

*Janet Burlingame  
Cass County Clerk*

*Deputy Clerks:  
Kathy Lambertz  
Lisa Franey  
Arrin Crust*

**FILED<sup>3</sup>**

MAY 11 2006

Missouri Public  
Service Commission

State of Missouri

ss.

County of Cass

I Janet Burlingame, County Clerk within and for Cass County Missouri, do hereby certify that the foregoing

Ordinance No. 03-13 dated October 16, 2003

is a full, true and accurate copy of an instrument of writing, as the same is found in the Records of my Office.

IN WITNESS WHEREOF, I hereunto set my hand and affix my seal at my Office in Harrisonville, Missouri, this 28th day of April, A.D., 2006.

Janet Burlingame County Clerk

(Seal)



Exhibit No. 104  
Case No(s) EA-2006-0309  
Date 5-30-06 Rptr rt

# Certified Copy of Record

STATE OF MISSOURI, }  
County of Cass, } ss.

In the County Commission of Cass County, Missouri, at the October Term, 2003, held on the 16th day of October, 2003, amongst others, were the following proceedings:

**CASS COUNTY, MISSOURI**  
**ORDINANCE NO.03-13**  
**Amend The Cass County Zoning Order ( added D & E )**  
**October 16, 2003**

**BE IT ORDAINED, BY THE COUNTY COMMISSION OF CASS COUNTY, MISSOURI, ORDINANCE NO. 03-13 AS THE FOLLOWS:**

- A. Amend the Cass County Zoning Order to:  
Amend Article VII **Supplementary Regulations**  
Section C. Home Occupations  
Permitted Home Occupations are considered accessory uses and are subject to the following limitations:  
Change to:  
Permitted Home Occupations are considered accessory uses and must take place within the home itself and are subject to the following limitations:
- And add to:  
Paragraph I Structure & Use Limitations
- Line f  
Certain other business uses not normally allowed on residential or agriculture property could be allowed in an accessory structure with a Special Use Permit following a public hearing. See Paragraph 11- Section D - Article VIII Special Use Permits.
- B. Amend the Cass County Zoning Order to:  
Amend Article VIII **Special Use Permits**  
Section D  
Additional Conditions for Particular Special Uses  
Add the following:  
Paragraph 11  
Home Occupations  
SIC #7 thru 94

Business uses normally allowed only on Commercial or Industrial zoned property will be allowed on a case by case basis i.e. wherever it could be compatible with surrounding agriculture or residential areas, and if it could be operated without causing a problem on the size of lot applied for would be allowed as a home occupation.

May require additional conditions in order to be compatible with the area.  
Considerations should be given to establishing conditions on the following items:  
however it may not be necessary to establish conditions on all these items, nor should this list be considered all-inclusive. The conditions and requirements need to be appropriate for the proposed special use at the locations in which it is proposed.

Conditions:

- a. Applicant must specify exactly the type of business & related activities he wants to operate.
- b. Submissions of proposed schedule of operations, i.e. days of month or week to be open, seasons, hours of operations, etc.
- c. Perimeter setbacks that may be in excess of standard for the district.

- d. May not be permitted in a subdivision where the Covenants & Restrictions preclude a business.
- e. All necessary permits from state, federal government, etc must be obtained and copies supplied to the Zoning Officer from proper authorities, i.e. ATF-DNR etc.
- f. Facility will be subject to all building codes, fire codes, and health department regulations or other applicable ordinances.
- g. Adjacent parking may or may not be required to be paved.
- h. Storm Water plan and controls and pollution plans and controls must be submitted and complied with.
- i. No outdoor storage of equipment or materials unless specifically requested in the application and then it must be screened.

C. Amend the Cass County Zoning Order to:

Amend Paragraph 10

**Special Events** to include: Auto Racing, Motorcycle Racing, Drag Strips, Truck Races, Stock Cars, Truck & Tractor Pulls, Mudathons, ATV Tracks (Sand Pits, Dunes, Hill Climbs, Etc.), Go Cart Tracks, Motorcycle Hill Climbs, Boat Racing, and the like, whether for profit or charity, shall be subject to the following:

A. **Additional Conditions:**

- 1. Applicant must specify the exact use proposed (i.e. Races, Pulls, Mudathons, Etc)
- 2. Applicant must specify classes of vehicles to be used (i.e. sizes, horsepower, weight class, stock cars, sprint cars, etc.)
- 3. Applicant must show proof of insurance, \$300,000.00 per event, per incident.
- 4. Applicant must obtain all necessary permits from state or federal government and supply copies with application for Special Use Permit (i.e. ATF, DNR, etc)
- 5. Applicant must comply with all building codes, fire codes, health department regulations and all other applicable regulations.
- 6. Applicant must obtain a separate permit to serve Alcoholic Beverages.
- 7. Applicant must submit a proposed schedule of operations (dates & times)
  - a) if applicant seeks a Special Use Permit for more than 2 dates (one, two-day event or two, one-day events), the applicant must submit notarized waiver forms from all surrounding property owners, within 1000 feet of the property.
  - b) all Special Events in which excessive noise is expected (approximately 85 decibels measured at the perimeter of the property) shall be operated only between the hours of 9:00 A.M. and 11:00 P.M.
- 8. Applicants seeking a special use permit for the benefit of a charity shall file a report with the commission within 30 days after the event; the report shall include:
  - a) the name of the charity
  - b) the status of the charity (i.e. church group, 501 ( c ) (3) nonprofit corp. ,etc)
  - c) gross receipts and the amount going to the charity

B. **Additional Factors Taken into Consideration:**

- 1. whether perimeter setbacks are appropriate for the proposed use (greater perimeter setbacks may be required depending on the special use)
- 2. whether entrance for ingress and egress is appropriate for area and expected traffic
- 3. whether adequate parking is provided for both spectators and participants
- 4. whether adequate dust controls are in place
- 5. whether adequate Storm Water plans are in place
- 6. whether an adequate trash collection and disposal plan is in place
- 7. whether adequate noise controls are in place (mufflers, man made or natural barriers, increased setbacks, etc)
- 8. whether adequate lighting is provided during periods of darkness
- 9. whether adequate restroom facilities are provided

D. Amend the Cass County Zoning Order to:


Adopt Cass County, Missouri, Comprehensive Plan Update 2003 including charts, maps, graphs, impact fees, roadway financing options, travel demand model, major roadway plan, roadway implementation program, text and supporting documents.

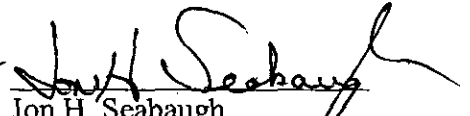
E. Amend the Cass County Zoning Order to:

Revise paperwork required for zoning applications and fees pertaining to zoning applications including **special use permit fees**.

Passed by County Commission this 16<sup>th</sup> day of October, 2003.

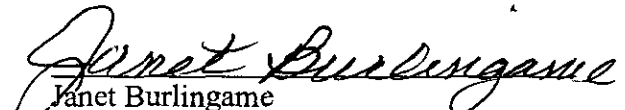
  
Gary L. Mallory  
Presiding Commissioner

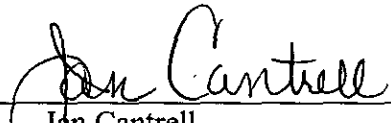
  
Jim Meara  
Associate Commissioner #2

  
Jon H. Seabaugh  
Associate Commissioner #1

A true copy from the Records of said Court.

WITNESS my Hand and the Seal of said Court, this 16th Day of October, 2003.

  
Janet Burlingame  
County Clerk

BY:   
Jan Cantrell  
Administrative Assistant

Cass County Ordinance NO. 05-13  
amended 10-16-03 added D&E

## **PAPERS NEEDED FOR APPLICATIONS**

**NO APPLICATIONS ACCEPTED VIA MAIL OR FAX OR E-MAIL**

**EACH ZONING MATTER WILL REQUIRE A FEE SEPARATELY FOR EACH ACTION**

### **REZONING**

1. Application.
2. Certified list of property owners within 1000 feet from a Title Company.
3. 4 copies of platted survey showing any flood zones & platted easements.
4. Plus fees on chart.
5. All Building Permit Applications for Commercial or Industrial Buildings must have Storm Water Plans.
6. All Building Permit Applications in Mt. Pleasant, Raymore, & Big Creek Townships must have a Soil Erosion/Storm Water Permit.

### **PRELIMINARY PLATS and PLANNED DEVELOPMENTS**

1. Application.
2. Certified list of property owners within 1000 feet from a Title Company.
3. 4 copies of platted survey showing contours at 10' increments.
4. Storm Water Drainage Study with # 7 if there is flood plain, before final if not.
5. Soil Conservation Plan (i.e., engineered study, erosion plan, roads, and basements.) before final plat.
6. Soil morphology test before final plat if there is any lot smaller than 5 acres.
7. Base Flood Elevation must be determined by the developers engineer before applying for the preliminary plat if there is unnumbered A-zone on the plat.
8. Plus fees on chart also Consulting Fee's as necessary and Publication Fee.

### **FINAL PLATS**

1. Final Plat application.
2. 4 copies of final plat drawing certified list update from Title Company if more than 60 days old.
3. Plus fees on chart also Consultants Fee's as necessary plus Publication Fee.

### **LOT SPLIT**      **Lots splits will be required to rezone if not previously zoned.**

1. Application.
2. 4 copies of platted survey (if there are structures on the property they have to be shown and the septic system drawn also). Also show ponds, lakes, and any flood zone & platted easements/road easements.
3. Certified list of property owners within 1000 feet from a Title Company

### **SPECIAL USE PERMIT**

1. Application.
2. Certified list of property owners within 1000 feet from a Title Company.
3. Fees see schedule.
4. Drawing of the property (4 copies) survey drawing on all but Hardship Special Use Permits. Some Commercial Special Use Permits may require storm water study and soil conservation plan.

### **PUBLICATION FEES \$75.00 APPLICANT \$100.00 OUR OFFICE**

**ALL PARTS OF THE APPLICATION HAS TO BE SUBMITTED AT ONE TIME.  
ADDITIONAL CONSULTANT FEES AS NECESSARY MAY BE CHARGED.**

**CASS COUNTY, MISSOURI  
ZONING FEE SCHEDULE**

<b>REZONING</b>	<b>FEE</b>
To AG	
To RA,	\$250.00
To R1, R2 or R3,	500.00
MP or MH	1,000.00
To C1 or C2	1,000.00
To I1 or I2	2,000.00

A Legal Notice Publication Fee will be charged  
In addition to the above listed fees.

Consultant fee's may be passed on to applicant in addition to the above.

<b>LOT SPLIT</b>		
Residential	\$	250.00
Commercial & Industrial	\$	500.00
A Legal Notice Publication Fee will be charged In addition to the above listed fees.		

**SPECIAL USE PERMIT** See Schedule

Planned Developments Up to 5 lots \$800.00 + above 5 \$1500.00  
Consulting fee additional as necessary + \$100.00 publication fee.

<b>Subdivision Plats</b>		
Minor (up to 5 lots)		
Preliminary Plat	\$500.00 + 2.00 per lot	
Final Plat	\$500.00 + 2.00 per lot	
Final Plat Fee	\$50.00 Per Lot	
In extenuating circumstances additional fee's for our consultants may be passed on to developers.		

Major (over 5 lots)		
Preliminary Plat	\$1500.00 + 2.00 per lot	
Final Plat	\$1500.00 + 2.00 per lot	
Final Plat Fee	\$50.00 Per Lot	
Any additional charges for consultants may be billed.		

\$100.00 Fee if we have to expedite signing.  
A Legal Notice Publication Fee will be  
charged in addition to the above listed fees.

<b>Legal Notice Publication</b>	\$75.00 if Legal Notice is prepared by applicant
	\$100.00 if Zoning Staff is required to prepare legal notice or
	Actual cost of Legal Notice if cost exceeds above fees.

**Appeals and Variances**

\$100.00

Comprehensive Plan	\$30.00		
Zoning Regulations	30.00		
Subdivision Regulations	20.00		
Complete Book	75.00	8 1/2 x 11	
Copy charges 24x36	\$10.00	8 1/2 x 14	\$1.00 1st sheet & .50 each additional
			11x17 \$3.00 1st sheet & 1.00 each additional

Color copies our cost plus 10 %.

Flood Plain Development Permit		No charge
Spec's (roads, etc, storm water)	\$10.00	
stormwater & erosion permit	To be determined at a later date.	

A Legal Notice Publication Fee will be charged in addition to the above listed fees.

NO APPLICATIONS WILL BE ACCEPTED VIA MAIL OR FAX OR E-MAIL. ALL APPLICATIONS MUST BE MADE IN PERSON, SO THAT THEY MAY BE CHECKED FOR ACCURACY AND COMPLETENESS. NO INCOMPLETE APPLICATIONS WILL BE ACCEPTED. IN ADDITION TO ABOVE FEE'S LISTED; ADDITIONAL COSTS OF OUR CONSULTANTS MAY BE PASSED ON TO THE APPLICANT.

**SPECIAL USE PERMIT  
APPLICATION AND RENEWAL FEES**

1. Application
2. Survey drawing of the property on all, except hardship cases.
3. Certified list from Title Company of property owners within 1000 feet
4. Plus Legal Notice Publication
5. FEE (see schedule) multiple action fee is required, but only (1) legal notice publication fee

DESCRIPTION OF USE	APPLICATION FEE	
1. Adult Entertainment	\$15,000.00	& consulting fees
2. Feed Lots, Commercial	10,000.00	“
3. Non-Metallic Mineral Extraction	5,000.00	
4. Logging and Sawmills	500.00	
5. Sewage System other than Private	1000.00	
6. Lumber & Construction Material Storage	500.00	
7. Salvage Yards	5,000.00	
8. Fuel Dealer other than service stations	2,000.00	
9. RV Parks	1,000.00	
10. Membership Sports & Recreation Clubs	1,000.00	
11. Amusement Parks	2,000.00	
12. Sanitary Landfill	20,000.00	
13. Oil & Gas Production	500.00	
14. Residential Care Facility	2,000.00	
15. Job Training Facility	1,000.00	
16. Social Services Not Other Wise Listed	500.00	
17. Group Day Care	500.00	
18. Non Public Education	500.00	
19. Wholesale	500.00	
20. Manufacturing	1,000.00	
21. Manufactured Home Dealer	1,000.00	
22. Drinking Establishments	2,000.00	
23. Communications Towers	2,500.00	
24. Hardship	250.00	
25. Kennels	500.00	
26. Stables	500.00	
27. Home Occupations	500.00	
28. Tractor Pulls & Race Tracks	500.00	
29. All other Special Uses Not Specifically Listed	500.00	

A Legal Notice Publication Fee will be charged in addition to the above listed fees.

In addition to the above listed fee's, additional costs from our consultants may be passed on to the applicant. A renewal fee of 10% per annum of the above fee will be charged each time a Special Use Permit is renewed. A Legal Notice Publication Fee will be charged in addition to the above listed fees.



Sam McIlroy 10/9/03  
Presiding Commissioner

Jon W. Seaberg 10-9-03  
Associate Commissioner District I

Jim Messer  
Associate Commissioner District II

Janet Burlingame  
Attested by County Clerk