordance with the County's master street name plan and adopted policies. Street names may be changed by the County Commission after a duly advertised public hearing held to discuss such name change. At least 15 days prior to such hearing, notice of such proposed change shall be published in the official county newspaper and the local newspaper in the area where the change is proposed. After a street name change, notification shall be made to the 911 coordinator, County Assessor, telephone company, post office(s), and other public and quasi-public agencies requiring such information.

I. Required Improvements or Maintenance to Existing Roadways
The improvement or maintenance of existing roads shall be undertaken in accordance with the requirements of this Land Development Code. Such regulations apply to all roadways abutting all new and expanded development.

J. Existing Subdivisions With Unimproved Internal Roadways
If an existing subdivision has an unimproved road or an improved road that has not been accepted into the County system or is not under an approved 2 year developer maintenance bond, then prior to issuing a building permit for any construction upon any lots within this subdivision, these roads shall be improved to the current County standards.

K. Bridge Standards

New or replacement bridge and concrete box culvert construction on all roads in the unincorporated area of Clay County shall be to the current specifications of MoDOT Standards for Highway Construction, using the Federal-Aid Highway Off-System Bridge Replacement and Rehabilitation Program specifications and subsequent amendments and/or revisions thereto. Minimum standards are:

1. H S-20 load design
2. Traffic lane deck width 12 feet per traffic lane
3. Equipped with safety guide rails
4. Designed to the 50 year flood level minimum in the Rural Low Density Land Use Planning Tier of the 2008 Clay County Comprehensive Plan, the 50 year flood level minimum in the Natural Resources Tier, and the 100 year flood level minimum in the Urban Services Tier, or as determined by the U.S. Army Corps of Engineers.

All new bridges and box culverts will meet these standards and minimums regardless of the source of funding.

L. Bridge Responsibilities

Bridges of primary benefit to the subdivider shall be constructed at the full expense of the subdivider without reimbursement from the County. The sharing expense for the construction of bridges not of primary benefit to the subdivider may be established by special agreement between the County Commission and the subdivider. Such costs shall be charged to the developer pro rata as the percentage of his land developed and so served. Determination of benefit to the subdivider shall be made at the time of preliminary plat between the subdivider and Highway Administrator. Final approval of benefit and any special agreements shall be made by the County Commission and recorded with the Recorder of Deeds Office.

M. Requirement of Final Platting

No roadway improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved and there shall have been compliance with all of the requirements relating to financial guarantee, as specified in these regulations.

N. Acceptance of Improvements

No roadway improvements shall be accepted into, or recommended for acceptance into the County Highway Road System until after the 2-year maintenance period by the contractor and/or developer has been successfully completed and approved by the County Highway Administrator. Ten days prior to the conclusion of the 2-year maintenance period by the contractor and/or developer, a written request shall be submitted to the County Highway Administrator for the streets, roads or subdivision improvements to be accepted into the County Road System. Upon receipt of this written request, the County Highway Administrator shall mail a standard form to the contractor and/or developer, to be signed and notarized by the contractor and/or developer, and returned promptly to the County Highway Administrator. Upon determination by the Highway Administrator that all street specifications and standards have been met by the contractor and/or developer, the Highway Administrator shall promptly recommend to the County Commission the acceptance of the particular streets, roads or subdivision improvements into the County road system.

151-8.9 Water Supply and Fire Protection

A. Unless otherwise expressly exempted, all proposed development shall be connected to an approved water system that meets the following minimum requirements:

Improvement	**Land Use Planning Tiers (Comprehensive Plan)**	
	Natural Resources and Rural Low Density	Urban Services
Minimum Line Size (diameter in inches)	6	8
Maximum Distance from Fire Hydrant to Structure (ft.)	1,200	600
Fire Flow (gallons per minute)		
Building Separation > 100 feet	250	
Building Separation 31-99 feet	500	
Building Separation 11-30 ft.	750	
Building Separation <11 ft.	[1]	

[1] Fire flow for buildings closer than 11 feet shall comply with applicable fire safety codes.

B. Exemptions

Exemptions from the standards of Sec. 151-8.9 A may be approved only in the following 2 instances. As a condition of any approved exemption, the property owner shall sign a notarized statement that they will connect within 90 days to a public water supply district or other approved water source when service becomes available within 200 feet of the property. This agreement and connection requirement shall be noted on all Preliminary and Final plats.

1. Single dwelling units located on parcels with a minimum area of at least 10 acres in the Rural Low Density Planning Tier and accessory farm buildings shall be exempt from the minimum standards of Sec. 151-8.9-A.

2. Decision-making bodies may approve subdivisions that do not comply with the standards of Sec. 151-8.9-A if both of the following conditions are met:

    a. 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 standards in Sec. 151-8.9-A within 2 years, or that there is no feasible way to meet the water supply standards within 5 years; and,

    b. The decision-making body determines that the proposed development:

        i. will be adequately served for normal water demands;

        ii. 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;

        iii. will not pose a threat to life or property within or adjacent to the proposed development due to inadequate fire protection; and

        iv. will not impede the logical extension of services to serve growth in the county in accordance with the *Comprehensive Plan*.

In acting on exemptions pursuant to the preceding paragraph, the decision making body shall give due consideration to any recommendation submitted by the applicable fire district. The fire district shall be authorized to recommend, and the decision-making body shall be authorized to approve alternative strategies for providing fire protection to the subject development.

C. Technical Specifications
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.

D. Off-Site Water Improvements
The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided that the decision-making body may authorize development to proceed if the water provider certifies that the necessary capital improvements have been funded for construction within 18 months.

E. Approved Supply Required
In no event shall a certificate of occupancy be granted prior to connection to an approved water supply that meets all applicable state standards. The decision-making body shall be authorized to require that a licensed engineer, registered in the State of Missouri, certify that the water system serving the development will be adequate to meet all state requirements and the standards of this Land Development Code without adversely affecting service to existing dwelling units.

F. Water System Construction
Public water services, including rural water districts, shall be used whenever available. Lines shall be installed to form a closed service loop wherever possible.

G. Water Meters
Water meters shall be connected to every lot within a subdivision.

H. Well Water
Well water for residential or commercial use may be approved only under unusual circumstances, as determined by the Planning and Zoning Commission, Clay County Commission and approved by the MO Department of Natural Resources.

151-8.10 Wastewater Systems

It is the intent of the 2008 Comprehensive Plan to protect the natural environment of Clay County and provide for densities for land development that would support common sanitary sewer systems either from existing municipalities, a regional sewer district, or private provider. The Goals, Objectives, and Policies under Chapter 3, the Future Land Use Planning Tiers in Chapter 4, and the Land Evaluation and Site Assessment ("LESA") System under Appendix C of the 2008 Comprehensive Plan revolve around these purposes. Provisions set forth herein shall govern the provision of sanitary sewer service in the county.

A. General Standards
Sanitary sewer disposal connections shall be required of all properties and uses in the County according to the following general standards:

1. **Natural Resources Planning Tier**
   Sanitary sewer service may be provided by on-site disposal methods (septic systems) approved by the County Health Department with the exception that lots less than 10 acres in size in the Smithville Lake Drainage Basin may be required to connect to a central sanitary sewer system if indicated by the LESA system.

2. **Rural Low Density Planning Tier**
   Sanitary sewer service may be provided by on-site disposal methods (septic systems) approved by the County Health Department with the exception that lots less than 10 acres in size in the Smithville Lake Drainage Basin should be connected to a central sanitary sewer system if indicated by the LESA system.

   Additionally, if any property line of the subdivision abuts or is within 30 feet of a central sanitary sewer system with capacity to serve the subdivision, then on-site disposal systems will be prohibited and connection to the central system will be required at the time of the building permit.

3. **Urban Services Planning Tier**
   Sanitary sewer service will be provided through use of, or connection to, a central sanitary sewer system except for agricultural uses unless such lots lie within 30 feet or abuts a central sanitary sewer system with capacity to serve the lots. In that case, on-site disposal systems will be prohibited and connection to the central system will be required.

B. Service and Ownership Requirement
The subdivider shall be required to install sanitary sewer facilities, or individual sewage disposal systems, designed in accordance with the rules, regulations and standards of the Missouri Clean Water Commission and the Missouri Department of Natural Resources. Installation of a central sanitary sewer system that is not connected to a municipal or other public authority treatment plant shall require the dedication of the treatment facility to a utility agency approved by the County Commission. This provision shall not be interpreted as allowing the County Commission to approve control of a treatment facility by a property owners' association.

C. Connection Requirement
Sewage from a building or premises shall be discharged directly into the community or county sewage system when the system is available within 30 feet (or other applicable requirement) from the building or premises measured along a street, alley, or easement to the encasement of the sewer system. Abandoned or disconnected septic tanks or pits shall be pumped out and filled with clean earth or sand, in accordance with State and County regulations.

D. Adjoining Properties Service Requirement
Where a development is proposed to have a central sanitary sewer system and is adjacent to an undeveloped tract of land, the proposed sanitary sewer system should be extended to the exterior boundary lines of the proposed development so as to provide for future connection to the adjacent tract of land.

E. Performance Standards for Smithville Lake
All wastewater which is released within the Smithville Lake Drainage Basin as indicated by the Natural Resources Tier in the *2008 Clay County Comprehensive Plan*, shall be treated so as to contain no more than 20 milligrams per liter of suspended solids or be rated higher than having a biological oxygen demand (B.O.D.) of 20 milligrams per liter at the point it is discharged immediately after treatment. All sewage system effluent discharge shall be disinfected in accordance with Clay County Health Department standards. The Clay County Health Department shall be responsible for determining whether proposed treatment facilities comply with the standards of this paragraph.

F. Plant Manual
A copy of the Operations and Maintenance (O & M) Manual for any enclosed central sewage treatment facility or sewage package plant must be submitted to the Planning and Zoning Department when the treatment facility is operational.

151-8.11 Other Utilities

A. Electrical and Communication Lines
All telephone, cable television, electrical service and distribution lines shall be placed underground, except that this provision shall not include meters, service pedestals, transformers, three phase feeder lines, sub transmission and transmission lines (34.5KV and above), electrical substations, and other such facilities as the utility may deem necessary to install utilizing overhead type construction.

B. Gas Meters
All gas meters will be located and approved by the local gas company.

C. Water Towers
All private or public water towers will require a review and building permits from the Clay County Building Official.

D. Blasting Permits
Any entity desiring to use blasting materials in their construction process must notify the Planning and Zoning Department, Building Official, County Sheriff, and all residents located within 1,000 feet of the blasting area at least 24 hours in advance of the blasting.

151-8.12 Stormwater Management/Design Criteria

A. Stormwater management is a requirement of all development within Clay County. All developments are required to be responsible for potential runoff onto and off of the property. All stormwater management within Clay County shall be designed in accordance with the requirements of this section. Other specific requirements are noted in the "Technical Specifications and Design Criteria Manual", "Drainage Easements" (Sec. 151-8.15), Erosion and Sediment Control Regulations (Section 151-8.19), and "Stormwater Management" (Sec.151-11.2).

B. When required by the Planning and Zoning Commission, two copies of the final stormwater plan and approved preliminary plat shall be submitted to the Planning and Zoning Department for review by the County's engineer, or designee, and one copy with the approved preliminary plat to the Clay County Highway Department. Appropriate plan review and inspection fees will be paid at the time of submitting the plans.

C. Adoption of the KC-APWA Section 5600 by Reference

Division V-Design Criteria, Section 5600-Storm Drainage Systems and Facilities (Section 5600) of the Standard Specifications and Design Criteria, published by the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA), is hereby adopted by reference as the Design Criteria for the County, except as amended. This adoption shall apply to the revision of Section 5600 adopted KC-APWA on February 15, 2006.

D. The following amendments to Section 5600 shall apply to stormwater management facilities within the County:

1. Requirements as noted in the "Technical Specifications and Design Criteria Manual", "Drainage Easements" (Sec. 151-8.15) and "Stormwater Management" (Sec.151-11.2).
2. The County Engineer may approve variances from specific requirements of the design criteria when the County Engineer deems it appropriate and justified by engineering standards.
3. Should there be a conflict with the KC-APWA Section 5600 and "Technical Specifications and Design Criteria Manual" the County Engineer shall make a determination as to the most applicable requirement.

E. All construction improvements shall be guaranteed in the same manner as street improvements.

151-8.13 Dams and Water Impoundment Structures

A. New Dams
New dams and water impoundment structures shall comply with the standards of Sec. 151-11.1B.

B. Existing Dams

1. **Within Minor Subdivisions**
All dams and ponds within a minor subdivision (3 or fewer lots) must be inspected by the Clay County Soil and Conservation District (for lots 20 acres or more) or a registered engineer to insure stability.
2. **Within Major Subdivisions**
An engineering report shall be submitted to the county with the Preliminary Plat on all existing dams within a proposed major subdivision (4 or more lots). Any dam found to be structurally unsafe or inadequate to accommodate the proposed development shall be

reconstructed, reinforced or removed in accordance with all applicable standards, including those of Sec. 151-11.1.

151-8.14 Street Signs and Traffic Markers

The subdivider shall install street signs and other traffic control devices at all intersections within the subdivision. Such signs shall meet the size and design standards established by the Missouri Department of Transportation or by the Clay County Highway Department

151-8.15 Easements

A. Utility Easements

Where alleys are not provided, permanent easements shall be provided of not less than 7 ½ feet in width on each side of all rear and side lot lines, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities and a maximum of 30 feet along all front lot lines. These easements shall provide for a continuous right-of-way. Where the utility company or agency has the need for a wider easement than required above for a specific location, this easement shall be shown on the plat. Permanent easements shall not be obstructed by structures, retaining walls, ponds or trees. A property owner may install fences and landscape over the easement with grass and shrubs at their own risk. Property owners shall be responsible for the maintenance on their property.

B. Drainage Easements

If a subdivision is traversed by a watercourse, drainage way or channel, the decision-making body shall be authorized to require the provision of drainage easements or no-build zones to protect such watercourses. Required easements and no-build zones shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage for a 100-year storm and for access for maintenance thereof. Parallel streets, parkways or recreational easements may be required in connection therewith. The subdivider shall have an engineer's study prepared for review as part of the plat process. The study shall address the required width of easements for each watercourse or drainage way. Such study shall be based on a 100-year storm, using build-out assumptions derived from the *Comprehensive Plan*. Wherever possible, drainage ways should remain open, unpaved and maintained so as not to become overgrown.

C. Landscape Easements

Landscape easements or buffer strips may be required by the Planning and Zoning Commission wherever the proposed subdivision contains or is adjacent to a railroad right-of -way or limited access highway, or where lots back onto a public street. When in residential districts, landscape easements should be at least 50 feet in depth, in addition to the normal required lot depth when provided adjacent to the railroad right-of-way or limited access highway. Landscape easements shall be a part of the platted lots and shall have the following restriction letter on the face of the plat: "This land reserved for the planting and maintenance of trees or shrubs by the owner; the building of structures hereon is prohibited".

D. Topographic Preservation Easements

If greenways or drainage ways influenced by topographical features such as streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, their width and location shall be determined as may be necessary to preserve such features.

E. Stream Setback Easements

Any development adjacent to an existing stream shall be set back 75 feet from the center of the stream. (See Sec. 151-11.2C)

F. Trail Easements

See Chapter 151-8.17.

151-8.16 Monuments

Permanent surveyor monuments shall be placed at all lot and block corners, angle points, points of curves in streets, and at intermediate points as required prior to final acceptance by the County. Such permanent monuments shall be 3/4-inch iron bars with aluminum caps, at least 2 feet in length, and shall be set with top of the monument flush with existing grade. Such monuments shall be installed in accordance with minimum standards as established by the Missouri Department of Natural Resources.

151-8.17 Parks, Trail Dedications, and Construction Standards

In accordance with the intent of the Northland Trails Vision Plan ("NTVP") adopted on September 4, 2001 by the Clay County Planning and Zoning Commission, it is a requirement of subdivision of property in the County for residential and non-residential purposes in the County.

A. General Requirements

Whenever a proposed subdivision includes designated trail system locations, or is located adjacent to such designated trails, and shown on the approved NTVP, the dedication of such land or an appropriate easement over such land shall be required as a condition of plat approval, unless otherwise waived as provided herein. Such dedication or easement shall be consistent with the standards of the NTVP and as established within this Ordinance, and shall be granted by the subdivider without any charge to the County. Such dedication or easement shall be designed with the intent and ability to connect to or supplement the NTVP at some future date.

B. Requirements of Platting

As a condition of Preliminary Plat approval, the trail easement/dedication shall be shown on the Preliminary Plat. For Final Plat approval the subdivider shall dedicate land or designate an easement for trail, transportation, and recreational purposes consistent with the approved preliminary plat and according to the standards contained in this Section and Sec. 151-3.6.

C. Dedication of Land

1. **Standards for Dedication of Land**

   Where the Planning Director, in consultation with the Highway and Parks directors, has determined that a public trails system is planned to be located in whole or in part within the proposed subdivision, the subdivider of the proposed subdivision shall convey sufficient land or land interests by plat or deed for trails to meet that need, as specified in this Section, the Comprehensive Plan and the NTVP. The quality and quantity of property required to be conveyed shall be based on the standards for the trails system as established in the NTVP.

   The evaluative process will occur during the review of applications for preliminary plat approval. Diversity and originality in lot layout and property dedication should be encouraged to achieve the best possible relationship between development and conservation/recreation areas.

2. **Suitability of Land**

   Land to be dedicated for trails shall be suitable for a community trails system consistent with the Comprehensive Plan and the NTVP. While efforts shall be made to accept and utilize land that is otherwise protected or not feasible for development (e.g., located in a riparian corridor, unusual topography, or in protected wildlife habitat), the location, accessibility, size, topography, environmental characteristics, and development potential for the intended trails shall be considered. At a minimum, consideration shall be given to the following factors in determining the suitability of land for trails:

   a. **Location**

      Land to be dedicated should be located along a trail route designated in the NTVP, or if that location is not practicable, in close proximity to the designated route with a direct connection to the designated trail route.

b. **Characteristics**
The land to be dedicated should:

1) be of sufficient shape, size, and overall quality to allow for any approved amenities (e.g., trailside exercise facilities, drinking fountains, benches) to be provided and for other physical features necessary to provide access;

2) not have unusual topography that renders the land unusable for the intended recreational purposes;

3) preserve existing trees, scenic elements, and other aesthetic features;

4) protect and preserve floodplains, wetlands, and steep slopes;

5) preserve and maintain mature woodlands, existing fields, pastures, meadows, prairies, and other natural features;

6) be designed around existing tree lines, hedgerows, between fields or meadows, and minimize impacts on large woodlands;

7) protect wildlife habitat areas;

8) be designed around and preserve sites of historic, archaeological, or cultural value;

9) provide active recreational areas;

10) offer adequate screening from nearby residential or non-residential development;

11) facilitate pedestrian access within neighborhoods, to and from adjoining neighborhoods, schools and other public uses.

3. **Plat Note Requirements**
In order to dedicate land interests, there shall be a statement on the final plat, which says the following:

a. **Easement Note**
"*A recreational easement consistent with the Northland Trails design guidelines shall be granted to Clay County for the purpose of developing part of trail _____ of the Northland Trails Vision Plan along the* _____."

b. **Dedication Statement**
"....over, under and along the strips of land designated utility easement (U.E.) and a Northland Trails Vision Plan dedication/easement."

4. **Waiver**
The County, through an application to the Board of Zoning Adjustment, may waive the requirement to dedicate land interests for the NTVP based on the subdivider's ability to demonstrate that the dedication is not lawfully justified because of a lack of requisite reasonable relationship, unique site circumstances, undue hardship, or other circumstances warranting a waiver. Any decision by the County rejecting a waiver must be appealed within thirty (30) days of the review by filing a written petition with the Circuit Court of Clay County. The County may also waive the dedication provisions of this section on its own initiative such as where there is no suitable or acceptable land within the subdivision to which the County, in the public interest, is willing to accept dedication.

D. Construction Standards

1. For construction standards and design criteria of trail dedications designated as part of the Northland Trails Plan please refer to the Comprehensive Plan and the NTVP.

2. The construction standards and design criteria for trails which will become part of a community or subdivision trails system are required to also follow those guidelines as addressed in the Comprehensive Plan and NTVP, with the standards also as listed below:

    a. A maximum grade of 12 to 1.
    b. A minimum of 8' to 10' feet width.
    c. A Minimum of 4" asphalt thickness, with a gravel base.
    d. Refer to the NTVP for design criteria specific to equine trails.

151-8.18 Subdivision Guarantees

Two types of subdivision guarantees are established for the purpose of assuring proper, safe and timely installation and maintenance of required subdivision improvements: (1) performance guarantees and (2) maintenance guarantees. Subdivision guarantees shall be required for all subdivisions, except for those with no engineered improvements.

A. General Requirements

All restoration, performance and maintenance guarantees shall be prepared in a format acceptable to the County and shall be submitted to the Highway Administrator. The Treasurer of Clay County shall be the beneficiary of all subdivision guarantees. Upon acceptance of a subdivision guarantee, the Highway Administrator shall deposit the guarantee with the County Clerk or may place it in an account with the County Treasurer. The following forms of subdivision guarantees may be used for required restoration, performance and maintenance guarantees.

1. **Irrevocable Letter of Credit**
   An Irrevocable Letter of Credit is an acceptable form of subdivision guarantee provided the form and content of the documents are found acceptable to the County.

B. Performance Guarantees

1. **Purpose**
   Performance guarantees are established for the purpose of assuring that the developer properly installs all proposed subdivision improvements in accordance with the approved Construction Plans and Final Plat for the subdivision. Should the developer fail to properly install all subdivision improvements within the term of the guarantee, the county may draw on the guarantee and use the funds to complete subdivision improvements.

   The county also may draw on the performance guarantee if the developer fails to provide a maintenance guarantee to the county. The county may use the funds to ensure proper maintenance of subdivision improvements.

2. **Amount**
   The amount of the performance guarantee shall be 100 percent of the engineer's estimate of the probable cost of subdivision improvements, as approved during the review of Construction Plans.

3. **Term**
   The performance guarantee shall be posted as a prerequisite to recordation of the Final Plat. The guarantee shall be posted for a minimum 2-year period. The Highway Administrator, for good cause and with the approval of the provider of the guarantee, may extend the term for not more than 1 year.

4. **Release of Development Improvement Agreement and Guarantee**
   The county's final acceptance of improvements will follow the receipt of signatures of all entities accepting the constructed improvements and documentation showing that the developer owns the improvements in fee simple and that there are no liens or encumbrances on the improvements. The county will then execute a resolution accepting the improvements and releasing the developer from the performance guarantee, after which the developer shall record such release.

C. Maintenance Guarantees

1. **Purpose**
   Maintenance guarantees may be required by the County Commission for the purpose of assuring that the developer maintains the structure, function and integrity of subdivision improvements in accordance with the approved Construction Plans and specifications for the subdivision during the term of the guarantee. In the event the developer has failed to maintain subdivision improvements within the term of the guarantee, the county may draw on such guarantees and use the funds to correct the deficiencies.

   Furthermore, if at any time during the term of the maintenance guarantee the county identifies that the developer's failure to maintain subdivision improvements has created a clear threat to the public's health, safety and/or general welfare, the county may, after appropriate notice and demand requirements, draw on the maintenance guarantee and use the funds to correct the identified threat.

2. **Amount**
   The amount of the maintenance guarantee shall be determined by the County Commission. Generally, the maintenance guarantee shall be 15 percent of the engineer's estimate of the probable cost of subdivision improvements, as approved during the review of Construction Plans. The County Commission may waive the requirement for a maintenance guarantee when it finds that the guarantee is not necessary.

3. **Term**
   The maintenance guarantee shall be posted as a prerequisite to the release of the performance guarantee, unless waived by the Highway Administrator. The guarantee shall be posted for a period of 2 years, as deemed necessary by the Highway Administrator. The Highway Administrator, for good cause and with the approval of the provider of the guarantee, may extend the term not to exceed the total maintenance period to more than 3 years.

Section 151-8.19 Erosion and Sediment Control Regulations

A. Title, Purpose, Scope, Adoption of Kansas City Metropolitan Chapter of the American Public Works Association ("KC-APWA") Regulations, and Performance Surety

1. **Title**
   These regulations shall be known by short title as the "Clay County Erosion and Sediment Control Regulations", may be cited as such and will be referred to herein as "this section".

2. **Purpose**
   The purpose of this section is to control soil erosion on land that is undergoing land disturbance activities for non-agricultural uses and to prevent sediment and soil erosion from being transported onto adjacent property and into streams, rivers, lakes, ponds, or other areas as required by the Federal Clean Water Act (33 U.S.C. § 1251 *et seq*. as amended to date). The Federal Clean Water Act implemented a National Pollutant Discharge Elimination System ("NPDES") program by federal law that Clay County is obligated to develop, implement, and enforce minimum erosion and sediment control standards.

   Soil is most vulnerable to erosion and sediment pollution caused by the power of water and wind during the construction process. This eroded soil endangers water resources by reducing water quality, and causes siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, and the dredging of water bodies. In addition, clearing and grading methods during construction often causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment.

This section is intended to do the following:

a. Protect and enhance the water quality of watercourses, water bodies, and wetlands.

b. Minimize soil erosion and sedimentation caused by land disturbance activities.

c. Reduce maintenance costs of public and private improvements and services.

d. Promote and protect the public's health, safety, and general welfare.

The property owner is responsible for the land disturbance activities including the protection of downstream and adjacent properties from siltation and erosion. All necessary steps shall be taken to prevent sediment and soil erosion from being transported onto adjacent properties and into streams, rivers, lakes, ponds or other areas.

These standards shall apply after the date of passage by the County Commission to preliminary plats, Building Permit submittals or Land Disturbance (LD) permit applications.

3. **Adoption of KC-APWA Sections 5100, 2100, 2150, 2400, the Division III Standard Drawings, and the MARC/APWA Manual of Best Management Practices for Stormwater Quality by Reference**

All design, construction and maintenance standards shall be in accordance with the most current standards as published by the KC-APWA of Sections 5100 (*Erosion and Sediment Control-Design Criteria*), 2100 (*Grading and Site Preparation*), 2150 (*Erosion and Sediment Control-Specifications*), 2400 (*Seeding and Sodding*), the KC-APWA Division III Standard Drawings, and the MARC/APWA Manual of Best Management Practices for Stormwater Quality (collectively referred to as the Clay County "**Design Manual**") is hereby adopted by reference as the design, construction and maintenance standards for Erosion and Sediment Control, except as amended.

a. The following amendment shall apply:

i. The Director may approve variances from specific requirements of the County's Design Manual when the Director deems it appropriate and justified by engineering standards.

4. **Scope of Authority**

Any person, firm, corporation or business proposing to develop land within Clay County which will disturb one (1) or more acres over the life of the project or are part of a larger common plan of development or sale that will disturb one (1) or more acres over the life of the project, must obtain a Land Disturbance (LD) Permit from Clay County, and also develop and implement a Storm Water Pollution Protection Plan (SWPPP), as specified in this section.

a. No land shall be graded except upon issuance of such a LD permit.

b. Any development or grading which does not comply with the requirements set forth herein shall be deemed to be in violation of this section and shall be subject to enforcement measures and penalties set forth herein.

Land disturbance sites that disturb less than one (1) acre do not require a Land Disturbance (LD) permit, and the site owner is not required to submit a site-specific Storm Water Pollution Prevention Plan (SWPPP), but must comply with the guidelines in the document "Erosion and Sediment Control Standards for Building Construction that Disturbs Less Than One Acre for Unincorporated Area of Clay County".

5. **Performance Surety**

Performance under every LD permit shall be secured by a letter of credit, performance bond, cash escrow, or other method of not less than the value of all work to be done under the LD permit for installation of the erosion and sediment control measures as required by this section and the Design Manual, which will provide adequate assurances to the County that the construction of the erosion and sediment control measures are installed in a timely and workmanlike manner and maintained throughout the duration of the project.

a. This may be a part of other bond/escrow funds, subject to the County's discretion.

b. In the event of a violation of this section, the performance surety proceeds shall be used by the County to complete the planned erosion and sediment control practices.

c. The required surety amount may be increased by the Director by up to 50% from the standard amount depending upon specific nature and scope of project and anticipated disturbance. Upon request and supporting documentation from the owner, the Director may also reduce the standard surety amount if on-site conditions warrant a reduction.

For LD permits which do not include the construction of public improvements related to subdividing land under jurisdiction of the Land Development Code ("LDC"), or construction of permanent structures, under jurisdiction of the Building Codes (i.e. where only grading work is included, such as for a borrow pit) the only type of security which will be accepted will be a cash bond.

B. Definitions

For the purpose of this section, certain terms, phrases, words and their derivatives shall be defined as specified in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The following terms shall have the following meanings in this section. In the event of a conflict between defined terms in Section 151-15 and the terms defined herein, this section shall control.

Term	Definition
Best Management Practices	Physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with land disturbance activities.
Channel	A watercourse of perceptive extent which periodically or continuously contains moving water or which forms a connecting link between two (2) bodies of water.
Clearcutting	Cutting essentially all trees in a given area
Clearing	Any activity by which vegetative cover, structures or surface material are removed, including, but not limited to, surface layer, root or topsoil removal.
Common Plan	A plan undertaken by one (1) or more persons, to offer lots for sale or lease; where land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

Term	Definition
Debris or Sediment Basin	A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, sediment, gravel, silt, or other materials.
Design Manual	Means all design, construction and maintenance standards in accordance with the most current standards as established in the following: the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA) sections 5100 (*Erosion and Sediment Control-Design Criteria)*, 2100 *(Grading and Site Preparation)*, 2150 *(Erosion and Sediment Control-Specifications)*,2400 *(Seeding and Sodding)*, the KC-APWA Division III Standard Drawings, and the MARC/APWA Manual of Best Management Practices for Stormwater Quality.
Director	Clay County Planning and Zoning Director or the Director's authorized representative.
Diversion	A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.
Drainage Way	Any channel that conveys surface runoff within, through and/or away from the site.
Erosion	The wearing away of land by the action of wind, water, gravity, ice, or artificial means, and/or land disturbance activities.
Erosion Control	Measures that prevent erosion.
Erosion and Sediment Control Plan	A plan for the control of sedimentation and erosion resulting from land disturbance activities, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents upon which the Best Management Practices to be used on a site are set forth, including such information as necessary to review the basis for their design and to ensure their proper installation, maintenance, inspection and removal.
Excavation or Cut	The removal, stripping or disturbance of soil, earth, sand rock, gravel, or other substance from the surface of the earth.
Existing Grade	The vertical elevation of the existing ground surface prior to excavation or filling.
Fill or Filling	The placing of any soil, earth, sand, rock, gravel or other substance on the ground.
Finished Grade	The final grade or elevation of the ground surface conforming to the proposed design.
Grading	Excavation or fill of material, including the resulting conditions thereof.
Land Disturbance or Land Disturbing Activity	Any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, Clearing, removal of vegetation, stripping, Grading, grubbing, excavating, filling, logging and storing of materials.
Land Disturbance (LD) Permit	A permit issued by Clay County for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading or other activity which results in the destruction of the root zone.
Open Channel	A constructed ditch or channel designed to remove water.

Term	Definition
Perennial Vegetation	Grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site.
Perimeter Control	A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.
Phasing	Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.
Qualified Erosion Control Specialist	A person qualified to perform inspections of Erosion and Sediment Control measures. Qualified personnel includes a Professional Engineer licensed in the state of Missouri or anyone who has obtained one of the following certifications: CCIS through Stormwater USA, LLC; CISEC through CISEC,Inc; or CESSWI through EnviroCert International, Inc. or equivalent qualifications approved in writing by the Director as part of an approved Stormwater Pollution Prevention Plan.
Sediment	Soils or other materials transported or deposited by the action of wind, water, gravity, ice, or artificial means in a location other than the point of origin.
Sediment Control	Measures that prevent eroded sediment from leaving the site.
Silt Traps or Filters	Staked bales of straw or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of storm water runoff.
Site	A parcel of land, or a contiguous combination thereof, where land disturbance work is performed as a single unified operation.
Site Development	Altering terrain and/or vegetation and constructing improvements.
Stabilization	The use of practices that prevent exposed soil from eroding.
Start of Construction	The first land disturbance activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
Stream Bank, Top of Existing	The usual boundaries, not the flood boundaries, of a stream channel. The top of the natural incline bordering a stream.
Stop Work Order	An order issued which requires that some or all construction activity on the site be stopped.
Stormwater Pollution Prevention Plan (SWPPP)	A plan required by Clay County and the Missouri Department of Natural Resources (MoDNR) for which contents are specified by the Missouri State Operating Permit . The purpose of the Stormwater Pollution Prevention Plan (SWPPP) is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges and includes an Erosion and Sediment Control Plan as well as plans to prevent pollution from other construction site sources such as, but not limited to, concrete washout, litter, and sanitary waste.

Term	Definition
Tree	Vegetative growth with a trunk six (6) inches in diameter and larger, measured three (3) feet above ground.
Vegetative Cover	Any grasses, shrubs, trees, and other vegetation that protects and stabilizes soils.
Watercourse	Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water which are delineated by Clay County.
Watershed	All that area drained by a waterway, drainage ditch, stream or other water course.
Waterway	A channel that directs surface runoff to a Watercourse, or to a storm drain.

C. Land Disturbance ("LD") Permit Requirements and Exemptions

1. Unless exempt, no person shall undertake any land disturbing activity without first obtaining a LD permit.
2. No person required to obtain a LD permit shall fail to make application for such permit, fail to pay required fees, and fail to comply with the County's Design Manual, or violate any of the requirements of this section.
3. The following shall be exempt from obtaining a LD permit:
    a. Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
    b. Mowing, brush hog clearing, tree cutting (excluding clearcutting) or similar activities which do not grade, dig, excavate or otherwise remove or kill surface growth and root system of the vegetative cover.
    c. Agricultural land uses, however, nothing in this section shall relieve any person from complying with any applicable erosion and sediment standards of the United States Department of Agriculture Natural Resources Conservation Service ("NRCS") or the requirements of the Missouri Department of Natural Resources ("MoDNR") or other federal or state agency.
    d. Land disturbing activities of less than one (1) acre. For the purposes of this section, land disturbing activities that are part of a larger, phased, staged, or common plan of development shall be considered a single Site for purposes of calculating the disturbed area.
    e. Linear, strip or ribbon construction on maintenance operations meeting one of the following criteria provided that water quality criteria are not exceeded:
        i. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road;
        ii. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines or similar facilities;
        iii. Trenches two (2) feet in width or less; or
        iv. Emergency repair or replacement of existing facilities as long as best management practices are employed during emergency repairs.
    f. Federal and State projects.
    g. City or County improvement projects. However, such projects are required to follow the Design Manual guidelines.

D. Land Disturbance ("LD") Permit and Application

1. The issuance of a LD permit is contingent upon compliance with this section, the Design Manual, all other County regulations, including the Land Development Code ("LDC"), fire code, building code and any other County requirements.

2. The Director may require additional requirements or waive specific requirements, based on the data deemed appropriate to ensure compliance with the intent, purpose and provisions of the County's Erosion and Sediment Control Regulations.

3. Every LD permit application shall be submitted to the County, on the County's forms, which shall include the following minimum requirements:

    a. A site specific Storm Water Pollution Prevention Plan ("SWPPP") that complies with this section, the Design Manual, and a Land Disturbance Permit from the MoDNR.

    b. A site specific Erosion and Sediment Control Plan (ESC) and approved final Engineering/Construction Plans that complies with the Design Manual and any other applicable County regulations.

    c. A site specific plan that complies with the Design Manual to provide for control of pollutants related to land disturbance activities that might cause an adverse impact to water quality, including but not limited to: discarded building materials, concrete truck washout, fuel hydraulic fuels, chemicals, litter, and sanitary wastes;

    d. Contact information for the applicant, the site owner's name, and the retained licensed by the State of Missouri Professional Engineer or Landscape Architect and a Qualified Erosion Control Specialist who will perform the routine inspections;

    e. Description of area to be disturbed;

    f. Proposed schedule of work and contemplated duration of land disturbing activities on the site;

    g. Proposed method of providing performance surety as required by this section,

    h. Any LD permit fee as authorized by the County;

    i. A copy of the approved Land Disturbance Permit from MoDNR ;

    j. Upon an applicant's request, the Director may modify these requirements to take into account any unusual circumstances or factors affecting the work to be performed.

4. The LD permit application, Storm Water Pollution Prevention Plan (SWPPP), Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans and all other technical requirements shall be prepared under the supervision of, and sealed by a licensed in the State of Missouri Professional Engineer or Landscape Architect.

5. It shall be the duty of the permit holder to ensure that land disturbing activities authorized by the LD permit be undertaken according to the approved plans and proposed schedule of work defined in the LD permit application. Modifications to the approved plan or proposed schedule of work that are not in compliance with the LD permit must be resubmitted for approval. Minor modifications of the approved plan or proposed schedule of work may be authorized by the Director without formal review provided those modifications are consistent with the Design Manual and standard industry practice.

    Failure to adhere to the schedule or complete the work in accordance with the LD permit shall be: i) a violation of this section, ii) subject to additional fees to be paid by the LD permit holder, iii) may result in the revocation of the LD permit and the issuance of a Stop Work Order.

6. Every LD permit shall have an expiration date established by the Director which takes into consideration the nature, scope, and any necessary phasing of the work to be undertaken. Requests for LD permit extension must be made to the Director prior to the expiration of the LD permit and are subject to approval by the Director.
7. Prior to the expiration of the LD permit, the LD permit holder shall obtain a satisfactory final County inspection and approval of the work undertaken pursuant to the LD permit to determine whether the work complies with the Stormwater Pollution Prevention Plan (SWPPP), Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans. Upon satisfactory inspection and approval, the LD permit shall be deemed "closed" when conditions set forth in these sections are met.

E. Maintenance and Inspections

1. **Maintenance**
   All erosion and sediment control measures set forth in the SWPPP, Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans shall be maintained in good order at all times during and after construction.
2. **Inspections**
   It shall be the duty of the LD permit holder to provide routine inspections of the land disturbing activities and maintain effective erosion and sediment control measures throughout the duration of the LD permit. Inspections shall be performed by a licensed Professional Engineer or Landscape Architect in the State of Missouri or by a Qualified Erosion Control Specialist at least once each week and within twenty-four (24) hours following each rainfall event of one-half (1/2) an inch or more within any twenty-four (24) hour period. A log of all inspections shall be kept during land disturbing activities as a part of the SWPPP, Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans. Any deficiencies shall be noted in a report of the inspection and the LD permit holder shall correct such deficiencies within a reasonable time not to exceed three (3) days unless extended by the Director for good cause shown.

   The LD permit holder shall keep a copy of the most current SWPPP at the site until the LD permit is closed.

   The LD permit holder shall notify the Director for an inspection after installing perimeter erosion and sediment control devices, but before beginning other work on the site.

   A LD permit shall not be closed until a final inspection and approval of the site stabilization and restoration is issued by the County. A site shall be considered stabilized and restored when perennial vegetation, pavement, buildings, or structures using permanent materials cover a minimum of seventy-percent (70%) of the area defined in the LD permit and as required by the Director. Restoration includes the removal of all non-permanent erosion and sediment control devices for the site. Final certification of the restoration and stabilization of the site shall be submitted for approval to the Director by the LD permit holder.

   A LD permit conveys to the Director and the Director's designees, the right to enter upon property described in the LD permit as necessary to enforce provisions of this section.

F. Land Disturbances Less than One (1) Acre

Land disturbances less than one(1) acre do not require a Land Disturbance (LD) permit, and the site owner is not required to submit a site-specific Stormwater Pollution Prevention Plan (SWPPP), but must comply with the guidelines in the document "Erosion and Sediment Control Standards for Building Construction that Disturbs Less Than One Acre for Unincorporated Area of Clay County".

G. Land Disturbances Less than One (1) Acre for Utility Work

Franchised and public utility providers disturbing less than one (1) acre shall obtain a general, annual permit in lieu of obtaining a site-specific permit. The general land disturbance permits for utility providers can be renewed annually and shall include the effective erosion control standards and construction methods that are to be implemented on the utility's projects, conforming to the Design Manual. The fee and performance surety, if any, for a general permit will be as shown in the adopted fee schedule.

H. Time Requirement

Where land disturbing activities appear to have temporarily or permanently ceased on a portion of a site for fifteen (15) consecutive days, all disturbed area shall be protected from erosion by stabilizing the area with mulch or other similarly effective soil stabilizing best management practices. Where implementation of stabilization measures is precluded by weather, snow cover, or other reason beyond the LD permit holder's control, the Director may allow the LD permit holder to delay the implementation of such stabilization measures for a reasonable period.

I. **Fees**

Prior to issuance of LD permit for projects that disturb one (1) acre or greater, and franchised and public utilities providers shall pay fees according to the County Commission adopted fee schedule. The Director may adjust the fee Schedule annually and shall make such Fee Schedule available to the public.

J. Appeals

Any person denied a Land Disturbance (LD) permit as herein stated shall have the right to appeal such denial to the Board of Zoning Adjustment in accordance with Section 151-3.14 within thirty (30) days of the date of such denial.

K. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

L. Responsibility for Compliance

The person responsible for compliance with this section shall include, jointly and severally:

1. The owner of the site upon which a land disturbance activity takes place. When a LD permit is issued to a person, such person shall remain responsible for land disturbance activities notwithstanding a transfer of the site unless the County approves, in writing, an assignment of the person's obligations; AND,
2. If the owner is not the LD permit holder, the person to whom a LD permit is issued for a site upon which a land disturbance activity takes place is jointly and severally liable along with the owner of the site for compliance with this section; AND,
3. Any person who undertakes any land disturbance activity and fails to ensure that a LD permit has been issued by the County for such land disturbance activity.

M. Compliance and Use

The site described in a LD permit shall be maintained at all times in compliance with the provisions of the Stormwater Pollution Prevention Plan (SWPPP), Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans.

N. Enforcement of Code Provisions

The failure to comply with any requirement of this section shall result in a fine of not less than ten (10) dollars nor more than one thousand (1,000) dollars for each such violation as determined by the Director. Each day such violation continues shall constitute a separate violation and result in a separate fine.

1. In addition, any person who fails to provide and implement a Stormwater Pollution Prevention Plan (SWPPP), Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans as required by this section may be ordered by the Director to take remedial action on any site to prevent the occurrence or recurrence of a violation of this section. Remedial action shall include, but not limited to, conformance to the requirements of this section.

When failed or absent erosion and sediment control has resulted in mud, silt, gravel, dust or other debris entering into any street right-of-way, drainage easement, stream setback easement, or adjoining property, the remedial action required shall include the restoration and stabilization of the area defined as disturbed in the LD permit, to include perennial vegetation, pavement, buildings, or structures using permanent materials cover a minimum of seventy-percent (70%) of the area defined and the removal of any debris or other pollutants caused by a failure to comply with the Design Manual.

2. Whenever the Director finds a violation of this section, the Director may order the owner of the site and the LD permit holder to take action within a minimum of three (3) days after service of such order to comply with the provisions of this section. Notice may be given in person, by mail, including electronic mail, posting at the site, telephone, by facsimile, or by any other method reasonably calculated to provide notice.

O. Stop Work Order Authorized

In addition to the enforcement provisions of this section, the Director may issue a Stop Work Order if the Director determines that work authorized by a LD permit is in violation of this section or the Stormwater Pollution Prevention Plan (SWPPP), Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans or if any one or more of the following conditions exist:

1. Inspection by the Director reveals the site defined by the LD permit is not in substantial compliance with the SWPPP, Erosion and Sediment Control Plan (ESC) and Engineering/Construction Plans, as determined by the Director; OR,
2. Failure to comply with a written order from the Director to bring the site into compliance with the LD permit, correct a violation of this section, or restore a disturbed area within the time limits defined by the Director; OR,
3. Failure to pay any required fee; OR,
4. Failure to submit reports in accordance with the Design Manual.

If a Stop Work Order is issued by the Director, the Director shall order and direct the site owner, or site owner's agent, and any party in possession of the site, including the contractor performing work at the site, to immediately suspend work.

A Stop Work Order shall be in writing, shall state the conditions under which the work may be resumed, and may be served upon a person to whom it is directed by any reasonable method including by personal delivery, by posting at the site, or mailing a copy of the same to the address identified within the LD permit application for the LD permit holder, site owner, or any party in possession of the such property. If the Director issues a Stop Work Order, all persons shall cease all work on the site, except work necessary to remedy the cause of the Stop Work Order as expressly authorized by the Director.

It shall be a violation of this section for a person to undertake, allow, consent, or permit another to undertake work upon a site subject to a Stop Work Order.

If the cause of a Stop Work Order is not cured within a reasonable period of time, the LD permit may be revoked by the Director and thereafter no person shall continue any work described in the LD permit without first obtaining a new LD permit and paying a new LD permit fee as required by this section.

P. Effective Date

The provisions of this section shall be effective upon the date as accepted by Ordinance by the Clay County Commission (2010-ORD-08, March 8, 2010). A LD permit shall not be required for any land disturbance activity upon sites for which a valid County Building Permit has been issued prior to the effective date. Any final plat or final site plan approved prior to the effective date shall nonetheless be subject to this section.

Chapter 151-9 Impact Fees, Maintenance and Improvements

151-9.1 Authority and Purpose

Pursuant to the Comprehensive Plan, and the power vested in the County Commission to require improvements as provided for in Section 64.580 RSMo., the development, subdivision or re-subdivision (involving additional lots) of land, may only be accomplished by requiring land development to bear a proportionate share of the cost for improving/maintaining the roads and parks systems to promote public, health, safety and welfare. It is the purpose of this chapter to require new development (see definition of development in Chapter 15) to pay a pro-rata share of the cost for maintaining or improving existing county roadways and the county's park system. The amount of road impact fees and park impact fees is based upon the fee schedule adopted by the County Commission.

151-9.2 Administration

The administrative procedures for a Road Impact Fee and Park Fee fund are determined by provisions of this chapter.

151-9.3 Applicability

The fees required by this chapter shall be imposed after December 31, 2019 at the time a building permit is issued for all residential structures (single family homes, multi-unit housing, duplexes, accessory dwelling units, guest homes, accessory apartments, mobile homes, and all other residential uses listed in the Use Table, Chapter 6 of LDC).

151-9.4 Effect on Other Regulations

This chapter shall not affect, in any manner, the permissible use of property, the density of development, design and improvement standards and requirements, or any other aspect of the development of land or the provision of capital improvements subject to this Land Development Code or other regulations of Clay County, which shall be operative and remain in full force and effect without limitation with respect to all development.

151-9.5 Improvements as Additional Requirement

All subdivisions filed under the Major Subdivision application are subject to a review of needed off-site improvements. If, during staff review, there are concerns, a study may be ordered to assess the actual off-site impacts of the subdivision.

A. Off-Site Improvements

When a proposed development is projected to have off-site drainage or traffic impacts, the subdivider may be required to complete certain off-site improvements that are intended to mitigate the effects of the increased runoff or traffic counts. Such improvements will be supported by a Traffic Impact Study or Stormwater Study done by the applicant and included in the conditions of the Final Plat approval. Improvements may include, but are not limited to:

- Streets and thoroughfare facilities
- Traffic control facilities
- Bridges
- Storm drainage facilities
- Utility undergrounding
- Street lighting
- Street trees and median landscaping
- Accel and/or decel lanes
- Turn lanes
- Raised medians.

1. **Bridges**

Bridges of primary benefit to the subdivider shall be constructed at the expense of the subdivider without reimbursement from the County. The expense for the construction of bridges not of primary benefit to the subdivider may be fixed by special agreement between

the County Commission and the subdivider. Such cost shall be charged to the developer on a pro rata basis. Final approval of benefit and any special agreements shall be made by the County Commission.

2. **Interior Streets/Improvements**
   If the street is interior to the development, the developer is responsible for 100% of the right-of-way and 100% of the construction cost and other improvements.

3. **Perimeter Street/Improvements**
   Off-site street road improvements will be determined by the Highway Administrator, and all such improvements shall be paid for by the developer.

B. Substitution
The improvements required by this chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by Clay County on the development of land. It is intended to be consistent with and to further the objectives of the Comprehensive Plan and other county policies, ordinances, and resolutions by which the county seeks to ensure the provision of public facilities in conjunction with the development of land.

151-9.6 Payment of Road Impact & Parks Fees

Unless otherwise noted herein, the Road Impact Fees and Parks Fees (RIF's & PIF's) shall be due and payable as follows:

A. A Road Impact Fee and Parks Fee shall be applied to all residential structures (single family homes, multi-unit housing, duplexes, accessory dwelling units, guest homes, accessory apartments, mobile homes, and all other residential uses listed in the Use Table, Chapter 6 of LDC).

B. The fee shall be paid in full at the time a permit for a residential structure is issued.

C. The amount for Road Impact Fees (RIF's) and Park Impact Fees (PIF's) shall be determined by the County Commission and adopted in the Fee Schedule for Planning & Zoning.

D. All Road Impact Fees paid shall be placed in a Clay County Highway Department account and used for the maintenance of the County's road system. All Park Impact Fees paid shall be placed in a Clay County Parks Department account and used for maintenance of the County's parks system.

151-9.7 Non-Residential Improvement Fees/Change or Expansion of Use

The following shall apply to any change or expansion in land use other than residential structures:

A. All such change or expansion in land use shall require an evaluation of the number of trips that the proposed use will generate. This evaluation shall be in the form of a Traffic Impact Study, as outlined by Sec. 151-10.3. This study may be waived by the Highway Administrator, when the Highway Administrator determines that the needed information may be obtained from existing information.

B. At a minimum, the developer shall be responsible for 50 percent of the improvements recommended by the Traffic Impact Study. An agreement or a condition of development shall be drafted outlining the responsibilities of the developer/builder and the County. The County Commission may require the developer to be responsible for the improvements as well as paying a road impact fee if it is determined that the change of use or expansion of use will have an impact on the County's road system.

C. The Planning & Zoning Manager and Highway Administrator may require that a development agreement be approved by the County Commission for development that does not require County

Commission approval. The development agreement may require road impact fees as determined by the County Commission. This provision is applicable if one the following apply:

i. A change of use is determined by the Planning & Zoning Manager and Highway Administrator to have a substantial impact on the County's road system.

ii. An expansion of use is determined by the Planning & Zoning Manager and Highway Administrator to have a substantial impact on the County's road system.

151-9.8 Enforcement; Issuance of Building Permits

No building permits for residential structures will be issued after December 31st, 2019 without a Road Impact Fee and Park Impact Fee being paid.

Chapter 151-10 Development Standards

151-10.1 Off-Street Parking and Loading

A. Applicability

1. **New Development**
   The off-street parking and loading standards of this section apply to any new building constructed and to any new use established.

2. **Expansions and Alterations**
   The off-street parking and loading standards of this section apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (preexisting + expansion) must equal at least 75 percent of minimum ratio established in Off-Street Parking Schedule "A" of this section.

3. **Timing of Installation**
   Required parking spaces and drives shall be ready for use and approved by the Planning and Zoning Director prior to issuance of a certificate of occupancy. The Planning and Zoning Director shall be authorized to allow issuance of a certificate of occupancy before installation of required parking if the applicant provides a letter of credit, performance bond, escrow deposit or other acceptable financial security adequate to ensure that all required parking will be installed when weather conditions permit. The amount of the financial guarantee must be equal to at least 100 percent of the estimated total cost (labor and materials). The county shall be authorized to use such financial guarantee to complete the work if the required parking is not in place by the date stated on the approved performance guarantee.

4. **No Reduction Below Minimums**
   Existing parking and loading spaces may not be reduced below the minimum requirements established in this section. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this Land Development Code unless parking and loading spaces are provided in accordance with the provisions of this section.

B. Off-Street Parking Schedules

1. **Off-Street Parking Schedule "A"**
   Off-Street Parking Schedule "A" lists minimum off-street parking requirements by land use category.

2. Off-Street Parking Schedule "A"

Use Categories	Specific Uses	Minimum Number of Spaces Required
Residential		
Household Living	Multi-Dwelling Structures	- 1.5 per efficiency dwelling unit - 2.0 per 1-bedroom unit - 2.5 per 2-bedroom or larger unit
	All Other Household Living	2 per dwelling unit
Institutional		
College		Schedule C
Community Services		Schedule B or Schedule C
Day Care		1 per 500 square feet
Detention Facilities		Schedule C
Hospital		1 per patient bed, plus 1 per 300 square feet of administrative office, plus 1 per 200 square feet of outpatient clinic space
Parks and Open Areas		Schedule C
Religious Institutions		0.33 per seat in main worship area*
Safety Service		1 per employee or Schedule C
Schools	Elementary, Middle/Junior High	1 per teacher/employee + 10 visitor spaces or Schedule C
	Senior High	1 per teacher/employee + 1 per 5 students or Schedule C
Utilities, Basic		None
Utilities, Major		1 per employee or Schedule C
Commercial		
Entertainment Event, Major		Schedule C
Office	Medical	1 per 200 square feet
	All Other Office	1 per 300 square feet
Parking, Commercial		N/A
Recreation and Entertainment, Outdoor		Schedule B
Retail Sales/Service	Bank or Financial Service	1 per 250 square feet, plus stacking spaces per this section
	Car Wash	Stacking spaces per this section
	Health Club	1 per 200 square feet
	Hotel, motel or other temporary lodging	1 per guest room, plus required spaces for associated uses
	Restaurants (Sit-Down), Taverns, Drinking Establishments	1 per 75 square feet

Off-Street Parking Schedule "A" (continued)

Use Categories	Specific Uses	Minimum Number of Spaces Required
	Restaurants, Drive-in or Fast-Food	1 per 75 square feet of customer service and dining area or 1 per 150 square feet of gross floor area, whichever is greater, plus stacking spaces per this section
	Theater	1 per 4 seats
	Vehicle and Equipment Sales	Schedule B
	All other Retail Sales and Service uses not specifically listed	1 per 250 square feet
Self-Service Storage		1 plus 1 per 2,500 square feet of storage space
Vehicle Service/Repair		5 per service bay
Industrial		
Industrial Service		1 per 500 square feet or Schedule B
Manufacturing and Production		1 per 500 square feet or Schedule B
Warehouse and Freight Movement		1 per 750 square feet or Schedule B
Waste-Related Use		Schedule B or Schedule C
Wholesale Sales		1 per 500 square feet or Schedule B
Other		
Agriculture		None
Aviation/Surface Passenger Terminals		Schedule C
Wireless Communications Towers		None

* Religious assemblies may reduce their parking requirements based on shared parking arrangements with uses that are inactive during religious activities.

3. Off-Street Parking Schedule "B"
   Off-street parking spaces for Schedule "B" uses must be provided for all components of the use, as follows:

Activity	Number of Spaces Required
Office or administrative area	1 per 300 square feet
Indoor sales area	1 per 200 square feet
Outdoor sales or display area (3,000 square feet or less)	1 per 750 square feet
Outdoor sales or display area (over 3,000 square feet)	
- Motor vehicles/equipment sales	1 per 2,000 square feet
- Other sales/display	1 per 1,000 square feet
Indoor storage/warehousing/vehicle service/ manufacturing area	
- 1-3,000 square feet	1 per 250 square feet
- 3,001-5,000 square feet	1 per 500 square feet
- 5,001-10,000 square feet	1 per 750 square feet
- 10,001-50,000 square feet	1 per 1,250 square feet
- 50,001 square feet+	1 per 1,250 square feet

4. **Off-Street Parking Schedule "C"**
Schedule "C" uses have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard.

a. **Parking Study**
Anyone proposing to develop or expand a use requiring Schedule "C" parking must submit a parking study that provides justification for the number of off-street parking spaces proposed. A parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Planning and Zoning Director and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

b. **Review by Planning and Zoning Director**
The Planning and Zoning Director shall review the parking study and any other traffic engineering and planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use. After reviewing the parking study, the Planning and Zoning Director shall establish a minimum off-street parking standard for the proposed use.

c. **Appeals**
Appeals of the Planning and Zoning Director's decision may be taken to the Board of Zoning Adjustment in accordance with the procedures of Sec. 151-3.15.

C. Rules for Computing Requirements
The following rules apply when computing off-street parking and loading requirements.

1. **Multiple Uses**
Lots containing more than 1 use must provide parking and loading in an amount equal to the total of the requirements for all uses.

2. **Fractions**
When measurements of the number of required spaces result in a fractional number, any fraction of ½ or less will be rounded down to the next lower whole number and any fraction of more than ½ will be rounded up to the next higher whole number.

3. **Area Measurements**
Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area, which for purposes of computing off-street parking requirements, shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

a. the area of each floor of the structure and

b. all attic space having headroom of 7 feet-10 inches or more.

4. **Occupancy-Based Standards**
For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

5. **Unlisted Uses**
Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning and Zoning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with Off-Street Parking Schedule "C."

D. Location of Required Parking

1. **On-Site Parking; Setbacks and Buffering**
   Except as expressly stated in this section, all required off-street parking spaces must be located on the same lot as the principal use. Unless otherwise expressly stated, off-street parking areas shall be set back at least 10 feet from all front (street right-of-way) and rear property lines.

   a. **Street Buffers**
   Off-street parking areas containing more than 5 parking spaces shall be screened from view of adjacent street rights-of-way by principal buildings or by landscape buffer strips as follows:

Parking Area Size Number of Spaces	Buffer Width Minimum (feet)	Minimum Planting Requirements
5-15	5	Hedgerow (shrubs planted maximum of 3 feet on center)
16-50	10	1 small tree + 8 shrubs per 25 linear feet
51+	20	1 medium tree + 8 shrubs per 25 linear feet

Minimum sizes:
shrubs = 1 gallon, small deciduous tree = 1½-inch DBH,
small evergreen tree = 4½-foot height,
medium deciduous tree = 2½-inch DBH,
medium evergreen tree = 5½ feet height
(DBH=Diameter at Breast Height)

The Planning and Zoning Director may permit the use of existing (pre-development) vegetation as a substitute for landscape buffer strips if such existing vegetation will provide a visual buffer.

Figure 151-10.1-1

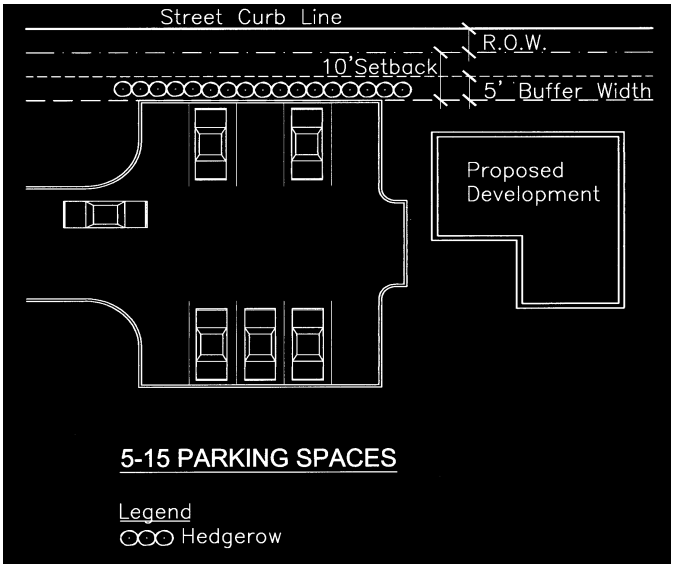


Figure 151-10.1-2

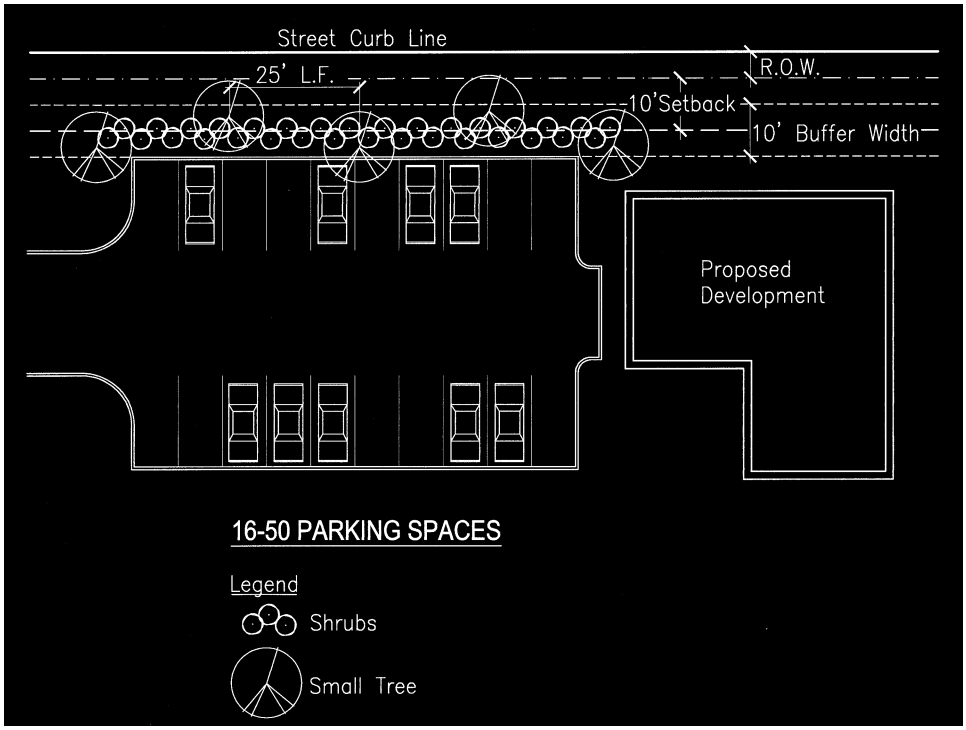
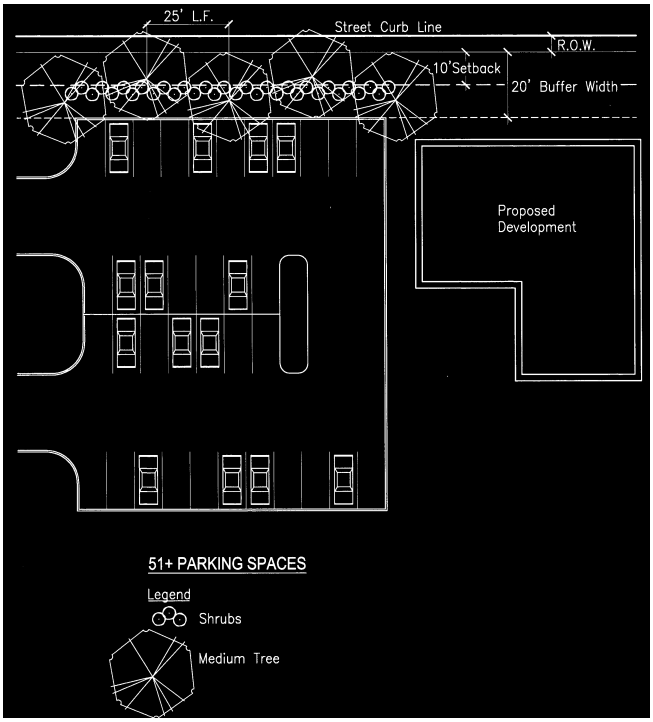


Figure 151-10.1-3



b. **Residential Buffers**

Off-street parking areas containing more than 5 parking spaces shall be screened from view of adjacent residential zoning districts by buildings, fences, walls or dense landscape planting screens with a minimum height of 5 feet. Preservation of existing (pre-development) vegetation is the preferred method of screening.

2. **Off-Site Parking**
Off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if approved in accordance with Conditional Use Permit procedures of Sec. 151-3.10 and if the off-site parking complies with the all of following standards.

   a. **Ineligible Activities**
   Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off-site.

   b. **Location**
   No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.

   c. **Zoning Classification**
   Off-site parking areas serving uses located in nonresidential zoning districts must be located in nonresidential zoning districts. Off-site parking areas serving uses located in residential zoning districts may be located in residential or nonresidential zoning districts.

   d. **Agreement for Off-Site Parking**
   In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning and Zoning Director for recordation on forms made available in the Planning and Zoning Department. Recordation of the agreement with the Recorder of Deeds must take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

3. **Shared Parking**
Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved in accordance with the Conditional Use Permit procedures of Sec. 151-3.10 and if the shared parking complies with the all of following standards.

   a. **Location**
   Shared parking spaces must be located within 1000 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

   b. **Zoning Classification**
   Shared parking areas serving uses located in nonresidential zoning districts must be located in nonresidential zoning districts. Shared parking areas serving uses located in residential zoning districts may be located in residential or nonresidential zoning districts.

   c. **Shared Parking Study**
   Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning and Zoning Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Planning and Zoning Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

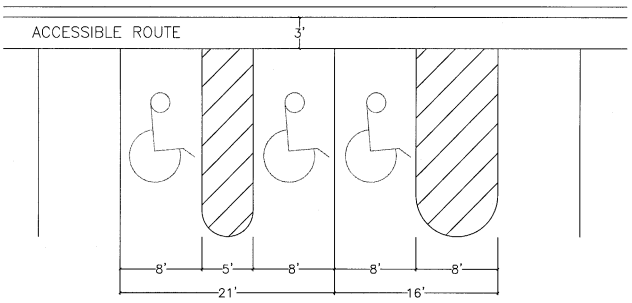
d. **Agreement for Shared Parking**
A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning and Zoning Director for recordation on forms made available in the Planning and Zoning Department. Recordation of the agreement with the Recorder of Deeds must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

E. Accessible Parking for Physically Disabled Persons
A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities.

1. **Number of Spaces**
The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20+ 1 per each 100 spaces over 1,000		

2. **Minimum Dimensions**
All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:



UNIVERSAL AND VAN ACCESSIBLE SPACE

a. Car-Accessible Spaces
Car-accessible spaces (also referred to as “universal spaces”) shall have at least a 5-foot wide access aisle located abutting the designated parking space.

b. Van-Accessible Spaces
Van-accessible spaces shall have at least an 8-foot wide access aisle located abutting the designated parking space.

F. Parking Space and Parking Lot Design

1. **Parking Space Dimensions**
Required off-street parking spaces shall have minimum dimensions of 8.5 feet in width by 18.5 feet in length.

2. **Aisle Widths**
Drive aisle widths adjoining off-street parking spaces shall comply with the following standards:

Minimum Aisle Width for Specified Parking Angle (feet)			
90	75	60	45 or less
24	22.5	18	14

Note: Two-way drive aisles shall always require a minimum width of 24 feet.

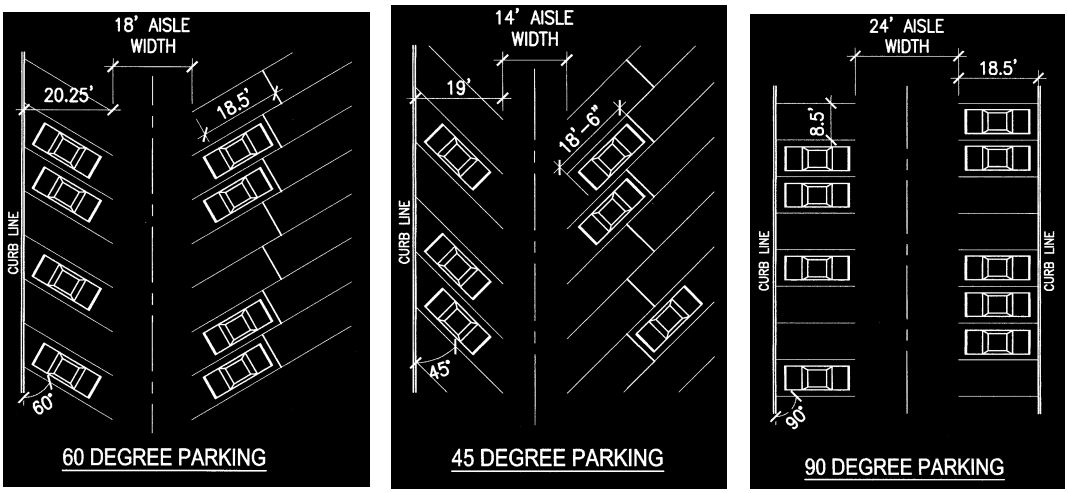


Figure 151-10.1-4

3. **Markings**

a. Each required off-street parking space and off-street parking area shall be identified by surface markings at least 4 inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.

b. One-way and two-way accesses into required parking facilities shall be identified by directional arrows.

4. **Surfacing and Maintenance**
All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses except agriculture or single-family uses in the AG, R-1 or R-5 districts shall be paved and kept in a dust-free condition at all times. Paving shall consist of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles.

5. **Access**
   Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.

G. Use of Required Parking Spaces

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for storage of trash dumpsters, the display of goods for sale or lease, for motor vehicle repair or service work of any kind, or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

H. Vehicle Stacking Areas

1. **Minimum Number of Spaces**
   Off-street stacking spaces shall be provided as follows:

Activity Type	Min. Spaces	Measured From
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Pump Island
Other	Determined by Highway Administrator based on Traffic Study	

2. **Design and Layout**
   Required stacking spaces are subject to the following design and layout standards.

   a. **Size**
      Stacking spaces must be a minimum of 8 feet by 20 feet in size.

   b. **Location**
      Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

   c. **Design**
      Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Highway Administrator for traffic movement and safety.

I. Parking and Storage of Large Vehicles and Equipment

1. **1-3/4 -Ton Capacity**
   Outdoor storage or overnight outdoor parking of tractor-trailers, semi-trucks, semi-trailers or other vehicles having a hauling capacity of more than 1-3/4 - ton shall be prohibited in all agricultural, residential and C-1 zoning districts. This prohibition shall not apply to pick-up trucks, personal major recreational equipment or farm vehicles.

2. **Construction Equipment**
   Construction equipment shall not be stored on lots in residential or commercial districts except during the period of permitted construction on the subject parcel.

J. Off-Street Loading

1. **No Use of Public Right-of-Way**
   At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street. No part of any vehicle shall be allowed to extend into the right-of-way of a collector or arterial street while being loaded or unloaded.

2. **Location**
   Plans for location, design and layout of all loading spaces shall be indicated on required site plans.

3. **Space Size**
   Off-street loading spaces, excluding maneuvering areas, shall be at least 10 feet wide and 25 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space shall be 12 feet by 54 feet.

151-10.2 Number of Uses/Structures per Lot

A. Only one principal structure (residence) may be constructed on Agriculturally or Residentially zoned property. Accessory buildings and uses must comply with the corresponding zoning district.

B. A lot may be used for more than 1 principal nonresidential use and more than 1 principal nonresidential structure, provided that all structures are separated by a minimum distance of 15 feet and provided that development on the lot complies with the proper zoning district and all applicable standards of this Land Development Code.

151-10.3 Traffic Impact Studies

A. Applicability
A traffic impact study shall be required with zoning map amendment applications, preliminary plats or planned unit developments that are projected to generate 100 or more peak hour vehicle trips or when the Highway Administrator determines that the proposed development will have a measurable impact on the county road system.

B. Study Scope
When a traffic impact study is required, the type and scope of the study shall be determined during a meeting with the Highway Administrator. The Highway Administrator may also involve representatives of or request assessments from other agencies and departments. The elements to be determined during the meeting shall include:

1. **Type of Study**
   The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g., sight distance survey).

2. **Definition of Impact Area**
   The points of access and key streets and intersections that may be affected by development of the subject tract constitute the Impact Area. Traffic recorder and turning movement assessment locations shall be determined.

3. **Period of Analysis**
   Periods of analysis may include: daily traffic, AM, PM or weekend peak hour.

4. **Analysis Scenarios**
   Scenarios for analysis include: existing conditions, opening year conditions with and without development, and 10 years after opening with and without development.

5. **Process**
   Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions.

6. **Growth Rate Assumption**
   The rate of growth assumed in background traffic assumptions.

7. **Pipeline Development**
   Planned developments in the area that have been approved or are under review.

C. Traffic Study Elements

A letter report or special report shall only include those elements agreed upon in the scoping meeting. A full traffic impact study shall include the following elements:

1. **Existing Condition Survey**

    a. **Street System Description**
    The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.

    b. **Traffic Volumes**
    Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and "Design" peak hour volumes. AADT may be derived from current counts of the Missouri Department of Transportation (if available) and peak hour volumes shall be done from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the meeting.

    c. **Capacity Analysis**
    Existing capacity of signalized and non-signalized intersections.

    d. **Other**
    Other items may be required at the discretion of the Highway Administrator depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

2. **Future Without Development**
Capacity analysis is to be provided for opening year and plus 10-year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Highway Administrator.

3. **Future With Development**

    a. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers Trip Generation Report unless the Highway Administrator determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from ITE.

    b. The projected trips shall be distributed onto the road network as agreed in the meeting.

    c. Capacity analysis for opening year and plus 10-year for key intersections (and roadway segments where appropriate).

    d. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

4. **Mitigation Plan**
Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Highway Department and, where appropriate, the Missouri Department of Transportation. Where the County Commission determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning or planned unit development request.

5. **Consultants**
The County Commission may require that an independent consultant be hired by the county to perform required traffic impact studies or to review all or part of a study prepared by the applicant's consultants. The Highway Administrator is authorized to administer the contracts for such consultants.

a. The Highway Administrator shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.

b. The applicant shall provide an amount equal to the estimate to the Highway Administrator, who will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned to the applicant in a timely manner without interest.

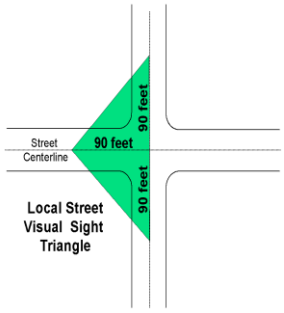
c. The County Commission may require additional fees for the independent review if:

- the County Commission expands the scope of the required review;
- the applicant substantially amends the application;
- additional meetings involving the consultants are requested by the applicant;
- the consultant's appearance is requested at Planning and Zoning Commission or County Commission meetings beyond what was initially anticipated;
- **or** the consultant's attendance is required at meetings with agencies or boards which were not anticipated in the earlier scope of services.

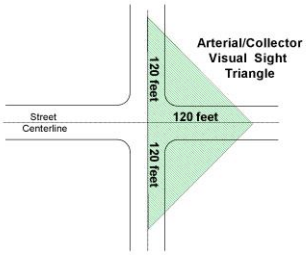
151-10.4 Intersection Visibility

Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede or obstruct vision between a height of 2 feet and 10 feet (measured from the edge of the road driving surface nearest the obstruction) within an imaginary triangular area formed by points on each street center line located:

a) 90 feet from the intersection of local street center lines and a third (diagonal) line connecting the two points; or



b) 120 feet from the intersection of collector or arterial street center lines and a third (diagonal) line connecting the two points.



151-10.5 Historic Preservation

Whenever there is an existing structure with potential historic value or a site with likelihood to yield a significant archaeological remains, consideration shall be given to preserving the structure or protecting the site prior to any construction or reuse of the property.

A. Site Evaluation Criteria

Prior to approval of the Final Plat, sites should be evaluated to determine if one of the following are present on the site:

1. Structures over 50 years of age;
2. Exceptional works of well-known architects or builders (even if the structure is less than 50 years old);
3. Structures or features listed on the Clay County, State, or National Historic Registers; or
4. Structures that are significant in terms of American history, architecture, culture, archaeology or engineering.

B. Discovery

If, during any construction, any archeologically or historically significant structures or features are discovered, the property owner shall notify the Clay County Historical Society and the state historic preservation officer of the discovery. Upon discovery of archeologically or historically significant structures, all construction activity shall cease until significant items have been salvaged or protected.

151-10.6 Residential Design Standards

All detached houses shall be subject to the residential design standards of this section, provided that houses located within mobile home parks shall not be subject to these standards. The County's currently adopted building codes shall govern all building requirements.

A. Minimum Size

1. **Width and Depth**
   Detached houses shall have a minimum exterior dimension of 22 feet on any side.
2. **Living Area**
   Each detached house shall comply with the minimum living area standard of the underlying zoning district.

B. Roof

1. **Pitch**
   The roof shall have a minimum 5:12 pitch (i.e., a vertical rise of at least 5 inches for every 12 inches (1 foot) of horizontal run).
2. **Materials**
   The roof must be covered with material that is customarily used on site-built houses in Clay County, including approved wood, asphalt composition shingles, or fiberglass, but excluding aluminum, corrugated fiberglass and metal roofs.
3. **Eaves and Overhangs**
   The roof shall have a minimum eave projection and roof overhang of 12 inches on each of the exterior walls. Eave projections and roof overhangs shall be architecturally integrated into the design of the house. Gutters shall not be counted in calculating roof overhang.

C. Exterior Siding

Exterior siding shall be made of materials customarily used on site-built houses in Clay County, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels and materials with a high gloss finish. Siding material shall extend below the top of the foundation or curtain wall or the joint between the siding and enclosure wall shall be flashed in accordance with the building code.

D. Siting and Placement

1. **Siting**
   Manufactured housing units shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in the most recent edition of "Guidelines for Manufactured Housing Installations." A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home, in accordance with the above-referenced ICBO "Guidelines." All running gear, tongues, axles, and wheels must be removed at the time of installation of the house on the lot.

2. **Placement**
   Detached houses shall be placed so that the apparent entrance or “front” of the structure faces or parallels the primary street frontage, except where the lot is 3 or more acres in size and the unit is set back at least 150 feet from all property lines.

E. Entrance Landing Area
At the main entrance door there shall be a landing that is a minimum of 3 feet by 3 feet, constructed to meet applicable building code requirements.

F. Finished Floor Elevation
The finished floor elevation of the first floor of the detached house shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance of the dwelling.

G. Attached Additions
Any attached addition shall comply with county building codes.

H. Garages
Detached garages may be constructed on the same lot as a detached house, provided that such structures comply with all applicable building code requirements.

(Notes:

Standard garage sizes apply:

- *12’ x 24’ Single, each car storage*
- *24’ x 24’ Double, two car storage*

A Standard Sports Utility Vehicle (SUV) is 7’ wide and 18.9’ long.)

Chapter 151-11 Environmental

151-11.1 Dams and Water Impoundment Structures

A. General

Dams and water impoundment structures shall be planned, designed and constructed under the supervision of a structural or professional engineer registered in the State of Missouri and shall comply with all applicable county and state standards. A preliminary engineering report, including soil investigations and design procedures, in accordance with state and county standards, shall be submitted to the county prior to any development approval. The applicant's engineer shall certify that the dam is constructed in accordance with the approved plans and specifications. (See Sec. 151-8.13)

B. Dams

A dam construction permit must be obtained from the Building Official before beginning construction of any dam. A dam construction permit shall only be granted as follows:

1. Dams that are proposed to be constructed on parcels of less than 20 acres in area shall be designed by a professional engineer registered in the State of Missouri. Prior to construction of such dam, detailed design plans shall be submitted for review by the Building Official for compliance with all applicable county and state standards. After the construction of such dam, the engineer shall certify that the dam is built in accordance with the approved plans.

2. Submitted plans must show the method of dam construction, the materials to be used for fill, including the specified soil types, all proposed structures for the control of excess water, and the maximum land area that the impounded water could cover. The plan shall note the number of acres contained in the drainage area topographically higher than the lowest point of the dam.

3. Dams that impound water from a drainage area of 20 acres or more shall be designed by a professional engineer registered in the State of Missouri. Prior to construction of such, detailed design plans and specifications shall be submitted to the County Engineer for design review and compliance with State of Missouri standards. The professional engineer shall certify that the dam has been constructed in accordance with the plans and specifications and State of Missouri standards.

4. No pond or lake shall be located closer than 50 feet to any county, state or city road, street or road right-of-way.

5. No pond or lake shall impound water over a utility easement, except a drainage easement, or over an existing utility line including sewage lateral fields. Where impounded waters will back up on to other (off-site) property, water impoundment easements shall be required and recorded.

6. Ponds or lakes with a surface area of 1 acre or less (at normal pool level or normal spillway elevation) and used exclusively for an individual dwelling unit’s sewage retention or for agricultural purposes shall be exempt from the standards of this section.

7. Ponds or lakes built in cooperation with the Natural Resources Conservation Service and meeting their standards are exempt from the standards of this section.

151-11.2 Stormwater Management

Stormwater is water from rain or melting snow that does not soak into the ground. It flows from rooftops, over paved areas and bare soil, and through sloped lawns. As it flows, this runoff collects and transports soil, manure, salt, pesticides, fertilizer, oil and grease, leaves, litter and other potential pollutants. Contaminants include: livestock waste, fuels and solvents, pesticides, and chemical fertilizers. Contrary to popular belief, most storm sewers do not carry storm water to wastewater treatment plants. Stormwater is unavoidable, but keeping harmful chemicals and materials out of runoff, as well as designing detention areas that would reduce the flows and, therefore, the amount of erosion can reduce its effects.

Soil type can affect surface water contamination. Although runoff occurs from all soil types, clay soils are more likely to cause surface water runoff because they are less permeable. Eroding soil is considered a water pollutant.

Stormwater management is a requirement for all development within Clay County. All developments are required to be responsible for potential runoff onto and off of the property. All stormwater management within Clay County shall be designed in accordance with this section and Section 151.8.12 other specific requirements are in the “Technical Specifications and Design Criteria Manual”, “Drainage Easements” (Section 151-8.15), and Erosion and Sediment Control Regulations (Section 151-8.19)

For additional information, contact the University of Missouri Extension Service, the Clay County Soil and Water Conservation District, the Missouri Department of Natural Resources, Missouri Department of Conservation, and the Clay County Health Department.

A. Practices that will reduce stormwater runoff and improve water quality in streams

1. Cover bare soil with vegetable and flower gardens, grass seed, and natural prairie grass coverings.
2. Remove all debris from ditches and creeks and from areas where they might be swept into a channel.
3. Consider using materials other than concrete or asphalt for drives and walkways that would allow for more seepage into the ground.
4. Keep basement windows or doors sealed against leaks.
5. Slope the yard away from the foundation to prevent water from pooling near the structure.
6. Use downspouts to carry water from the roof onto grassy areas.
7. Consider a landscaping layout engineered to reduce runoff.
8. Pump and repair on-site septic systems on a regular basis.
9. Replace septic systems if it is more than 30 years old, made of soil or undersized for any additions you have made to your house.
10. Do not drive vehicles on the drain field.
11. Do not pave, build, or pile heavy objects on a drain field.
12. Divert roof runoff and other surface runoff away from the drain field.
13. Do not dispose of tissues, diapers, sanitary napkins, cigarette butts and other solid waste down the toilet.
14. Paints, solvents, acids, drain cleaners, oils and pesticides can pass untreated through your system and contaminate the groundwater.
15. Consider the individual characteristics of the site when building; such as soil type and depth; depth to bedrock; depth to the water table; and location of wetlands, streams, or other surface water.

B. Stream Protection

No person shall knowingly deposit or dump trash, debris, or other obstacles into a Clay County active stream, or otherwise pollute, contaminate, or significantly retard the flow of water through the watercourse.

*(Note: **Active Channel –** The area of the stream channel that is subject to frequent flows (approximately once per one and a half years), and that includes the portion of the channel below where the floodplain flattens. A USGS "blueline" or a stream that has an average flow of 5cfs or greater may also be used to define an Active Stream Channel.) The Planning and Zoning Manager has the discretion to waive or reduce the setback requirements based on the topography of the parcel and amount of flow in the channel.*

C. Stream Buffer Setbacks

This stream buffer setback ordinance is intended to protect and maintain the native vegetation along all stream systems within Clay county jurisdictional authority. This ordinance establishes minimal acceptable requirements for the design of buffers to protect the streams, wetlands and floodplains of Clay County; to protect the water quality of watercourses, reservoirs, lakes and other significant water resources within Clay County; to protect Clay County's riparian and aquatic ecosystems; and to provide for the environmentally sound use of Clay County's land resources.

1. **Structure Setback Requirements**
   No structures shall be constructed within 50' of the highest stream bank, or in no case within 75' of the centerline of an active stream channel.

2. **Drainage Construction**
   Stormwater drainage construction may occur within the 75' setback requirement, if approved by the County Engineer.

3. **Water Pollution Hazards**
   The following land uses and/or activities are designated as potential water pollution hazards, and must be set back from any active stream channel or water body by the distance indicated below:

   a. Storage of hazardous substances (150 feet)
   b. Drain fields from on-site sewage disposal and treatment systems (i.e. septic systems –50 feet)
   c. Raised septic systems (75 feet)
   d. Solid waste landfills or junkyards (300 feet)
   e. Confined animal feedlot operations (250 feet)
   f. Subsurface discharges from a wastewater treatment plant (75 feet)
   g. Land applications of biosolids (100 feet)

4. **Zone 1 - Streamside Zone**
   The function of the streamside zone is to protect the physical and ecological integrity of the stream ecosystem.

   a. The streamside zone will begin at either the centerline or the edge of the highest bank of the active channel and extend a minimum of 50 feet or extend a minimum of 50 feet from the centerline of the active channel and/or waterbody.

   b. Allowable uses within this zone are restricted to:

      i. Flood control structures
      ii. Utility rights of way
      iii. Footpaths and foot bridges
      iv. Road crossings, where permitted.
      v. Driveways, when approved by the highway and planning departments.

5. **Zone 2 – Secondary Streamside Zone**

   a. The function of the secondary streamside zone is to protect key components of the stream and to provide a distance between upland development and the streamside zone.

   b. The secondary streamside zone will begin at either the centerline or the outer edge of the streamside zone (Zone 1) and extend a minimum of 25 feet.

   c. Allowable uses within the secondary streamside zone are restricted to:

      i. Biking and hiking paths
      ii. Stormwater management facilities with the approval of the Clay County Engineer
      iii. Recreational uses approved by Planning and Zoning and the Clay County Parks Department
      iv. Limited tree clearing with the approval of the Planning & Zoning Director
      v. Targeted vegetation is that of mature native vegetation adapted to the region.
      vi. Wastewater lateral systems with approval of the Clay County Health Department.

D. Plat Requirements

All plats containing active stream channels shall show Zones 1 and 2 and provide a note stating, "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Clay County."

E. Stormwater Runoff Requirements

There shall be no increase in off-site stormwater runoff from any proposed development when compared to the predevelopment status. See Section 151-8.12, Stormwater Management/Design Criteria.

F. Violation

Any violation of this section of the ordinance will receive written notice of the violation and given a specific length of time to remedy the problems. Failure to do so will constitute a misdemeanor.

151-11.3 Renewable Energy

Renewable energy sources (e.g. wind energy systems, solar collectors, etc.) are encouraged in Clay County. See Section 151-6.3 (G) regarding solar collectors, and 151-6.2 (H) for Wind Energy Systems (WES).

151-11.4 Junk, Trash and Derelict Vehicles

The regulations of this section are intended to prohibit the accumulation of junk, debris, building materials, used furniture, or other waste items or the repair, restoration, assembly, disassembly, storage or standing of any inoperable vehicle where it is visible and uncovered from surrounding property or roads.

A. Determination of Junk or Debris Status

Piles or accumulation of junk or debris shall be determined to be a nuisance when any one or more of the following conditions exist:

1. Accumulation of junk, debris, building materials, used furniture, household trash, tires, barrels or other waste items appear on any property which has the potential to be a:

   a. Health hazard
   b. Fire hazard
   c. Nuisance to adjacent property owners
   d. Degrade water quality of active streams.

2. The burial of trash or debris is considered to be operating a Landfill and is subject to all regulations regarding Waste-Related Use (Sec. 151-6.2X).

3. Any complaint regarding the accumulation of junk, debris, trash, building materials, used furniture, or other waste items located on property within unincorporated Clay County shall be processed by the Planning and Zoning Director or designee by:

    a. Receiving a complaint from any citizen of the County;
    b. Completing a Complaint form which will include the name and phone number of the person lodging the complaint;
    c. Inspecting the property for any violation(s).

4. Upon completion of the inspection the Planning and Zoning Director or designee will:

    a. Make a determination that there was no violation of this ordinance;
    b. Call the person reporting the problem and give them the results of their investigation;
    c. Make a determination that there is a violation of this ordinance;
    d. Send a certified letter to the property owner on which the violation is occurring;
    e. Indicate the nature of the violation, Code reference, number of days to correct the problem, and the follow up procedure.
    f. Staff will call the informer to advise them a certified letter has been sent.
    g. At the end of the allotted time, the property will be inspected for compliance.
    h. If not in compliance, and after notification to the property owner and investigation by staff, the complaint will be turned over to the County Prosecutor for prosecution of a misdemeanor.
    i. Each incident of a complaint, after notification to the property owner and investigation by staff, shall be considered a separate violation.

B. Determination of Vehicle Status

1. **Inoperable**
   A motor vehicle shall be determined to be inoperable when any one or more of the following conditions exist:

    a. it is disassembled in whole or in part;
    b. it is unable to move or it has not been moved under its own power within a continuous period of 10 days or more; or
    c. its license plates have been expired for 30 days or more.

2. **Storage**
   Inoperable motor vehicles shall not be stored, nor shall they be allowed to stand in any zoning district in any manner except as follows:

    a. In a legally established and conforming wrecking or salvage yard.
    b. In a fully enclosed storage structure such as a garage or barn.
    c. Where it is covered and/or not visible from adjacent roads or property.

C. Junk Vehicles and/or Trash/Debris are not “grandfathered” and all violations are effective as of June 23, 2003.

D. Violation and Penalty
Any owner, occupant, person, corporation, partnership, or association in control of any lot or parcel of land that meet Section 151-11.4 who shall fail to comply with any of the provisions of this code shall upon conviction thereof be fined in any such instance not exceeding one hundred dollars ($100.00). Each day of violation shall constitute a separate offense.

151-11.5 Noxious Weeds or Plants

A. **Purpose and Intent**
The purpose of the Clay County Noxious Weeds or Plants code (hereafter referred to as "Weed Ordinance" or "this code") is to prohibit the existence of noxious or rank vegetation of a height equal to or over 12 inches in higher density residential neighborhoods.

B. **Applicability**
The Weed Ordinance shall apply to all lots or parcels of land within unincorporated Clay County zoned RU, R-SD, R-SDM, or R-MHP.

C. **Right of entry**
For the purpose of carrying out the provisions and requirements of the Weed Ordinance and of the rules made and notices given pursuant thereto, representatives of the Planning & Zoning Department and Sheriff's Office shall have power to enter into or upon any lot or parcel of land during reasonable hours.

D. **Prohibited Vegetation**
It shall be unlawful for any owner, occupant, or person in control of any lot or parcels of land that meet Section 151-11.5 (B) to allow or maintain on any such lot or parcel of land any growth of grass, weeds, or rank vegetation to a height equal to or over 12 inches. Noxious weeds or rank vegetation includes but is not limited to ragweed, poison ivy, poison oak, musk thistle (Carduus nutans L.), Scotch thistle (Onoprodum acanthium L.), Canada thistle (Cirsium arvense), all invasive and noxious weeds as identified by the State of Missouri, or any other noxious weed as determined by representatives of the Planning & Zoning Department or Sheriff's Office.

E. **Exceptions**
The height limitation under Section 151-11.5 (C) may be modified at the discretion of the Director of the Planning & Zoning Department in the following instances:

1. Any existing lot not developed;
2. Any existing lot not developed, adjacent to a developed lot;
3. Any lot utilizing environmentally responsible management practices to mitigate stormwater runoff, control pests, or reduce pollutants; conducted pursuant to guidelines, regulations, programs, or recommendations promulgated by an agency of the Federal, State or County government; and having a buffer area equal to 10 feet from any developed lot;
4. Designated FEMA Special Flood Hazard Areas (SFHAs), wetlands (such as but not limited to marshes, swamps, or saturated land), bird or game sanctuaries (such as but not limited to a natural reserve established and maintained for the bona fide refuge and safety of birds and game), nature study areas, and property used for agricultural purposes as defined under Section 151-15.

F. **Enforcement**
Notwithstanding the penalty contained in Section 151-11.5 (G) and in addition thereto, when a representative from the Planning & Zoning Department or Sheriff's Office ascertains that the owner, occupant, or person in control of any lot or lands meeting Section 151-11.5 (B) has allowed or maintained on such lot or lands any growth of weeds or rank vegetation to a height equal to or over 12 inches or noxious weeds as set forth in Section 151-11.5 (C) are growing, said representative shall cause written notice to be served upon the owner, lessee, agent, or tenant having charge of any lot or lands that weeds or rank vegetation have been allowed to grow to a height equal to or greater than 12 inches. Such weeds or other vegetation must be cut to a height not exceeding 6 inches or destroyed within 5 days after the service of said notice.

1. If any such order of the representative from the Planning & Zoning Department or Sheriff's Office issued under the authority of the provisions of this code is not complied within 10 days after the service of said notice, then the County may cause said growth of weeds or other rank vegetation to be cut to a height not exceeding 6 inches or shall cause said noxious weeds to be destroyed.

2. If the County initiates the actions to come into compliance with the order, the owner of said lot or land shall pay the expense incurred by the compliance method or $250, whichever is greater, and the amount until so paid shall be a lien upon the realty and recoverable as other liens on realty in Clay County.

3. Service of the notice to any person, or persons may be made by registered mail or by any designated representative of the Planning & Zoning Department or Sheriff's Office.

    a. If the owner or other person having charge of such lands is a non-resident whose address is known, such notice shall be sent to that address by registered mail.

    b. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, it shall be sufficient to post such notice on the lot or land, or be published in at least one publication in one newspaper published in Clay County.

G. **Violation and Penalty**
Any owner, occupant, person, corporation, partnership, or association in control of any lot or parcel of land that meet Section 151-11.5 (B) who shall fail to comply with any of the provisions of this code shall upon conviction thereof be fined in any such instance not exceeding one hundred dollars ($100.00). Each day of violation shall constitute a separate offense.

H. **Effect**
The adoption of this code shall not discharge, impair, or replace any contract, obligation, duty, liability, or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for cause of action now existing or offenses already committed against any law or ordinance repealed by this code shall be instituted, proceeded with and prosecuted to final determination, and judgment as if this code had not become effective.

151-11.6 Liquid Gas Tanks

Permanently installed liquid gas tanks (propane) with a capacity of 10,000+ gallons shall be permitted only in I-1 or I-2 zoning districts. They shall conform to the zoning restrictions and those of the 2006 Uniform Fire Code, as adopted by Clay County.

Temporary storage tanks of 10,000+ gallons liquid gas must have a Conditional Use Permit and conform to the restrictions that may be required to allow the installation of such a tank.

151-11.7 Floodplain Management

A. Statutory Authority
The Legislature of the State of Missouri has in RSMo 64.090 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the County Commission of Clay County, Missouri ordains as follows:

B. Findings of Fact

1. **Flood Losses Resulting from Periodic Inundation**
The special flood hazard areas of Clay County, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. **General Causes of the Flood Losses**
These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. **Methods Used To Analyze Flood Hazards**
The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

a. Selection of a base 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 ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Clay County dated August 3, 2015 as amended, and any future revisions thereto.

b. Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in 151-11.7 (B) (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a) (3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

D. General Provisions

1. **Applicability**
This ordinance shall apply to all lands within the jurisdiction of Clay County identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Map (FIRM) on Clay County Index Panel 29047CIND0A dated August 3, 2015, as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the County Commission or its duly designated representative under such safeguards and restrictions as the County Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 151-11.7 (F), Provisions For Flood Hazard Reduction.

2. **Floodplain Administrator**
The Director of the Planning and Zoning Department is hereby designated as the Floodplain Administrator under this ordinance.

3. **Compliance**
No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

4. **Abrogation and Greater Restrictions**
It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

5. **Interpretation**
In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. **Warning and Disclaimer of Liability**
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of Clay County, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

7. **Severability**
If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

E. Administration

1. **Floodplain Development Permit (REQUIRED)**
A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 151-11.7 (D), General Provisions. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

2. **Designation of Floodplain Administrator**
The Director of the Planning and Zoning Department is hereby appointed to administer and implement the provisions of this ordinance.

3. **Duties and Responsibilities of Floodplain Administrator**
Duties of the Floodplain Administrator shall include, but not be limited to:

    a. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;

    b. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

c. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

d. Issue floodplain development permits for all approved applications;

e. Notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

f. Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.

g. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;

h. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

i. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

4. **Application for Floodplain Development Permit**
To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

a. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

b. Identify and describe the work to be covered by the floodplain development permit;

c. Indicate the use or occupancy for which the proposed work is intended;

d. Indicate the assessed value of the structure and the fair market value of the improvement;

e. Specify whether development is located in designated flood fringe or floodway;

f. Identify the existing base flood elevation and the elevation of the proposed development;

g. Give such other information as reasonably may be required by the Floodplain Administrator;

h. Be accompanied by plans and specifications for proposed construction; and

i. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

F. Provisions For Flood Hazard Reduction

1. General Standards

a. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.

b. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

c. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

d. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

   i. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

   ii. Construction with materials resistant to flood damage;

   iii. Utilization of methods and practices that minimize flood damages;

   iv. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

   v. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

   vi. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

      a. all such proposals are consistent with the need to minimize flood damage;

      b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

      c. adequate drainage is provided so as to reduce exposure to flood hazards; and

      d. all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

e. Storage, material, and equipment

i. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

ii. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

2. **Specific Standards**

a. In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in 151-11.7 (F) (1) (b), the following provisions are required:

i. Residential Construction
New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

ii. Non-Residential Construction
New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 151-11.7 (E) (3) (i).

iii. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and 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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. 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; and

b. The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. **Manufactured Homes**

a. All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

b. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:

i. outside of manufactured home park or subdivision;

ii. in a new manufactured home park or subdivision;

iii. in an expansion to and existing manufactured home park or subdivision; or

iv. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of 151-11.7 (F) (3) (b) of this ordinance, be elevated so that either:

i. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or

ii. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. **Floodway**

Located within areas of special flood hazard established in 151-11.7 (D) (1) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

a. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

b. The community shall prohibit any encroachments, including fill, new construction, substantial- improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge

c. If 151-11.7 (F) (4) (b) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of 151-11.7 (F).

d. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in 151-11.7 (F) (1) (b).

5. **Recreational Vehicles**

a. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:

i. Be on the site for fewer than 180 consecutive days,
ii. Be fully licensed and ready for highway use*; or

iii. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

G. Floodplain Management Variance Procedures

1. **Establishment of Appeal Board**
   The Board of Zoning Adjustment as established by Clay County shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

2. **Responsibility of Appeal Board**
   Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Planning and Zoning Director, the applicant may apply for such floodplain development permit or variance directly to the Board of Zoning Adjustment, as defined in 151-11.7 (G) (1).

   The Board of Zoning Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Planning and Zoning Director in the enforcement or administration of this ordinance.

3. **Further Appeals**
   Any person aggrieved by the decision of the Board of Zoning Adjustment or any taxpayer may appeal such decision to the Clay County Circuit Court as provided in RSMo 64.660.

4. **Floodplain Management Variance Criteria**
   In passing upon such applications for variances, the Board of Zoning Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

   a. The danger to life and property due to flood damage;

   b. The danger that materials may be swept onto other lands to the injury of others;

   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   d. the importance of the services provided by the proposed facility to the community;

   e. The necessity to the facility of a waterfront location, where applicable;

   f. The availability of alternative locations, not subject to flood damage, for the proposed use;

   g. The compatibility of the proposed use with existing and anticipated development;

   h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

   i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

   j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,

   k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

5. **Conditions For Approving Floodplain Management Variances**

a. Variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

f. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

H. Penalties For Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $ 100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Clay County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

I. Amendments

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Clay County a minimum of 20 days between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

J. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

Term	Definition
100-year Flood	See “Base Flood”
Accessory Structure	See “Appurtenant Structure”.
Actuarial Rates	See “Risk Premium Rates”.
Administrator	Federal Insurance Administrator
Agency	Federal Emergency Management Agency (FEMA).
Agricultural Commodities	Agricultural products and livestock.
Agricultural Structure	Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.
Appeal	Request for review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.
Appurtenant Structure	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	The land in the floodplain within the county subject to a 1 percent or greater chance of flooding in any given year, e.g. “100 year Flood Plain.”
Base Flood	The flood having a 1 percent chance of being equaled or exceeded in any given year.
Basement	Any area of the structure having its floor below ground level on all sides.
Development	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	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	A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).
Existing Construction	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	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured housing units 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 of the county.
Expansion of an Existing Manufactured Home Park or Subdivision	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured housing units 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	A general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland and/or (b) the unusual and rapid accumulation or runoff of surface waters from any source.
Flood Boundary and Floodway Map (FBFM)	An official map of the county on which the Floodplain Administrator has delineated both special flood hazard areas and the designated regulatory floodway.
Flood Elevation Determination	A determination by the Floodplain Administrator of the water surface -elevations of the base flood, that is, the flood level that has a 1 percent or greater chance of occurrence in any given year.
Flood Elevation Study	An examination, evaluation and determination of flood hazards.

Term	Definition
Flood Fringe	The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.
Flood Hazard Boundary Map (FHBM)	An official map of the county issued by the Floodplain 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)	An official map of the county, on which the Floodplain Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the county.
Flood Insurance Study (FIS)	An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
Floodplain or Flood-prone Area	Any land area susceptible to being inundated by water from any source (see "Flooding").
Floodplain Management	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	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	Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.
Floodway or Regulatory Floodway	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	The lines marking the limits of floodways, on federal, state and local floodplain maps.
Freeboard	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	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	The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
Historic Structure	Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the 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 (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Term	Definition
Lowest Floor	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 flood proofing design requirements of this chapter.
Manufactured Home	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	A parcel (or contiguous parcels) of land divided into 2 or more manufactured housing unit lots for rent or sale.
Market Value or Fair Market Value	An estimate of what is fair, economic, just and equitable value under normal local market conditions.
Mean Sea Level	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 the county's Flood Insurance Rate Map are referenced..
New Construction	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 the county and includes any subsequent improvements to such structures.
New Manufactured Home Park or Subdivision	A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured housing units 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 county.
NFIP	The National Flood Insurance Program (NFIP)
Participating Community	Also known as an "Eligible Community", 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	That at least 51 percent of the actual cash value of the structure, less land value, is above ground.
Recreational Vehicle	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	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.
Repetitive Loss	Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.
Risk Premium Rates	Those rates established by the Floodplain Administrator pursuant to individual 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."

Term	Definition
Special Hazard Area	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 were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on-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 housing unit 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	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 Floodplain Administrator to assist in the implementation of the National Flood Insurance Program in that state.
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 housing unit 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	Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition). For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to: a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or c.) Any improvement to a building.

Term	Definition
Substantial-Improvement	Any combination of reconstruction, alteration, or improvement to a building, taking place during a 10 year period**,** in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done**.** The term does not apply to: a.) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." Or c.) Any building that has been damaged from any source or is categorized as repetitive loss.
Substantially Improved Existing Manufactured Home Parks or Subdivisions	Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
Variance	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	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	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.

Chapter 151-12 Signs

151-12.1 General

A. Purposes
The regulations of this chapter are intended to safeguard the public health, safety and welfare by controlling the location, size, and design characteristics of signs. The specific purposes of the regulations are to:

1. permit the effective use of signs as a means of communication in the county;
2. maintain and enhance the aesthetic environment and the ability of the county to attract sources of economic development and growth;
3. maintain pedestrian and traffic safety and minimize the distractions, hazards and obstructions caused by signs;
4. minimize the possible adverse effects of signs on nearby public and private property; and
5. enable the fair and consistent enforcement of these sign regulations.

B. Applicability
Signs may be erected, placed, established, painted, created or maintained only in conformance with the provisions of this section.

C. Relationship to State Regulations
The sign regulations of this chapter shall not supersede but be in addition to the State of Missouri rules and regulations relating to the control of advertising in areas adjacent to interstate and federal-aid primary highways.

1. Sign placement on State Highways must be approved by MoDOT.

151-12.2 Definitions

The definitions of this section shall be used in interpreting and administering the Sign regulations of this Chapter. If the definitions of this section conflict with other definitions of this Land Development Code, the definitions of this section shall control.

Term	Definition
Advertising Sign	Any sign that advertises or directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
Animated Sign	Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
Banner	Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered a banner.

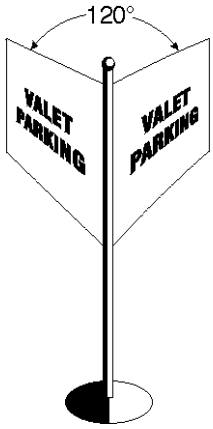
Term	Definition
Beacon	Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
Bench Sign	Any sign that is part of, or affixed to, a bench, including, but not limited to, a sidewalk bench, park bench, or a bench at a bus stop or railroad station.
Billboard	Any sign with a sign area in excess of 350 square feet that advertises or directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
Building Marker	Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
Building Sign	Any sign attached to any section of a building, as contrasted to a "Freestanding Sign." Building signs include but are not necessarily limited to the following: banners, building markers, canopy signs, identification signs, incidental signs, projecting signs, residential signs (some), roof signs, temporary signs, wall signs and window signs.
Business Sign	A sign identifying or advertising an institutional or business use permitted in a C-1, C-2, C-3, I-1 or I-2 district, where such sign is located on the same premises as the same use. The sign may be either affixed to the structure or free-standing.
Canopy Sign	Any sign that is a section of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
Changeable Copy Sign	A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, not including animated signs and time/temperature signs. A sign where the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this section. A sign where the only copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a time/temperature sign and not a changeable copy sign.
Commercial Message	Any sign, wording, logo, or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or commercial activity.
Construction Sign	A temporary sign indicating that construction is occurring on that zoning lot.
Directional Sign	A sign indicating only the name of a business or activity and the distance or directions to such business or activity.

Term	Definition
Election Sign	Any sign promoting, supporting or opposing any candidate, office, issue or proposition to be voted upon at any public election. A candidate is a person who has filed for a particular office with county Election Commission. An issue or proposition is an item placed on the ballot by the county Election Commission for a vote of the public.
Entrance Sign	A freestanding or wall sign located at the entrance of a subdivision, office park, park or forest preserve, providing only the name and/or location of that activity.
Flag	Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.
Flashing Sign	A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.
Freestanding Sign	A sign not attached to a building or structure other than its own support, supported by one or more columns, uprights or braces in or upon the ground. Includes ground -mounted monument signs, pylon signs and pole signs.
Identification Sign	A sign bearing the address of the premises and/or the name of its occupant but containing no logo and no commercial message.
Illuminated Sign	Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, luminous tubes, or any other artificial means as part of the sign.
Incidental Sign	A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking, " "entrance," "loading only," "telephone," and similar information and directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
Institutional Sign	A sign identifying or advertising an institutional or business use permitted in a residential district, where such sign is located on the same premises as such use. (See “Business Sign.”)
Junior Poster Panel	Any sign with a sign area of up to 350 square feet that advertises or directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
Logo Sign	A sign that may wholly of partly devoted to a readily recognizable symbol.
Merchandise Display Sign	A sign that is an integral part of a product display rack (also known as “point-of-purchase sign”).
Noncommercial Message	Any sign, wording, logo or other representation that directly or indirectly expresses, conveys, or calls attention to political, religious, social or other noncommercial information, sentiments, or beliefs, but not including incidental sign messages.
Pennant	Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

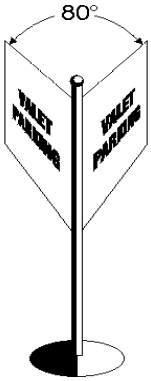
Term	Definition
Portable Sign	Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for commercial messages; and signs attached to or pained on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
Projecting Sign	Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.
Real Estate Sign	A sign pertaining to the sale or lease of a tract of land on which the sign is located or to the sale or lease of one more structures on the tract where the sign is located.
Residential Sign	Any sign located in a residential zoning district that contains no commercial message.
Roof Sign	A sign that is placed above or supported on the top of a building.
Roof Sign, Integral	Any sign erected and constructed as an integral or essential integral section of a normal roof structure of any design, such that no section of the sign extends vertically above the highest portion of the roof and such that no section of the sign is separated from the rest of the roof by a space of more than six inches.
Sign	Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol or writing to advertise, announces the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
Suspended Sign	A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
Temporary Sign	Any sign that is used only temporarily and is not permanently mounted.
Time/Temperature Sign	Any sign indicating the time and/or temperature.
Vehicle Sign	A sign attached to an operable vehicle licensed to operate on the public streets. Any sign attached to an inoperable or unlicensed vehicle or any sign attached to a vehicle that is regularly parked for more than 72 hours in a location conspicuously visible from a public street shall be deemed a portable sign.

Term	Definition
Wall Sign	Any sign attached parallel to, but within 6 inches of a wall, painted on the wall surface or, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
Window Sign	Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Area of Sign = (3' x 5') + (3' x 5') = 30 sq. ft.



Area of Sign = (3' x 5') = 15 sq. ft.



151-12.3 Computations and Measurements

A. Sign Area of Individual Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) is computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such supporting device otherwise meets the regulations of this Land Development Code and is clearly incidental to the display itself.

B. Area of Double-Faced Signs

Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 90 degrees or less, only 1 display face shall be counted in computing sign area. If the 2 faces of a double-faced sign are of unequal area, the area of the larger sign face shall be counted as the sign's area. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

C. Height

The height of a sign shall be computed as the distance to the highest point of the sign or sign structure, measured from the elevation of the road to which it is oriented, or, if there is no road, from the finished grade elevation beneath the sign.

D. Wall Area

In computing the area of a wall only the first 12 feet of building height shall be used.

E. Maximum Total Permitted Sign Area for a Lot

The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula set out in Table 151-12-2, (Maximum Total Sign Area), to the lot frontage, building frontage, or wall area, as specified in the table. Lots fronting on 2 or more streets shall be allowed the stated sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

151-12.4 Signs Exempt from Regulation

The following signs shall be exempt from regulation under this chapter:

A. Any public notice or warning required by a valid and applicable federal, state, or local law or regulation.

B. Signs that are not oriented to or intended to be legible from a street or other private property;

C. Traffic control-type signs on private property, not exceeding 3 square feet in area, the faces of which contain no commercial message of any sort;

D. Merchandise display signs not exceeding 3 square feet.

E. Signs inside of buildings;

F. Works of art that do not contain any commercial message and are not intended to attract attention to the type of business or activity conducted on the premises;

G. Building number and address signs containing no commercial message;

H. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure; and

I. Flags.

151-12.5 Prohibited Sign Types

All signs not expressly permitted under this chapter or exempt from regulation are prohibited. Such signs include, but are not limited to:

A. Animated signs;
B. Beacons;
C. Bench signs;
D. Flashing signs;
E. Pennants;
F. Strings of lights not permanently mounted to a rigid background, unless expressly exempted;
G. Inflatable signs and tethered balloons;
H. Portable signs;
I. Roof signs;
J. Signs that by their position, working, illumination, size, shape or color, obstruct, impair, obscure, or interfere with traffic signs, signals, or devices;
K. Signs that mimic official traffic control signs and devices;
L. Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building that would cause a violation of building codes;
M. Illuminated signs that cause glare onto traffic or adjacent property; and
N. Signs painted on, attached to, or affixed to any trees, rocks, or other similar organic or inorganic natural matter including light or utility poles or similar apparatus.

151-12.6 Location

A. Setbacks
No signs shall be located in side setbacks adjacent to residential zoning districts.

B. Visibility Triangles
All signs shall comply with the Intersection Visibility requirements of Sec. 151-10.4.

C. Right-of-Way
All signs shall be located outside the public right-of-way.

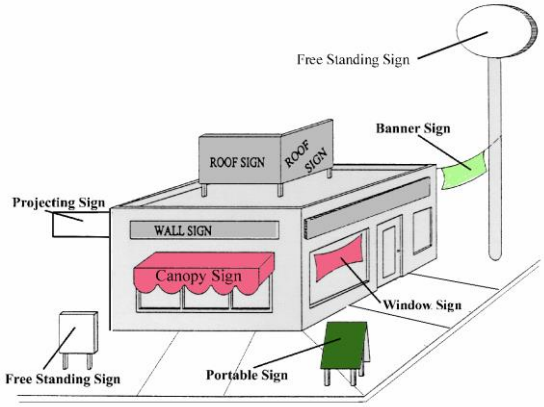
D. Vehicle and Pedestrian Area Clearances
When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. When a sign extends over a sidewalk or other area accessible to pedestrians, the bottom of the sign structure must be at least 8½ feet above the ground, provided that a free-hanging valance may extend to within 7½ feet above the ground.

151-12.7 Permitted Sign Types

Signs shall be allowed in accordance with *Table 151-12-1, Permitted Sign Types*.

A. Signs Permitted Without Permits
An "A" indicates that a sign type is allowed in the respective zoning district without a permit. Signs permitted without permits are subject to all other applicable regulations of this chapter.

B. Signs Requiring Permits
A "P" indicates that a sign type is permitted in the respective zoning district only after a sign permit for the subject sign has been obtained in accordance with Sec. 151-3.11. Such signs shall be subject to all other applicable regulations of this chapter. Sign permits shall be required for new signs, new sign structures and prior to changing the sign face on an existing sign structure.



C. Signs Requiring Conditional Use Permits
A "C" indicates that a sign type is allowed only after review and approval of a conditional use permit, in accordance with the procedures of Sec. 151-3.10. In addition to the conditional use permit, a sign permit must also be obtained in accordance with Sec. 151-3.11. Such signs shall be subject to all other applicable regulations of this chapter.

D. Signs Not Allowed
An "N" indicates that a sign type is not allowed in the respective district.

E. Special Sign Standards
Special sign standards that apply to certain types of signs are indicated in the Permitted Sign Types Table by [bracketed] letters.

Table 151-12-1: Permitted Sign Types

Sign Type	Zoning District Class			
	AG/R-1	Residential (R)	Commercial (C)	Industrial (I)
Freestanding Signs [bracketed letters refer to standards that follow the table]				
Advertising Billboards and Junior Poster Panels	C	N	C [B]	C [B]
Entrance	P [D]	P [D]	P [D]	P [D]
Identification	A [E]	A [E]	A [E]	A [E]
Incidental	A [F]	A [F]	A [F]	A [F]
Residential	A [G]	A [G]	N	N
Temporary	A [H]	A [H]	P [H]	P [H]
Other	N	N	P	P

Residential = R-5, R-U, R-SD, R-SDM and R-MHP districts
Letters in brackets [x] refer to Special Sign Standards of Sec. 151-12.8.

Building Signs				
Banner	N	N	P [A]	P [A]
Building Marker	A [C]	A [C]	A [C]	A [C]
Canopy	N	N	P	N
Entrance	P [D]	P [D]	P [D]	P [D]
Identification	A [E]	A [E]	A [E]	A [E]
Incidental	A [F]	A [F]	A [F]	A [F]
Projecting	N	N	P	P
Residential	A [G]	A [G]	N	N
Suspended	N	N	P	P
Temporary	A [H]	A [H]	P [H]	P [H]
Time/Temperature	N	N	A	A
Wall	P [I]	N	P [I]	P [I]
Window Sign	N	N	A [J]	A [J]

Residential = R-5, R-U, R-SD, R-SDM and R-MHP districts
Letters in brackets [x] refer to Special Sign Standards of Sec. 151-12.8.

151-12.8 Special Sign Standards

A. Banners
See Sec. 151-12.11 and 151-12.12.

B. Billboards and Junior Poster Panels
Billboards and Junior Poster Panels (also called as “billboards”) shall be allowed only if reviewed and approved as a Conditional Use, pursuant to Sec. 151-3.10 and only if they comply with the following standards:

1. Billboards and Junior Poster Panels may be located only on lots with frontage on numbered state roads.

2. Billboards and Junior Poster Panels shall not be located within 300 feet of any R-1, R-5, R-U, R-SD, R-SDM or R-MHP zoning district.

3. Billboards and Junior Poster Panels shall not be erected within 1,400 feet of other Billboards and Junior Poster Panels on the same side of the road. Double-faced sign structures having parallel sign surfaces and adjacent sign structures having touching sign surfaces with an angle no greater than 90 degrees between sign surfaces shall not be prohibited by this requirement, provided they do not exceed applicable sign surface area limits.

4. The maximum gross area of any billboard shall not exceed 700 square feet.

5. No billboard shall be attached to the roof of any building.

6. No billboard shall have more than 1 viewable sign face directed toward the same direction.

7. Billboards and Junior Poster Panels may be illuminated by electrical lighting of the surface of the sign face, provided that no flashing, blinking or intermittent lighting of billboard sign faces shall be allowed.

8. Billboard and Junior Poster Panels are structures for purposes of the Land Development Code, and they shall be subject to setback, height and other zoning district standards.

C. Building Markers

1. Residential Districts
   Building markers in residential districts shall be not larger than 2 square feet in area.

2. Agricultural/Commercial/Manufacturing Districts
   Building Markers in agricultural, commercial and manufacturing districts shall be not larger than 4 square feet in area.

D. Entrance Signs

1. **Residential Development**
   One entrance sign shall be allowed per entrance within a residential development. Entrance signs shall not exceed 24 square feet in area, with a maximum height of 5 feet and a minimum setback of 7.5 feet from all rights-of-way. Entrance signs for residential development shall be allowed in addition to all other allowed signage within a development and shall not be counted in calculating a site's maximum allowed signage.

2. **Nonresidential Development**
   Entrance signs for nonresidential developments shall comply with all other applicable standards of this chapter and shall be counted in calculating a site's maximum allowed signage.

E. Identification Signs

1. **Residential Districts**
   Identification signs in residential districts shall be no larger than 2 square feet in area. Identification signs may carry only the property address and occupant name. They shall carry no commercial message.

2. **Agricultural/Commercial/Manufacturing Districts**
   Identification signs in agricultural, commercial and manufacturing districts shall be not larger than 16 square feet in area. Identification signs may carry only the property address and occupant name. They shall carry no commercial message.

F. Incidental Signs
The size of incidental signs shall not exceed 2 square feet. Incidental signs shall not be counted toward the maximum number of signs permitted on a lot.

G. Residential Signs
Residential signs shall carry no commercial message except that they may contain a message identifying a permitted home occupation.

H. Temporary Signs
Temporary signs shall be allowed in addition to all signs allowed under this chapter and shall not be counted in calculating a site's maximum allowable signage. Temporary signs shall be subject to the following standards.

1. **Setbacks and Height**
   Temporary signs are subject to the setback and height standards of Sec. 151-12.10.

2. **Agricultural, Residential and Nonresidential Districts**
   The following types of temporary signs shall be allowed in all base-zoning districts.

   a. **Construction Signs**
      One temporary sign, up to 12 square feet in area, shall be permitted for the duration of an allowed construction project.

   b. **Temporary Uses and Special Events**
      One temporary sign, up to 12 square feet in area, shall be permitted for temporary uses and special events for which a temporary use permit has been issued. Such signs shall be allowed for the duration of the temporary use permit or such other time as expressly established at the time of approval of the temporary use permit.

c. **Real Estate Signs**
One temporary real estate ("for sale" or "for rent") sign shall be permitted per lot. Temporary real estate signs shall not exceed 6 square feet in area in R-5, R-U and R-SD districts or 32 square feet in all other districts.

d. **Directional Signs**
One temporary directional sign, up to 4 square feet in area, shall be permitted per development or per each 1,000 linear feet of street right-of-way within a development. Directional signs shall be allowed during the time that lots are being marketed.

e. **Election Signs**
Signs pertaining to official Clay County elections (whether for public office or ballot issues) shall be permitted for a period of no more than 90 days before and not more than 30 days following the election. Such signs shall be allowed without a permit.

I. Wall Signs
See Sec. 151-12.11 and 151-12.12.

J. Window Signs
See Sec. 151-12.11 and 151-12.12.

151-12.9 Maximum Total Sign Area Per Lot

The sum of the area of all building and freestanding signs on a lot shall be less than or equal to the maximum permitted sign area indicated in Table 151-12-2 (Maximum Total Sign Area Per Lot). The lowest number resulting from any of the applicable alternative computations in any column in Table 151-12-2 shall be the maximum total sign area permitted for the respective district class.

Table 151-12-2: Maximum Total Sign Area Per Lot

	Zoning Districts			
	AG/R-1	Residential	C-1/C-2/C-3	I-1/I-2
Square feet of sign area per linear foot of street frontage	N/A	N/A	2	2
Maximum on vacant land* (square feet)	32	12	100	100
Absolute maximum (square feet)	64	18	375	750

Residential = R-5, R-U, R-SD, R-SDM and R-MHP districts
*Vacant Land = land without principal structures

151-12.10 Number and Dimensions

All allowed signs shall comply with the standards of Table 151-12-3..

Table 151-12-3: Number and Dimension of Individual Signs

	Zoning Districts			
	AG/R-1	Residential	C-1/C-2/C-3	I-1/I-2
Freestanding Signs				
Maximum Number [1]	2	1	1 per street frontage to to which access is taken	
Maximum Sign Area (square feet)	32 [2]	6 [2]	375	750
Maximum Height (feet)	15 [3]	6	40	40
Minimum Setback (from right-of-way)	20	1/2 of required zoning district setback	20	30
Building Signs				
Maximum Number (See Sec. 151-12.11)	1	1	No Maximum	
Max. Area (pct. of wall area to which attached)	N/A	N/A	25	25
Maximum Area (square feet)	32	2	N/A	N/A

Residential = R-5, R-U, R-SD, R-SDM and R-MHP districts

*1 per road entrance or driveway · N/A = “Not Applicable”
[1] Maximum number does not include temporary signs, residential development entrance signs or incidental signs.
[2] Maximum size restriction does not apply to residential development entrance signs.
[3] Identification signs over private driveways may be up to 20 feet in height.

151-12.11 Building Signs in Nonresidential Districts

Building signs in nonresidential districts shall be subject to the standards of Table 151-12-4.

Table 151-12-4: Building Signs in Nonresidential Districts

Sign Type	Number Permitted	Maximum Area
Banner	1 per principal building	5% of wall area
Canopy	1 per building entrance	16 square feet
Projecting	1 per principal building	5% of wall area
Roof, Integral	2 per principal building	5% of wall area
Suspended	1 per building entrance	5% of wall area
Wall	No Limit	10% of wall area
Window	No Limit	25% of window area

151-12.12 Sign Characteristics

All allowed signs shall comply with Table 151-12-5, Permitted Sign Characteristics.

Table 151-12-5 Permitted Sign Characteristics

Characteristic	District Class	
	AG/R-1/Residential	Other
Changeable Copy	No	Yes
Illumination, Internal	No	Yes
Illumination, External	Yes	Yes
Illumination, Exposed Bulbs or Neon	No	No

Residential = R-5, R-U, R-SD, R-SDM and R-MHP districts

151-12.13 Design, Construction, and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the following standards:

A. Signs shall be constructed with fireproof and fire-resistant materials in accordance with the National Electrical Code.

B. All signs shall be constructed to withstand a wind load pressure of at least 25 p.s.f. of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of at least 25 p.s.f. per American Society of Engineering standards.

C. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

D. Signs in the Public Right-of-Way and Other Public Property

No signs shall be allowed in the public right-of-way or on other publicly owned or leased property, except for the following:

1. Permanent signs, which shall be limited to:

    a. public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; and
    b. informational signs of a public utility regarding its poles, lines, pipes, or other facilities.

2. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way; and

3. Any sign installed or placed on public property, except in conformance with the requirements of this paragraph, shall be forfeited to the public and subject to confiscation. In addition to other remedies of this Land Development Code, the county shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

E. Metal Signs

Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of 9 feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of 9 feet to grade. No metal freestanding sign shall be located within 8 feet vertically and 4 feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.

F. Maintenance

All signs shall be maintained in a clean, presentable manner, free from loose paint, paper or other materials. Any sign in disarray or broken condition shall be removed.

G. Nonconforming Signs

See Sec. 151-13.5.

Chapter 151-13 Nonconformities

151-13.1 General

A. Purpose
The regulations of this chapter govern uses, structures, lots and other situations that came into existence legally but that do not conform to one or more requirements of this Land Development Code. It is the general policy of the county to allow uses, structures or lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Land Development Code to continue to exist and be put to productive use, but to bring as many aspects of such use into compliance with the current Land Development Code as is reasonably possible, all subject to the regulations of this chapter. The regulations of this chapter are intended to recognize the interests of the property owner in continuing to use nonconforming property but to control the expansion of nonconformities, prohibit re-establishment of abandoned nonconformities and limit re-establishment of nonconforming structures that have been substantially destroyed.

B. Authority to Continue
Any nonconformity that legally existed on June 23, 2003 or that becomes nonconforming upon the adoption of any amendment to this Land Development Code may be continued in accordance with the provisions of this chapter.

C. Determination of Nonconformity Status
The burden of establishing that a nonconformity is a legal nonconformity shall, in all cases be solely upon the owner of such nonconformity.

D. Repairs and Maintenance
Incidental repairs and normal maintenance of nonconformities shall be permitted unless such repairs are otherwise expressly prohibited by this Land Development Code. Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

E. Change of Tenancy or Ownership
The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

151-13.2 Nonconforming Uses

A. Definition
A nonconforming use is a use that was legally established but which is no longer allowed by the use regulations of the zoning district in which it is located.

B. Expansion
A nonconforming use shall not be enlarged or expanded unless one of the following conditions exists:

1. such expansion eliminates or reduces the nonconforming aspects of the situation

2. the expansion is into a part of a building or other structure that was lawfully and manifestly designed or arranged for such use; or

3. the expansion is for a living space addition to a house.

4. Expansion for the sole purpose of providing off-street parking shall not be considered expansion of a nonconforming use.

C. Change of Use
A nonconforming use may not be changed to any use other than a use allowed in the zoning district in which it is located.

D. Loss of Legal Nonconformity Status

1. **Abandonment**
   If a nonconforming use ceases for any reason for a period of more than 180 days, the use shall be considered abandoned. Once abandoned, the use's legal nonconforming status shall be lost and re-establishment of the use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

2. **Damage or Destruction**
   If a nonconforming use or a structure containing a nonconforming use is destroyed by any means to the extent of more than 50 percent of its value immediately prior to damage, the nonconforming use shall not be restored unless in full compliance with the provisions of this Land Development Code.

   If a nonconforming use or structure containing a nonconforming use is damaged by less than 50 percent of its value immediately prior to damage, the use may be re-established to the extent that existed before the time of damage, provided that such repairs, restoration or reconstruction are substantially completed within 12 months of the date of such damage.

3. **Accessory Uses and Structures**
   No use or structure that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it complies with all regulations of this Land Development Code.

151-13.3 Nonconforming Structures

A. Definition
A nonconforming structure is any building or structure that was legally established but which no longer complies with the Density, Intensity and Dimensional Standards of Sec. 151-7.

B. Use
A nonconforming structure may be used for any use allowed in the underlying zoning district.

C. Expansion
A nonconforming structure may be enlarged or expanded if the expansion does not increase the extent of nonconformity, e.g. setbacks, lot coverage, use.

D. Moving
A nonconforming structure may be moved in whole or in part to another location if the movement or relocation does not increase the extent of nonconformity.

E. Loss of Legal Nonconforming Status; Damage or Destruction
If a nonconforming structure is damaged or destroyed to the extent of more than 50 percent of its value immediately prior to damage, the nonconforming structure shall not be restored unless in compliance with the provisions of this Land Development Code. If a nonconforming structure is damaged by less than 50 percent of its value immediately prior to damage, the structure may be re-established to the extent that existed before the time of damage, provided that such repairs, restoration or reconstruction are substantially completed within 12 months of the date of such damage.

151-13.4 Nonconforming Lots

A. Definition
A nonconforming lot is a tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width and lot depth standards of the zoning district in which it was located at the time of its creation, but which does not comply with the minimum lot area, lot width or lot depth requirements of the zoning district in which it is now located.

B. Use

1. Vacant Lots

a. In the AG district, nonconforming lots may be used for detached houses and residential accessory structures and uses allowed in the AG District, subject to the applicable setback and lot coverage requirements of Sec. 151-7. Detached houses may be constructed, and may be reconstructed if damaged or destroyed.

b. In Residential districts nonconforming lots may be developed with detached houses. Construction of such houses shall comply with all of the regulations (except lot area, width and depth) applicable to detached houses in the zoning district in which the lot is located; provided however, that the following side setback requirements shall apply in place of the side setback requirements otherwise applicable:

(1) The house shall be placed on the lot so as to provide a side setback on each side of the dwelling.

(2) The sum of the widths of the 2 side setbacks on each lot shall not be less than the smaller of:

(i) 25 percent of the width of the lot,

(ii) The minimum total for both side setbacks prescribed by the dimensional standards of the subject zoning district.

(3) No side setback shall be less than 10 percent of the width of the lot, and in no case less than 5 feet.

c. In all nonresidential and nonagricultural base zoning districts, nonconforming lots may be developed with uses allowed in the underlying zoning district, provided that they comply with the minimum setback standards the underlying zoning district. If the underlying zoning district allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area, lot width or other dimensional standards, while others would not, then only the uses or intensities that comply with applicable dimensional standards shall be permitted.

2. **Developed Lots**
If a nonconforming lot is occupied by a building or structure, then the owner may continue the use of that building or structure and may expand the structure in any way that does not increase the extent of nonconformity, provided that the expansion complies with the building code. An increase in building size shall not be deemed to increase the extent of nonconformity unless it encroaches into a required minimum setback, exceeds the maximum allowed height or otherwise violates a required zoning district dimensional standard.

151-13.5 Nonconforming Signs

A. Definition
A nonconforming sign is a sign that was legally established but which no longer complies with the sign regulations of this Land Development Code.

B. Expansion
A nonconforming sign shall not be enlarged or expanded.

C. Moving
A nonconforming sign shall not be moved in whole or in part to any other location unless the move results in the entire sign being brought into compliance with all applicable regulations of this Land Development Code.

D. Loss of Legal Nonconforming Status
If a sign is destroyed by any means to the extent of more than 50 percent of its replacement value, it may not be reestablished except in compliance with all applicable regulations of this Land Development Code.

E. Nonconforming Sign Replacement
A nonconforming sign shall be replaceable and maintain its nonconforming status if all of the following conditions are met.

i. The property owner is a non-profit organization;
ii. The square footage of the proposed new sign is the same or less than the existing sign;
iii. The proposed new sign is either not illuminated, illuminated in the same manner as the existing sign, or is illuminated a maximum of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum of five hundred (500) nits (candelas per square meter) between dusk and dawn and have a dimmer control to adjust illumination from daylight to nighttime;
iv. There have been no substantiated complaints received by the Planning & Zoning Department or the Clay County Highway Department regarding the existing sign;
v. A sign permit is issued and building permit fee is paid.

Chapter 151-14 Violations, Penalties and Enforcement

151-14.1 Responsibility for Enforcement

The Planning and Zoning Director shall enforce this Land Development Code.

(Note: Although Clay County is classified as "First Class," it continues to operate under certain statues pertaining to second and third class counties, pursuant to RSMo 64.510-64.690, and RSMo 64.905 –64.906.)

151-14.2 Types of Violations

All of the following represent violations of this Land Development Code and will be subject to the remedies and penalties provided in the Land Development Code, the County Code and state law.

A. Subdivision, Development or Use Without Required Permits or Approvals
It is a violation of the Land Development Code to engage in any subdividing, development, use, construction, remodeling or other activity of any nature without obtaining all the permits, approvals, certificates and other forms of authorization required by this Land Development Code.

B. Subdivision, Development or Use Inconsistent with Permit
It is a violation of the Land Development Code to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

C. Subdivision, Development or Use Inconsistent with Conditions
It is a violation of the Land Development Code to violate, by act or omission, any term, condition, or qualification imposed by a decision-making body upon a required permit, certificate, or other form of authorization.

D. Subdivision, Development or Use Inconsistent with Land Development Code
It is a violation of the Land Development Code to erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure or to use any land in violation or contravention of any zoning, subdivision, or other regulation of the Land Development Code, or any amendment thereof.

E. Making Lots or Setbacks Nonconforming
It is a violation of the Land Development Code to reduce or diminish any lot area so that the setbacks or open spaces are smaller than prescribed by the Land Development Code.

F. Increasing Intensity of Use
It is a violation of the Land Development Code to increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of the Land Development Code.

G. Continuing Violations
It is a violation of the Land Development Code to continue any of the violations specified in this Chapter. Each day that a violation continues shall be considered a separate offense.

151-14.3 Remedies and Enforcement Powers

The county shall have those remedies and enforcement powers authorized in RSMo. 64.690 for the violation of zoning, subdivision or development-related Land Development Code provisions.

151-14.4 Enforcement Procedures

A. Inspections

Upon reasonable cause to believe that any of the provisions of this Land Development Code have or will be violated, the Planning and Zoning Director shall have the power to cause any land, building structure, place or premises to be inspected and examined and to order in writing the remedying of any Land Development Code violation found to exist.

B. Procedures

In the case of violations of the Land Development Code, the Planning and Zoning Director shall give written notice of the nature of the violation to the property owner and to any other person who is party to the agreement and to any applicant for any relevant permit, after which the persons receiving notice shall have 10 days, or such longer period as the Planning and Zoning Director allows, to correct the violation. If the violation is not corrected within the required time frame, the Planning and Zoning Director shall use all penalties, remedies and enforcement powers available under this Chapter. Notices of violation must state the nature of the violation, the time period allowed for coming into compliance and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

C. Building Permit Required

Any person or entity wishing to build or alter any structure shall obtain a building permit from the Building Official.

D. Certificate of Occupancy

1. A certification of occupancy shall be obtained from the Building Official by any person or entity wishing to occupy land, building or use, except for accessory agricultural uses.

    a. A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and orders and with the provisions of these regulations. No building or land will be occupied until the County Health Department has made a final inspection of the wastewater disposal system after installation and has given approval to the County Building Official for issuance of the Certificate Of Occupancy (CO). A record of all certificates shall be kept on file in the office of the county Building Official.

2. Certificate of Occupancy for a Building
   The certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing concurrently with the application for a building permit and shall be issued within 10 days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these provisions.

3. Certificate of Occupancy for Land
   The certificate of occupancy for the use of vacant land, except for agricultural uses, or for a change in the character of the use of land a provided within the Land Development Code shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within 10 days after the application has been made, provided such use is in conformity with the provisions of these regulations.

E. Violations

1. Any owner, lessee or tenant of land located within any unincorporated area of Clay County, or by any regulations or orders relating to the subdivision of land or zoning or by any regulations relating to building or setback lines, or any regulations and restrictions made and adopted under the provisions of RSMo 64.510 to 64.690 and RSMo 64.905 and 64.906 shall be guilty of a misdemeanor.

2. In the event any subdivision of land is begun or made in violation of RSMo 64.510 to 64.690 and RSMo 64.905 and 64.906, or of any official master plan, or any planning or zoning order, regulation or restriction made and adopted under these provisions, the County Commission, the County Planning and Zoning Commission, the Prosecuting Attorney, or any officer or official appointed or designated under the provisions of RSMo 64.650, or the owner of any private property or any public body the property of whom is affected by such a violation may institute in the Circuit Court of the County, any appropriate action of proceedings to prevent such unlawful subdivision development or erection, construction, reconstruction, alteration, relocation or maintenance or use, or to retrain, abate or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to prevent any illegal act, conduct, business or use in or about the premises.

3. The official appointed or designated under the provisions of RSMo 64.650 shall have the power to cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist there or threat in violation of any of the regulations or orders adopted or made under the provisions of this document and RSMo 64.510 to 64.690 and RSMo 64.905 and 64.906.

4. The owner or general agent of any such land, building, structure, or premises where a violation of any such orders, regulations or restrictions has been committed or shall exist, and any other person who knowingly permits, takes part or assists in such violation, or maintains any building or premises in which such violation exists, shall be guilty of a misdemeanor.

5. Unless otherwise directed, violations of these regulations and restrictions set forth in this Land Development Code shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Clay County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation, such as ordering the work to be done, billing the land owner and/or placing a lien upon the property.

F. Conditional Use Permit Revocation

1. A Conditional Use Permit may be revoked at any time by the County Commission upon recommendation of the Planning and Zoning Commission. Before revoking the Conditional Use Permit, the Planning and Zoning Commission shall conduct a public hearing where the matter will be discussed with testimony and evidence taken on the subject. At the close of the public hearing, the Planning and Zoning Commission shall make a recommendation to the County Commission for its consideration and final action.

2. Prior to the public hearing on the possible revocation of a Conditional Use Permit, a written notice (by certified mail) that a violation has occurred shall be mailed to the permit holder. The notice shall afford the permit holder a specific time period to abate the violation or otherwise correct the problem and shall further grant the permit holder a hearing before the Planning and Zoning Commission in accordance with the preceding paragraph 1.

3. A Conditional Use Permit may be revoked for any one of the following reasons:

    a. The permit holder made material misrepresentations or false statements of fact in the application or during the hearing on the application;

    b. The provisions or conditions of this Land Development Code have been violated;

    c. The conditions placed upon such use as part of the Conditional Use Permit approval are not being met, or the use is not complying with any other county regulations applicable to the operation of such uses.

Chapter 151-15 Definitions

151-15.1 Terms and Uses Defined

The following terms shall have the meanings ascribed. Uses not specifically defined shall have their common, ordinary meaning. In either case, the Planning & Zoning Director shall have the authority to interpret the definition of any word as it applies to the enforcement of this Land Development Code.

Term	Definition
Abandonment	When the use of a property has ceased and the property has been vacant for 180 days, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use.
Abandoned Vehicle	Any motorized vehicle incapable of immediately being driven or not properly licenses or inspected for safety in accordance with state law. Farm equipment and farm trucks over 1 ton are exempted.
Abate, Abatement	To end a nuisance, emergence, or nonconformance.
Abutting	Having a common border with or being separated from such common border only by an alley, easement or right-of-way.
Access	A means of vehicular entry to or exit from property.
Accessory Apartment	A dwelling unit that is wholly contained within the principal structure and is never rented. Typical uses include a “mother-in-law” apartment, guest apartment or domestic workers’ quarters.
Accessory Dwelling Unit	A separate dwelling located on the same lot as the principal structure, which is a maximum of 850 sq. ft. footprint, contains no kitchen (per building code requirements) or a “kitchenette”, and is never for rent. Typical uses include a “mother-in-law” apartment, guest cottage or domestic employee quarters.
Accessory Tower Equipment	Any equipment serving or being used in conjunction with a Commercial or Amateur/Non-Commercial Tower. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Structure	A structure that: (1) is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; (2) is subordinate in area, extent and purpose to the principal building or principal use; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served and (4) is located on the same zoning lot as the principal structure or principal use served.
Accessory Use	A use that: (1) is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; (2) is subordinate in area, extent and purpose to the principal building or principal use; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served and (4) is located on the same zoning lot as the principal structure or principal use served.
Acreage, Net	A measure of developable land area after excluding existing dedicated rights-of-way and flood control and drainage easements.
Acreage, Gross	The acreage within the perimeter of a development tract, plus one half the right-of-way of all adjoining streets and alleys.
Address	The number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.
Adjoining Properties	Property abutting or within 1000 feet of subject property ultimate boundary line.

Term	Definition
Adult Bookstore	An establishment having 10 percent or more of its stock and trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devises, video machines, or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as that term is defined in this section.
Adult Entertainment Facility	Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes or films, predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as that term is defined in this section, or exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or open covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or open covering, or to observe specified sexual activities as that term is defined in this section.
Adult	An individual who is at least 18 years of age.
Adult Use	Any Adult Bookstore, Adult Entertainment Facility, Bath House, Massage Shop, or Modeling Studio.
Agricultural Use	The use of a tract of land for the growing of crops, pasturage, nursery, or the raising of poultry, including the structures necessary for carrying out farming operations and the residence, or residences, of those owning or operating the premises, a member of their family, or persons employed thereon, and their family; but such use shall not include feedlots.
Agricultural Sales and Service	An establishment engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered.
Agricultural Tourist Operations (ATO)	A working farm or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. The retail sales of agricultural related products grown or produced onsite is considered an accessory use to the operation. An activity is considered a part of the ATO whether or not a participant paid to participate in the activity.
Airstrip, Private	A designated area for takeoffs and landings for small privately owned aircraft that is substantially subordinate to the agricultural use of the property. The airstrip must meet all FAA regulations for operation.
Airstrip, Public	A designated area for takeoffs and landings for privately or commercially owned aircraft and meets all FAA regulations for operations. Limited ground support may be included.
Amusement Parks	A commercially operated park with a predominance of outdoor games and activities for entertainment.
Animals, Companion	Any animal that is commonly kept by persons as a pet. The definition includes but is not limited to domesticated dogs, cats and horses.
Animals, Domestic	Any animal that is domesticated and not normally found in the wild state, and is bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.
Animals, Exotic/Dangerous/Wild (EDW)	Any animal that is not normally domesticated in the United States or is not by nature. See Section 151-6.2 (E).

Term	Definition
Animals, Farm	Any animal customarily raised on farms, including, llama, burros, cattle, calves, bison, chickens, horses, turkeys, ducks, geese, donkeys, emus, goats, mules, ostriches, swine, sheep or lambs. Farm animals may also be considered livestock that are customarily used by persons for use, draft, or pleasure purposes.
Animals, Large Domestic	Any animal commonly used by persons for use, purposes of draft or pleasure purposes employing some form of free-range, yarding, or a combination thereof but not intended to be a part of an Animal Production facility. Large Domestic Animals includes but is not limited to: cattle, buffalo, swine, sheep, goats, horses or, mules, emus, donkeys or burros, ostriches, elk, alpaca and llamas, and other similarly sized animals. See Section 151-6.2 (C) (1) (d)..
Animals, Medium Domestic	Any animal commonly used by persons for purposes of draft or pleasure employing some form of free-range, yarding, or a combination thereof but not intended to be a part of an Animal Production facility. Medium Domestic Animals includes but is not limited to: swine, sheep, goats, emus, ostriches, and other similarly sized animals. See Section 151-6.2 (C) (1) (c).
Animals, Small Domestic	Any animal commonly used by persons for use, purposes of draft or pleasure or hobby purposes (Except cats or dogs) employing some form of free-range, yarding, or a combination thereof but not intended to be a part of an Animal Production facility. Small Domestic Animals includes but is not limited to chinchillas, rabbits, guinea pigs and fowl such as, poultry, chickens, turkey, peacocks, geese, ducks, guineas and other similar fowl other similarly sized fowl and animals. See Section 151-6.2 (C) (1) (b)..
Animal Production	The raising of farm animals or production of animal products on an agricultural or commercial basis, but not intended to represent the raising of domestic animals. See Section 151-6.2 (D).
Animal Production, Concentrated Animal Feed Operations (CAFOs)	Refer to the Missouri Code of State Regulations 10CSR 20-6.300 and 10CSR 20-8.020. See Section 151-6.2 (D) (5).
Animal Services	Retail sales, veterinary service, grooming, and boarding of dogs, cats, birds, fish, or similar small animals customarily used as household pets, provided all such activities are totally enclosed within a building. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
Animal Shelter	A facility established by a public entity for the purposes of sheltering lost or unwanted animals. Activities include animal control operations, owner retrieval, adoption, spay and neutering services, and cremation, when necessary.

Term	Definition
Animal Units	A unit of measure to compare various animal types used by the Environmental Protection Agency (EPA) and the State of Missouri in the regulation of Concentrated Animal Feeding Operations (CAFOs) or Feedlots. The total animal units at each operating location are determined by adding the animal units for each animal type. A unit of measurement for the allowed number of animals on a property the "animal unit" is as an expression of their impact of specific types of animals based on weight, size, and environmental impact compared to a cow as a baseline- of one (1) animal unit per one (1) acre. Refer to Section 151-6.2 (1)(f) as to Animal Units for parcels under 20 acres. Animal units for animal production or Concentrated Animal Feeding Operations (CAFOs) please refer to the Missouri Code of State Regulations 10CSR 20-6.300 and 10CSR 20-8.020. For allowed number of adult animals on property between three (3) acres and less than twenty (20) acres, refer to the Animal Units tables under Section 151-6.2 (C).
Animal Wildlife Refuge	A wildlife refuge is an area designated for the protection of wild animals, within which hunting and fishing are either prohibited or strictly regulated.
Animals, Zoological	An animal preserve that is either public or private that is properly certified by accredited bodies or the US Department of Agriculture.
Antenna Support Structure	Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy. See "Tower".
Antenna Support Structure Heist	The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. Such height measurement shall also not include lightning arresters 12 feet or less in length.
Architectural Projection	Any physical component of a structure at least three feet above ground elevation over which it is located.
Arterial Street or Road	A major vehicular thoroughfare as designated in the Comprehensive Plan.
Aviation and Surface Transportation	Airports, landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Aviation and Surface Transportation also includes facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, and public transit facilities.
Bar or Lounge	A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a Restaurant.
Basement	The portion of a building that is partially or wholly below ground level. The basement is not a complete structure and it serves as a substructure or foundation for a building.
Bath House	An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state.
Bed-and-Breakfast (B&B)	A private residence that offers for rent, sleeping accommodations of six or fewer guest rooms in the innkeeper's principal residence, and serves breakfasts at no extra cost to its lodgers. Rentals shall not be for more than 21 consecutive days.
Billboard	See Sec. 151-12.2

Term	Definition
Block	Land that is entirely surrounded by public highway, street, roads, railroad right-of-way or parks, and the like, or a combination thereof.
Board of Zoning Adjustment	The board that has been created by the County Commission to hear and determine Appeals of Administrative Decisions and variances.
Boarding, Rooming, or Lodging House	A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times of 30 consecutive days or more where meals may or may not be provided to lodgers.
Bond	Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the County Commission.
Botanic Gardens	A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables or ornamental plants.
Brewery	An establishment for the manufacture of malt liquors, such as beer and ale licensed by the State of Missouri under Division 70, Division of Alcohol and Tobacco Control.
Building Line (setback line"B/L")	The line or lines within a lot created by the intersection of the vertical planes of a building and the ground. The required building setback line is measured from the property line.
Building, Principal	A building in which is conducted the principal use of the lot on which it is situated.
Building	A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.
Building, Front of	That exterior wall of a building which faces the abutting street side property line of the lot or parcel
Building Permit	A permit issued by Clay County for the construction, erection or alteration of a structure or building.
Building, Height of	See "Height, Building"
Business or Trade School	A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.
Cabins, Rental	Separate housekeeping quarters for transient rental of not more than 21 consecutive days.
Campground	The use of land designed for occupancy by tents or recreational vehicles for temporary or transient living purposes
Care Center	See "Congregate Living"
Caretaker's Residence	A residence located on the premise of a nonresidential use and occupied only by a caretaker or guard. Also see, "Accessory Dwelling Unit."
Cemetery	Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium. For cremation, see "Crematorium".
Cluster Development	A residential use that divides land into separate lots and where the size of the individual lots may be reduced in order to gain common open space.
Club or Lodge	An establishment providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.
Co-location	Locating wireless communications equipment from more than one provider on a single mount, tower, or support structure. The act of siting communications facilities in the same location on the same tower as other pre-existing communications facilities. Collocation also means locating communications facilities on an existing structure such as buildings, water tanks, towers, utility poles without the need to construct a new tower.
Code Enforcement	Duties designated to the Director of Planning and Zoning to cause property owners and others responsible for buildings and related land uses to bring their properties up to standards required by building codes, housing codes and other regulations.

Term	Definition
Collector Street or Road	An intermediate major vehicular thoroughfare as designated in the Comprehensive Plan.
College and University Facility	An educational institution or other institutions of higher learning that offer courses of general or specialized study leading to a degree.
Commercial Recreational Equipment Storage	A site where privately owned major recreational equipment is stored for compensation.
Commercial	A land-use classification that permits facilities for the buying and selling of commodities and services.
Communication Tower	A guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, am/fm radio, digital, microwave cellular, telephone, or similar forms of electronic communication.
Communication Tower, Amateur	See “tower”
Communication Tower, Commercial	See “tower”
Communication Service	An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as major utility facilities. Typical uses include television, film, or sound recording studios, telecommunication service centers, and telegraph service offices.
Communications Facility	A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communications facilities include structures or towers, accessory buildings, and ground base equipment.
Community Recreation, Private	A recreational facility for use by residents and guests of a particular residential development, planned unit development, church, private primary or secondary educational facility, club or lodge, or non-profit organizations, including both indoor and outdoor facilities.
Comprehensive Plan	The Clay County Comprehensive Plan, as amended, which includes the Smithville Lake Area Comprehensive Plan, Airport, and Highway 69 Corridor, and Northland Trails Plans.
Concentrated Animal Feeding Operations (CAFOs) or Feedlot	A parcel of land, with or without buildings, used or intended to be used for the confined feeding, breeding, raising, or holding of animals for the purpose of fattening livestock for slaughter, which are classified by the State of Missouri (e.g. 10 CSR 20-6.300 Concentrated Animal Feeding Operations).
Conditional Use	A use of land that is not permitted by right, but requires review by the County stating the specific conditions and standards required of that individual use.
Condominium	A single dwelling unit under individual ownership within a duplex or multi-dwelling structure. A multiple-dwelling structure with 2 condominiums shall be considered a duplex and a structure with more than 2 condominiums shall be considered a multiple-dwelling structure.
Congregate Living	A use providing 24-hour supervision and assisted living for more than 15 residents not needing regular medical attention. This classification includes personal care homes for the physically impaired, mentally retarded, developmentally disabled, and persons 62 years of age or older, maternity homes, and emergency shelters during crisis intervention for victims of crime, abuse, or neglect.
Conservation District	A zoning overlay district intended to be applied to selected areas of residential districts in order to increase common open space and preserve the existing natural features of the land.
Construction Sales and Service	An establishment primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

Term	Definition
Consumer Convenience Service	An establishment providing services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities that make twenty-four hour operation possible. Typical uses include the renting of private postal and safety deposit boxes to individuals and automated banking machines.
Contiguous	Immediately adjacent to (at one or more points) and not separated by a railroad or right-of-way.
Convalescent Service	A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.
Covenant, Protective	Contract made between private parties as to the manner in which land may be used with a view towards protecting and preserving the physical and economic integrity of an area. Covenants are not enforced by the county government.
Convenience Store	An establishment, not exceeding 5,000 square feet of gross floor area, engaged in the retail sale of food, beverages and other frequently needed items for household use. Gasoline sales may or may not be included.
Creek	A stream of surface water sufficient to produce a defined channel or bed.
Crematorium	Land used or intended to be used for the cremation of the dead, whether human or animal, but not to include a mausoleum or columbarium.
Crop, Annual	Crops that live for only one year; and must be planted every year from seed. Examples include but are not limited to: corn, wheat, rice, lettuce, peas, watermelon, beans, zinnia,and marigold.
Crop, Permanent Agricultural	A permanent crop is one produced from plants which last for many seasons, rather than being replanted after each harvest. Examples include but are not limited to: flowering shrubs, blueberry bushes, strawberries, fruit and nut trees, vines. This definition excludes wood or timber trees.
Crop Production	The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.
Cul-de-Sac	A street ending in a turn-around, designed, and intended as a permanent or temporary terminus.
Cultural Service	A library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
Dam	All obstructions, wall embankments or barriers constructed for the purpose of storing or diverting water or creating a pool.
Dancing or Choreography School	A school in which students learn to dance and perform.
Day Care Center	A non-residential building where care, supervision, custody or control is provided for children or adults for any part of a 24-hour day up to 12 hours of total daily operation, or a residence where such care is provided for more than four unrelated children or adults.
Day Care, Group	A day care center that provides care, protection and supervision for 11 to 21 individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.
Day Care, Commercial	A day care center that provides care, protection and supervision for more than 21 individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.
Day, Business or Work	A work day in which the Clay County offices are open for business, exclusive of weekends and holidays, as established by the County Commission.
Day Care, Family	A day care that provides care, protection and supervision for 5 to 10 non-related individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.

Term	Definition
Decision-Making Body	The entity that is authorized to finally approve or deny an application or permit required under this Land Development Code.
Dedication	The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.
Deed Restriction	An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. Deed Restrictions are enforced by the land owners involved and not by the county government.
Density	The number of dwelling units permitted per net gross acre of land.
Design	The location of streets, alignment of streets, grades, and widths of streets, alignment of easements, grades and widths of easements, alignment and right-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
Detention Facility	A publicly operated use providing judicially required detention or incarceration of people.
Developer	The legal or beneficial owner or the representative thereof, of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.
Development	The division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this Land Development Code
Dining Facilities	An establishment where food is prepared and served to the public in an established indoor and/or outdoor seating area.
Distillation	The evaporation and subsequent collection of a liquid by condensation as a means of purification. For wine purposes, the conversation of sugar in fruit juice into alcohol and carbon dioxide by the action of yeast.
Distillery	A production facility for the purposes of wine distillation to produce high proof or similar distilled spirits licensed by the State of Missouri under Division 70, Division of Alcohol and Tobacco Control.
Dog	Any canine species over 6 months of age.
Driveway	A private roadway of an impervious nature providing access for vehicles to a parking space, garage, dwelling, or other structure.
Dump	A lot of land used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means and for what purpose, or garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind. (Also see “Sanitary Landfill.”)
Duplex	The use of a single lot or parcel for 2 dwelling units contained within a single building, other than a mobile home.
Dwelling, Accessory	A separate dwelling unit contained within the structure housing the principal dwelling unit and occupied for residential purposes by a person or persons either employed on the premises or related by blood, marriage or adoption to the occupants of the principal dwelling. Also see “Guest House.”
Dwelling for the Elderly and/or Handicapped	A two-family or multiple-family residential building having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least 62 years of age. Handicapped persons are those people having an impairment that is expected to be of long, continuous and indefinite duration, is a substantial limitation to their ability to live independently, and is of a nature that such ability could be improved by more suitable housing.
Dwelling, Single-family	Same as “house.”

Term	Definition
Dwelling Unit	A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities. Buildings with more than one set of cooking facilities are considered to be multi-dwelling structures unless the additional cooking facilities are clearly accessory.
Earth-Sheltered Residence	A residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located.
Easement	A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways and roadways.
Efficiency (apartment)	A dwelling unit containing less than 800 square feet of floor area and no separate bedroom.
Entertainment, Indoor	An establishment offering recreation, entertainment or games of skill to the general public for a fee. Typical uses include but are not limited to bowling alleys, bingo parlors, pool halls, theaters, banquet facilities, and video game arcades, and paintball.
Entertainment, Outdoor	An establishment offering recreation, entertainment or games of skill to the general public for a fee. Typical uses include but are not limited to archery ranges (public), batting cages, golf driving ranges, miniature golf courses, and drive-in theaters, and paintball.
Erected	Includes the terms “constructed,” “moved,” “located,” or “relocated.”
Ethanol Production Facility (EPF)	An establishment where the conversion of corn or other cellulous material into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.
Extractive Industry	The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum, and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity. (Also see “Gravel Pit”)
FAA	Federal Aviation Administration
Family	See “Household”
Farmer’s Market	A temporary open air market for the purposes of selling produce and other edible items grown on local farmland.
Farmland	Land in active agricultural or horticultural use.
FCC	Federal Communications Commission
Feedlot	A livestock feeding operation carried on for more than 30 days on non-vegetated lots for the purpose of fattening livestock for slaughter, which is classified by the Missouri Department of Natural Resources as a Class 1A, Class 1B, or Class 1C Confinement Animal Feeding Operation.
Financial Service	An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services.
Firearm	Any handheld weapon from which a projectile is discharged by an explosive force.
Floodplain	That area defined as having a 1% chance of flooding in any given year and shall include all area shown in the 100-year floodplain as designated on the Flood Insurance Study (F.I.S.), as prepared by the U.S. Federal Emergency Management Agency or its equivalent agency.
Floor Area, Gross	The sum of the gross area for each of a building’s stories under roof, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, include the following areas: (a) the area of each floor of the structure and (b) all attic space having headroom of 7 feet-10 inches or more.

Term	Definition
Food Sales	An establishment primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores (including the sale of beer and wine in unopened containers for off-premise consumption where revenue from the sale of groceries comprises at least 51% of the gross income of the establishment, and at least 51% of the total display or shelf space is devoted to groceries other than beer and wine), delicatessens, meat markets, retail bakeries, and candy shops.
Foster Home	A residence in which 12 to 24-hour care is provided to no more than 8 children, 2 or more of which are unrelated to the foster parents.
Funeral Service or Mortuary	An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral home or mortuaries.
Garage	A structure or part thereof, designed, used or intended to be used for the parking and storage of motor vehicles.
Grade, Existing or Natural	The vertical elevation of the existing ground surface prior to excavation or filling.
Garden Center	An establishment primarily engaged in the retail sales of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.
Gift Shop	A shop that sells miscellaneous articles appropriate as gifts
Grading	The contouring of land to a specified level or slope.
Gravel Pit	An open land area where sand, gravel, and rock fragments are mined or excavated for sale or off-tract use. (Also see “Extractive Industry”)
Greenbelt	A series of connected open spaces that may follow natural features such as ravines, creeks, or streams.
Greenhouse	A glass or plastic enclosure used for the protection and cultivation of plants.
Greenhouse, Retail	A greenhouse used to grow bedding and potting plants, ornamental flowers, and related material for sale on or off site.
Greenhouse, Production (Wholesale)	A greenhouse used to grow produce for the sale to restaurants, farmer's markets, grocery stores and other off-site markets.
Group Residential	The residential use of a site for occupancy by groups of more than six persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, boarding houses or fraternal orders.
Group Home, Class I (Limited) < 8 residents	A home-based facility providing 24-hour care in a protected living arrangement for not more than 8 residents and 2 supervisory personnel. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 62 years of age or older and maternity homes. It also includes emergency shelter during crisis intervention for victims of crime, abuse, or neglect.
Group Home, Class I (General) 8-15 residents	A home-based facility providing 24-hour care in a protected living arrangement for more than 8 but not more than 15 residents and not more than 3 supervisory personnel. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 62 years of age or older, and maternity homes. This classification also includes emergency shelter during crisis intervention for victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence.
Group Home, Class II > 15 residents	A home-based facility providing 24-hour care in a protected living arrangement for more than 15 or more residents and not more than 3 supervisory personnel. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization.

Term	Definition
Group Home, Class I (General)	A home-based facility providing 24-hour care in a protected living arrangement for more than 8 but not more than 15 residents and not more than 3 supervisory personnel. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 62 years of age or older and maternity homes. This classification also includes emergency shelter during crisis intervention for victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence.
Guest House, Private	An attached or detached accessory building used to house guests of the occupants of the principal building, which is never rented or offered for rent, and that does not contain a kitchen (per building code) or has a “kitchenette.”
Guidance Service	An establishment providing out-patient counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition, on a daytime care basis.
Guyed Tower	A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
Hazardous Material	Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.
Height (of structure other than a building)	The vertical distance as measured from the average ground elevation to the highest point on such structure. See also “Height, Building.”
Height, Building	The vertical distance between the average finished grade (based on an average of the highest and lowest points) at the base of the building being measured and: 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.
Home Care Service	A residence where care, supervision, custody, or control is provided for 4 or fewer unrelated children or adults for any part of a 24-hour day up to 12 hours. Home care services shall be considered home occupations.
Home Occupation	Any occupation, profession, business, or activity carried on in premises primarily residential in character in accordance with the home occupation requirements of this Land Development Code.
Homeowners Association, Elective	An incorporated nonprofit organization operating under recorded land agreements through which each lot owner elects to pay annual dues, and there is not jointly owned common property to be maintained.
Homeowners Association, Mandatory	An incorporated nonprofit organization operating under recorded land agreements through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expenses for the organization’s activities, such as maintaining common property.
Horticulture	The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries, sod farms and greenhouses.
Hospital	Uses providing in-patient medical or surgical care, which also may include out-patient services and the following types of accessory activities out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias maintenance and parking facilities.
Hotel-Motel	A building, or a group of buildings, used for transient lodging open to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel may offer suites, which include kitchen facilities, sitting rooms, and bedrooms. Such establishments may be designated as an automobile court, motel, motor lodge, motor court, tourist cabin, tourist court, or other similar designations.

Term	Definition
House, Detached	A single dwelling unit, located on its own lot, which is not attached to any other dwelling unit. The term includes residential-design manufactured housing units and modular houses.
House, Modular	A detached house that is manufactured in sections and finally assembled on the site. Modular homes comply with the Missouri Public Service Commission's adopted building codes and the residential design standards of Sec. 151-10.6.
House, Attached	A single dwelling unit, located on its own lot, which shares one or more common or abutting walls with one or more dwelling units. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a townhouse.
Household	Any one of the following: (a) one or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling; (b) up to 4 unrelated persons; or (c) 2 unrelated persons and their children living together in a dwelling unit.
Impact Fee	A regulatory fee on all new development required by the County as a condition of development approval and collected, at the latest, prior to issuance of a building permit, to insure that necessary funds for transportation improvements, trails, parks, and the like are or will be in place to accommodate the needs generated by such new development or to provide funds to enhance the existing systems.
Impervious Surface	Any hard-surfaced, man made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.
Improvements, Public	Any improvement necessary to provide for public needs.
Improvements	Any man-made changes to any land or structure.
Individual Sewage Disposal System	A sewage treatment and disposal system that (1) infiltrates treated wastewater into soil; (2) discharges wastewater to the surface where the projected daily flow is less than 1,500 gallons; or (3) holds wastewater in a tank for removal or disposal at a remote site.
Industrial Service	An establishment engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Typical uses include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; above-ground tanks used for the storage or dispensing of Class I or Class II petroleum products (as defined in the Fire Code); research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photo finishing laboratories.
Industrial, Heavy	A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This is consistent with the I-2 zoning district.
Industrial, Light	Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. This is consistent with the I-1 zoning district.
Industrial Yard	See "Industrial Service."

Term	Definition
Interior Lot	See “Lot, Interior.”
Junk	Building materials, trash, automobiles, furniture, appliances or any other items that have been discarded on the exterior of a structure and create an unsightly appearance, or a health hazard.
Kennel	Boarding and care services for more than 3 dogs or 4 cats, including the keeping of such companion animals, dogs as pets. Typical uses include boarding kennels, pet motels, and dog training centers.
Kitchen	Any room principally used, intended or designed to be used for cooking or the preparation of food. The presence of a double sink over 16 inches by 16 inches with plumbing shall be considered as establishing a kitchen.
Kitchenette; Limited Kitchen	A limited kitchen facility that does not include a stove, range top or double kitchen sink. (See Sec. 151-6.3A7)
Landscaping & Lawn Service	The services of planting (includes application of soil) seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. This could also include snow removal services.
Lattice Tower	A guyed or self-supporting three or four sided, open, steel frame structure used to support communications equipment.
Lawn/Landscaping Service	Lawn maintenance services which are conducted entirely on the property of the consumer, with the exception of a business office or the storage of two units of landscaping equipment (a unit is one trailer with mowers) stored on site.
Level of Service (LOS)	The level of service specified by the Highway Administrator that will carry a certain load of traffic on a roadway during a specific period.
Liquor Sales	An establishment engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
Livestock	Same as “Animals, Farm”
Lot, Corner	A lot abutting two or more streets at their intersection.
Lot, Irregular	A parcel of land that is neither rectangular nor square or when an area cannot be calculated by simple math.
Lot Area	The area contained within the boundary lines of a lot, excluding any street, easement for street purposes, or street right-of-way.
Lot Frontage	That portion of a lot that abuts a public street, each side of a lot so abutting a public street shall be considered as separate lot frontage.
Lot, Interior	A lot other than a corner lot.
Lot Line	A line bounding a lot which divides one lot from another or from a street or any other public or private space (same as “property line”)
Lot Line, Rear	That lot line which is parallel to and most distant from the street lot line of the lotwhere the structure is addressed off of; in the case of a triangular, or an irregular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the street lot line shall be considered to be the rear lot line. In the case of corner lots, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
Lot, Double-frontage	See “Lot, Through”
Lot Line, Street	In the case of a lot abutting only one street, the lot line separating a lot from the street; in the case of a corner lot, each lot line separating the lot from a street; in the case of a double frontage lot, each lot line separating the lot from a street shall be considered to be the street lot line, except where the rear setback requirement is greater than the front setback requirement in which case one of two opposing setbacks shall be a rear setback. In case of a deed that describes the property to the centerline of the road, the street lot line shall be considered a minimum of thirty (30) feet from said street centerline.

Term	Definition
Lot Measurements	The size of a lot is measured by: (1) lot depth: the mean horizontal distance between the front and rear lot lines. (2) lot frontage: that portion of a lot that abuts a public street. Each side of a lot so abutting a public street shall be considered as separate lost frontage. (3) lot width: the width of a lot at the minimum setback line.
Lot, Flag or Panhandle	A lot resulting from the division of a tract of land that, before its division, did not have sufficient width on a street to create more than one lot abutting said street but had sufficient area and depth to be divided into more than one buildable lot.
Lot, Footprint	A lot which is defined by the physical shape of the foundation of a structure.
Lot Depth	The mean horizontal distance between the front and rear lot lines.
Lot Line, Side	Any lot lines other than a street or rear lot line.
Lot, Through (double frontage)	A lot having frontage on 2 nonintersecting streets, as distinguished from a corner lot.
Lot, Zoning	A parcel of land: (1) comprised of 1 or more recorded lots that are contiguous and under the same ownership; (2) occupied or intended to be occupied by a principal building or buildings, or principal use or uses, along with permitted accessory buildings or uses; and (3) meeting all of the requirements for area, buildable area, frontage, width, setbacks, and any other requirements set forth in this Land Development Code. Lots separated by streets or alleys shall not be considered contiguous for the purposes of this definition.
Lot Width	The width of a lot at the minimum building setback line.
Major Recreational Equipment	Equipment such as boats and boat trailers, travel trailers, pickup truck campers, camping trailers, tent trailers, converted trucks and buses, self-propelled motor homes, and other related equipment intended for recreational purposes.
Manufactured Housing Unit	A dwelling unit constructed in accordance with Federal Manufactured Housing Construction and Safety Standards (HUD code) in effect after June 15, 1976. For the purpose of this land development code, the term "manufactured Manufactured housing Housing unitUnit," when used by itself, shall not include a "residential-design mManufactured housing Housing unitUnit, Residential-Design" as defined in this section.
Manufactured Housing Unit, Residential-Design	A manufactured housing unit that complies with all of the residential design standards of Sec. 151-10.6.
Manufacturing and Production	An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Typical uses include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; printing, publishing and lithography; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.
Map or Zoning Map	The official zoning map of Clay County.

Term	Definition
Marina	The wet or dry storage and docking of seaworthy watercraft, including ramps and hoists for boats, for commercial purposes. Marinas also include docks, wharves, piers, floats, or any other similar structure erected, installed, placed, or maintained along a shoreline for the purpose of providing a stationary landing for the anchoring, mooring, housing, or storing of more than 3 watercraft.
Marketing Event	Any marketing activities sponsored by the production facility intended for the promotion and sale of products produced on-site. Activities of a marketing event may include but are not limited to: live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own", and similar activities, but may not include concerts or events which include more than one production facility, or events sponsored by or for the benefit of an organization other than the production facility.
Massage Business; Day Spa	An establishment which has a fixed place of business, having a source of income or compensation 60 percent or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical, electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage; under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include the establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state.
Maximum Extent Feasible	The point at which all possible measures have been undertaken by the applicant, at which point further measures would involve physical or economic hardships that would render a development project infeasible or would be unreasonable in the judgment of a Review or Decision-Making Body.
Medical Marijuana Cultivation Facility	A facility licensed by the State of Missouri 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.
Medical Marijuana Dispensary Facility	A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana infused products, and drug paraphernalia used to administer marijuana as provided 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.
Medical Marijuana Infused Products Manufacturing Facility	A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.
Medical Marijuana Testing Facility	A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.
Military Installation	Military facilities of the federal or state government.
Mixed-Use Development	See "Planned Unit Development" (PUD)
Mobile Home	A movable detached single-family dwelling unit that was manufactured prior to 1976 or that does not conform to the Manufactured Home Construction and Safety Standards Act (HUD Code). Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to utilities in conformance with all applicable regulations. A "mobile home" shall also include a "manufactured home" as defined herein when located in a mobile home park. The term "mobile home" does not include a recreational vehicle.

Term	Definition
Mobile Home Park	A contiguous parcel of land which has been developed for the placement of mobile homes and/or manufactured housing units and is owned in its entirety by an individual, a firm, trust, partnership, public or private association or corporation.
Modeling Studio	An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools wherever persons are enrolled in class.
Modular House	See “House, Modular”
Motor Vehicle	A device in, upon, or by which any person or property is, or may be, transported, or drawn, upon a public highway except devices used exclusively upon stationary rails or tracks.
Multi-Unit Housing	The use of a site for 3 or more dwelling units, within one or more buildings, and includes condominium residential.
Multi-Dwelling Structure	A structure that contains 3 or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments and condominiums.
Museums	Public or privately owned collections of historical and educational materials that are open to the public.
Noise Pollution	Continuous or episodic excessive noise in the human environment that is damaging or otherwise annoying.
Nursing Home	See “Congregate Living”
Off-Road Vehicle	Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, swampland, or other natural terrain. This excludes registered motorboats.
Office	Any of the following: government office, administrative and business office, professional office or medical office, including outpatient clinics and outpatient emergency centers.
Office, Administrative and Business	The use of a building or a portion of a building for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
Office, Government	Federal, state, county or city offices, administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles.
Office, Medical	A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state. The term includes outpatient clinics and outpatient emergency centers.
Office, Professional	A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
Open Space; Common	Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development.
Organic Recycling	Disposal or distribution of biodegradable materials by methods of improved technology.
Overlay District	A special district or zone which addresses special land use circumstances or environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zoning district.

Term	Definition
Owner	The person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land. For the purpose of providing notices required by this Land Development Code, the owner is the person who last paid taxes on any parcel as identified by county property tax records.
Parcel	Any legally described area of land.
Park-and-Ride Facility	A facility designed for parking automobiles, the occupants of which transfer to public transit to continue their trips.
Parking Space	An area located in other than a public right-of-way reserved exclusively for the parking of motorized vehicles.
Parking, Commercial	Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.
Parks and Recreation	Parks, playgrounds, swimming pools, recreation facilities, and open spaces available to the general public and under the management or control of a public agency. The term also includes golf courses, whether public or private.
Pasture	An area of grass or other vegetative cover grown for the purpose of grazing animals.
Pawn Shop	A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.
Pedestrian Way	A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
Permanent Foundation	An exterior wall and necessary support columns or piers designed to support any building or a mobile home for the usable life of that structure. The exterior wall of a permanent foundation shall conform to the foundation requirements of the building code.
Person	This term includes the words individual, partnership, firm, corporation, association, governmental body and all other legal entities.
Personal Improvement Service	An establishment primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.
Personal Wireless Service	Wireless communications technology that provides consumers with the ability to communicate using portable devices not physically interconnected by equipment such as wire or cable. Technologies include, but are not limited to, commercial mobile radio services (CMRS) such as personal communication systems (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (RSMR), and paging services; or any other local, regional, or global service using functionally equivalent technology.
Personal Communications Services (PCS)	Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as personal communications network (PCN).
Plan, Sketch	A rough sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
Planned Unit Development (PUD)	An area of land under single ownership containing any combination of two or more principal uses permitted by right or as a conditional use in the district in which the development is proposed. Development may be done as a whole or in a definitely programmed series of development phases. A PUD is an overlay zoning district.
Plat	Plat of subdivision, whether preliminary of or final.
Plat, Final	A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared for recording in the office of the Recorder of Deeds of the county.

Term	Definition
Plat; Preliminary	A document prepared by a registered surveyor or engineer that delineates property lines and shows monuments and other landmarks for the purpose of identifying property in compliance with the Land Development Code regulations.
Plat; Re-Plat	A plat used to subdivide a single lot into not more than two lots or combine not more than two lots into one, and has required access and does not require vacation or dedication activities; or, the adjustment of boundaries between two properties creating no additional lots.
Pond	Any island body of water in its natural state or artificially formed or increased that has a surface area of 1,000 square feet or more.
Postal Facility	Postal services, including post offices, bulk mail processing, or sorting centers operated by the United States Postal Service.
Principal Building	A building in which is conducted the principal use of the lot on which it is situated.
Principal Structure	The dominant building that contains the primary permitted use of the zoning district.
Principal Use	The primary use for which the zoning district has been or will be granted.
Property Line	A line bounding a parcel which divides one parcel from another or from a street or any other public or private space See(same as “lot line”)
Quasi-Public	An agency that operates services for the good of the public, such as fire districts or electrical providers, which are not part of the official county structure.
Railroad Facility	Railroad yards, equipment servicing facilities, and terminal facilities.
Rear Setback	See “Setback, Rear.”
Rear Lot Line	See “Lot Line, Rear.”
Recreation and Entertainment, Indoor	Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building. Typical uses include but are not limited to event centers, bowling alleys, billiard parlors, ice and roller skating rinks, arcades, video games and theaters.
Recreation and Entertainment, Outdoor	Participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities. Typical uses include but are not limited to special outdoor events, sports arenas, racing facilities, amusement parks, golf driving ranges and miniature golf courses.
Recreational Equipment	Any vehicle, vessel or equipment designed for outdoor recreational use that is not otherwise defined as a recreational vehicle. Such equipment may include, but is not limited to, boats (including airboats and jet-boats), personal watercraft (jet-skies and the like), all-terrian vehicles (ATVs), dirt bikes, go-karts, glof carts,and any other similar vehicle, vessel or equipment,
Recreational Vehicle Park	A parcel upon which 2 or more recreational vehicles are parked or any parcel upon which space for the parking of recreational vehicles is rented or offered. The term does not include premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.
Recreational Vehicle	A unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding 8 feet and a body length not exceeding 40 feet. Units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Planning and Zoning Director. A recreational vehicle may or may not include individual toilet and bath.
Recycling Collection (Drop-off) Facility	A facility, including but not limited to Bulk or Single-Feed Reverse Vending Machines, used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source-separated, nonputrescible materials. For purposes of this use, “recyclable materials” shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or putrescible materials.

Term	Definition
Recycling Center	An establishment engaged in the processing, collection and transfer of recyclable materials. Typical recyclable materials include glass, paper, plastic, cans, or other source-separated, nonputrescible materials.
Religious Assembly	A use located in a permanent or temporary building and providing regular organized religious worship and religious education incidental thereto, but excluding private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption obtained pursuant to state law shall constitute prima facie evidence of religious assembly use.
Religious Assembly, Mega	A place of religious assembly that contains parking for more than 300 cars or sanctuary seating for more than 450 persons, and may also have accessory uses such as gymnasiums, school classes during the week, day care, etc.
Religious Assembly, Standard	A place of religious assembly that contains parking for less than 300 cars or sanctuary seating for less than 450 persons, classrooms and a fellowship hall.
Repair Service, Consumer	An establishment primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment services uses. Typical uses include appliance and bike repair shops, watch or jewelry repair shops, or musical instrument repair shops.
Reservoir	An impoundment of surface waters designed to provide drinking water to the public.
Residential Treatment Facility	A facility providing 24-hour supervision, counseling, and treatment for more than 15 residents not needing regular medical attention. This classification includes alcohol and chemical dependence rehabilitation facilities, including facilities to which persons convicted of alcohol or drug-related offenses are ordered to remain under custodial supervision as a condition of probation or parole, and residential care facilities and halfway houses for the emotionally ill.
Residential-Design Manufactured Housing Unit,	See “Manufactured Housing Unit, Residential-Design”
Restaurant, Fast Food	An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, with one or more of the following characteristics: A. it serves ready-to-eat foods, frozen deserts, or beverages in edible or paper, plastic or disposable containers; B. it serves foods that customers carry to the restaurant's seating facilities, to motor vehicles, or off-premises; or C. it serves foods through a pass-through window, (which includes any and all drive-in restaurants).
Restaurant, General	An establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption. Typical uses include diners, cafeterias, dinner-houses and restaurants, but not including fast food restaurants.
Retail Sales and Service, General	An establishment primarily engaged in the sale, lease or rent of new or used products to the general public, including those providing personal services, entertainment, product repair or sales of consumer goods, but excluding those establishments more specifically defined in this section.
Retail Sales and Service, Convenience	An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, seamstress, tailor, shoe repair shops, and dry cleaning pick-up station services.
Retirement Housing, Limited	The use of a site for Retirement Housing for 10 or fewer individuals.
Retirement Housing	The use of a site for dwelling units designed and marketed specifically for the elderly, persons with physical disabilities or both.
Retirement Housing, General	The use of a site for Retirement Housing for more than 10 individuals.

Term	Definition
Retreat Center	A facility used for professional, educational, or religions conclaves, meetings, conferences or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations.
Review Body	The entity that is authorized to recommend approval or denial of an application or permit required under this Land Development Code.
Right-of-Way	A strip of land acquired by reservation, dedication, prescription, or condemnations and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.
Road Impact Fee [RIF]	Fee required by the County to improve or maintain existing roadways adjacent to subdivision.
Roadside Stand, Accessory	An accessory structure erected for the display and sale of agricultural products produced on the property where the stand is erected.
Rural Character Features	Cultivated fields, pastures, rolling hills, ponds, farm buildings, woods fence lines and other similar features that exemplify the rural, agrarian nature of unincorporated Clay County.
Safety Service	Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
Salvage or Junk Yard	A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked automobiles, house wrecking and structural steel materials and equipment, and vehicles or appliances which are inoperable for a period of over seven consecutive days, but not including the interior purchase, sale or storage of used furniture and household equipment.
Sanitary Landfill	The burial of non-hazardous and non-medical farm, residential, institutional, commercial or industrial waste. (Also see “Dump”)
School, Primary	A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of Missouri.
School, Secondary	A public, private or parochial school offering instruction at the middle (junior) and senior high school levels in the branches of learning and study required to be taught in the public schools of Missouri.
Security/Guard House	Structure for the purpose of having on-site security presence of public and/or quasi-public agencies.
Self-Service Storage	Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
Senior Housing; Assisted Living	Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc but non-medical in nature. These are also referred to as congregate care facilities.
Senior Housing	A multiple-family structure, controlled by either a public body, institutional body, or nonprofit corporation, 80 percent of whose occupants shall be 65 years of age or over, or a multiple-family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired, and where the rental arrangements includes a requirement that all members of each household consume at least one meal per day in a congregate dining facility contained within the multiple-family structure.
Septic System, Private	A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen.
Service Station	An establishment engaged in the sale of motor vehicle fuel.
Setback, Side	A setback extending the full length of the lot in the area between a side lot line and a side building line. All setbacks measured from the outermost part of structure (face of the gutter).

Term	Definition
Setback, Front	A setback extending the full width of a lot between the street lot line and the front building line. All setbacks measured from the outermost part of structure (face of the gutter).
Setback, Street Side	A setback extending the full width of a lot between the street lot line and a side building line.
Setback, Rear	A setback extending the full width of the lot in the area between the rear lot line and the rear building line. All setbacks measured from the outermost part of structure (face of the gutter).
Sewage Treatment Plant, Public	Any facility designed for the collection, removal, treatment, and disposal of waterborne sewage that serves in excess of two dwelling units and is operated by a publicly regulated board/organization.
Sewer, Storm	A drain or channel that carries storm, surface, and ground water drainage but excludes sewage and residential, commercial, and industrial wastes.
Shadow Plat	A conceptual development plan that guides the future development of land at urban densities for which non-urban density development is sought in the short term. Shadow plats may show the major transportation routes and utility corridors necessary to attain future urban residential development at urban densities while allowing the placement of buildings and access in the interim.
Shared Driveway	Vehicular access for 2 or more lots where all parties have equal access to use the access to/from a public road.
Shooting Range	Any rifle, pistol, silhouette, skeet, trap, black powder or other similar range used for discharging firearms in a sporting event or for practice or instruction in the use of the firearm, or for the testing of a firearm.
Side Setback	See “Setback, Side.”
Side Lot Line	See “Lot Line, Side.”
Sight Distance Triangle	The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or the edge of a driveway.
Signs	See Sec. 151-12
Single-Family, Attached	The use of a site for 2 or more dwelling units, constructed with common or abutting walls and each located on a separate lot. Also known as townhouses or row houses.
Single-Family, Detached	The use of a site for only 1 dwelling unit, other than a mobile home.
Site	A parcel of land for which a permit is issued pursuant to this Land Development Code.
Small Engine Repair Business	A business that repairs, adjusts, tunes, or modifies gasoline engines of a small horsepower commonly used to power grass trimmers, riding or push lawn mowers, chain saws, log splitters, and similar service equipment. The maximum horsepower for equipment shall not exceed 20 horsepower for small engines. This repair service may also conduct work on electric motors commonly used in small household appliances, power tools, and lawn maintenance equipment. Repair work shall not be permitted on motorcycles, automobiles, trucks, vans, outboard motors, farm tractors, snowmobiles and similar vehicles.
Smithville Lake Area	All area of the county west of Highways A and CThe watershed geographic area where runoff feeds into the Smithville Lake or equivalent vertical elevation of 876.2 above mean sea level (AMSL).
Sod Farm	An agricultural use, which, by its nature, lowers the ground elevation over a period of time through the growing of sod, cutting, and transplanting to another location.
Special Event	Any events and associated activities such as weddings, receptions, concerts, meetings, retreats, and other similar gatherings of people not related to the property owner(s).

Term	Definition
Specified Sexual Activity	Any of the following: (1) sexual conduct, including acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breasts; (2) sexual excitement, including the condition of human male or female genitals when in a state of sexual stimulation or arousal; or (3) sadomasochistic abuse, including flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.
Spot Zoning	District boundaries, variances, and other amendments to the zoning code and use and area maps that violate sound principles of zoning and are characterized by small parcels of land, asking for privileges not generally extended to property similarly located in the area, or show little evidence of consideration of the general welfare of the public or adjoining properties.
Stable, Private	An accessory and related premises designed or used for the keeping of horses, ponies, or mules owned by the occupants of the premises, and not kept for hire, rental, or for the sale of more than 6 stabled animals per year. Such operations must conform to the state department of natural resources regulations pertaining to waste water management and odor control, if applicable.
Stable, Public	An establishment for boarding, breeding or raising of more than 6 horses, ponies or mules not owned by the occupants of the premises, or the rental of any number of horses, ponies or mules for riding by other than the occupants of the premises or their nonpaying guests.
Stadium; Arena; Amphitheater	A building or outdoor arena or structure specifically designed and used as a place of assembly.
Storage, Outside	The storage of any material, property, or motor vehicles in any space outside the principal or accessory buildings on the property for a period of time exceeding 72 consecutive hours.
Stormwater Runoff	Surplus surface water generated by rainfall that does not seep into the earth but flows overland to flowing or stagnant bodies of water, measured in depth of inches.
Street, Stub	A nonpermanent dead end street intended to be extended in conjunction with the subdivision and development of the adjacent unplatted land.
Street, Public	An improved roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property and maintained by the County.
Street, Private	An impervious roadway privately owned and maintained that is used as the principal means of access to not more than three abutting lots.
Street, Marginal Access	A local street that is adjacent to, or is included in, the right-of-way of an expressway, major arterial, collector street, railroad or utility right-of-way and which provides access to abutting properties and protection from through Traffic.
Street, Half	Streets with half the required width of the required right-of-way on the bounding edge of a tract being subdivided.
Street Dedication	The designation by plat, certified survey map, or written deed of a certain area to be used for public street purposes. A dedication transfers title to the dedicated area from the private landowner to the public domain.
Street, Cul-de-sac	A street having one end open to vehicular traffic and the other end temporarily or permanently closed with a vehicular turnaround.
Street, Collector	A street designed to carry moderate volumes of traffic from local streets to arterial streets.
Street, Center line of	An imaginary line halfway between the street right-of-way lines.
Street, Local	A street providing access to adjacent land, service to travel short distances, the lowest level of mobility, and access service to other streets.
Street	A public thoroughfare (street, drive, avenue, boulevard) that has been or is intended to be dedicated for public use.
Street Centerline	A line midway between street right-of-way lines.

Term	Definition
Street Lot Line	See “Lot Line, Street.”
Street or Road	A right-of-way, dedicated to public use, or a private right-of-way which provides principal vehicular and pedestrian access to adjacent properties
Street Right-of-way Line	The dividing line between a privately owned lot and parcel of land and the outside boundary of a public or private street.
Street, Private	A street which is not dedicated for public use and for which no highway authority has any jurisdiction or maintenance responsibilities.
Street, Nonresidential	A street internal to a nonresidential subdivision.
Street, Minor Arterial	Roadways that serve a mobility function for longer-distance trips but handle moderate volumes of traffic at moderate speeds. Minor arterials provide connections to collector routes, which serve communities and local areas.
Street; Alley	A public or private traffic way, other than a street, 20 feet or less in width affording secondary means of access to abutting property. Addresses are not assigned to alleys.
Street; Major Arterial	A street designed to carry large volumes of traffic and providing for efficient vehicular movement between distant locations.
Structural Alterations	Any change in the supporting members off a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.
Structure	Anything man-made constructed, erected, or placed, which has location in or on the ground or is attached to something having a location on the ground.
Structure, Accessory	A structure that: (1) is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; (2) is subordinate in area, extent and purpose to the principal building or principal use; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served and (4) is located on the same zoning lot as the principal structure or principal use served.
Structure, Farm	Any building used for the storage of agricultural or farm products, livestock or grain.
Subdivider	A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for itself or for others.
Subdivision	The division of a tract of land into 2 or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, and division of a parcel of land. Subdivision includes “resubdivision,” as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same.
Subdivision Regulations	The design standards and procedures adopted by local ordinance used to subdivide land. This Land Development Code contains the subdivision regulations of Clay County.
Tasting Facility	A facility or portion of a facility supporting a winery and/or brewery where the public may sample products produced by the facility and which has ancillary related retail sales.
Tavern	An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments, commonly known as cocktail lounges and night clubs.
Technical Review Committee (TRC)	Representatives from County departments authorized to conduct a technical review of applications.
Telecommunications	The transmission, between or among points as specified by the user, of information of the user's choosing, with or without change in the form or content of the information as sent and received.

Term	Definition
Telecommunications Facility, Amateur or Non-Commercial	A communications tower or support used for the private use and enjoyment of an individual and not used for any commercial or industrial use. This shall also include a structure or facility operated by a utility company or governmental entity for its own use such as an electricity or natural gas provider, water district, or other company which is licensed or regulated by the state, or the federal government.
Telecommunications Facility, Commercial	A communications structure or facility operated for financial gain by a person, corporation, or business.
Temporary Use	See “Use, Temporary.”
Topographic Map	A map showing all principal physical features of an area, including elevations.
Tourist Home	A private home with rooms for rent usually for duration of one night, to tourists or travelers not containing individual kitchen facilities.
Tower, Commercial	A structure or facility operated for financial gain by a person, corporation, or business.
Tower or Antenna, Commercial	A structure or facility operated for financial gain by a person, corporation, or business.
Tower, Amateur or Non-Commercial	A tower or support used for the private use and enjoyment of an individual and not used for any commercial or industrial use. This shall also include a structure or facility operated by a utility company or governmental entity for its own use (such as an electricity or natural gas provider, water district, or other company which is licensed or regulated by the state, or the federal government).
Tower, Monopole	A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
Tower, Self-Support	A communication tower that is constructed without guy wires and ground anchors. Examples include lattice and monopole towers.
Tract	A permanently unbuildable parcel within a specific zoning district, identified by a letter.
Traffic Impact Study	An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.
Trail	A way designed for and used by equestrians, pedestrians, and cyclists using nonmotorized vehicles.
Trailer, Stock	A trailer used for carrying of livestock.
Trailer, Travel	See “Recreational Vehicle”
Trailer, Utility	A trailer used for the carrying of materials, goods or objects.
Trailer	A recreational vehicle that may provide temporary accommodations but is not intended for permanent occupancy.
Transitional Housing	A facility providing supervision or detention, or both, for more than 15 residents making the transition from institutional to community living. This classification includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders. This classification also includes overnight shelters for the homeless.
Trash	Garbage, litter, refuse, rubbish or any substance of any kind that creates a public health, safety or fire hazard or a public nuisance.
Twin house	A structure that contains 2 primary dwelling units, each located on its own lot. The 2 dwelling units share a common wall along the common lot line.
Unplatted	A lot or parcel of land that has never been subdivided, according to the requirements of a governing body.
Use	The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.
Use, Temporary	A use established for a fixed period of time with the intent to discontinue the use upon the expiration of the time.
Utility Service, Major	Generating plants, water treatment plants, water towers, wastewater treatment plants and similar facilities.
Utility Service, Minor	Services that are necessary to support principal development and involve only minor structures, such as lines and poles and specifically including electrical switching facilities and primary substations

Term	Definition
Vacation	The termination of, or termination of an interest in, an easement, right-of-way, or public dedication of land.
Vehicle Repair, General	An establishment that provides service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. Typical uses include full service gas stations with repair or vehicle service bays, quick-lube services, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage. See “Vehicle Service, Limited.” Truck and heavy vehicle service and repair is classified as “Industrial Service”
Vehicle Sales/Rental	The sale or rental of automobiles, noncommercial trucks, motorcycles, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.
Vehicle Storage	An establishment offering long-term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.
Vehicle Service, Limited	An establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Typical uses include gas stations (without vehicle repair/service bays) car washes. No repairs are conducted on the site of a limited vehicle service use. See “Vehicle Repair, General.”
Veterinary Service or Animal Hospitals	An establishment offering veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.
Vineyard	A plantation of grape-bearing vines, grown mainly for winemaking, but also raisins, table grapes, and non-alcoholic grape juice. The science, practice, and study of vineyard production is know as Viticulture.
Viticulture	The science, production, and study of grapes which deals with the series of events that occur in the vineyard. When the grapes are used for winemaking, it is also known as viniculture. It is one branch of the science of Horticulture.
Warehouse and Freight Movement	An establishment engaged in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Typical use include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.
Waste-Related Use	Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.
Weekend	Saturday and Sunday. National holidays observed on a Friday or Monday may be included.
Wholesale Sales	An establishment engaged in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Typical use include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.

Term	Definition
Wine-Tasting Room	A facility in which wine products grown or processed on the owner's property may be tasted and sold for off premise consumption.
Winery	A facility specifically designed for the agricultural processing of wine from fruit or fruit juices through fermentation, or the re-fermenting of still wine into sparkling wine licensed by the State of Missouri under Division 70, Division of Alcohol and Tobacco Control.
Yard	The actual space that exists between a lot line and building line
Zero Lot Line House (Dwelling Unit)	A dwelling unit that is located on its own lot, not attached to any other dwelling unit and set on or within 2 feet of the interior side lot line. Zoning Lot; See "Lot, Zoning."
Zoned Municipality	A municipality with an adopted zoning ordinance or system of zoning controls in place.