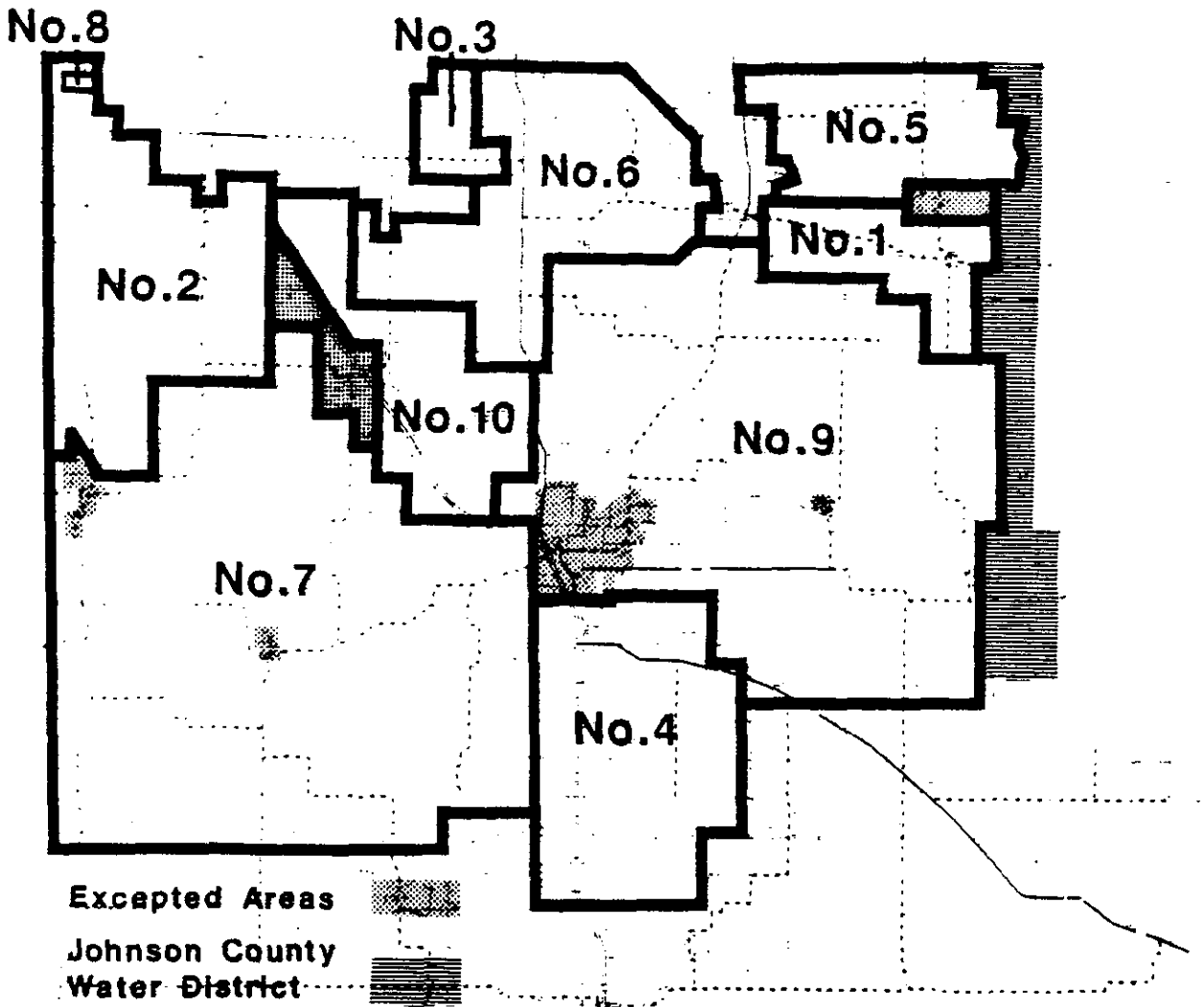


*CHAPTER THREE
ENVIRONMENTAL CHARACTERISTICS
AND EXISTING LAND USE*

Figure 2-1

Water Districts
Cass County, Missouri
1990



Fire Protection

Fire protection is an important factor to be considered in planning for the future of a county-wide area. In addition to the obvious necessity of ensuring adequate protection and disaster assistance to all residents of the County, the adequacy of fire protection equipment and personnel has a substantial effect upon insurance costs. The cost of fire insurance is determined by the fire rating zones established by the National Board of Fire Underwriters. Insurance rates are determined through the evaluation of many criteria including water supplies (availability and pressure in the vicinity of the structure), type and age of equipment, available personnel, training, building conditions and, more importantly, in rural areas, the distance from the station to the furthest point in the district.

The district fire facilities are summarized in Table 2-1 and the boundaries illustrated in Figure 2-2.

County Sheriff

The provision of law enforcement protection is an aspect of community services which requires county-wide coordination and cooperation. Intergovernmental agreements and the joint use of facilities by the County and various cities and towns are ways of adequately providing protection to all individuals throughout the *Cass County* area.

The *Cass County Sheriff's Department* operates out of one facility which is located in Harrisonville. This facility houses the County Jail as well. The department operates 17 vehicles, one of which is a jail van; all are radio-equipped. The department has 37 employees, 14 of which are sworn officers, including the County Sheriff. The 13 Deputies which the department currently employs is the maximum allowed by law at the present time (1 Deputy per 5,000 people); however, it is likely that the 1990 census figures will indicate the need for additional manpower to adequately serve the entire County area. The department operates within the unincorporated areas of the County except when circumstances necessitate entry into the County's incorporated areas. The *Cass County Sheriff's Department* has a formal mutual aid agreement with the City of Belton in the event that either of the parties should need to supplement its forces within its own jurisdiction.

Hospitals

Cass County is served by two hospitals. *Cass Medical Center* is located in Harrisonville and has a capacity of 50 beds. In 1989, 3,000 square feet of outpatient clinic was renovated and an additional area for ancillary services was constructed. *Belton-Research Hospital* has a capacity of 75 beds and currently has no plans for expansion in the near future.

CASS COUNTY, MISSOURI

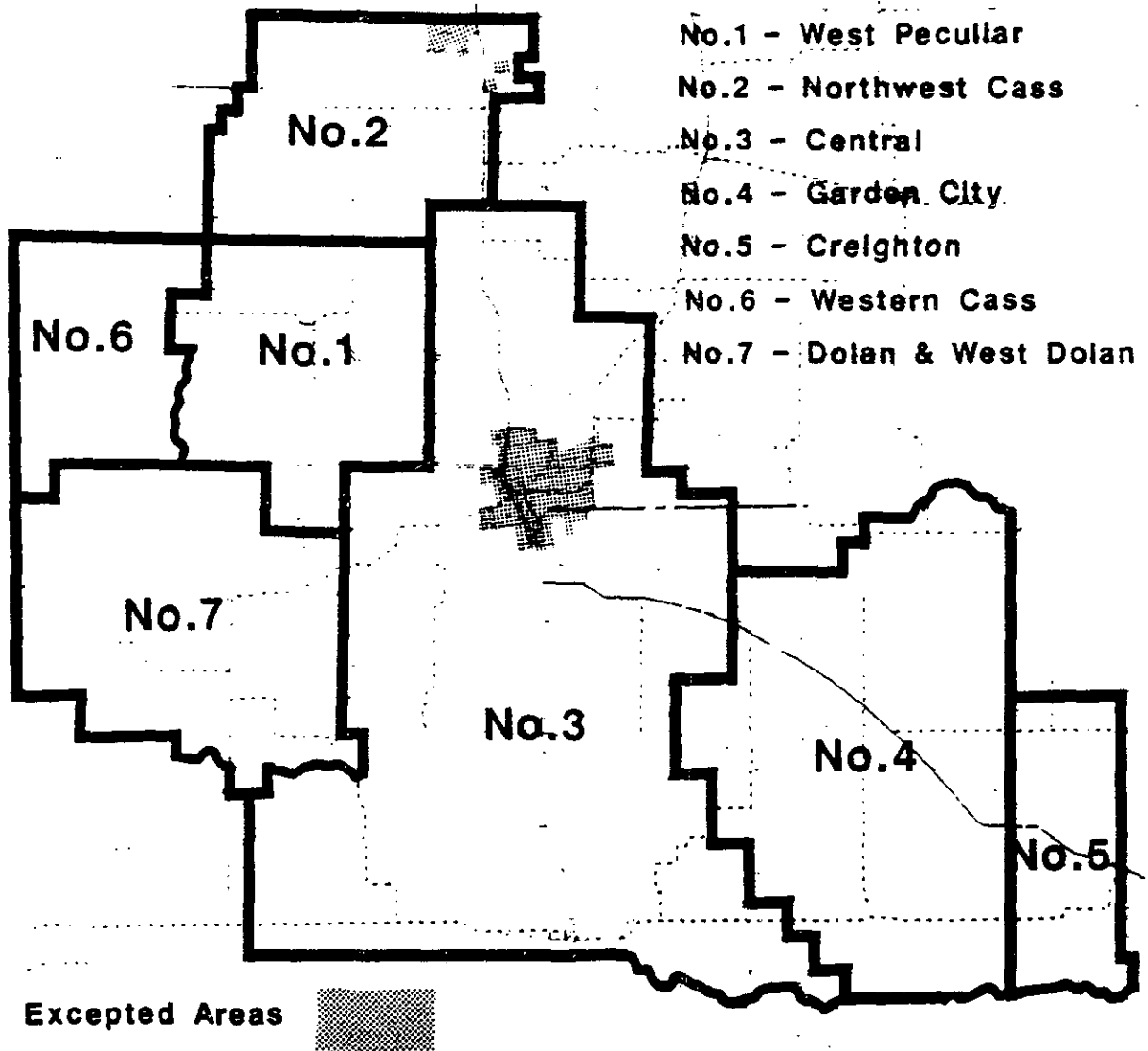
COMPREHENSIVE PLAN

TABLE 2-1
Fire District Facilities
Cass County, Missouri
1990

District	Paid Firefighters	Volunteer Firefighters	# of Trucks	Other Vehicles	Average Truck Tank Capacity	Average Pump Capacity
West Peculiar	3	25	6	1 medical vehicle	1,170 gal. 2,500 gal. maximum	582 gal/min. 1,250 gal/min. maximum
Northwest Cass	19	14	4	5	1,225 gal. 2,500 gal. maximum	1,060 gal/min. 1,250 gal/min. maximum
Central	0	42	8	0	1,900 gal. 4,500 gal. maximum	600 gal/min. 1,000 gal/min. maximum
Garden City	0	34	7	0	1,120 gal. 3,700 gal. maximum	550 gal/min. 1,000 gal/min. maximum
Creighton	-	-	3	0	980 gal. 2,000 gal. maximum	200 gal/min. 350 gal/min. maximum
Western Cass	0	22	6	2	1,480 gal. 4,300 gal. maximum	620 gal/min. 1,250 gal/min. maximum
Dolan & West Dolan	-	-	6	2	1,030 gal. 3,300 gal. maximum	300 gal/min. 1,000 gal/min. maximum

Figure 2-2

Fire Protection Districts
Cass County, Missouri
1990



**CHAPTER THREE
ENVIRONMENTAL CHARACTERISTICS
AND
EXISTING LAND USE**

ENVIRONMENTAL CHARACTERISTICS

In order to make intelligent decisions regarding the location, intensity, and type of future development in *Cass County*, it is necessary to explore the possible limitations placed on urban growth by the environment. Although most developmental limitations can be overcome, the enormous additional cost in terms of both public and private investment makes this a very cost-inefficient alternative. Instead, it is preferable to encourage growth in those areas which can best accommodate urban development and discourage growth in those areas with the most severe limitations. By avoiding problem areas, the safety and convenience of the public can be increased and the public and private costs associated with development can be minimized.

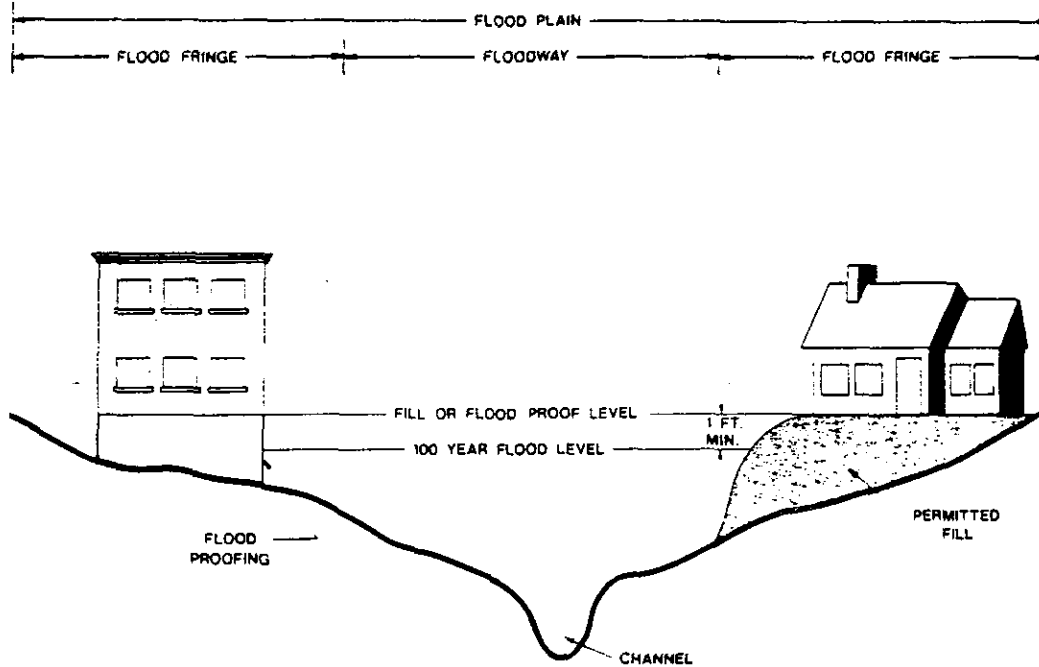
This section will elaborate on the physical and environmental characteristics most relevant to development in *Cass County*.

Flooding

One of the most obvious and potentially most destructive environmental limitations to development is flooding and, consequently, is an extremely important issue in the planning process. The 100-year flood plain as defined by the Federal Emergency Management Administration (FEMA) is generally accepted as the determining area of flooding for the purposes of planning and development. Areas within the 100-year flood plain have a 1-in-100 chance of flooding in any given year. The extent of the land area which lies within the 100-year flood plains of the South Grand River and its numerous tributaries will limit the extent and location of future development within *Cass County*. The flood plain is the land that would be inundated with flood water after a 100-year flood and consists of two sections: the floodway and the flood fringe. The floodway includes the center of the channel of a creek, stream or river and that area which carries the majority of the flood waters. Under no conditions is construction permitted in the floodway. The flood fringe extends from the floodway to the outer edge of the flood plain. While it is preferable that urban development not occur in the flood plain altogether, development can occur in the flood fringe. Construction in the flood fringe must be at least one foot above the 100-year flood level and development within the flood fringe cannot increase the floodway 100-year flood elevation by a cumulative total increase of one foot or more. It is generally recommended that if any development is permitted in the flood fringe, it be confined to low density, non-residential uses. The relationship between the flood plain, floodway, and the flood fringe is illustrated in Figure 3-1.

Figure 3-1

Flood Plain Profile



Drainage Patterns

Drainage patterns within the County have implications for development and must be illustrated and discussed within the planning process. The availability of utilities, access to a sanitary sewerage system, in particular, significantly affects patterns of growth. To be cost-effective, a sanitary sewerage system should be gravity flow and drainage basins, therefore, become a key consideration in planning for the future of the area. The major drainage basins in *Cass County* have been designated on the *Environmental Characteristics Map*.

Two major drainage basins or watersheds in *Cass County* are formed by the ridgeline which runs continuously from the northwest to the southeast corners of the County passing through the east portion of Harrisonville. The area to the south of this ridge, approximately two-thirds of the County, drains into the South Grand River via its tributaries. The largest of these is the East Branch, a watershed which includes

Peculiar and parts of Harrisonville. The South Grand River flows toward the southeast and forms the County's southern boundary from just east of Archie to the Henry County line. The river eventually empties into the Harry S. Truman Reservoir just west of Clinton, Missouri. The area to the north of the County's major ridgeline drains into Big Creek, Crawford Creek and Camp Branch, all of which eventually empty into the South Grand River further to the south and east, outside of the County's boundaries.

EXISTING LAND USE

This section examines the pattern of existing land uses in *Cass County*. The inventory of existing land uses describes both the amount of land in each land use category and the distribution of uses across the County. Before the future land use pattern of *Cass County* can be determined, it is necessary to have a full understanding of the existing land use pattern. The location and character of existing uses will have an obvious impact on the location and character of future uses.

Land Use Survey

A field survey of the existing land uses in *Cass County* was conducted by Bucher, Willis & Ratliff in December of 1989. The land use inventory is a current identification of the uses of land throughout the study area. Land use classifications are as follows:

1. Residential
 - a. Single-Family Dwellings
 - b. Two-Family Dwellings
 - c. Multi-Family Dwellings
 - d. Mobile Homes
 - e. Mobile Home Farms
 - f. Farmsteads
2. Commercial
3. Public and Semi-Public
4. Industrial
5. Parks and Recreation
6. Highways and Streets
7. Railroads
8. Agricultural or Vacant

These categories can be defined in the following manner:

1. Residential: That land which is occupied by one or more dwelling units, including accessory buildings, the primary use being for sheltering individuals, families, or groups of persons. Examples: single-family residences, duplexes, apartments, mobile homes, mobile home farms, farmsteads and nursing homes. Farmsteads are considered as houses occupied by residents who are engaged principally in the farming of surrounding properties. Suburban acreages are not considered as farmsteads.
2. Commercial: That land occupied by buildings or merchandise, the primary purpose of the land being a location for the wholesale or retail sale of goods and services. Examples: grocery stores, clothing, car sales and service, farm equipment sales.
3. Public and Semi-Public: Land or buildings occupied by agencies of the government or by religious, educational or civic groups, excluding lands used for recreational purposes. Examples: schools, churches, cemeteries, city buildings, fire stations.
4. Industrial: That land occupied by buildings, materials or equipment, the primary use being for storage, transportation, or manufacturing of a product. Examples: manufacturing, construction yards, heavy equipment or material storage, warehousing.
5. Parks and Recreation: Land used for both active and passive recreational activities.
6. Highways and Streets: Rights-of-way for highways, streets and alleys opened for use as public thoroughfares.
7. Railroads: Land for railroad rights-of-way, train storage, switching, and freight and passenger depots.
8. Agricultural or Vacant: Land on which none of the above uses are performed.

The results of the survey are presented in both graphic form as a map and tabular form as acreage calculations. The land use inventory is not a plan, but rather a portion of the necessary data which comprises a plan. To keep the plan current, this inventory should also be kept current. This can be accomplished by periodic² land

²It is recommended that new building permits be recorded annually.

use surveys, or by updating the map and adjusting the inventory calculations as new building permits are issued, or as tax records are changed. By keeping the land use data current, the County can always assess where it is in relation to its development objectives and goals as outlined in following chapters of the Comprehensive Plan.

Land Use Survey Results

Table 3-1 displays a summary of existing land uses within *Cass County*. Overall, 21,512 acres of the County's total land area has been developed in some way. This represents 5% of the County's total land area of 429,555 acres or 671 square miles. This figure does not include the approximately 32,115 acres or 50 square miles of incorporated area within the County. The largest of the 18 separate incorporated areas is the City of Raymore with 8,722 acres followed by Belton with 8,706 acres, Harrisonville, 5,207 acres and Pleasant Hill, 2,507 acres (Table 3-2).

The results of the land use survey show that, in terms of acreage, the County's predominant land use is agricultural. Despite the fact that *Cass County* includes large areas of suburban concentrations, 95% of the total land area is either agricultural or vacant. The next most extensive use of the land is that amount, 2% of the total land area, reserved for the County's system of roads and highways. Two large areas, 4,370 acres of Missouri Conservation and Wildlife Areas in southern *Cass County* comprise 1% of the total land area. The rest of the land uses combined represent less than 3% of the total land area.

Residential

The County's predominant residential use is the farmstead. This use occupies 4,004 acres or 18 percent of the County's total developed land area. The percentage of farmsteads far exceeds those of any of the other residential uses; however, a substantial suburban pattern of growth extending southward from the Belton-Raymore area and around Harrisonville may threaten agricultural operations. While residential farms are widely scattered throughout the County, concentrations of this use occur in the northwest corner around Belton and Raymore and the area surrounding Harrisonville.

Mobile homes and mobile home farms are both numerous and widely scattered throughout the County representing 3 percent of the developed land area. A significant concentration of mobile homes was located several miles south of Belton.

The only multi-family housing was located in the area south of Belton.

TABLE 3-1
Existing Land Use
Land Use Survey
Cass County, Missouri
1989

Land Use Category	Land Area** (Acres)	Percent of Developed Land	Percent of Total Land Area	Acres per 100 Persons*
Residential				
Single-Family	983	4.5	.23	1.6
Two-Family	5	.02	.001	.008
Multi-Family	108	.5	.03	.18
Mobile Home	455	2.1	.10	.74
Farmstead	3,999	18.3	.93	6.5
Mobile Home Farm	219	1.0	.05	.36
Commercial	350	1.6	.08	.57
Industrial	734	3.4	.17	1.2
Public and Semi-Public	620	2.8	.14	1.0
Parks and Recreation	4,370	20.3	1.0	7.1
Roads/Highways	9,322	43.3	2.2	15.2
Railroad	<u>656</u>	<u>3.0</u>	<u>.15</u>	<u>1.1</u>
Total Developed Land (Acres)	21,821	100.0	5.1	35.6
Vacant and Agricultural	<u>407,734</u>	<u>---</u>	<u>94.9</u>	<u>664.0</u>
Total Land Area (Acres)	429,555	—	100.0	699.6

Source: Bucher, Willis & Ratliff, 1989 Field Survey

Note: * Cass County Population, 61,400, 1988 Census Bureau Estimate

** In calculating the number of acres for each land use, it was assumed that each unit of single-family, two-family, mobile home, farmstead, and mobile home farm use occupies one acre of land. Commercial and public uses were calculated in the same manner except in the case of large continuous areas of either of these uses in which case the area was measured from the land use survey map. All industrial uses were measured. Roads and highways were calculated using the following average right-of-way widths: County Roads, 50'; State and U.S. Highways, 100'; U.S. 71 Highway, 300'; Railroads, 50'.

TABLE 3-2
Incorporated Land Areas
Cass County, Missouri

Incorporated Area	Land Area (Acres)	Percent of County Total Land Area
Archie	667	.16
Baldwin Park	85	.02
Belton	8,706	2.0
Cleveland	934	.22
Creighton	183	.04
Drexel (Partial)	535	.12
East Lynne	214	.05
Freeman	273	.06
Garden City	918	.21
Gunn City	68	.02
Harrisonville	5,207	1.2
Kansas City (Partial)	694	.16
Lake Annette	216	.05
Lake Winnebago	1,377	.32
Lee's Summit (Partial)	668	.16
Peculiar	848	.20
Pleasant Hill	2,507	.58
Raymore	8,722	2.0
Strasburg	170	.04
West Line	<u>74</u>	<u>.02</u>
Total Incorporated Area	33,066	7.5

Commercial

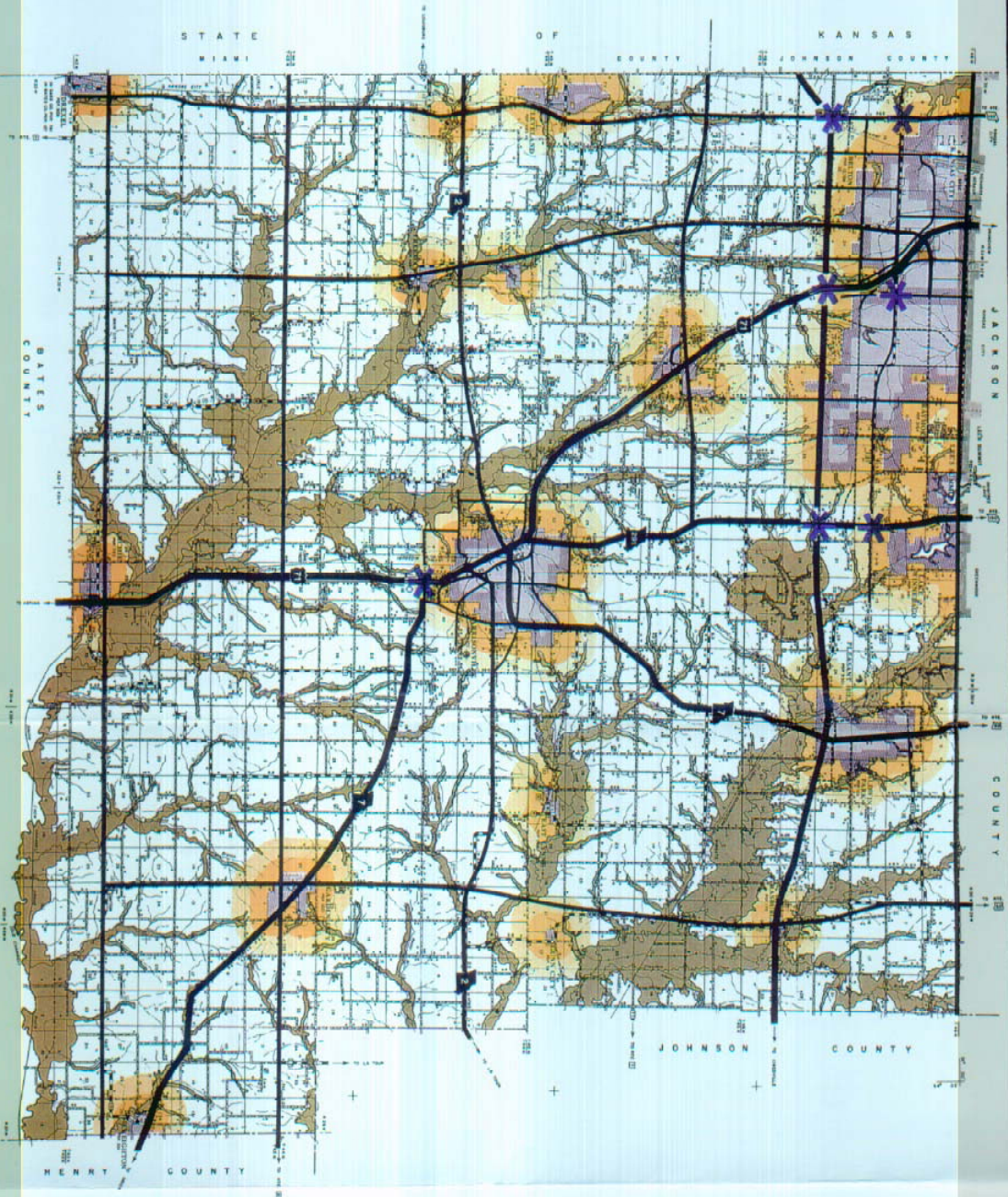
Commercial uses are, predictably, concentrated in the Belton-Raymore area and around the major highway corridors, specifically U.S. 71 Highway, Highway 291, Highway 7 and Highway 2. The largest concentration of commercial uses occurs south of Harrisonville in the area surrounding the intersection of Highway 2 and U.S. Highway 71. A significant number of commercial operations scattered throughout the County and outside of the highway corridors are located in association with either single-family residences or farmsteads.

Industrial

The amount of industrial land is small. Slightly more than 3% of the developed land area was classified as industrial. This industrial land is a combination of manufacturing uses as well as oil and gas storage and quarry operations.










Park and Recreation Land

The Missouri Department of Conservation maintains two large areas of land in southern *Cass County*. Settle's Ford Wildlife Area, part of which is located in Bates County, occupies approximately 3,489 acres in *Cass County* and Amargia Highlands Wildlife Management Area occupies 881 acres northwest of Archie, Missouri.



FUTURE LAND USE

LEGEND

-  Urban Area Reserve
-  Primary Residential Development Area
-  Secondary Residential Development Area
-  Future Commercial Node
-  Open Space / Resource Protection Area
-  Major Arterials
-  Minor Arterials
-  Urban Area Major Arterials
-  Urban Area Minor Arterials



*CHAPTER FOUR
FUTURE LAND USE*

CHAPTER FOUR FUTURE LAND USE

URBAN ISSUES

Due to the nature and intensity of development in its northern tier, *Cass County* is facing an increasing number of urban issues which have not, traditionally, been within the realm of County concerns. It is clear that the County's urban "fringe" areas are currently of primary concern and need to be protected. It follows that communication and coordination with and among the *Cass County* incorporated areas is critical. Representatives from six cities in *Cass County* were interviewed as to their concerns about land use and development within the County, particularly in the areas surrounding their city limits. The cities were: Belton, Raymore, Harrisonville, Pleasant Hill, Lake Winnebago and Peculiar. The following report is a summary of the key issues that were raised in the interviews which were conducted.

Perceived Barriers to Annexation

Subdivisions which are being developed adjacent to incorporated areas present problems which are hindering the growth of the cities in *Cass County*. Subdivisions constructed below the standards of city building and development codes present a potential financial burden for the surrounding cities. The cost of upgrading these developments to city standards, in the event that city limits are extended to include these areas, can be great. In addition, it is often not to the cities' advantage to incorporate large lot developments. The low increase in tax base which these areas represent does not offset the cost of acquiring, upgrading and providing municipal services. The Missouri Courts, in hearing cases regarding annexations, recognize the "beneficial effect of the uniform application and enforcement" of ordinances, regulations, codes and services in these fringe areas and support annexation if it can be proven to be necessary to the proper development of the municipality.

Municipal Services

The issue of self-sufficiency versus reliance on the Kansas City metropolitan area for municipal services is of concern to many of the cities. Issues deserving attention include:

- Should the incorporated areas in the northern half of the County develop their own facilities or should they rely on connecting to existing Kansas City area systems?
- At what point geographically does the connection with Kansas City become inefficient and too distant?

- Should the County develop its own solid waste treatment facilities?
- Should the County play a role in evaluating and coordinating its water resources, supplies and distribution?
- Should the County encourage the development of Sewer Districts?

Roads

Both road maintenance and design standards are a concern to communities in *Cass County*. As development proceeds, the County may be able to respond to increased development by ensuring that County roads will be upgraded to urban standards in order to handle increased capacities. Major paved roads should connect public and large commercial facilities such as schools and shopping areas.

Impact and User Fees

The concept of charging impact and user fees to more evenly and justly distribute the cost of maintaining facilities is now being considered by the City of Raymore; a financing mechanism which the County may want to consider in the future.

THE FUTURE LAND USE PLAN

In response to the discussions with the *Cass County* incorporated areas and in consideration of the issues and trends that have been identified in this report, the following Future Land Use Plan has been developed.

The *Cass County* Land Use Plan is a long-range perspective of future land use. It identifies broad general directions for future development and is not intended to establish the proper use of each and every parcel of land. In practice, as individual decisions need to be made, the conditions and principles discussed throughout this plan should be consulted and considered along with the summarized land use patterns on the map and the set of goals, objectives and policies which have been established. The Future Land Use Plan encourages directing growth in the following ways:

- Concentrating urban land uses
- Restricting development in specific areas
- Separating incompatible land uses

The County's role in implementing the plan and thus, in guiding its own development, is in directing growth to specific areas in order that the conservation of resources including natural, cultural, agricultural and past and private investments is assured and so that a managed urban growth pattern in the County is achieved.

It must be emphasized that the value of the Comprehensive Plan to the decision-making process is good only as long as the plan is kept current. On-going changes should be reflected in the inventories of man-made and natural characteristics presented in earlier chapters. A current tally of existing conditions will not only allow for an up-to-date analysis of needs, but will also allow for a measurement of success at achieving formally stated goals and objectives.

AREAS OF CONCENTRATED URBAN LAND USES

The *Cass County* Future Land Use Plan encourages the concentration of urban land uses so as to maximize the benefits from land already within the urban area through infill development on under-utilized sites and in areas within proximity of municipal services. Development (or the type of development) can be encouraged or discouraged by designating zones of development each with its own design standards and representing development standards which are more compatible with city standards.

Urban Area Reserve

An area one mile surrounding each of the incorporated areas has been defined as an urban area reserve and is the area within which the urban-oriented land uses in the County will be encouraged to locate. The land within the boundaries of this zone is intended to be developed in such a way that the transition from rural to urban uses occurs in an efficient manner and a pattern of inefficient "leap-frog" development is avoided.

Primary Residential Area

The first one-half mile of the urban area reserve has been designated as the primary residential area. This urban area reserve would include, as well, any areas that are included within both a resolution and a plan of intent to annex. It is within this area that the following policy will be enforced:

Only one "sell-off" parcel of not less than five acres in area per quarter of a quarter section of land provided sewage disposal requirements may be met. However, developers or subdividers may exceed this requirement within this zone if they petition the adjacent city for annexation and develop to their standards.

Secondary Residential Development Area

The area within the one-mile urban area reserve, but outside of the one-half mile primary residential area, has been designated as the secondary residential area. This would include, as well, those land areas that are within one-half (½) mile of an urban area, but are not available for annexation due to the fact that they are not contiguous to present city limits. It is within this area that the following policy will be enforced:

Only one "sell-off" parcel of not less than five acres in area per quarter of a quarter section of land provided sewage disposal requirements may be met. However, developers or subdividers may exceed this requirement within this zone if the subdivision design, including the construction of roadways and water service, is provided to the nearby city's standard, and the provision for sewage disposal on a system other than conventional septic tanks is incorporated within the improvement.

Future Commercial Nodes

The majority of commercial uses should be encouraged to locate within the urbanizing areas of the County. Commercial nodes have been identified at the intersection of major arterials that occur within the urban area reserve.

AREAS OF RESTRICTED DEVELOPMENT

Rural Area Residential Development

In other areas of the County, outside of the urban area reserve, the following policy regarding residential development will be enforced:

Only one "sell-off" parcel of not less than five acres in area per quarter of a quarter section of land provided sewage disposal requirements may be met. However, should the developer or subdivider wish to exceed the two houses per forty-acre density in an area that is greater than one mile from an incorporated place, provisions must be made for acceptable standard streets, water service and sewer service including a maintenance fund for those systems. In addition, some provisions must be made for the maintenance of roadways leading to and from the development.

Exception: Any farmhouse existing at the adoption of the zoning regulations may be sold off on a parcel not less than five (5) acres in area provided sewage disposal requirements and lot split requirements may be met.

Open Space Resource Protection Area

All areas within the 100-year flood plain are encouraged to remain undeveloped. Construction should not be permitted in the floodway or that portion of the flood plain which includes the center of the channel of a creek, stream or river and the area which carries the majority of the flood waters. Development can occur, however, in the flood fringe which is the area that extends from the floodway to the outer edge of the flood plain. Construction in the flood fringe should not increase the floodway 100-year flood elevation by a cumulative total of one foot or more and it is generally recommended that if any development is permitted in the flood fringe, it be confined to low density, non-residential uses. In considering specific development proposals which occur in the flood plain, it is recommended that the members of the planning commission refer to maps generated by the Federal Emergency Management Agency to identify floodway and flood fringe boundaries for specific areas. Missouri Department of Conservation lands, and the area within one-half (½) mile of city water supply reservoirs, are also designated as resource protection areas and are encouraged to remain undeveloped.

SEPARATION OF LAND USES

One of the most basic factors affecting the use of a given parcel of land is the use of adjoining parcels. This is due to the fact that the use of land has an impact that goes beyond the boundary of the land being used. Economists refer to this impact as a "land use externality" because it is generally not included in the property owner's decision-making process since it is external to the efficiency and profitability of the property being used. As an example of land use externalities, a house surrounded by sand and gravel pits is less enjoyable to live in and has less value for residential purposes than the same house surrounded by similar houses. The noise, smoke and heavy truck traffic generated by the excavations are so incompatible with residential life that the value of the house declines. Yet the gravel pit owners have no economic incentive to lessen the impacts of their activities since the declining value of the house does not affect the profitability of their businesses. In effect, it is a cost imposed by the gravel pit owners on the owner of the house. In addition, there is often the undesirable side-effect of accelerated deterioration. The owner of the house, to continue the previous example, has little incentive to maintain or improve the condition of his house because it is likely that only a small fraction of the cost of the improvements can be recovered when the house is sold. The best way to minimize these external costs is to separate incompatible land uses or buffer them from each other.

On the other hand, it is equally important to realize that community design can create positive externalities. A recreational or tourist-related business, for example, will frequently do better if it is located adjacent to other similar businesses than if located

by itself. This is because each business benefits from the traffic attracted by the other businesses. The increase in business is an example of a positive land use externality.

In general, residential land uses are the most sensitive to adjacent land uses. This is because the characteristics which most people value in a residential area – quiet, serenity, stability, to name but a few – are the most difficult characteristics to find and maintain. Most urban uses are intensive enough to disrupt these characteristics unless they are sufficiently buffered from residential areas.

Finally, it is important not to think of land use externalities solely in terms of economic effects. Minimizing negative externalities and creating positive externalities can lead to a variety of benefits. Not only will property values be increased and stabilized, but social values can be reinforced, safety and convenience can be improved, and psychological stress can be lessened.

THOROUGHFARE PLAN

The objective of the *Cass County* thoroughfare plan is to create a continuous and efficient network of roads which provide an easy, safe and efficient vehicular flow through the incorporated areas and within the unincorporated areas of the County. Major and minor arterial road systems constitute the high speed, high volume network for travel in both rural and urban areas.

Rural Arterials

Long distance movements throughout the County are typically accommodated on arterial roads which range from two-lane roadways to multi-lane, divided, controlled-access arterials. Ideally, arterial roads provide uninterrupted connection between areas of principal traffic generation. On a County-wide scale, arterial roads are the equivalent of the major highway routes such as Federal-Aid Interstate or Federal-Aid Primary roads.

Proposed Arterial Network

Cass County's network of major arterials including U.S. 71 Highway, Highway 291, Highway 7 and a proposed east/west arterial in the northern tier of the County will adequately serve the needs of the County through the planning period. Highway 291, the northern portion of Highway 7 and the proposed east/west arterial running south of Belton and Raymore will serve the rapidly urbanizing northern half of the County. U.S. 71 Highway will continue to function as the most important link connecting the County from north to south. The current network of minor arterials through the County, however, is disjointed and in places inefficiently aligned. In generating the plan, portions of both highway and County road right-of-way have

been connected to create continuous thoroughfares in both the east/west and north/south directions. The following minor arterials have been connected and to some extent realigned: Highways Y and O; Highways A and B; Highways F, Z, M and E; Highway 2 (realigned north of Freeman).

The alignment of urban area major and minor arterial roads as indicated on the Future Land Use Map were transferred from the Belton, Raymore, Pleasant Hill and Harrisonville Comprehensive Plans.

Acquisition of Right-of-Way

For most of the County, two-lane arterials will adequately serve the future traffic demands; however, in the more urbanized portions of the County, two-lane arterials will require ultimate development to a higher type to handle the expected traffic. These changes need to be anticipated so that provisions can be made to acquire the necessary right-of-way.

The required right-of-way width is the sum of the widths of all the various cross-sectional elements which vary according to ultimate traffic requirements, topography, land use, cost and intersection design. The cross-section of an arterial road includes traffic lanes, median, auxiliary lanes, shoulders, borders and where required, frontage roads, outer separations, side slopes and retaining walls. The width of right-of-way should be based on the preferred dimensions of each of these elements to the extent that it is possible. Illustrated in Figures 4-1 to 4-3 are the desirable dimensions for a 4-lane divided rural arterial with and without a frontage road and for a 4-lane rural freeway.

**Figure 4-1
4-Lane Rural Arterial**

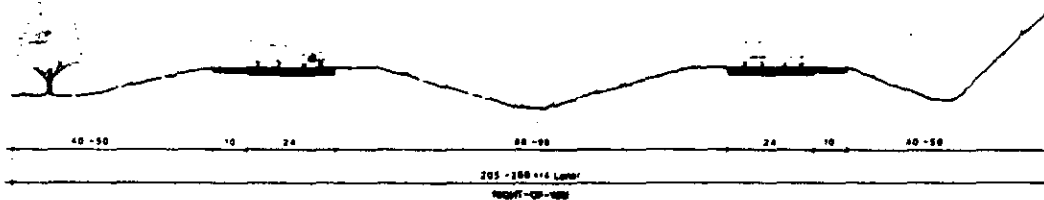


Figure 4-2
4-Lane Rural Arterial with Frontage Road

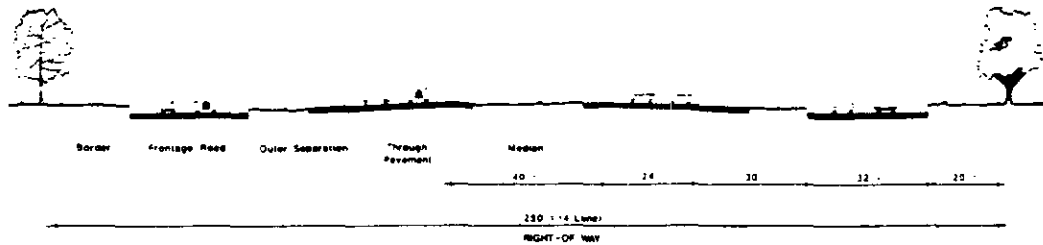


Figure 4-3
4-Lane Rural Freeway



GOALS, OBJECTIVES AND POLICIES

Goals, objectives and policies are statements which represent the generalized framework of the desires of the community. This set of written criteria identifies the County's key issues and will, eventually, supplement the Future Land Use Plan by more specifically defining what the County desires in terms of growth and development. The relationship between goals, objectives and policies is as follows: Goals are broad statements which describe what the County aspires to provide for its residents and its communities and what it hopes to achieve. Objectives are more specific statements which outline methods of accomplishing these goals. Policies are specific actions or standards designed to implement an objective.

The following set of goals, objectives and policies have been prepared for use in the planning work sessions. They represent a preliminary set of development criteria and it is expected that the Planning Commission will want to add to, revise and refine these as they see fit. As the land use goals of *Cass County* are revealed in the planning process, the Planning Commission must work to articulate the specific objectives and policies for the development of the area.

General Development and Land Use Relationships

GOAL: TO PROVIDE THE OPPORTUNITY FOR DEVELOPMENT OF URBAN, SUBURBAN AND RURAL LAND USES WHILE PROVIDING FOR THE APPROPRIATE LOCATION AND RELATIONSHIP AMONG THESE THREE LAND USES.

OBJECTIVE G1 Manage the location and design of new subdivisions and developments in order to minimize initial and future public and private costs.

POLICY G1.1 New urban development should be encouraged to locate in and around incorporated communities where municipal services and public facilities are already present. These new developments should be encouraged to connect to such services.

POLICY G1.2 New urban development should be encouraged to be contiguous to existing development to avoid the inefficient "leap-frog" pattern of growth.

POLICY G1.3 Rural development within the unincorporated portion of the County should be encouraged to occur only on a limited scale to prevent the inefficient use and distribution of public facilities and services, and to prevent the County's rural development from becoming urban in nature which would, thereby, create urban demands on the County.

POLICY G1.4 The general policy is to allow only one "sell-off" parcel of not less than five acres in area per quarter of a quarter section of land provided sewage requirements may be met. However, developers or subdividers may exceed this requirement in certain circumstances, as follows:

- a. If within one-half mile of and adjacent to an incorporated city in *Cass County*, they petition that city for annexation and develop to their standards.

This policy shall also apply to areas which are included within an official "Plan of Intent" to provide services for annexation.

- b. If within one mile of an incorporated city in *Cass County*, and not adjacent to an incorporated city, subdivision design, including the construction of roadways and water service is provided to the nearby city's standard, and the provisions for sewage disposal on a system other than conventional septic tanks is incorporated within the improvement.
- c. Lastly, should the subdivider wish to exceed the two houses per forty-acre density and is greater than one mile from an incorporated place, then provisions must be made for acceptable standard streets, water service and sewer service; including a maintenance fund for those systems. In addition, charges for increased demand for police and fire protection, as well as other services, may be passed directly to the subdivider or property owners.
- d. Exception: Any farmhouse existing at the adoption of the zoning regulations may be sold off on a parcel not less than five (5) acres in area provided sewage disposal requirements and lot split requirements may be met.

POLICY G1.5

Over-zoning or zoning to meet a greater than five-year development demand should be avoided to prevent a scattering of uses and a reduced marketability of land within the County.

POLICY G1.6

Subdivisions shall have direct access to a paved collector or arterial road.

POLICY G1.7

All utilities for new development shall be mapped and approved prior to installation.

OBJECTIVE G2

Minimize conflicts between rural and urban land uses.

POLICY G2.1

Residential, commercial or industrial land uses should be encouraged to develop in areas where they are not likely to interfere with or become a nuisance to normal farming operations.

POLICY G2.2 Residential, commercial or industrial land uses should be encouraged to develop in areas where they are not likely to generate an amount or type of vehicular traffic which exceeds the design standards of the existing road system.

POLICY G2.3 Uses such as commercial or industrial land uses should not be permitted in rural areas if they are likely to interfere with or become a nuisance to normal farming operations.

POLICY G2.4 The bulk storage of agricultural chemicals or petroleum products which are flammable or toxic should not be allowed adjacent to residential areas nor shall residential development be allowed adjacent to existing storage facilities.

POLICY G2.5 Uses such as commercial feedlots which create sustained periods of noise, dust and odor should not be allowed to locate adjacent to urban areas.

OBJECTIVE G3 Restrict development to areas with few environmental hazards and minimize the loss of natural resources due to urbanization.

POLICY G3.1 New developments should be encouraged to locate in areas which are relatively free of environmental problems relating to soil, slope, bedrock and water table. Proposed development should be reviewed by the appropriate staff or consultants to identify site-specific environmental problems.

POLICY G3.2 Residential development should be discouraged within the 100-year flood plain. Under no circumstances should development be allowed in the floodway or that area which includes the center of the channel of a creek, stream or river and that area which carries the majority of the flood waters during a flood.

POLICY G3.3 New development should be encouraged to be located so as to avoid disturbing significant natural resources including prime agricultural land and potential quarry sites.

POLICY G3.4 Increased storm water runoff attributed to new development should not adversely affect downstream properties or structures.

POLICY G3.5 The County should be granted drainage easements for all major drainage ways.

Agricultural

GOAL: TO PRESERVE THE UTILIZATION OF PRIME FARM LAND FOR AGRICULTURAL PURPOSES.

OBJECTIVE A1 Discourage the premature subdivision and development of agricultural land for urban purposes.

POLICY A1.1 Follow general development policies outlined above which encourage growth around existing incorporated areas and which encourage the separation of urban and rural land uses.

Residential

GOAL: TO ENSURE DECENT AND AFFORDABLE HOUSING AND TO ALLOW FOR A WIDE RANGE OF HOUSING TYPES.

OBJECTIVE R1 Encourage the construction of housing subdivisions according to reasonable design and development standards.

POLICY R1.1 Enforce development regulations through routine and consistent inspection.

POLICY R1.2 Encourage development of residential units located within close proximity of incorporated areas to meet city design standards.

Commercial

GOAL: TO PROVIDE SUFFICIENT OPPORTUNITY FOR COMMERCIAL DEVELOPMENT AT APPROPRIATE LOCATIONS.

OBJECTIVE C1 Encourage the development of the majority of commercial establishments within the urban and urbanizing areas of Cass County.

POLICY C1.1 Encourage the development of retail businesses in the urban and urbanizing areas of the County.

POLICY C1.2 Allow for retail facilities in those areas of the County not served by retail centers only when sufficient market area populations are present or planned.

POLICY C1.3 Office development should be encouraged to locate in the urban and urbanizing areas of the County.

OBJECTIVE C2 Control strip commercial development.

POLICY C2.1 Strip commercial development should be limited to those uses directly serving the motoring public such as motels, service stations and restaurants.

POLICY C2.2 Strip commercial development should be limited to specifically identified areas on the plan and should be provided vehicular access via frontage roads wherever possible.

POLICY C2.3 Those areas containing large commercial land uses should be located on major arterial streets with careful access controls and sufficient buffers from any adjacent residential uses.

Industrial

GOAL: TO PROVIDE SUFFICIENT OPPORTUNITIES FOR INDUSTRIAL DEVELOPMENT AT LOCATIONS WITH SUITABLE ACCESS AND ADEQUATE MUNICIPAL SERVICES.

OBJECTIVE I1 Industrial development should be located so as to maximize efficient usage of the municipal services necessary for this type of development.

POLICY I1.1 Industrial sites should have access to arterial roads, preferably those leading directly to major highways.

POLICY I1.2 Industrial development should be located or designed so as to be afforded adequate water and sewer services and police and fire protection.

POLICY I1.3 Industrial development should be located so as to minimize the negative impact on the environment and on other less intensive uses.

POLICY I1.4 New industrial uses should be separated or buffered from surrounding non-industrial uses. Heavy industrial uses should be located away from existing or projected residential growth areas and opposite the prevailing winds.

- POLICY I1.5 Future industrial uses should not be allowed in areas where substantial, long-term environmental damage is likely to occur.
- POLICY I1.6 Industrial uses such as salvage yards should be located and screened so as to minimize their visual impact on the County landscape.
- POLICY I1.7 Area of potential industrial land should be reserved and discouraged from being developed as residential.
- POLICY I1.8 Industrial uses, other than those of an agricultural nature or operations which need to be in remote locations, should be encouraged to locate within existing cities.

Public and Semi-Public

GOAL: TO PROVIDE ADEQUATE GOVERNMENTAL, RELIGIOUS, EDUCATIONAL AND CIVIC FACILITIES IN APPROPRIATE LOCATIONS THROUGHOUT THE COUNTY.

OBJECTIVE P1 Encourage County-wide coordination in locating governmental, religious, educational and civic facilities.

POLICY P1.1 Public facilities such as governmental offices should be located so as to maximize their accessibility.

POLICY P1.2 Public facilities such as City, County and State maintenance yards should be located in industrial areas which contain similar types of users.

Municipal Services

GOAL: TO ENSURE THAT RESIDENTS ARE ADEQUATELY SUPPLIED BY MUNICIPAL SERVICES OR RURAL SERVICE DISTRICTS.

OBJECTIVE M1 Encourage County-wide coordination and cooperation regarding resources, supply, facilities and distribution of utility services.

POLICY M1.1 Encourage watershed protection.

POLICY M1.2 Encourage shared facilities where practical and feasible.

Transportation

GOAL: TO PROVIDE AN EASY, SAFE AND EFFICIENT VEHICULAR FLOW WITHIN AND THROUGH THE UNINCORPORATED COUNTY AREAS.

OBJECTIVE T1 Provide a thoroughfare system which allows safe and efficient travel from one place to another.

POLICY T1.1 Major roads should link all employment, shopping and educational centers.

POLICY T1.2 Right-of-way and improved roadway surfaces should be sufficiently wide and of sufficient strength to accommodate anticipated future traffic loads.

POLICY T1.3 Direct access onto major thoroughfares should be carefully controlled by limiting the number of curb cuts and by the use of frontage roads for adjacent commercial and residential land uses.

POLICY T1.4 Curb cuts should be spaced in such a way that traffic is not impeded.

POLICY T1.5 Major new developments should not be approved until their impact on the surrounding road system is evaluated and it is confirmed that design capacities will be exceeded.

ZONING ORDINANCE

CASS COUNTY, MISSOURI

Zoning Ordinance

Article I

GENERAL PROVISIONS

- A. **Title:** This Ordinance shall be known as, referred to, and cited as the "Zoning Ordinance" for Cass County, Missouri.
- B. **Purpose:** The purpose of this Ordinance is to promote the comfort, health, safety, prosperity, and general welfare of the citizens residing in the unincorporated areas of Cass County by dividing such into zones and districts and prescribing regulations and restrictions on the location and use of buildings and the use of land within each district or zone.
- C. **Authority:** This Ordinance is adopted under the authority granted by R.S.Mo. 64.510, *et. seq.*, of the Missouri Statutes and amendments thereto.
- D. **Intent:** It is the general intent of this Ordinance to:
1. Provide for agricultural uses in rural areas of the County while providing for more intense land uses near the incorporated places;
 2. Provide for urban uses outside incorporated places in response to market demand, provided development standards do not create a burden for the public.
 3. Regulate lot coverage, population density and distribution, and the location, height and size of all structures;
 4. Secure safety from fire, flooding, panic, and other dangers;
 5. Provide adequate light, air, sanitation, and drainage;
 6. Further the appropriate use of land and conservation of natural resources;
 7. Obtain the wise use, conservation, development, and protection of the County's water, soil, wetland, woodland, and wildlife resources, and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses;
 8. Stabilize and protect the natural beauty of the area;

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9. Encourage orderly growth while integrating new urban areas into the fabric of the community, maintaining a high quality environment, and promoting fiscal responsibility;
 10. Lessen congestion in and promote the safety and efficiency of the streets and highways;
 11. Facilitate the adequate provision of public facilities and utilities; and
 12. Bring about the gradual conformity of uses of land to the comprehensive plan and zoning regulations set forth in this Ordinance, and to minimize the conflicts among uses of land and buildings.
- E. Severability and Non-liability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- F. Abrogation and Greater Restrictions:
1. Public Provisions: The provisions of this Zoning Ordinance are not intended to interfere with, abrogate, or annul any other County rule, regulation, statute, or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other statute, rule, regulations, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.
 2. Private Provisions: The provisions for this Zoning Ordinance are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that, where the provisions of this Zoning Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Zoning Ordinance shall govern.
- G. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be liberally construed in favor of the County, and shall not be construed to be a limitation or repeal of any other power granted by the Missouri Statutes.
- H. Reservation and Repeals: Upon the adoption of this Zoning Ordinance, the Cass County Comprehensive Amended Zoning Order of 1973, adopted _____ as amended, is here by repealed.
- I. Savings Provision: This Zoning Ordinance shall not be construed as abating any action now pending under, or by virtue of, a prior existing Zoning Ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm, or corporation, or as

waiving any right of the County under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County, except as follows:

If the applicable regulations of this ordinance or any amendment to the ordinance after issuance of a building permit, granting of a variance or issuance of a special permit make the proposed use under such building permit, variance or special permit non-conforming as the Use and Bulk Regulations, and no substantial construction or substantial operations for non-building uses have been undertaken on the structure or foundation, or conducted for the non-building uses, within one hundred twenty (120) days after the effective date of the adoption of this Ordinance and any amendments thereto, the building permit, special permit, or variance shall be invalid. If substantial construction or substantial operations have taken place and are continuing at the time, the proposed use may be completed.

- J. Application of Regulations: No building shall hereafter be erected unless it is on at least one lot, as herein defined, except in Industrial Districts.
- K. Other Nuisance Conditions: Any condition conducive to the breeding of rodents or insects or any other dangerous, noxious, injurious, or objectionable condition, substance or element which would create any hazard to public health, peace, or comfort, or hinder the appropriate use of land, shall be prohibited.
- L. Minimum Floor Area: In order to provide the space essential for the healthful occupation of single-family residences by average families and to maintain the secondary purpose of preserving the character and aesthetics of neighborhoods, a minimum floor area of one thousand (1,000) square feet, excluding basements, open and screened porches, and garages, is hereafter required.
- M. Minimum Land Area: Any parcel of land proposed to be served by a private sewer system shall be a minimum of three (3) acres in size, provided, however, greater land area may be required if soil conditions prove to be unsuitable, based upon percolation tests. This paragraph does not apply to land which was platted as a lot of less than three (3) acres prior to February 21, 1991.
- N. Mandatory Connections to Public Sewer System: On parcels of land less than three (3) acres in size, if a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley, abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

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Article II

DEFINITIONS

A. Rules for Interpretation of Definitions:

1. Words and numbers used singularly shall include the plural and the plural, the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory.
4. The word "use", "occupy", or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.

B. Definitions:

For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

1. Accessory Use or Building: A subordinate building or use which customarily is incidental to that of the main building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, garages, air conditioners, garden houses, children's play houses, barbecue ovens and fireplaces.
- 1.1 Adult Entertainment Business: An establishment used for presenting material, selling material, or featuring entertainment that is distinguished or characterized by an emphasis on displaying, depicting, described, or relating to sexual activities or anatomical areas that are sexual in nature and which excludes minors by virtue of age. This shall include such uses that are commonly known as adult bookstores, adult theaters, massage parlors, rap centers, nude wrestling studios, painting studios, nude modeling studios, nude photography studios, peep shows, strip shows, escort services, and other similar uses.
2. Agricultural Purposes: The use of a tract of land of not less than forty (40) acres for the growing of crops, pasturage, nursery, or the raising of livestock and poultry, including the structures necessary for carrying out

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farming operations and maximum of two residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots as defined by State statute (additional residences may be permitted with a special use permit).

3. Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
4. Alteration: Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.
5. Animal Hospital or Clinic: An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. (This does not include open kennels or runs.)
6. Apartment: (See Dwelling, Multiple.)
7. Applicant: The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, amendment, variance, building permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.
8. Area: A piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained.
9. Basement: That portion of a building having more than one-half of its height below grade.
10. Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline of waterways, or boundary lines of municipalities.
11. Board of Adjustments: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.
12. Boarding or Lodging House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or

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lodging and meals, are provided for three or more persons, but not exceed 20 persons. Individual cooking facilities are not provided.

13. 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. All bonds shall be approved by the County Commission wherever a bond is required by these Zoning Orders.
14. Building: Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.
15. Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
16. Cemetery: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.
17. Clinic: (See Medical, Dental or Health Clinic).
18. Concentrated Feeding Operation: A concentrated feeding operation as defined by the Missouri Department of Natural Resources (MDNR).
19. Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
20. Completely Enclosed Building: A building separated on all sides from adjacent open space, or from other buildings by fixed exterior walls, or party walls, pierced only by windows and entrance or exit doors, and covered by a permanent roof.
21. County Attorney: The County Prosecuting Attorney or such licensed attorney designated by the Prosecuting Attorney or County Commission to furnish legal assistance for the administration of these regulations.

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22. County Engineer: The County Highway Engineer or such professional engineer as shall be appointed by the County Commission to administer these regulations.
23. County Health Officer: That person designated to administer the health regulations of the County.
24. Day Care: Care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care may be given in day care home or a day care center.
25. Day Care Center: A facility other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day, as defined in regulations issued by the State of Missouri.
26. Day Care Facility: A day care home or a day care center, whether known or under another title or name.
27. Day Care Home: A family home, occupied as a permanent residence by the day care provider, in which care is given to more than ten (10) children, not related to the day care provider, for any part of the twenty-four (24) hour day, as defined in regulations issued by the State of Missouri.
28. District: A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards, and the intensity of use are uniform.
29. Dog: Any canine species over 12 months of age.
30. Dwelling: Any building or portion thereof, except mobile homes for purposes of use regulations, which is designed and used exclusively for residential purposes.
31. Dwelling, Single-Family: A building having accommodations for and occupied exclusively by one family.
32. Dwelling, Two-Family: A building having accommodations for and occupied by two families, independently.
33. Dwelling, Multiple: A building having accommodations for and occupied by more than two families, independently.
34. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

35. Enforcement Officer: See Zoning Officer.
36. Facility for Treatment of Drug and Alcohol Abuse is any facility which is certified by State of Missouri Division of Alcohol and Drug Abuse of the Department of Mental Health for such treatment.
37. Family: One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel or motel.
38. Fence: An unroofed barrier or unroofed enclosing structure, including retaining walls.
39. Floor Area:
- a. For 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 building and shall include the following area:
- (1) The basement floor area;
 - (2) The area of each floor of the structure;
 - (3) Attic space having head room of 7'-10" or more.
- b. Floor area for determining floor area ratio: As used herein shall be computed as the sum of the following areas:
- (1) The gross horizontal areas of the several buildings measured from the exterior faces of exterior walls or from the centerline of wall separating two building which shall include floor area utilized for stairwells or elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof);
 - (2) Penthouses;
 - (3) Basement floor area;
 - (4) Attic space having head room of 7'-10" or more;
 - (5) Interior balconies and mezzanines;

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- (6) Enclosed porches;
 - (7) Floor area devoted to accessory uses:
 - (8) Interior malls.
40. Floor Area Ratio: The maximum percentage of allowable floor area of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of said complex or buildings by the area of the building site.
41. Foster Home: A residence or building occupied on a full-time basis by no more than four children, two or more of which are unrelated to the foster parent. Foster homes shall be permitted in all residential structures, the same as would a family.
42. Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
43. Garage, Private: An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
44. Garage, Public: A building or portion thereof, other than a private garage, designed or used for equipping, repairing,, hiring, servicing, selling, or storing motor-driven vehicles.
45. Governing Body: The Cass County Commissioners.
46. Group Care Home: A residence or building in which eight or fewer unrelated mentally retarded or physically handicapped persons reside, and may include two additional persons as house parents or guardians.
47. Grade:
- a. For buildings having walls facing one street only, the elevation of the sidewall at the center of the wall facing the street shall be the base grade.
 - b. For buildings having walls more than one street, the grade shall be the average of the grades (as defined in a. above) of all walls facing each street.
 - c. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

Any wall approximately parallel to and not more than five feet from a street line is considered as facing the street.

48. Height: The vertical distance from the average elevation of the proposed finished grade along the wall of a building (or adjacent to the side of a nonbuilding use) to the highest point of the roof for flat roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs of such building (or nonbuilding use), except as specifically exempted in this Order.
49. Hotel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.
50. Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the County Health Officer, the Missouri State Water Pollution Board and the County Engineer.
51. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
52. Junkyard: See Salvage Yard.
53. Kennel Breeding: Any place, area, building, or structure where more than four dogs are kept for purposes of breeding, raising, or as pets.
54. Kennel Boarding: Any place, area, building, or structure where dogs (including those under one year in age) are boarded, housed, cared for, fed, or trained by other than the owner.
55. Landfill: See Sanitary Landfill.
56. Living Area: The area within a residential building primarily used for habitation excluding basements, attics, garage, patios, decks, and porches.
57. Lodging House: See Boarding House.
58. Lot: A parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by this Regulation, which may include more than one lot of record or metes and bounds

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- described tract having its principal frontage upon a public street or officially approved place.
59. Lot, Corner: A lot abutting upon two or more streets at their intersection.
60. Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.
61. Lot, Double Frontage: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
62. Lot, Front: The front of a lot shall be that narrowest dimension abutting a street right-of-way. On corner lots which have two equal sides which abut on a street right-of-way, either side may be considered the front of the lot.
63. Lot, Rear: The rear of a lot shall be that side opposite the front of the lot.
64. Lot, Zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
65. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds prior to the adoption of this regulation.
66. Manufactured Home: A dwelling unit fabricated on or after June 1, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.
67. Medical, Dental, or Health Clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.
68. Mobile Home: A transportable structure larger than three hundred and twenty (320) square feet in floor area, designed to be used as year-around residential dwelling, and built prior to the enactment of the Federal

- Mobile home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 1, 1976.
69. Mobile Home or Manufactured Home, Double-Wide: A mobile or manufactured home that consists of two (2) or more sections that are transported separately and assembled at the site into one (1) structure of a width of not less than twenty (20) feet.
70. Mobile Home or Manufactured Home, Single-Wide: A mobile or manufactured home that consists of one (1) section which the main body, exclusive of expansions or extensions, is not more than sixteen (16) feet in width.
71. Mobile Home or Manufactured Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of mobile homes and offered for use by the owner or representative for mobile or manufactured home park purposes and/or ground upon which three or more mobile or manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term "mobile home park" does not include sales lots of which unoccupied mobile or manufactured homes are parked for the purpose of inspection and sale. See Supplementary District Regulations.
72. Modular Home: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard.
73. Municipality: For the purposes of these regulations, any City, Township, Village or County established pursuant to the Revised Statutes of Missouri.
74. Nonconforming Structure: A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.
75. Nonconforming Use: An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto.
76. Noxious Matter: Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

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77. Nursing Home or Convalescent Home: An institution or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
78. Owner: Any person, group of persons, firms or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
79. Parking Space: An area surface for all-weather use including gravel, sand, or comparable material for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of 9 feet and a minimum length of 20 feet. In computing off-street parking, additional space shall be required for access drives for each parking space.
80. Place: An open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.
81. Planning Commission: The Cass County Planning Commission.
82. Professional Office: Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, engineering, or other occupation customarily considered as a profession.
83. Public Utility: Any business which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, (f) cable television or (g) any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.
84. Recreational Vehicle: A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.
85. Recycling: The return of municipal solid waste items, most notably, glass, paper, aluminum, steel, other metals, motor oil, yard waste and plastics, for reuse or remanufacture as a usable product.

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86. Recycling Collection Center: A building and/or site, with more than 1,000 square feet in area, in which source separated recoverable materials, such as newspapers, glassware and metal cans are collected, stored, flattened, crushed or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market.
87. Restaurant: A public eating establishment at which the primary function is the preparation and serving of food.
88. Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main; or for another special use.
89. Salvage Yard: An area of land with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as wastepaper, rags or scrap material; or used building materials, house furnishings, machinery, motor vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same. A deposit or the storage on a plot of two (2) or more wrecked or broken-down motor vehicles or parts of two (2) or more such motor vehicles for one (1) week in a residential district, or for three (3) weeks or more in any other district, shall be deemed a salvage yard.
90. Sanitary Landfill: A lot or parcel of land used primarily for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste.
91. Seats: The designed normal seating capacity of the establishment.
92. Service Station: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; self-service pumps without buildings shall also be included. Such services may include tire recapping, body repairs, or major overhaul.
93. Sign: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business but shall not include any display of official notice or official flag.

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94. Special Use Permit: A special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.
95. Standard Industrial Classification (SIC): Unless defined elsewhere in the regulation, definitions of uses listed in Appendix A shall be as described in the Standard Industrial Classification Manual, 1987, Executive Office of the President, Office of Management and Budget.
96. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
97. Street: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.
98. Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street.
99. Street Network:
- a. Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
 - b. Arterial: A street which provides for through traffic movement between and around areas which direct access to abutting property, subject to necessary control of entrances, exists and curb uses.
 - c. Collector: A street which provides for traffic movement between arterials and local streets, which direct access to abutting property.
 - d. Local: A street which provides direct access to abutting land, and local traffic movement whether in business, industrial, or residential areas.
100. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.
101. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders,

or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration.

- a. Attachment of a new front where structural supports are not changed.
 - b. Addition of fire escapes where structural supports are not changed.
 - c. New windows where lintels and support walls are not materially changed.
 - d. Repair or replacement of non-structural members.
102. Tavern: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served, only to members and their guests.
103. Trailer Or Recreation Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Mobile homes and modular homes shall not be considered trailers or recreational vehicles.
104. Treatment Facility For Drug And Alcohol Abuse: Any facility which is certified by the State of Missouri Division of Alcohol and Drug Abuse of the Department of Mental Health for such treatment.
105. Use: The term employed to refer to any purpose for which buildings or other structures or land may be occupied.
106. Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.
107. Yard, Front: A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.
108. Yard, Rear: A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.

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109. Yard, Side: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the side yard shall be measured horizontally, between the side lot line and the furthest architectural projection of the structure.
110. Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.
111. Zoning Enforcement Officer: See Zoning Officer.
112. Zoning Director: See Zoning Officer.
113. Zoning Officer: The person or persons authorized and empowered by the Governing Body to administer the requirements of these Zoning Regulations.
114. Zoning Regulations: The term "Zoning Regulations" or "this or these Regulations" shall mean the requirements stipulated in the Regulations herewith attached.

Article III

AMENDMENTS

A. GENERAL PROVISIONS:

1. **Authority:** The Cass County Commission may, by county order, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the County Commission until the Planning Commission has held a public hearing and submitted its recommendations.
2. **Proposal of Amendments:** Amendments may be initiated by the County Commission, the Planning Commission, or upon application by the owners of the property affected. Individuals representing owners shall have written authorization to do so, including acknowledgement of a notary.
3. **Application:** When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the Zoning Officer. Said application for such amendment shall be obtained from the Zoning Officer so that a public hearing date can be established.
4. **Ownership List:** The application for an amendment shall be accompanied by an ownership list listing the legal description of the property to be zoned, certificate of ownership, and the name and address of the owners of any real property located within one thousand (1000) feet of the boundaries of the property for which the zoning change is requested.
5. **Fees:** For the purpose of wholly or partially defraying the costs of the amendment proceedings, a fee of one hundred dollars (\$100.00) shall be paid upon the filing of each application for a change of district boundaries or classification.
6. **Disposition of Amendment Proposals:** Upon receipt of a proposed amendment from the County Commission, or an application for an amendment from the owner of the property affected, the Planning Commission shall hold a public hearing on the proposed amendment, and forward to the County Commission, its findings and recommendations with respect to the proposed amendment.

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B. HEARINGS:

1. Public Hearing: The Planning Commissions shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed amendments is referred to, filed with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days,
2. Notice of Hearing: Public notice of a hearing on a proposed amendment shall be published once in a newspaper of general circulation and posted in one or more public areas of the courthouse at least fifteen (15) days prior to the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property.

When a proposed amendment will affect the zoning classification of specific property, in addition to the publication of the notice described above, such notice shall be given by certified mail to all owners of any real property within one thousand (1000) feet of the proposed rezoning. If the record title owners of any lots included in such proposed change be non-residents of the county, then a written notice of such hearing shall be mailed by certified mail to them, addressed to their last known addresses at least ten (10) days prior to such hearing by the Zoning Officer.

The Planning Commission shall also send such notice to the City Clerk of any municipality within one and one-half (1-1/2) miles of the property and to any political subdivision in which the property is located. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

3. Conduct of Hearing: The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the office of the Planning Commission at least three (3) days before the date set for the public hearing. The Planning Commission may also require such report after such public hearing if additional

information is deemed necessary. Such reports shall again be made available to the applicant and any other interested persons.

C. ACTION BY THE PLANNING COMMISSION:

1. Recommendations: Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the County Commission. Said recommendations may be for approval or disapproval, or approval for less land area or a less intense zoning district, and reasons for the recommendation shall be included.
2. Amendments to Text: When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:
 - a. Whether such change is consistent with the intent and purpose of these regulations.
 - b. The areas that are most likely to be directly affected by such change and in what way they will be affected; and
 - c. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected.
3. Amendments to Zoning Districts: When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the Planning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and character of the neighborhood, the zoning and land uses of the properties nearby and findings to the following:
 - a. Whether the change in classification would be consistent with the intent and purpose of these Regulations, with the County's adopted Comprehensive Plan and other adopted County policies, programs, ordinances, rules, and regulations.
 - b. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity; and whether the subject property is suitable for the uses to which it has been restricted.

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- c. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
- d. Whether the proposed amendment would correct an error in the application of these Regulations.
- f. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; and whether the proposed amendment provides a disproportionate loss to the individual land owners relative to the public gain.

D. ACTION BY THE COUNTY COMMISSION

1. Adoption of Amendments: The County Commission shall consider the request. Upon the receipt of the recommendation of the Planning Commission and any protest petitions that have been submitted, the County Commission shall consider the application and may adopt the order with or without change or may refer it back to the Planning Commission for further consideration and report.

If a proposed amendment is not acted upon finally by the County Commission within one hundred twenty (120) days after the recommendation of the Planning Commission is submitted to it, such proposed amendment shall be deemed to have been approved, unless the applicant for such amendment shall have consented to an extension of such period of time. Whenever a proposed amendment is defeated, either by vote of the County Commission or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided by this Article.

2. Protest: If a written protest against a proposed amendment shall be filed in the office of the County Clerk within seven (7) days after the date of the conclusion of the hearing on a proposed amendment by the Planning Commission, which protest is duly signed and acknowledged by any municipality with corporate limits within one and one-half (1-1/2) miles of the property proposed for amendment or the owners of thirty (30) percent or more, either of the area of the lots included in such proposed change, or of those immediately on the sides and in the rear thereof extending one thousand (1000) feet therefrom, and of those directly opposite thereto extending one thousand (1000) feet from the street frontage of such opposite lots, then such proposed amendment shall not be passed except by two-thirds (2/3) vote of the County Commission.

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3. **Approved Action:** If the County Commission approves an application, it shall adopt an order to that effect. The official zoning map which has been adopted by reference shall be changed to reflect such amendment, and the section of the zoning order incorporating the same and shall reincorporate such map as amended.

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Article IV

ZONING DISTRICTS

A. CLASSIFICATION OF ZONES: In order to carry out the purpose and intent of these regulations, the unincorporated area within Cass County, Missouri, is hereby divided into the following zoning districts:

<u>Symbol</u>	<u>Name</u>
A	Agricultural District
R-A	Suburban Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multi-Family Residential District
MP	Manufactured Home Park District
MH	Manufactured Home Estate District
C-1	Local Business District
C-2	General Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
PD	Planned Development District

B. OFFICIAL ZONING MAP: The location and boundaries of zoning districts are hereby established and shown on the official zoning maps entitled "Official Zoning Map of Cass County, Missouri" that together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this order.

C. BOUNDARIES OF ZONES: Where uncertainty exists to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public rights-of-way shall be construed to follow the centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

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5. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow these centerlines.

6. Where a district boundary line divides a lot held in single and separate ownership at the effective date of these regulations, the use regulations applicable to the less restricted district shall extend over the portion of the lot into the more restricted district a distance of not more than fifty (50) feet beyond the district boundary line.

AGRICULTURAL DISTRICTS:

"A" - AGRICULTURAL DISTRICT

- A. Intent: To preserve and protect land valuable for agriculture and as open space from urban-type activities. The intent is not the development of low density residential areas.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
1. Residential uses are permitted within this district with two single-family residences permitted on an agricultural tract of land of not less than forty (40) acres. Additional residences for persons or family members engaged in the agricultural operation may be permitted by special use permit.
- D. Height:
- Maximum height of farm structures: no restriction
Maximum height of residences: thirty-five (35) feet
Maximum number of stories of residences: two and one-half (2-1/2)
Maximum height of accessory buildings other than farm structures: one (1) story
- E. Yards:
1. Front Yards:
- a. Shall have a depth of not less than fifty (50) feet.
- b. On corner lots, a front yard setback shall be maintained on both roads.
2. Side Yards: Shall be at least twenty-five (25) feet.
3. Rear Yards: Shall be at least fifty (50) feet.
- F. Lot Area (Minimum):
1. Minimum Lot Area: Forty (40) acres or more provided; however, if one of the single-family residences is sold off, it shall not be less than five (5) acres.
2. Minimum lot width: 1,000 feet.

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- G. Parking Requirements: Listed in Article IX, Off-Street Parking and Loading Regulations.

- H. Exceptions:
 - 1. Farmsteads
 - 2. Lots of record as of the adoption of the ordinance.

- I. Density: Residential uses shall be limited to densities established in the Subdivision Regulations.

"R-A" SUBURBAN RESIDENTIAL DISTRICT

A. Intent: To allow certain agricultural areas to be developed with low density single-family dwellings.

B. Permitted Uses: Listed in Appendix A.

C. Special Use Permits: Listed In Appendix A.

D. Height:

Maximum height of farm structures: no restriction

Maximum height of residences: thirty-five (35) feet

Maximum number of stories of residences: two and one-half (2-1/2)

Maximum height of accessory buildings other than farm structures: one (1) story, however, on lots with an area of one (1) acres or more, two (2) stories are permitted.

E. Yards:

1. Front Yards:

a. Shall have a depth of not less than forty (40) feet.

b. When lots have a double frontage, the required front yard shall be provided on both streets.

c. On corner lots, a front yard setback shall be maintained on both streets.

2. Side Yards: Shall be at least ten (10) percent of the width of the lot on each side, except cannot be less than ten (10) feet and need not be more than twenty-five (25) feet.

3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than fifty (50) feet.

F. Lot Area (Minimum):

1. Minimum Lot Area: 20,000 square feet (.46 acre)

2. Minimum Lot Width: 100 feet

G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

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RESIDENTIAL DISTRICTS:

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

- A. Intent: For development of certain low density areas for placement of one-family dwellings.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height:
- Maximum height of principal use: thirty-five (35) feet
Maximum number of stories: two and one-half (2-1/2)
Maximum height of accessory buildings: one (1) story, however, on lots with an area of one (1) acre or more, two (2) stories are permitted.
- E. Yards:
1. Front Yards:
 - a. Shall have a depth of not less than twenty-five (25) feet.
 - b. When lots have a double frontage, the required front yard shall be provided on both streets.
 - c. On corner lots, a front yard setback shall be maintained on both streets.
 2. Side Yards: Shall be at least ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.
 3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than forty (40) feet.
- F. Lot Area (Minimum):
1. Minimum Lot Area: 7,500 square feet minimum (.10 acres).
 2. Minimum Lot Width: 75 feet
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.
-

"R-2" TWO-FAMILY RESIDENTIAL DISTRICT

A. **Intent:** For development of certain low-density residential areas for one-family and two family dwellings.

B. **Permitted Uses:** Listed in Appendix A.

C. **Special Use Permits:** Listed in Appendix A.

D. **Height:**

Maximum height of principal use: thirty-five (35) feet

Maximum number of stories: two and one-half (2-1/2)

Maximum height of accessory buildings: one (1) story

E. **Yards:**

1. **Front Yards:**

- a. Shall have a depth of not less than twenty-five (25) feet.
- b. When lots have a double frontage, the required front yard shall be provided on both streets.
- c. On corner lots, a front yard setback shall be maintained on both streets.

2. **Side Yards:** Shall not be less than ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.

3. **Rear Yards:** Shall be at least thirty (30) percent of the depth of the lot but need not be more than forty (40) feet.

F. **Lot Area (Minimum):**

1. **Minimum Lot Area:**

- a. 9,000 square feet minimum (.21 acre)
- b. A single family dwelling can be built upon a lot if the lot is at least 7,500 square feet (.10 acre) in area, it is held in single ownership on the effective date of this Order, and where all the land along the boundary lines of the lot is under other ownership.

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2. Minimum Lot Width:
 - a. Single Family: 75 feet
 - b. Two-Family: 90 feet

- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

"R-3" MULTI-FAMILY RESIDENTIAL DISTRICT

- A. **Intent:** To provide medium and high density residential areas for the development of various types of housing.
- B. **Permitted Uses:** Listed in Appendix A.
- C. **Special Use Permits:** Listed in Appendix A.
- D. **Height:**

Maximum height of principal use: thirty-five (35) feet
Number of stories of accessory use: one (1)
- E. **Yards:**
 - 1. **Front Yards:**
 - a. Shall have a depth of not less than twenty-five (25) feet.
 - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
 - c. On corner lots, a front yard setback shall be maintained on both streets.
 - 2. **Side Yards:** Shall be not less than ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.
 - 3. **Rear Yards:** Shall be at least thirty (30) percent of the depth of the lot but need not be more than twenty-five feet.
- F. **Lot Area (Minimum):**
 - 1. **Minimum Lot Area:**
 - a. 2,500 square feet (.06 acre) per family or dwelling unit and in no case less than 10,000 square feet.
 - b. A single-family dwelling can be built upon a lot if the lot is at least 7,500 square feet (.10 acre) in area, it is held in single ownership on the effective date of this Order, and where all the land along the boundary lines of the lot is under other ownership.

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2. Minimum Lot Width:
 - a. Single-Family: 75 feet
 - b. Two-Family: 90 feet
 - c. Multiple-Family: 100 feet

- G. Density: Maximum of seventeen (17) dwelling units per acre.

- H. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

"M-P" MANUFACTURED HOME PARK DISTRICT

- A. Intent and Purpose of District: It is the intent of the "M-P" Manufactured Home Park District to permit low density manufactured home uses in a park-like atmosphere where such zones are recommended by the Planning Commission and approved by the Governing Body.
- B. District Regulations: In District "M-P", no structure or land shall be used and no structure shall be altered, enlarged, or erected which is arranged, intended, or designed for other than independent Manufactured Homes or Independent Trailer House Coaches and accessory service buildings.
- C. Use Regulations:
1. Manufactured home parks (for residential purposes only).
 2. Churches, synagogues, and other similar places of worship.
 3. Public and parochial schools.
 4. Home occupations.
 5. Accessory buildings and uses.
- D. General Requirements: The manufactured home park shall have private streets and the tracts shall be held in the ownership of the park applicant or his successor. (The individual occupants other than said applicant cannot purchase and own said tracts.) A manufactured home park must meet the following regulations and must show evidence of same by acquiring an annual license for each manufactured home park and renew same each year.
1. The tract to be used for a manufactured home park shall be not less than ten (10) acres.
 2. The applicant of the manufactured home park must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of two years following the approval by the Planning Commission and shall be completed within a period of five years.
 3. The applicant for a manufactured home park shall prepare or cause to be prepared a development plan and shall present three copies of said plan for review by the Planning Commission and Governing Body. This plan

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shall show the proposed development which shall conform with the following requirements:

- a. The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- b. Manufactured home parks hereafter approved shall have a maximum density of eight (8) units per gross acre and a minimum space of 4,000 square feet shall be provided for each trailer.
- c. Each manufactured home space shall be at least 35 feet wide and clearly defined.
- d. Manufactured homes shall be so located on each space that there shall be no less than a 5-foot setback from any manufactured home space boundary and that there shall be at least a 20-foot clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance shall not be less than 15 feet. No manufactured home shall be located closer than 25 feet from any building within the park or from any property line bounding the park.
- e. All manufactured home spaces shall front upon a private roadway of not less than 27 feet in width, which shall have unobstructed access to a public street, alley, or highway. Thirty feet of private roadway shall be required where parking is allowed in the roadway.
- f. Walkways not less than 30 inches wide shall be provided from the manufactured homes spaces to the service buildings.
- g. All roadways and walkways within the manufactured home park shall be hard-surfaced and adequately lighted at night with electric lamps.
- h. Laundry facilities may be provided in a service building.
- i. A recreation area shall be provided at a central location in the manufactured home park area at the rate of 200 square feet for each trailer space up to five trailers, thence 100 square feet per trailer thereafter.
- j. A solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and a 10-foot landscaped buffer which shall consist of trees, shrubs, evergreens, and grass shall be

provided between the manufactured home park district and any adjoining property or property immediately across the street which is zoned for residential purposes. Said fence or wall shall be placed a minimum of 10 feet from the boundary of the "M-P" District (the interior line of the 10-foot landscape buffer) and shall not be reduced in height, but shall be so located as to observe the intersection sight triangle as defined by this Regulation. the fence or wall and landscape buffer shall be properly policed and maintained by the owner.

- k. A manufactured home park shall not be used for other than residential purposes. Manufactured homes may be offered for sale in the manufactured home park only by resident owners.
- l. Skirting: each manufactured home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the manufactured home and is consistent with the quality of development of the park.
- m. Blocking: All manufactured homes shall be blocked and anchored in accordance with the requirements of the State of Missouri.

E. Service Buildings:

- 1. Service buildings, if provided, housing sanitation and laundry facilities, or any such facilities, shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
- 2. All service buildings, if provided, and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- 3. Service buildings and parking related to the service operations shall not occupy more than five percent (5%) of the area of the park and shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

CASS COUNTY, MISSOURI

ZONING ORDINANCE

"M-H" MANUFACTURED HOME ESTATE DISTRICT

- A. Intent: To permit manufactured homes on permanent foundations where a lot or a group of lots is owned by the mobile home owner.
- B. Permitted Uses:
1. Manufactured homes on permanent foundations.
 2. Churches, synagogues, and other similar places of worship.
 3. Public and parochial schools.
 4. Home Occupations.
 5. Accessory buildings and uses.
- C. Height:
- Maximum height of principal use: thirty-five (35) feet
Maximum number of stories: two and one-half (2-1/2)
Maximum height of accessory buildings: one (1) story, however, on lots with an area of one (1) acre or more, two (2) stories are permitted.
- D. Yards:
1. Front Yards:
 - a. Shall have a depth of not less than twenty-five (25) feet.
 - b. When lots have a double frontage, the required front yard shall be provided on both streets.
 - c. On corner lots, a front yard setback shall be maintained on both streets.
 2. Side Yards: Shall be at least ten (10) percent of the width of the lot on each side, except cannot be less than six (6) feet and need not be more than fifteen (15) feet.
 3. Rear Yards: Shall be at least thirty (30) percent of the depth of the lot but need not be more than forty (40) feet.

E. Lot Area (Minimum):

1. Minimum Lot Area: 7,500 square feet minimum (.10 acres); except shall not be less than three (3) acres if the lot has been approved for use of an individual septic tank sewage system by the Cass County Health Department.
2. Minimum Lot Width: 75 feet

F. General Requirements: The tract to be used for a manufactured home estate district shall be not less than ten (10) acres.

G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

CASS COUNTY, MISSOURI

ZONING ORDINANCE

"C-1" LOCAL BUSINESS DISTRICT

- A. Intent: To provide commercial locations for small clusters of convenience shopping facilities in and near residential neighborhoods. These convenience shopping facilities typically occupy small sites, at the intersection of or along a major street, and in an area that is otherwise wholly residential.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height:
- Maximum height of principal use: thirty-five (35 feet)
Number of stories of accessory use: one (1)
- E. Yards:
1. Front Yards:
 - a. Shall have a depth of not less than twenty-five (25) feet.
 - b. When lots have a double frontage, the required front yard shall be provided on both streets.
 - c. On corner lots, a front yard setback shall be maintained on both streets.
 2. Side Yards: Fifteen (15) feet when adjacent to residential areas.
 3. Rear Yards: Twenty (20) feet minimum.
- F. Lot Area (Minimum): 40,000 square feet (.92 acre) with fifty percent (50%) maximum lot coverage.
- G. Lot Width: 100 feet minimum.
- H. Parking Requirements: Listed in Article 6, Off-Street Parking and Unloading Regulations.

"C-2" GENERAL BUSINESS DISTRICT

- A. **Intent:** To provide for commercial locations that serve as a convenience to the traveler or require a location on a highway or major arterial street for efficient operation. Further, the district is intended to provide for free-standing single-purpose commercial uses. Screening and off-street parking are required to reduce possible adverse effects on surrounding residential and agricultural areas. It is not the intent of this district to provide for medium and large commercial shopping centers in the rural areas of Cass County. (Planned Unit Development zoning is more appropriate for this purpose.)
- B. **Permitted Uses:** Listed in Appendix A.
- C. **Special Use Permits:** Listed in Appendix A.
- D. **Height:**
Maximum height of principal use: thirty-five (35) feet
Number of stories of accessory use: one (1)
- E. **Yards:**
1. **Front Yards:**
 - a. Shall have a depth of not less than twenty-five (25) feet.
 - b. When lots have double frontage, the required front yard shall be provided on both streets.
 - c. On corner lots, a front yard setback shall be maintained on both streets.
 2. **Side Yards:** Fifteen (15) feet when adjacent to residential areas.
 3. **Rear Yards:** Twenty (20) feet minimum.
- F. **Lot Area (Minimum):** 10,000 square feet (.23 acre) with fifty percent (50%) maximum lot coverage.
- G. **Lot Width:** 100 feet minimum.
- H. **Parking Requirements:** Listed in Article 6, Off-Street Parking and Loading Regulations.

CASS COUNTY, MISSOURI

ZONING ORDINANCE

"I-1" LIGHT INDUSTRIAL DISTRICT

- A. Intent: To provide locations for those manufacturing industries and related industrial activities in which the finished product is generally produced from semi-finished materials and requires little or no outside material storage. The effect of the production process upon the surrounding area normally is that of traffic generated by the receipt and delivery of materials and goods, and by employees. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height: Seventy-five (75) feet.
- E. Yards:
1. Front Yards: Thirty (30) feet minimum.
 2. Side Yards: No minimum: except if abutting agriculturally or residentially used or zoned property, a minimum of seventy (70) feet is required.
 3. Rear Yards: Twenty (20) feet, except if abutting agricultural or residential property, a minimum of forty (40) feet is required.
- F. Lot Area (Minimum): No minimum required.
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

"I-2" HEAVY INDUSTRIAL DISTRICT

- A. Intent: To provide locations for all manufacturing, warehousing and distribution industries. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.
- B. Permitted Uses: Listed in Appendix A.
- C. Special Use Permits: Listed in Appendix A.
- D. Height: Seventy-five (75) feet.
- E. Yards:
 - 1. Front Yards: Thirty (30) feet minimum, except if abutting a residentially used or zoned property, a minimum of seventy (70) feet is required.
 - 2. Side Yards: Thirty (30) feet minimum, except if abutting a residentially used or zoned property, a minimum of seventy (70) feet is required.
 - 3. Rear Yards: Forty (40) feet minimum, except where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirements need not apply.
- F. Lot Area (Minimum): No minimum required.
- G. Parking Requirements: Listed in Article 6, Off-Street Parking and Loading Regulations.

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ZONING ORDINANCE

"PD" PLANNED DEVELOPMENT DISTRICT

- A. Purpose: The purpose of this district is to provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in planned districts; to provide a framework within which the buildings and uses in the planned district may be interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open space.
- B. Use of the "PD" District: The Planned Development District must always be used in conjunction with one of the other zoning districts, known as the "underlying district." The requirements of the "PD" District shall be in addition to the requirements of the underlying district, except that the "PD" District may modify some of the regulations of the underlying district in specific situations. A "PD" District may be used in conjunction with any of the other zoning district or with any combination of districts.

An application for rezoning to the "PD" District shall include a Preliminary Development Plan and may include a concurrent request to change the underlying zoning classification. If the rezoning is approved, the new district shall include the designation of the underlying district followed by "PD". For example, a Planned Development District of an "R-2" District shall be known as "R-2-PD."

Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. No building or occupancy permit shall be issued until a Final Development Plan has been approved. The use of the "PD" district shall be separate from the Subdivision Regulations of the County, and the Development Plans required by the "PD" District shall not be construed as plats. It is recommended that the subdivision process follow the Rezoning/Preliminary Plan approval, but precede the approval of the Final Development Plan. Resubdivision may be a prerequisite to approval of the Final Development Plan.

- C. Use Regulations: Any use permitted in the underlying zone may be permitted. The uses permitted may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning Commission.
- D. Height Regulations: The height regulations provided for the underlying zoning district shall be required, provided that the allowed height may be increased by one (1) floor or fifteen (15) feet upon a showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property.

- E. Yard Regulations: The yard regulations provided for the underlying zoning district shall be required, provided that the yard regulations may be reduced upon a showing of sufficient open space accessible to occupants; a separation between structures for fire-fighting purposes; and that there is consistency with the visual character of the community. No yard reductions shall be permitted for those yard spaces which abut another district.
- F. Use Regulations:
1. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition nor inconvenience in the area.
 2. Structures and traffic shall be arranged so that all principal buildings are accessible to emergency vehicles.
 3. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.
 4. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
 5. Approval of the Final Development Plan may be conditioned by the Planning Commission or Governing Body to minimize any negative impact on the community.
- G. Application for Rezoning: A petition to change to a "PD" Planned District shall be filed with the County, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The process for approval shall be the same as for any rezoning as provided by these regulations.
- H. Approval Procedure: The approval by the Governing Body of the Preliminary Development Plan and the concurrent rezoning to the "PD" District shall be preceded by the publication and mailing of notice, a public hearing, and a recommendation by the Planning Commission. If the Governing Body disagrees with the recommendation, the application shall be returned to the Planning Commission for reconsideration. Approval of the Preliminary Development Plan shall be valid for two (2) years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the

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Preliminary Plan shall extend the period of validity an additional two (2) years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.

I. Preliminary Development Plan: The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1"=100', and shall include:

1. Boundaries of project with dimensions to scale;
2. Contour intervals of two (2) feet;
3. Proposed size, height, location and arrangement of buildings, parking areas with proposed arrangement of stalls and number of cars, entrance and exist driveways and their relationship to existing and/or proposed streets;
4. Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;
5. General landscape plan to include location and height of all walls, fences, signs and screen plantings;
6. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the County prior to approval of a Final Development Plan;
7. Phases of final development;
8. Name and address of owner, applicant and engineering firm which prepared the plan;
9. Seal of engineering firm licensed in the State of Missouri developing the plan, scale, north point and date of plan;
10. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the building materials to be used or other similar factors; and
11. Ten (10) copies shall be submitted.

J. Final Development Plan: The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

1. Contour lines shall show finished grading only;

2. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and
3. Drawings showing the size, appearance and method of illumination for each sign.

The Final Development Plan shall substantially conform to the approved Preliminary Plan, shall be in final form for the issuance of a building permit, shall have been previously reviewed by the appropriate County staff and shall include a Construction Schedule Development. A final approval by the Governing Body shall authorize construction to begin according to the Construction Schedule providing all appropriate permits have been received. Construction of at least the first stage of development shall begin within three (3) years from the date the ordinance of the zoning change was published in the newspaper. If construction does not begin within this period and no effort is made for an extension of time by the owner, the Final Development Plan shall be voided.

- K. Building Permits: On final approval by the Governing Body, the owner shall provide five (5) copies of the approved Final Development Plan to the County.

The Zoning Officer or his/her designee shall issue building permits only in accordance with the approved Final Development Plan.

- L. Amendments: If any substantial variation or rearrangement of buildings, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

- M. Open Space: The Planning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.

1. Open Space Requirements: If the Planning Commission requires open space, the County and the applicant shall enter into an agreement providing for the establishment of any agency to maintain the open space. Such agreement shall include provision for default, cure by the County, and enforcement.
2. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the County.

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The development plan process shall be required prior to any rezoning or issuance of a building permit for other than a single-family dwelling.

- N. **Time Limit:** A site plan approval shall expire automatically unless a building permit is taken within twelve (12) months after the approved date for commencement to effectuate such site plan.
- O. **Mandatory Planned Development District:** Requests for salvage yards shall be required with a Planned Development District and shall further submit the following minimum information:
- a. The salvage yard shall be located on no less than ten (10) acres of land and at least 1,320 feet from a residential district or farmstead.
 - b. The salvage yard shall be screened by natural objects, plantings, fences, or other appropriate means so as to not be visible from the main traveled way of the street, or a highway on the interstate or the primary system, or any other state, county, or township highway, street or road, or a city street; or from adjoining property.
 - c. No junk salvaged materials shall be loaded, unloaded or stored, either temporarily or permanently, outside the enclosed building, fence or wall or within public right-of-way.
 - d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the appropriate fire district, except when prohibited by the state Department of Health. Burning, when permitted, shall be done only during daylight hours.
 - e. The applicant shall maintain a valid state license to operate the salvage yard and if the license lapses for a period of time more than six (6) months, the use shall cease and all salvage materials shall be removed from the site.
 - f. Prior to obtaining a building permit for any new buildings the applicant shall prepare a site plan and submit it with the permit application for review and approval by the Zoning Officer. The site plan shall address the additional requirements for salvage yard permit applications.

Article V

FLOOD PLAIN MANAGEMENT ORDINANCE

A. Statutory Authorization: The Legislature of the State of Missouri has in R.S.Mo. Chapter 64 delegated the responsibility to local government units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the County Commission of Cass County, Missouri, ordains as follows.

B. Findings of Fact:

1. Flood Losses Resulting from Periodic Inundation.

The flood hazard areas of Cass 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 These Flood Losses.

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

3. Methods Used to Analyze Flood Hazards.

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- a. Selection of a regulatory flood which 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 regulatory flood selected for this ordinance is representative of large floods which are reasonably 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 (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated March, 1980, as amended.

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- b. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - c. Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
 - d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which is subject to inundation by the regulatory flood.
- C. Statement of Purpose: It is the purpose of this ordinance to promote the public health safety and general welfare and to minimize those losses described in section B.1. by applying the provisions of this ordinance to:
1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
 2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
 3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
 4. Assure that eligibility is maintained for property owners in the county to purchase flood insurance in the National Flood Insurance Program.
- D. General Provisions:
1. Lands to Which Ordinance Applies: This ordinance shall apply to all lands within the jurisdiction of the Cass County Zoning Department of Cass County, Missouri, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AO and AH Zones) and within the Zoning Districts FW and FF established in section F of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the Cass County Commission or its duly designated representative under such safeguards and restriction as the Cass County Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the

- inhabitants of the county and where specifically noted in sections G, H, and I.
2. The Enforcement Officer: The Zoning Enforcement Officer of the County is hereby designated as the county's duly designated Enforcement Officer under this Ordinance.
 3. Rules for Interpretation of District Boundaries: The boundaries of the floodway and floodway fringe districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for examples where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence, if he so desires.
 4. Compliance: No development located within known flood hazard areas of this county shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
 5. Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 6. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and 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.
 7. 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 for the flood height 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 floodway and floodway fringe district boundaries or land uses

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permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of Cass County Zoning Department or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8. Severability: If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
9. Appeal: Where a request for a permit to develop is denied by the Cass County Zoning Department, the applicant may apply for such permit directly to the Board of Adjustment.

E. Development Permit:

1. Permit Required: No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development.
2. Administration:
 - a. The Cass County Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this ordinance.
 - b. Duties of the Cass County Zoning Enforcement Officer shall include, but not be limited to:
 - (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - (3) Notify adjacent communities and the Missouri Disaster Planning and Operations Office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Agency.
 - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

- (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
 - (7) When floodproofing is utilized for a particular structure the Cass County Zoning Enforcement Officer shall be presented certification from a registered professional engineer or architect.
3. Application for Permit: To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
- a. Identify and describe the work to be covered by the permit.
 - b. Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 - c. Indicate the use or occupancy for which the proposed work is intended.
 - d. Be accompanied by plans and specifications for proposed construction.
 - e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - f. Give such other information as reasonably may be required by the Cass County Zoning Enforcement Officer.
- F. Establishment of Zoning Districts: The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: a floodway district (FW) and a floodway fringe district (FF) identified in the Flood Insurance Study (and accompanying map(s)). Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones (including AO and AH zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.

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G. Standards for the Floodway District and the Floodway Fringe District:

1. No permit for development shall be granted for new construction, substantial improvements and other improvements within all numbered and unnumbered A zones unless the conditions of this Section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available the community shall utilize any base flood elevation data currently available within its area of jurisdiction.
3. New construction, substantial improvements, prefabricated building and other developments shall require:
 - a. Design or anchorage to prevent flotation, collapse or lateral movement due to flooding.
 - b. 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 dischargers from the system into flood waters, and on-site waste disposable systems be located so as to avoid impairment or contamination.
 - c. New development and substantial improvements to: a) use construction materials and utility equipment that are resistant to flood damage, and b) use construction methods and practices that will minimize flood damage, consistent with economic practicability.
 - d. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
 - e. That until a floodway has been designated, no development, including landfill, may be permitted within Zones AI-30 on the county's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference; section B.3 of this ordinance.
 - f. Storage and Material and Equipment

- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- g. Subdivision proposals and other proposed new development shall be 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, a water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development of five (5) acres or two (2) lots, whichever lesser, include within such proposals the regulatory flood elevation.

H. Floodway Fringe District (Including AO and AH Zone):

1. Permitted Uses: Any use permitted in section I shall be permitted in the Floodway Fringe District. No use shall be permitted in the district unless the standards of section G are met.
2. Standards for the Floodway Fringe District:
 - a. Require new construction or substantial improvement of residential structures to have the lowest floor, including basement elevated to or above two (2) feet above the base flood elevation.
 - b. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, to be flood proofed so that below such a level the structure is water tight 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 shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section E.2.b.(7).

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- c. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide flood waters around and away from proposed structures.
- d. Located within the areas of special flood hazard established in section 2.1 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
 - (1) All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified.)
 - (2) All new construction and substantial improvements of non-residential structures shall:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (b) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level 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. Such certification shall be provided to the official as set forth in section E.2.b.(7).
 - (3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

I. Floodway District:

- 1. Permitted Uses: Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway District to the extent that they are not prohibited by any other ordinance. All

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encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of section G. and H.

- a. Agricultural uses such as general farming, pasture, nursery, forestry.
- b. Residential uses such as lawns, gardens, parking and play areas.
- c. Non-residential areas such as loading areas, parking, airport landing strips.
- d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

J. 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 grants of variances or special exceptions) 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, 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 the Cass County Zoning Department or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

K. 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 in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations.

L. Definitions: Unless specifically defined below, words or phrases unused in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

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1. "Actuarial or Risk Premium Rates" mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
2. "Appeal" means a request for a review of the Cass County Zoning Enforcement Officer's interpretation of any provision of this ordinance or a request for a variance.
3. "Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
4. "Area of Special Flood Hazard" is the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.
5. "Base Flood" means the flood having one percent chance of being equalled or exceeded in any given year.
6. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
7. "Existing Construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."
8. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
9. "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

10. "Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
11. "Floodway Fringe" is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
12. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purpose of flood plain 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 wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
13. "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
14. "New Construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
15. "Start of Construction" means the first placement of permanent constructions of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure of any part thereof on its piling or foundation. For insurance rating purposes the terms PRE FIRM and POST FIRM may be used. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a

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building, whether or not that alteration affects the external dimensions of the building.

16. "Structure" means a walled and roofed building that is principally above ground and a gas or liquid storage tank that is principally above ground.
17. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
18. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
 - (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Article VI

AIRPORT HEIGHT AND HAZARD ZONING ORDINANCE

A. Purpose and Intent:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by area public and private airports.
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished, to the extend legally possible, by the exercise of police power without compensation.

B. Definitions:

1. Airport: means all public and private airports within the County.
2. Airport Elevation: The highest point (M.S.L.) along existing operational runways at each airport location.
3. Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section IV of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. Approach, Transitional Horizontal, and Conical Zones: These zones are set forth in section III of this Ordinance.
5. Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
6. Hazard to Air Navigation: An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.

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7. Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
8. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
9. Larger than Utility Runway: A runway that is constructed for and intended to be used primarily by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft (F.A.A. Approach Categories C, D, and E).
10. Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
11. Nonprecision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
12. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section D of this Ordinance.
13. Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
14. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
15. 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 the runway. The width of the primary surface is set forth in section C of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

16. Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.
17. Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
18. Transitional Surfaces: These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical 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 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
19. Utility Runway: A runway that is constructed for and intended to be used primarily by propeller-driven aircraft of 12,500 pounds maximum gross weight and less, i.e., F.A.A. Airport Approach Categories A and B.
20. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

C. The Airport Zones: In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Cass County airport locations. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone: The inner edge of this approach zone coincide with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

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3. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 4. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone - Precision Runway: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 5. Precision Instrument Runway Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 6. Transition Zone: The transitional zones are the areas beneath the transitional surfaces.
 7. Horizontal Zone: The horizontal zone is established by swinging arcs of 5,000 feet radii for all runway designated utility or visual and 10,000 feet for all others 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 horizontal zone does not include the approach and transitional zones.
 8. Conical zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.
- D. Airport Zone Height Limitations: Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
3. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone - Precision Runway: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
4. Precision Instrument Runway Approach Zone: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
5. Transitional Zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward 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 approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
6. Horizontal Zone: Established at 150 feet above the airport elevation.
7. Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

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- E. Use Restriction: Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.
1. Marking and Lighting: Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Governing Body to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the appropriate governing body, agency, or owner.
- F. Permits:
1. Future Uses: Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with section F, 4.
- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

- c. In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance, except as set forth in section D, 8.

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. Nonconforming Uses Abandoned or Destroyed: Whenever the Governing Body determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justices, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Governing Body for advice as to the aeronautical effects of the variance. If the Governing Body does not respond to the application within 15 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

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5. Obstruction Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Governing Body, this condition may be modified to require the owner to permit the County, at its own expense, to install, operate, and maintain the necessary markings and lights.

Article VII

SUPPLEMENTARY REGULATIONS

A. Accessory Uses and Structures: Accessory uses and structures shall be subject to setback requirements as prescribed in the district regulations except as provided in this section. The following permitted accessory uses and structures shall be allowed in any zoning district in connection with any permitted principal use:

1. Permitted accessory uses and structures include, but are not limited to, the following:
 - a. One structure for storage incidental to a permitted use, provided, however, that no storage structure that is accessory to a residential building shall exceed 200 square feet in gross floor area, it shall be in keeping with the principal structure, and no part of such structure shall be located in the front yard setback.
 - b. One child's playhouse, provided it shall not be more than 120 square feet in gross floor area, and it shall not be located in the front yard setback.
 - c. One detached garage or other accessory structure, provided that no part of such structure exceeds 800 square feet in gross floor area; or ten (10) percent of the lot area, whichever is greater.
 - d. One private swimming pool and bathhouse, provided that a swimming pool shall be allowed within required rear and side yards.
 - e. Statuary, arbors, trellises, flagpoles, fences walls and hedges shall be allowed within the required setback areas.
 - f. Signs, when permitted by these regulations and by the individual district regulations.
 - g. Off-street parking and loading spaces, as permitted by Article VIII of these regulations.
 - h. Restaurants, drug stores, gift shops, clubs, and lounges and newsstands, when located in a permitted hotel, motel, or office building.
 - i. Employee restaurants and cafeterias, when located in a permitted business, manufacturing or industrial building.

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- j. Storage of not more than one (1) of each accessory vehicle, such as a boat, boat trailer, camping trailer, or converted bus or truck; such uses shall be allowed within required rear yards and within established side and front yards if placed upon a hard surface as defined in the off-street parking regulations. Such uses shall not include the outdoor storage or parking of commercial trucks or buses which exceed a three (3) ton manufacturer's rating hauling capacity in a residential district or in a residential section of a PDD.
- k. Satellite dish antennas, except that such accessory structures shall not be allowed within established front yards.
- l. Home occupations (subject to limitations).
- m. Recycling Collection Stations: Recycling Collection Stations shall be allowed as an accessory use to non-residential uses in accordance with the following standards.
 - (1) Maximum Size and Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed 1,000 square feet in area and only if shown on a Site Plan that has been reviewed and approved in accordance with add Site Plan Review Section Article 11.
 - (2) Screening: All collection stations shall be screen from public view of adjoining properties or any street right-of-way with a six foot tall, 100 percent opaque, solid screen or be wholly contained within a structure.
 - (3) Separation from Residential: Recycling collection station structures shall be located at least 150 feet from adjacent property zoned R-1, R-2, or R-3.
 - (4) Reverse Vending Machines: Reverse vending machines shall be located or soundproofed such that the noise of operation is imperceptible from the property line of property zoned or used for residential purposes.
 - (5) Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycle materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.

(6) Hours of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

(7) Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

2. Bulk Regulations Applicable to Accessory Structures and Uses:

- a. No accessory structure shall be located closer than ten (10) feet to a principal structure on the same lot;
- b. The maximum sidewall height for all accessory structures shall not exceed twelve (12) feet.

3. Use Limitations:

- a. Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located, but no accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
- b. No accessory structure shall be used as a dwelling.

B. Temporary Uses: The following temporary uses of land are permitted subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

- 1. Christmas tree sales in any commercial or industrial district for a period not to exceed sixty (60) days; display of such trees need not comply with the yard and setback requirements of these regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two streets.
- 2. Contractors office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
- 3. Real estate offices (containing no sleeping or cooking accommodations) incidental to a new housing development to continue for no more than two (2) years, unless an extension is granted by the Board of Adjustment.

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4. Seasonal sale of farm produce (including Christmas trees) grown on the premises in districts where permitted, to continue for not more than four (4) months per year. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.

C. Home Occupations: Permitted home occupations are considered accessory uses and are subject to the following limitations:

1. Structure and Use Limitations:

- a. No home occupation sales or deliveries shall generate vehicular traffic which is abnormal to a residential district, or which alters the character thereof, or creates the need for additional parking.
- b. No alteration of the principal residential structure shall be made which changes its residential character or appearance, as viewed from the public right-of-way or adjacent parcels.
- c. The home occupation shall be subordinate to the residential use of the dwelling, and permitted accessory structures.
- d. No mechanical or electrical equipment greater than one (1) horsepower shall be used, nor any business activity permitted which creates a nuisance from noise, smell, dust or other disturbance uncharacteristic of a residential district.
- e. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
- f. The home occupation shall be conducted by and involve the employment of only the residents of the dwelling unit plus not more than one non-resident.
- g. The home occupation may display one wall sign as provided in the sign regulations.

2. Permitted Home Occupations: In particular, home occupations may include, but are not limited to:

- a. Dressmaker, seamstress, tailor.

- b. Music and dancing teaching limited to a single pupil at a time; except that a group of individual students may gather once each season.
 - c. Artists, sculptors, authors, composers, photographers.
 - d. Ministers, rabbis, priests.
 - e. Office for lawyer, planner, engineer, architect, accountant, or other professional service.
 - f. Office facility for sales representative, manufacturer's representative, when no wholesale, exchange of goods is transacted on the premises.
 - g. Home crafts.
 - h. Day care home subject to additional provisions, (may be subject to Special Use Permit as well).
 - i. Barber and beauty shops.
 - j. Antique Sales.
 - k. On lots of ten (10) acres in size, or greater, in either the "A" or "R-A" districts, small construction contractors may be considered permitted home occupations provided:
 - (1) No more than two (2) pieces of major equipment (e.g. dump truck, backhoe, cement maker, trenching machine, trailers, etc.), are kept ~~on~~ outside or within an enclosed building or structure. All equipment stored outside shall be screened from view, to the greatest degree possible, from both the street and any existing residence within 500 feet;
 - (2) All minor equipment and/or materials (tools, building materials, office equipment, etc.) are kept within an accessory structure or garage.
3. Day Care Home Provisions: Day care home shall be permitted by right as accessory uses in all zoning districts permitting residences, provided that:
- a. State licensing requirements are met, including those pertaining to building, fire safety, and health codes.

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- b. Lot size, building size, setbacks, and lot coverage conform to those applicable to the zoning district.
 - c. Signage, if any, conforms to the requirements for the zoning district.
 - d. A copy of the Child Care License form, if applicable, is filed with the County.
 - e. No structural or decorative alteration is made to the residential structure which will alter its single-family character or make it incompatible with surrounding residences.
 - f. Day care for more than for (4) children in a family residence, as provided in these regulations, shall be subject to special use permit requirements.
- D. Day Care Center: Day care centers shall be allowed as permitted uses in C-1 and C-2 districts. Also, as accessory uses, only, in all districts permitting residences, and in industrial districts, if cited on the premises of an operating community service activity, such as, but not limited to, a private or public school, place of worship, community center, or library; or, as part of an employer-sponsored day care service. Day care centers, whether principal or accessory uses, shall be permitted provided that:
- 1. State licensing standards and requirements are met, including those pertaining to building, fire safety, and health codes.
 - 2. Setbacks, screening and landscaping shall conform to the pertinent portions of the zoning code.
 - 3. Structures shall meet building, sanitation, health, traffic safety and fire safety code requirements.
 - 4. A minimum of one (1) off-street parking space shall be provided for each employee, plus an off-street drop-off/ pick-up area.
 - 5. A copy of the Child Care License form, if applicable, is filed with the County.
- E. Building Setback Lines: Setback lines shall be as established in this section or as established in the Zoning District Regulations for the district in which the property is located, whichever requirements are more restrictive.
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1. Arterial Streets: No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus 50 feet.
2. Collector Streets: No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus 40 feet.

F. Fences, Walls and Hedges: May be located in required yards as follows:

1. Residential Districts:
 - a. Fences, hedges and walls may be located in side, rear or front yards if not exceeding eight (8) feet in height above the elevation of the surface of the ground; except that rear yard fences shall conform to established front yard setbacks if they are adjacent to a neighboring front yard.
 - b. Electric fences shall be permitted on lots of three (3) acres or greater in size and must be powered by a Underwriters Laboratory approved system.
2. Commercial and Industrial Districts: They may be located in any yard if not exceeding eight (8) feet in height above the elevation of the surface of the ground.

G. Private Swimming Pools:

1. The pool shall be intended solely for the use of the occupants of the property on which it is located and their guests.
2. The swimming pool shall be walled or fenced by a detached wall or fence at least four (4) feet high and no closer to the perimeter walls of the pool than four (4) feet of any point, to prevent uncontrolled access by children from the street, or adjacent properties. The enclosure of the entire property upon which the pool is located by such wall or fence is compliance with this section.

H. Yard Projections: In any residential district, the following architectural features may project into any required yard:

1. Cornices, canopies, eaves or other architectural features may project a distance not exceeding three (3) feet.
2. Bay windows, balconies, and chimneys may project a distance not exceeding three (3) feet in any side yard.

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- I. All proposed Concentrated Feeding Operations that are designed to accommodate Class I and Class II concentrations of animal units shall be subject to site plan review. The site plan submittal shall demonstrate how the following conditions are met:
- (1) All wastes from a concentrated animal feeding operation should be controlled so that there is no discharge of waste (including storm water runoff that comes in contact with animal waste) from the property; and no discharge of wastes, directly or indirectly, to surface or subsurface waters, including sinkholes, dry stream beds, flowing streams, wet weather tributaries, and drainage ditches.
 - (2) The no-discharge requirements of the Missouri Department of Natural Resources (MDNR), Division of Environmental Quality, under the Missouri Clean Water Law, shall be met.
 - (3) A copy of the Missouri Department of Natural Resources (MDNR) "Letter of Approval", if required, shall be submitted with the Site Plan Review.
 - (4) Separation requirements of the Missouri Department of Natural Resources (MDNR) for Concentrated Feeding Operations shall be met.

Such reviews shall be placed as an item on the regular meeting schedule of the Planning and Zoning Commission. A notice of the meeting shall be sent to all landowners in the notification area as prescribed by the Missouri Department of Natural Resources (MDNR) rules.

Article VIII

SPECIAL USE PERMITS

A General Considerations:

1. Delegation of Power: The Governing Body is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the Ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Ordinance; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of this Ordinance and the health, safety, and welfare of the community. The governing body shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of this Ordinance, or where the standards of this Article are not met.

2. Conditions and Guarantees: Prior to the granting of any special use permit the Planning Commission or Governing Body may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Commission may recommend or Governing Body may require such evidence and guarantees as may be deemed necessary to insure that the conditions stipulated are being and will be fully complied with.

B. Procedures:

1. Application: A written application for a special use permit shall be filed with the Zoning Officer and shall include a statement indicating the section of the Ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth in the section regulating special uses. The application shall be accompanied by an area map and site plan of the subject property, and list of owners of property within 1000 feet of the subject site. Procedures for considering the applications shall be the same as for a zoning district amendment; including notification of owners within 1,000 feet.

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2. Fees: Every application for a special use permit shall be subject to a filing fee of one hundred (\$100.00) dollars.
3. Site Plan: All applicants for a special use permit shall submit with their application ten (10) copies of a development plan for the property which shall include the following:
 - a. A site plan showing:
 - (1) Approximate size and locations of all buildings.
 - (2) Access from streets.
 - (3) Parking arrangements and numbers of spaces.
 - (4) Interior drives and service areas.
 - (5) Landscaped areas.
 - (6) All proposed signs.
 - b. Location map showing development and zoning of adjacent property within one hundred (100) feet.
 - c. The full legal description of the boundaries of said development area.
 - d. A description of the general character of all buildings.
4. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Officer shall call a public hearing and shall follow the same procedures as for a zoning district amendment. The Planning Commission shall submit a recommendation to the Governing Body within sixty (60) days after the close of the public hearing.
5. Findings: In making a recommendation to the Governing Body, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in the section regulating special uses. In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

6. Action by Governing Body: The Governing body shall consider the Planning Commission's recommendation at the next regularly scheduled Governing Body meeting for which the agenda item can be docketed. The Governing Body may adopt or may revise or amend and adopt such recommendation by resolution. If the governing body fails to act upon a recommendation within 60 days from the receipt thereof, the application shall be deemed to have been approved.
7. Period of Validity of Special Use Permit: A special use permit shall expire automatically, without revocation by the County, unless a building permit to effectuate such specially permitted use is obtained within twelve (12) months after such permit is obtained by the applicant, or if no building permit is required, unless substantial evidence of use is filed with the Zoning Officer within the twelve (12) month period after such permit is obtained. A special use permit shall expire if the specially permitted use shall cease or be abandoned for more than twelve (12) months.

C. Standards for Issuance of Special Use Permits:

Generally: Before any permit shall be granted the Planning Commission shall make written findings certifying that adequate provision has been made for the following:

1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property; and the nature and intensity of operations proposed thereon.
2. Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
3. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
4. The location, nature, and height of buildings, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
5. The adequacy of required yard and open space requirements and sign provisions.

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6. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.

D. Additional Conditions for Particular Special Uses: In granting a special use, the County may impose conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:

1. Day care homes may obtain a special use permit for the care of more than four (4) children in zoning districts permitting residences provided that:
 - a. One (1) off-street parking space is provided for each non-resident or non-family member employee in addition to the two (2) spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.
 - b. If located on an arterial or collector street, an off-street drop-off/pick-up area must be provided.
 - c. The requirements for operating the Day Care Home as an accessory use are met.
2. Residential or out-patient facilities for the treatment of alcohol or other drug abuse may be permitted as a special use in commercial districts, provided that:
 - a. State certification requirements of the Division of Alcohol and Drug Abuse of the Department of Mental Health shall be met.
 - b. The facility shall be subject to all building regulatory codes, subdivision regulations and other non-discriminatory regulations.
 - c. The design of the facility shall be generally compatible with other physical structures in the surrounding neighborhood and the applicant shall submit site plans to the Planning Commission for review and approval.
 - d. The facility shall be located no closer than 1,000 feet from another such facility, and no closer than three hundred (300) feet from any residentially zoned district, unless the Governing Body approves a closer location by a majority vote of the full body.

3. Special manufactured home placement on locations not otherwise authorized by this zoning order.
 - a. General Considerations: The purpose of this limited, special authorization is to permit the placement of manufactured homes on locations not otherwise authorized by this Zoning Order. Special Use Permits shall be issued only in cases of demonstrated hardship and need, such as in cases wherein the proposed occupant(s) of the manufactured home are physically or mentally incapacitated and require the care and/or supervision of the person making application for the Special Use Permit.
 - b. Special Considerations: A temporary Special Use Permit authorized under this Section shall be issued for a period of one (1) year, and such permit shall be renewable annually upon the grant of the Cass County Commission.
4. Uses involving the storage, processing or manufacturing of large quantities of toxic chemicals (including the storage of discarded tires) shall not be granted a special use permit until a plan has been submitted to and approved by the Planning Commission. Such plan shall indicate:
 - a. The types of chemical to be used;
 - b. Safety precautions to be taken to avoid the accidental release or distribution of chemicals; and
 - c. Operational precautions to be taken to avoid the pollution of the air, surface water, soil, or ground water.

The Board may, at its discretion, place a time limit on the validity of the special use permit, provided that it shall be indefinitely renewable if the applicant can show that all conditions of approval are being complied with. If such a showing cannot be made, the special use permit shall not be renewed.

5. Communication Towers: Communication towers that are less than 35 feet in height shall be allowed as a permitted use in an "A", "C-1", "C-2", "I-1", and "I-2" district. Communication towers of less than 35 feet may be permitted by special use permit in a "R-1", "R-2", or "R-3" district if they are designed to the satisfaction of the Planning Director as an architecturally compatible accessory element to an existing non-residential use such as a school, church, etc. communication towers over 35 feet in height may be constructed in an "A", "C-1", "C-2", "I-1", "I-2" or "PD" district upon approval of a special use permit. A special use permit for a communication tower shall not be granted until an application has

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been submitted to and approved by the Planning Commission. At the time the application is filed, the applicant shall submit the following information:

- a. A study comparing all potential sites within an approximate 1/2 mile radius of the proposed application area. The study shall include:
 - (1) The location and capacity of existing towers;
 - (2) Potential surrounding sites;
 - (3) A discussion of the ability or inability of the tower site, to host additional communications facility; and
 - (4) Reasons why certain sites were excluded from consideration.

The study must demonstrate to the Planning Commission's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed tower as well as other existing and proposed towers.

If the use of current towers is unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower construction; technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable.

- b. A photo simulation of the proposed facility as viewed from the adjacent residential properties and public rights way.
- c. A signed statement indicating the applicant's intention to share space on the tower with other providers.
- d. Preliminary construction schedule including completion dates.
- e. Copies of letters sent to other wireless communication providers notifying them of the proposed request, the date of the planning commission meeting at which their application is to be considered and inquiring of their interest to co-locate.

- f. Mobile or immobile equipment and vehicles not used in direct support of a tower facility shall not be used for storage or parked on the site of the communication tower unless repairs to the tower are being made.
- g. Any tower that is not operated for 12 consecutive months shall be considered abandoned and the owner of such tower shall remove the same within 180 days after receiving notice from the county. If the tower is not removed within that 180 day period, the governing body may order the tower removed or may authorize the removal of such tower at the owner's expense.
- h. A site plan which in addition to the information required in Section B.3. of this article shall contain the following additional information:
 - (1) Equipment housing for the communication tower. Adequate screening of the equipment cabinets located at the tower base shall be provided by a solid or semi-solid wall or fence. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.
 - (2) Indication of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. In addition, an indication that adequate screening shall be provided at the base of the tower to the satisfaction of the planning commission..
 - (3) The setback distance of the proposed tower. The setback shall not be less than two-thirds (2/3) the height of the tower unless a professional engineer certifies the fall zone will be within the setback area proposed. In no case, however, shall the setback of a tower be less than the setback requirement of the zoning district it is located in. The setback distance for towers on a roof/structure shall be measured from the base of the tower to the edge of the roof/structure and shall not be greater than two-thirds (2/3) the height of the tower.
 - (4) The location and specifications of any illumination devices. Towers shall not be lighted except as required by the Federal Aviation Administration (FAA). The use of high intensity flashing lights (i.e. strobe lights) shall be prohibited unless specified by the FAA. Towers shall be designed and sited so as to avoid, whenever possible,