

# CASS COUNTY, MISSOURI

## ZONING ORDINANCE

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application of FAA lighting and painting requirements. Security lighting around the base of the tower may be installed provided that no light is directed toward an adjacent residential property.

- (5) Construction materials and colors of the tower. Towers should have a galvanized finish or painted grey or light blue unless other standards are required by the FAA. If antennas are installed on a structure other than a tower, the antennas shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall match the color of the background against which they are mounted.
- (6) The location, height and type of security fence around the base of the tower. Towers shall be enclosed by a security fence not less than six feet in height. In addition, the fence shall be equipped with an appropriate anti-climbing device.

6. Adult entertainment businesses subject to the following conditions:

- a. The applicant must specify the exact use proposed, i.e., adult bookstore, adult theater, modeling studio, strip show, etc.
- b. The proposed use shall not be located closer than 2,500 feet to any church, school, public building, or residential district.
- c. An adult entertainment business shall be located at least 2,500 feet from another adult entertainment business.
- d. The Commission may require any additional conditions that are deemed necessary.

7. Uses in Group 14 Non-metallic Minerals, Except Fuels may require additional conditions in order for the use to be compatible with the area. Consideration should be given to establishing conditions on the following items; however, it is not necessary to establish conditions on all these items, nor should this list be considered to be all-inclusive. The conditions and requirements need to be appropriate for the proposed special use at the location in which it is proposed.

- a. Submission of general plan for the proposed use.
- b. Perimeter setbacks that may be in excess of the standard setbacks in the district.

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- c. Submission of a reclamation plan that meets all state and federal regulations including a timetable. The reclamation plan submitted shall be binding only to the extent that said plan shows that intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Governing Body before reclamation work may begin. Said approval shall require a public hearing under the same procedures as the original application.
- d. Improvements to off-site roads and bridges that provide access to the site. Where applicable, a maintenance agreement between the applicant and the County may be required to maintain the roads that provide the ingress/egress to the operation.
- e. Restricting access to the site to specific routes.
- f. Limiting the hours of operation - There shall be no operations between 7:00 p.m. and 8:00 a.m., nor on Saturdays, Sundays, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, or Christmas. Limited operations may be permitted on Saturday from 8:00 a.m. to noon as specified in the special use permit.
- g. Limiting the number and hours of blasting.
- h. Provision for duct containment both on and off-site.
- i. Establishing a length of time for the use.
- j. Provide for adequate entering and exiting of the site as well as adequate on-site traffic controls.
- k. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of one hundred (100) horizontal feet from any road right-of-way and one hundred (100) horizontal feet from all other property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface.
- l. No building, equipment, quarry products or other materials shall be erected or stored within one hundred (100) feet of any property or right-of-way line.

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- m. The proposed operation shall not contribute to soil erosion by water and/or wind, nor shall it adversely affect soil fertility, drainage and lateral support of abutting land or other properties.
  - n. When any open excavation will have a depth of ten (10) feet or more and create a slope of more than thirty (30) degrees, there shall be a substantial fence, at least six (6) feet high, with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located fifty (50) feet or more from the edge of the excavation.
  - o. The slope of material in any excavation shall not exceed the normal angle of repose or forty-five (45) degrees, whichever is less.
  - p. The applicant's operation shall be inspected by the Zoning Officer or his designate, on or before July 1st of every year following the approval of the application for compliance with the above listed requirements and if found to be in violation shall receive a stop order if the non-compliance is not corrected within sixty (60) days of written notice from the Governing Body, or its designate, itemizing the violations and corrective measures necessary for compliance.
  - q. A copy of the annual survey of mining operations, as required to be filed by State law with the State, shall also be filed with the Governing Body. Said annual survey applies only to underground mining activities, not to pen pit quarries.
  - r. The Board of County Commissioners may require a bond or other method of financial assurance acceptable by the County in the amount that will guarantee the reclamation of the site within a period of time to be specified and approved by the Governing Body. Such surety shall be properly executed prior to any grading or construction, and shall be released in segments upon written approval of the County.
8. Composting sites as contained in SIC No. 2875 Fertilizers, Mixing Only, requires more specific guidelines regarding the definition, process and procedures. The following additional conditions shall be established for composting operations:
- a. Composting sites shall include only yard wastes which are defined as leaves, grass clippings, yard and garden vegetation and woody materials that have been chipped and can be

composted. Stumps, roots, trees, branches and shrubs with root balls intact are not included.

b. Subject to the approval of the County Commission, an area may be set aside for processing of woody materials such as trees and branches into firewood or wood chip mulch.

c. In evaluating a potential composting site, the following factors shall be considered:

- (1) Traffic flow patterns;
- (2) Topography and geology, including drainage patterns, slopes and depth to water table;
- (3) Accessibility from major roadways;
- (4) Prevailing wind direction at the site;
- (5) Distances to houses, schools, businesses, etc.;
- (6) Distances to wetlands and streams;
- (7) Size of site relative to current and future needs, including space for adequate buffer zones;
- (8) Travel distances for haulers/residents;
- (9) Availability of utilities such as water, sewers or electricity; and
- (10) Safety, security and liability aspects of the site.

9. Sanitary landfills, SIC No. 4953, may require additional conditions in order to be compatible with the area. Consideration should be given to establishing conditions on the following items; however, it may not be necessary to establish conditions on all these items, nor should this list be considered to be all-inclusive. The conditions and requirements need to be appropriate for the proposed special use at the location in which it is proposed.

a. Perimeter setbacks that may be in excess of the standard setbacks in the district.

b. Submission of a reclamation plan that meets all state and federal regulations including a timetable. The reclamation plan submitted shall be binding only to the extent that said plan shows that intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Governing Body before reclamation work may begin. Said approval shall require a public hearing under the same procedures as the original application.

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- c. Improvements to off-site roads and bridges that provide access to the site.
- d. Restricting access to the site to specific routes.
- e. Limiting the hours of operation.
- f. Fencing to prevent paper and debris from blowing onto adjacent property.
- g. Provision for dust containment both on and off-site.
- h. Establishing a length of time for the use.
- i. Provide for adequate entering and exiting of the site as well as adequate on-site traffic controls.
- j. Obtain a solid waste permit from the State of Missouri.
- k. The site shall be kept in a clean and sanitary manner and all paper and debris shall be picked up and properly disposed of.

### **E. Time Limit:**

1. Expiration: A special use permit shall expire automatically unless a building permit is taken within 12 months to effectuate such specially permitted use; or if no building permit is required, evidence of use, such as sales receipts or photographs, is filed with the Zoning Officer.
2. Abandonment: Once a specially permitted use substantially ceases or is abandoned for a period of more than twelve (12) months, the Special Use Permit shall expire upon positive findings at a public hearing.

Article IX

PARKING AND LOADING REQUIREMENTS

A. Intent and Purpose: It is the intent and purpose of this Article to establish minimum requirements as to number of spaces, design, and construction for off-street parking and loading areas.

B. General Provisions:

1. Location: Parking shall not be permitted closer to any side property line than one-half the distance of the required side yard.
2. Accessory Use: Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this Article relating to off-street parking exceptions.

In no instance shall off-street parking required by this Article be located more than 300 feet (as measured along lines of public access) from the use which it serves.

3. Area: Off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, office or work areas.
4. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
5. Design: Off-street parking spaces shall comply with such design standards relating to curb lengths, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Governing Body.
6. Surfacing: All open off-street parking and loading areas including open sales lot areas devoted to the sale, display, and rental of automobiles, trucks, trailers or manufactured home sales and rental lots shall be graded and paved with asphalt or concrete in conformance with the Engineer's standards and specifications.

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7. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
  8. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
  9. Requirements: Off-street parking and loading space, as required in this Article, shall be provided for all new buildings and structures for additions to existing buildings or structures. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures or additions to existing buildings, structures, or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this Article.
  10. Plans and Approval Required: Plans showing the layout and design of all required off-street parking and loading areas shall be submitted to and approved by the Zoning Officer prior to issuance of a zoning or building permit. Before approving any parking layout, the Zoning Officer shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked.
  11. Curb Cuts: Before the issuance of a building permit, the number and location of curb cuts for a commercially zoned parcel must be approved by the Governing Body if such parcel is across a street from a residential zoned district.
- C. Required Spaces: Off-street parking spaces shall be provided as follows:
1. Dwelling and Lodging Uses:
    - a. Boarding or Lodging Houses: One parking space per each occupant.
    - b. Dormitories, Fraternities, Sororities: Two parking spaces for each three occupants based on the designed maximum capacity of the building.
    - c. Hotels and Motels: One space per each rental unit plus one space per each two employees in the largest working shift and such
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spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.

- d. Manufactured Home Parks: One parking space per each manufactured home.
- e. Nursing Homes, Rest Homes, etc.: One parking space per each two beds based on the designed maximum capacity of the building plus one parking space for each employee.
- f. Single-Family and Two-Family: Two spaces per dwelling unit.
- g. Multiple-Family: Two (2) spaces per dwelling unit.

2. Business, Commercial, and Industrial Uses:

- a. Automobile, Truck, Trailer and Manufactured Home Sales and Rental Lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display, and rental of said vehicles plus one parking space for each service bay and employee.
- b. Wrecking Yards: One parking space for each employee plus one parking space for each 10,000 square feet of storage area.
- c. Banks, Post Office, and Business and Professional Office: One parking space for each 300 square feet of gross floor area.
- d. Bowling Alleys: Four parking spaces for each bowling lane.
- e. Cartage, Express, Parcel Delivery, and Freight Terminal Establishments: One parking space for each two employees in the largest working shift in a 24-hour period plus one parking space for each vehicle maintained on the premises.
- f. Car Wash: Three holding spaces for each car-washing stall plus two drying spaces for each car-washing stall.
- g. Funeral Homes and Mortuaries: One parking space for each ten seats based upon the designed maximum capacity of the parlor plus one additional parking space for each employee and each vehicle maintained on the premises.
- h. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops: One parking space for each 400 square feet of floor area.



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- i. Manufacturing, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing or Repairing of Goods, Materials or Products: One parking space per three employees based upon the largest working shift in any 24-hour time period.
  - j. Medical and Dental Clinics or Offices: One parking space for each 100 square feet of gross floor area.
  - k. Restaurants, Night Clubs, Taverns, and Lounges: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
  - l. Retail Stores and Shops: One parking space per 200 square feet of floor area.
  - m. Service Stations: One parking space for each employee plus two spaces for each service bay.
  - n. Theaters, Auditoriums, and Places of Assembly with Fixed Seats: One space for each 3.5 seats.
  - o. Theaters, Auditoriums, and Places of Assembly without Fixed Seats: One parking space for each three people based upon the designed maximum capacity of the building.
  - p. Warehouse, Storage, and Wholesale Establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.
  - q. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.
3. Other Uses:
- a. Churches: One parking space for each four seats based upon the maximum designed seating capacity including choir lofts.
  - b. Elementary, Junior High, and Equivalent Parochial and Private Schools: Two for each classroom.
  - c. High Schools, Colleges, Universities, and Other Similar Public or Private Institutions of Higher Learning: Eight parking spaces for each classroom, plus one space for each two employees.
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- d. Hospitals: One parking space for each two beds plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.
- e. Laundromats: One space for each two washing machines.
- f. Nursery Schools and Day Care Centers, Public or Private: One parking space for each employee.
- g. Private Clubs, Lodges, and Union Headquarters: One parking space for each three seats based upon the maximum designed seating capacity.
- h. Swimming Pools and Clubs: One parking space for each 100 square feet of water area.
- i. Trade and Commercial Schools: One parking space for each student and employee.

D. Exception, Special Permit:

- 1. In order to provide off-street parking areas, the Governing Body may, after public notice and hearing, grant a special permit for the establishment of parking areas in any zoning district under the provisions set forth in the Article providing for Special Use Permit. The Planning Commission shall recommend the improvements needed to protect adjacent property owners and the public interest, and to comply with the provisions of this Article.
- 2. Permit Revocable: The Zoning Officer shall be responsible for the enforcement of the conditions and requirements made by the Governing Body in the approval of any off-street parking special permit. The Governing body may revoke the special permit after public hearing for any of the following reasons:
  - a. Abandonment of the area for parking purposes for six months.
  - b. Failure to comply with the requirements contained in this section or imposed by the Board.

- E. Loading and Unloading Regulations: Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established, or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses, warehousing, manufacturing, and other uses,

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involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways.

1. Spaces Required:

- a. For all commercial uses, loading facilities shall be provided in accordance with the following table:

<u>Gross Floor Areas of Establishment</u>	<u>Required Number and Size of Loading Space</u>
1,000- 10,000	1 - (10'x25')
10,000- 25,000	2 - (10'x25' each)
25,000- 40,000	3 - (10'x70' each)
40,000-100,000	4 - (10'x70' each)

- b. For all industrial uses, loading facilities shall be provided in accordance with the following table:

<u>Gross Floor Areas of Establishment</u>	<u>Required Number and Size of Loading Space</u>
1,000- 10,000	1 - (10'x25')
10,000- 40,000	1 - (10'x60')
40,000-100,000	2 - (10'x70' each)

- c. For each additional 100,000 square feet of gross floor area or any fraction thereof over 100,000 square feet of gross floor area, one additional space shall be provided. Each such additional space shall be at least 10 feet in width by 70 feet in length.

Article X

SIGN REGULATIONS

- A. Intent and Purpose: It is the intent and purpose of these Sign Regulations to qualify, supplement, or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this Regulation.
- B. Use Regulations: Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in Sign Use Regulations specified herein. All signs legally existing at the time of passage of these Regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the affective date of this Regulation, no sign shall be erected, enlarged, constructed, or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this Sign Regulation. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Zoning Officer in application for a sign permit for all signs.
- C. Classification of Signs:
1. Functional Types:
    - a. Advertising Sign: A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
    - b. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected within, and announcement of persons, events, or activities occurring at the institution. Such sign may also present a greeting or similar message.
    - c. Business Sign: A sign which directs attention to a business or profession conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

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- d. Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
- e. Identification Sign: A sign giving the name and address of a building, business, development, or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
- f. Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
- g. Real Estate Sign: A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures or a portion thereof on which the sign is located.

### 2. Structural Types:

- a. Awning, Canopy, or Marquee Sign: A sign that is mounted or painted on or attached to an awning, canopy, or marquee. No such signs shall project above, below, or beyond the awning, canopy, or marquee.
- b. Ground Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property, where the bottom edge of the sign is under six feet in height above the ground.
- c. Pole Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property where the bottom of the sign is six feet or more above the ground level.
- d. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- e. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.

- f. Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

D. General Standards:

- 1. Gross Area of Sign: The entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then it shall also be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area permitted by this Regulation.

For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

- 2. Sign Height: sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
- 3. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source.
  - a. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district and any illuminated sign located on a lot adjacent to, in front of, or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11 P.M. and 7 A.M.
  - b. Lighted signs in direct vision of a traffic signal shall not be in red, amber, or green illumination.
- 4. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this Regulation, any revolving, rotating, moving, animated, signs with moving lights, or signs which create the illusion of movement shall be considered as a flashing sign.
  - a. Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.
  - b. A sign whereon the current time and/or temperature is indicated, intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals indicating the time

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and/or temperature and are not more frequent than every fifteen (15) seconds.

5. Driveway or Window: No sign shall block any required driveway or window.
6. Trees, Windows and Utility Poles: No sign shall be attached to a tree, window or utility pole whether on public or private property.
7. Metal Signs: Signs constructed of metal and illuminated by means of requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade.

No metal sign shall be located within eight (8) feet vertically and four feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.

8. Traffic Safety:
  - a. No sign shall be maintained at any location where by reason of its position, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
  - b. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way.
  - c. Under no circumstances shall any sign be placed in the sight triangle as defined by the Subdivision Regulations.
9. Setbacks: No advertising sign shall project beyond the front, side, or rear building setback lines for the district set forth in this Zoning Regulation.
10. Lineal Street Frontage: In those districts where gross area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one (1) street, the lineal street frontage shall be computed as follows:
  - a. For those tracts or parcels located on major streets as designated in the Circulation Plan of the Comprehensive Plan, the lineal

street frontage shall be the distance of that property line abutting the major street.

- b. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all the street frontages.

**E. Exemptions:**

- 1. The following signs shall be exempt from the requirements of this Article:

- a. Flags or emblems of a governmental or of a political, civic, philanthropic, educational, or religious organization displayed on private property.
- b. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
- c. Memorial signs and tablets displayed on private property.
- d. Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs.
- e. Score boards in athletic stadiums.

- 2. The following signs are exempt from the sign permit section of this Article, but shall comply with all of the other regulations imposed by this Article:

- a. Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.
- b. Bulletin board signs not exceeding 15 square feet in gross area accessory to a church, school, or public or non-profit institution.
- c. Temporary signs for the sale of household goods at a residence (garage sale) for a period not to exceed three (3) days.
- d. Real estate signs not exceeding 16 square feet in the area for the sale of the property on which it is located. Off premise real estate signs directing the public to the property for sale shall also be permitted; provided they are directional in nature only.



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- e. Construction signs not exceeding 32 square feet in area only during the period of construction.
- f. Political campaign signs, not exceeding thirty-two (32) square feet in area, displayed during no more than an eight-week period proceeding and a one-week period following an election.

### F. District Regulations:

#### 1. "A" Agricultural District:

##### a. Functional Types Permitted:

- (1) Bulletin board signs.
- (2) Business signs pertaining only to the sale of agricultural products produced on the premises and home occupations.
- (3) Construction signs.
- (4) Identification signs.
- (5) Name plate signs.
- (6) Real estate signs.

##### b. Structural Types Permitted:

- (1) Ground signs.
- (2) Wall signs.

##### c. Number of Signs Permitted: One sign per zoning lot.

##### d. Maximum Gross Area:

- (1) Bulletin board and identification signs: 24 square feet.
- (2) Business signs, home occupations: 2 square feet; Agricultural: 20 square feet.
- (3) Construction signs: 20 square feet.
- (4) Name plate signs: 2 square feet.

- (5) Real estate signs: 32 square feet.
  - e. Maximum Height: 15 feet.
  - f. Required Setbacks: None.
  - g. Illumination: Bulletin board and identification signs that do not exceed 12 square feet on one face for churches, hospitals, police stations, fire stations, and other similar public facilities.
2. "R-1" and "R-A" Single Family Dwelling Districts, "R-2" Two-Family Dwelling Districts, and "R-3" Multiple-Family Dwelling Districts"
- a. Function Types Permitted:
    - (1) Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this Regulation.
    - (2) Bulletin board signs.
    - (3) Construction signs.
    - (4) Identification signs.
    - (5) Name plate signs.
    - (6) Real estate signs.
  - b. Structural Types Permitted:
    - (1) Ground signs.
    - (2) Wall signs.
  - c. Number of Signs Permitted: One sign per zoning lot.
  - d. Maximum Gross Area:
    - (1) Business signs, home occupations: 2 square feet.
    - (2) Bulletin board and identification signs: 24 square feet.
    - (3) Construction signs: 20 square feet.
    - (4) Name plate signs: 2 square feet.

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- (5) Real estate signs: 6 square feet, provided that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. Said sign shall be removed at the end of three (3) years or when 75 percent of the lots have been sold, whichever occurs sooner.
  
  - e. Maximum Height: 15 feet.
  
  - f. Required Setback: No sign, except real estate signs, shall be placed closer to the front property line than one-half the distance of the front yard.
  
  - g. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting.
3. "M-P" Manufactured Home Park District:
- a. Functional Types Permitted:
    - (1) Construction signs.
    - (2) Identification signs.
    - (3) Real estate signs.
  
  - b. Structural Types Permitted:
    - (1) Ground signs.
    - (2) Wall signs.
  
  - c. Number of Signs Permitted: One sign per zoning lot.
  
  - d. Maximum Gross Area: 20 square feet on one facade or not more than 40 square feet total.
  
  - e. Maximum Height: 20 feet.
  
  - f. Required Setbacks: No sign shall be placed closer to the front property line than one-half the distance of the front yard.
  
  - g. Illumination: Signs may be illuminated indirectly with incandescent or fluorescent lighting.

4. "PD" Planned Development District: Signs permitted as designated in approved Development Plans.
5. "C-1" Local Business District:
  - a. Functional Types Permitted:
    - (1) Bulletin board signs.
    - (2) Business signs.
    - (3) Construction signs.
    - (4) Identification signs.
    - (5) Name plate signs.
    - (6) Real estate signs.
  - b. Structural Types Permitted:
    - (1) Awning, canopy, or marquee signs.
    - (2) Ground signs.
    - (3) Wall signs.
  - c. Number of Signs Permitted:
    - (1) Awning, canopy, or marquee signs: No limitation
    - (2) Ground signs: One per zoning lot.
    - (3) Wall signs: No limitation.
  - d. Maximum Gross Area: One square foot of sign area for each one foot of lineal street frontage.
  - e. Maximum Height: 30 feet.
  - f. Required Setback: 10 feet.
  - g. Illumination: Illuminated signs shall be permitted.

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## ZONING ORDINANCE

### 6. "C-2" General Business District"

#### a. Functional Types Permitted:

- (1) Advertising signs.
- (2) Bulletin board signs.
- (3) Business signs.
- (4) Construction signs.
- (5) Identification signs.
- (6) Name plate signs.
- (7) Real estate signs.

#### b. Structural Types Permitted:

- (1) Awning, canopy, or marquee signs.
- (2) Ground signs.
- (3) Projecting signs.
- (4) Wall signs.

#### c. Number of Signs Permitted:

- (1) Awning, canopy, marquee or wall signs: No limitation.
- (2) Ground signs: Two per zoning lot.
- (3) Projecting signs: One per zoning lot.

#### d. Maximum Gross Surface Area: Two (2) square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface of 400 square feet.

#### e. Maximum Height: 30 feet.

#### f. Required Setback: None, except that advertising signs and any other sign that exceed 200 square feet in gross surface area shall maintain the same setback that is required for principal structures.

- g. **Illumination:** Illuminated signs shall be permitted.
- 7. **"I-1" Light Industrial and "I-2" Heavy Industrial Districts:**
  - a. **Functional Types Permitted:**
    - (1) Advertising signs.
    - (2) Bulletin board signs.
    - (3) Business signs.
    - (4) Construction signs.
    - (5) Identification signs.
    - (6) Name plate signs.
    - (7) Real estate signs.
  - b. **Structural Types Permitted:**
    - (1) Awning, canopy, or marquee signs.
    - (2) Ground signs.
    - (3) Pole signs.
    - (4) Projecting signs.
    - (5) Wall signs.
  - c. **Number of Signs Permitted:** Two per zoning lot.
  - d. **Maximum Gross Surface Area:** Two (2) square feet per lineal foot of street, frontage, provided no single sign exceeds a gross surface area of 400 square feet.
  - e. **Maximum Height:**
    - (1) Wall signs: Not above the highest point of the structure on which the sign is located.
    - (2) All other signs: 30 feet.

# **CASS COUNTY, MISSOURI**

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- f. **Required Setbacks:** None, except that advertising signs shall maintain the same setback that is required for principal structures.
  
- g. **Illumination:** Illuminated signs shall be permitted.

Article XI

NONCONFORMANCES

- A. General: Nonconformities are of three (3) types: nonconforming lots of record, nonconforming structures, and nonconforming uses. A definition of each type is as follows:
1. Nonconforming Lot of Record: A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the original adoption of zoning and/or subdivision regulations in the County and neither said lot nor parcel complies with the lot width or area requirement for any permitted uses in the district in which it is located.
  2. Nonconforming Structure: A structure in existence at the adoption of these regulations which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
  3. Nonconforming Use: A structure or land in existence at the adoption of these regulations which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.
- B. Nonconforming Lots of Record: The Zoning Officer may issue a Building Permit for any nonconforming lot of record provided that:
1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
  2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by any zoning regulations, and
  3. Said lot can meet all yard regulations for the district in which it is located.
- C. Nonconforming Structures:
1. Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of



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use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

2. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. Notwithstanding the above, a porch which is covered by a roof which extends into the front setback area may be enclosed but not in excess of the area covered by the existing roof.
3. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained within six (6) months, and restoration is actually begun one (1) year after the date of such partial destruction and is diligently pursued to completion.
4. Moving: No nonconforming structure shall be moved in whole or in part of any distance, whatever, to any other location on the same and any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

### D. Nonconforming Uses:

1. Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.
2. Ordinary Repair and Maintenance:
  - a. Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
  - b. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with

protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

3. **Extension:** A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
  - a. Extension of such use to any structure or land are other than that occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).
  - b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
4. **Enlargement:** No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
5. **Damage or Destruction:** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent that more than fifty percent (50%) of its structural value, such structure shall not be restored unless structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty percent (50%) or less, no repairs or restoration shall be made unless an occupancy certificate is obtained within six (6) months and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
6. **Moving:** No structure that is devoted in whole or in part to a nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

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7. Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use. In permitting such change, the County Commission may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.
  8. Abandonment or Discontinuance: When a nonconforming use is substantially discontinued or abandoned, for a period of twelve consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located; except that a feed lot use may be resumed if discontinued for a period of not more than thirty-six (36) consecutive months, on the condition that the operation is resumed under a "Letter of Approval" from the State Department of Natural Resources.
  9. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
  10. Nonconforming Residential Uses: Notwithstanding the provisions of the above, any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, enlarged, and rebuilt; provided that after any such remodeling, extension, expansion, enlargement, or rebuilding, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.
- E. Status of Special Uses: Where a previously permitted use exists at the effective date of these Regulations and is permitted by these Regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district, as provided by prior approval.

Article XII

ZONING ADMINISTRATION

- A. Zoning Enforcement: The Zoning Officer shall administer and enforce the provisions of these zoning regulations. The duties of the Zoning Enforcement Officer shall include:
1. Inspect any building, structure or land to determine whether any violations have been committed or exist, whether or not such building, structure or land is occupied, and whether or not a building permit has been issued;
  2. Issuing building permits when compliance is made with the regulations; to refuse to issue the same in the event of noncompliance; and give written notice of such refusal and the reason therefore to the applicant, which shall be endorsed on the application;
  3. Keeping the Governing Body advised of all matters pertaining to the enforcement of this regulation; to make and keep all records necessary and appropriate to the office, including but not limited to, all maps, amendments, special permits, records of the issuance and denial of all building permits and receipts of written complaints of violation of this regulation and action taken on the same, and shall keep a record of all permits issued, in a separate book that shall be available for public inspection;
  4. Issuing and posting notices of violations, stop orders, revocation of building permits and order the remedying of any condition or omission that is found to be in violation of this regulation;
  5. Forwarding to the appropriate officials, agencies or bodies all applications for special permits, variances, and amendments to this regulation that are initially filed with the Zoning Officer.
- B. Building Permit. When Required: A building permit shall be obtained from the Zoning Officer by any person or entity wishing to build or alter any structure except a farm building, within the jurisdiction of the regulations; provided, that the finished structure has at least one dimension larger than the following: (1) width, 4'-0"; (2) height, 4'-0"; or (3) length, 8'-0".
1. Application - Application for a building permit shall be made to the Enforcement Officer on forms provided by him and shall contain the following information:

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- a. A description, agreeing with the Tax Map, if such a map is available, of the land on which the proposed work is to be done;
- b. A statement of the use or occupancy of all parts of the land and of the building or structure;
- c. The valuation of the proposed work;
- d. The full name and address of the owner and of the applicant, including the names and addresses of each officer and director of any corporation;
- e. A brief description of the nature of the proposed work;
- f. All applications shall be accompanied by the applicable site plan, subdivision plats, drainage, grade and elevation plans and all other documents, if required, for the development of the plot, building or structure.
- g. Storm Water Drainage Plan: All applications for a commercial or industrial uses on a tract of one and one-half (1 1/2) acres or more shall be accompanied by a storm water drainage study. The storm water drainage study shall determine the amount of increased storm water runoff that the proposed development will create. If the proposed development will result in an increase in storm water runoff of 5.1 cfs or greater from pre-developed conditions, the applicant shall be required to construct a storm water detention facility. No storm water detention requirements shall be required if the increase in design storm peak runoff for a given development is less than 5.0 cfs from pre-developed conditions and will not adversely affect existing downstream development.

All detention facilities shall be designed in accordance with Section 5600, APWA Standard Specifications and Design Criteria unless otherwise noted. Detention facilities shall be seeded with a seed mix commonly known as "Red Top" Bluegrass. An alternative storm water drainage facility designed and certified by a professional engineer may be proposed by the applicant. All storm water drainage facilities proposed shall be approved by the County Engineer prior to construction.

Maintenance of all storm water drainage facilities such as mowing, sedimentation and debris removal shall be the responsibility of the property owner. Failure to properly

maintain storm water drainage facility at its designed capacity shall be considered a violation of these regulations.

Each application for a building permit shall be accompanied by plans and specifications, including plot plans as required drawn to scale, showing the location and size of all proposed new construction and all ere and character of the work to be performed and the materials to be incorporated, distance from plot lines, widths and grades of adjoining streets, walks and alleys. Plans and specifications shall bear the signature of the person responsible for the design and drawings.

Applications shall be made by the owner, or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Any amendment to the application or to the plans and specifications accompanying same must be filed and approved by the Enforcement Officer prior to the commencement of the additional work, and such amendments shall comply with the provisions of this Order. The granting or refusal of such an amendment by the Enforcement Officer shall be in writing and may be reviewed by appeal to the Board of Adjustment within not more than three (3) months after such determination is filed in the Office of the Enforcement Officer.

2. Approval or Disapproval of Building Permit - The Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve the application within thirty (30) days of receipt of same. An appeal from the approval or disapproval of any application shall be made to the Board of Zoning Adjustment within thirty (30) days after the determination of the enforcement Officer has been filed in the Office of the Enforcement Officer, or endorsed on the building plans filed in said office. Any final determination of disapproval shall be indicated in writing, together with the copies thereof, filed in the Office of the Enforcement Officer and mailed to the applicant.

Upon approval of the application and upon receipt of the fees therefor, he shall promptly issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto. Upon approval of the application, both sets of plans and specifications shall be endorsed with word "approved."

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One (1) set of such approved plans and specifications shall be retained in the files of the Enforcement Officer and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site and open to inspection by the Enforcement Officer or his authorized representative at all reasonable times. If the application, together with plans, specifications, and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building regulations, the Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant.

3. Expiration and Extension - Every building permit shall expire by limitation at the end of two (2) years from the date issued. If construction is not completed within said two (2) year period, the Enforcement Officer may, for due cause shown, extend the permit for a period not to exceed six (6) months, and any further extension shall be applied for to the Board of Zoning Adjustment, which, upon due cause being shown, may grant further extensions not exceeding a total period of two (2) year.
4. Fees for Building Permits - Every application for a building permit pursuant to this Order and any adopted Building Code shall be accompanied by payment fee as ordered by the County Commission.

### C. Certification of Occupancy:

1. A certification of occupancy shall be obtained from the Zoning Officer by any person or entity wishing to occupy land, building or use, except for agricultural uses.
2. The certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and orders and with the provision of these regulations. No building or land will be occupied until the Cass County Health Department has made a final inspection of the waste water disposal system after installation and has given approval to the Cass County Planning Commission for issuance of the certificate of occupancy. A record of all certificates shall be kept on file in the office of the Zoning Officer.
  - a. Certificate of occupancy for a building:
    - (1) The certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building or part thereof shall

have been completed in conformity with the provisions of these regulations.

- (2) Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligation of the owners or of the county relating to the use of occupancy of the premises, or any other matter covered by this Order and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

- b. Certificate of occupancy for land: The certificate of occupancy for the use of land, except for agricultural uses, or for a change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

D. Zoning Appeals:

The zoning appeals shall be handled by the Board of Adjustment. Appeals to the Board may be taken by any person aggrieved or by any officer or department of the County affected by any decision of the Zoning Officer. Such appeals shall be taken within ten (10) days by filing with the Zoning Officer and with the Board, (a Notice of Appeal) specifying the grounds thereof. The Zoning Officer whose decision is the subject of the appeal shall forthwith transmit to the Board all papers constituting the record upon which the action being appealed was taken. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time.

E. Notification of Violation:

The Zoning Officer shall notify, by certified mail or posting of property, the owner or authorized agent of the owner, of the structure or land in which there is found a violation of the regulations of the nature of the violation. The Zoning Officer shall allow thirty (30) days for the owner to cause the violation to be removed or corrected. Upon failure of the owner to remedy the defect within the time specified by the Zoning Officer, said officer shall refer the case to the County Attorney for remedy.



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### F. Penalties for Violation:

1. Any owner, lessee or tenant of land who shall construct, reconstruct, alter, relocate or maintain any building or other structure or use such land in violation of any of the provisions of this Zoning Order shall be guilty of a misdemeanor.
2. Any owner, lessee, or tenant of land, having been served with an order in writing signed by the Enforcement Officer to correct or remove any violation, who shall fail to comply with such order within ten (10) days after such service, or who shall continue to violate any of the provisions of this Zoning Order named in such order, or who shall construct, alter or use and occupy any plot, building or structure or part thereof in a manner not permitted by an approved building permit shall be guilty of a misdemeanor.
3. The owner or general agent of any land, building, structure or premises where a violation of the provisions of this Zoning Order or order of the Enforcement Officer has been committed or shall exist, or the lessee or tenant of any entire building or entire premises in which such violation has been committed or shall exist or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the owner, general agent, architect, builder, or contractor, or any other person who knowingly commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor.
4. Each day that a violation continues shall be deemed a separate offense.

- G. Abatement and Injunctive Relief. In the event that any building or structure is constructed, reconstructed, relocated or maintained or any building, structure, lot or land is used in violation of any of the provisions of this Zoning Order, the County Commission, the Enforcement Officer, the Planning Commission, the Prosecuting Attorney, or the owner of any private property or any public body the property of whom or which is or may be affected by any such violation may institute in the Circuit Court any appropriate action or proceeding in law or in equity to prevent such unlawful development or erection, construction, reconstruction, alteration, relocation or maintenance or use, or to restrain, abate, enjoin or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land and to prevent illegal act, conduct, business or use in or about the premises, and these remedies shall be in addition to other penalties prescribed in this ordinance.

Article XIII

BOARD OF ADJUSTMENT

- A. Creation: A Board of Adjustment is hereby created and shall consist of five (5) members. No more than two (2) may be residents of an incorporated area of the County; and no more than one (1) member may be a Planning Commissioner, appointed by the County Commission.
- B. Meetings and Voting: The Board shall adopt rules in accordance with this Order and shall annually appoint a Chairman and Vice Chairman from its membership. All meetings shall be open to the public and minutes shall be kept of all proceedings and official actions.
- C. Duties: In exercising the following mentioned powers, the Board of Adjustment may, in conformity with the provisions of this article and Section 64-660 of the Revised Statutes of Missouri, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Officer appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The Board of Adjustment may reverse any order, requirement, decision, or determination of any Zoning Officer. The Board of Adjustment shall be authorized to:

- 1. Appeals: Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the officer charged with the administration of this Order. Such order cannot be overturned by less than a four-fifths (4/5) vote of the Board.
- 2. Interpretation: Interpret the provisions of these regulations with regard to the zoning district boundaries shown on the zoning map that was made part of this Order by reference.
- 3. Variance of Height, Yard, Setback, Parking and Sign Regulations: Hear and decide upon petitions for variances and, subject to such standards, principles, and procedures provided in this Order, to vary the strict application of the height, yard, setback, parking or sign requirements to the extent necessary to permit the owner a reasonable use of his land. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises to be benefitted by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

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- a. Grounds for variance: A request for a variance may be granted only where the strict application of height, yard, setback, parking, or sign regulations under this order would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property. A variance to the property from the strict application can be made so as to relieve such difficulties or hardships; if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any order or resolution. Grounds for variance are:
- (1) By reason of exceptional narrowness, shallowness, or shape of the specific piece of property at the time of the enactment of these zoning regulations, or
  - (2) By reason of exceptional topographic conditions, or
  - (3) By other extraordinary and exceptional situations or conditions of a piece of property.
- b. Findings of conditions: A request for a variance may be granted upon as finding of the Board that ALL of the following conditions have been met. The board shall make a determination on each condition, and the finding shall be entered in the record.
- (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily founds in the same zone or district or vicinity; and is not created by an action or actions of the property owner or applicant.
  - (2) The granting of the permit for the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by granting the variance.
  - (3) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute undue hardship upon the property owner represented in the application.
  - (4) The granting of the variance is based upon reason and demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

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- (5) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- (6) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
- (7) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Regulations.

D. Appeals from the Board of Adjustment: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, or Commission of Cass County, Missouri, may present to the Circuit Court of Cass County, Missouri, a petition, duly verified, setting forth that any decision of the Board of Adjustment is illegal, in whole or in part, and specifying the grounds of such illegality. Such petitions must be presented to the Circuit Court within fifteen (15) days after the filing of the decision of the Board of Adjustment in the office of the Board of Adjustment. All such appeals to the District Court shall be governed by the provisions of R.S.Mo. Chapter 64.660, or as may be amended from time to time.

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# CASS COUNTY, MISSOURI

## ZONING ORDINANCE

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# APPENDIX A

Cass County, Missouri Zoning Ordinance -- Appendix A

Listing of Uses By Zoning District

GRP NO.	SIC NO.	USE DESCRIPTION	ZONING DISTRICTS									
			A	R-A	R-1	R-2	R-3	C-1	C-2	I-1	I-2	
1	1	AGRICULTURE, FORESTRY & FISHING										
1	1	AGRICULTURAL PRODUCTION - CROPS										
1	13	Field Crops	P	P	P	P	P	P	P	P	P	P
1	16	Vegetables and Melons	P	P	P	P	P	P	P	P	P	P
1	17	Fruits & Tree Nuts	P	P	P	P	P	P	P	P	P	P
1	18	Horticultural Specialties	P	P	P	P	P	P	P	P	P	P
1	19	General Farms, Primarily Crops	P	P	P	P	P	P	P	P	P	P
2	2	AGRICULTURAL PRODUCTION - LIVESTOCK										
2	21	Livestock, Except Dairy & Poultry	P	S	N	N	N	N	N	N	N	N
2	24	Dairy Farms	P	S	N	N	N	N	N	N	N	N
2	25	Poultry and Eggs	P	S	N	N	N	N	N	N	N	N
2	27	Animal Specialties	P	S	N	N	N	N	N	N	N	N
2	29	General Farms, Primarily Animal	P	S	N	N	N	N	N	N	N	N
2	211	Feedlots, Commercial	S	N	N	N	N	N	N	N	N	N
7	7	AGRICULTURAL SERVICES										
7	71	Soil Preparation Services	S	N	N	N	N	N	S	S	P	P
7	72	Crop Services	S	N	N	N	N	N	S	S	P	P
7	74	Veterinary Services	S	N	N	N	N	N	S	S	P	P



7	75	Animal Services, Except Veterinary	S	S	N	N	N	S	S	P	P
7	76	Farm Labor & Management Services	S	N	N	N	N	P	P	P	P
7	78	Landscape & Horticultural Services	S	N	N	N	N	S	S	P	P
8	8	FORESTRY									
8	81	Timber Tracts	P	P	P	P	P	P	P	P	P
8	83	Forest Products	P	S	N	N	N	N	N	N	N
8	85	Forestry Services	S	N	N	N	N	S	S	P	P
9	9	FISHING, HUNTING & TRAPPING									
9	91	Commercial Fishing	P	N	N	N	N	N	N	N	N
9	92	Fish Hatcheries & Preserves	P	N	N	N	N	N	N	S	S
9	97	Hunting, Trapping, Game Propagation	P	N	N	N	N	N	N	N	N
10	10	METAL MINING	S	N	N	N	N	N	N	S	S
10	10	MINING	S	N	N	N	N	N	N	S	S
12	12	COAL MINING	S	N	N	N	N	N	N	S	S
13	13	OIL & GAS EXTRACTION									
13	131	Crude Petroleum & Natural Gas	S	N	N	N	N	N	N	S	S
13	132	Natural Gas Liquids	S	S	N	N	N	N	N	S	S
13	138	Oil & Gas Field Services	S	N	N	N	N	N	N	S	S
14	14	NONMETALLIC MINERALS, EXCEPT FUELS									
14	141	Dimension Stone	S	N	N	N	N	N	N	S	S
14	142	Crushed & Broken Stone	S	N	N	N	N	N	N	S	S
14	144	Sand & Gravel	S	N	N	N	N	N	N	S	S
14	145	Clay, Ceramic & Refractory Minerals	S	N	N	N	N	N	N	S	S
14	147	Chemical & Fertilizer Minerals	S	N	N	N	N	N	N	S	S











37	37	TRANSPORTATION EQUIPMENT									
37	371	Motor Vehicles & Equipment	N	N	N	N	N	N	N	N	P
37	372	Aircraft & Parts	N	N	N	N	N	N	N	N	P
37	373	Ship & Boat Building & Repairing	N	N	N	N	N	N	N	N	P
37	374	Railroad Equipment	N	N	N	N	N	N	N	N	P
37	375	Motorcycles, Bicycles, & Parts	N	N	N	N	N	N	N	N	P
37	379	Miscellaneous Transportation Equipment	N	N	N	N	N	N	N	N	P
38	38	INSTRUMENTS & RELATED PRODUCTS									
38	382	Measuring & Controlling Devices	N	N	N	N	N	N	N	P	P
38	384	Medical Instruments & Supplies	N	N	N	N	N	N	N	P	P
38	385	Ophthalmic Goods	N	N	N	N	N	N	N	P	P
38	386	Photographic Equipment & Supplies	N	N	N	N	N	N	N	P	P
38	387	Watches, Clocks, Watchcases & Parts	N	N	N	N	N	N	N	P	P
39	39	MISC. MANUFACTURING INDUSTRIES									
39	391	Jewelry, Silverware, & Plated Ware	N	N	N	N	N	N	N	S	P
39	393	Musical Instruments	N	N	N	N	N	N	N	P	P
39	394	Toys & Sporting Goods	N	N	N	N	N	N	N	P	P
39	395	Pens, Pencils, Office & Art Supplies	N	N	N	N	N	N	N	P	P
39	396	Costume Jewelry & Notions	N	N	N	N	N	N	N	P	P
39	399	Miscellaneous Manufactures	N	N	N	N	N	N	N	P	P
40	40	TRANSPORTATION & PUBLIC UTILITIES									
40	401	Railroad, Switching & Terminal Services	S	N	N	N	N	N	N	S	P
41	41	PASSENGER TRANSIT									
41	412	Taxi Cabs Dispatch	N	N	N	N	N	N	S	P	P

41	413	Bus Service Terminal	N	N	N	N	N	N	S	P	P
42	42	TRUCKING & WAREHOUSING									
42	421	Trucking & Courier Services	N	N	N	N	N	N	N	P	P
42	422	Public Warehousing & Storage	N	N	N	N	N	N	N	P	P
42	423	Trucking Terminal Services	N	N	N	N	N	N	N	P	P
43	431	U.S. POSTAL SERVICE	N	N	N	N	N	P	P	P	P
45	458	Airports, Flying Fields & Services	S	N	N	N	N	N	N	S	S
46	46	PIPELINES, EXCEPT NATURAL GAS									
46	461	Pipelines, Except Natural Gas	S	S	S	S	S	S	S	S	S
47	47	TRANSPORTATION SERVICES									
47	472	Travel Agencies & Tour Operators	N	N	N	N	N	P	P	N	N
47	473	Freight Transportation Arrangement	N	N	N	N	N	S	S	P	P
47	474	Railroad Car Rental	N	N	N	N	N	S	S	P	P
47	478	Misc. Transportation Services	S	N	N	N	N	N	N	P	P
48	48	COMMUNICATIONS									
48	481	Telephone Communications	S	N	N	N	N	P	P	P	P
48	482	Telegraph & Other Communications	S	N	N	N	N	P	P	P	P
48	483	Radio & Television Broadcasting	S	N	N	N	N	P	P	P	P
48	484	Cable & Other Pay TV Services	S	N	N	N	N	P	P	P	P
48	489	Miscellaneous Communications Services	S	N	N	N	N	P	P	P	P
49	49	ELECTRIC, GAS, & SANITARY SERVICES									
49	491	Electric Services	S	N	N	N	N	N	N	P	P
49	492	Gas Production & Distribution	S	N	N	N	N	N	N	P	P
49	493	Combination Utility Services	S	N	N	N	N	N	N	P	P















78	783	Motion Picture Theaters-Indoor	N	N	N	N	N	N	P	N	N
78	784	Video Tape Rental	N	N	N	N	N	P	P	N	N
79	79	AMUSEMENT & RECREATION SERVICES									
79	791	Dance Studios, Schools & Halls	N	N	N	N	N	S	P	N	N
79	792	Producers, Orchestras, Entertainers	N	N	N	N	N	S	P	N	N
79	793	Bowling & Skating Centers	N	N	N	N	N	S	P	N	N
79	794	Commercial Sports Facilities	S	N	N	N	N	S	P	N	N
79	7991	Physical Fitness Facilities	N	N	N	N	N	S	P	S	N
79	7992	Public Golf Courses	P	P	N	N	N	N	N	N	N
79	7993	Coin-Operated Amusement Devices	N	N	N	N	N	S	P	S	N
79	7996	Amusement Parks	S	N	N	N	N	S	S	N	N
79	7997	Membership Sports & Recreation Clubs	S	N	N	N	N	S	S	N	N
79	7998	Adult Entertainment	N	N	N	N	N	N	S	S	N
79	7999	Amusement & Recreation, NEC	N	N	N	N	N	N	P	N	N
80	80	HEALTH SERVICES									
80	801	Offices & Clinics of Medical Doctors	N	N	N	N	N	P	P	N	N
80	802	Offices and Clinics of Dentists	N	N	N	N	N	P	P	N	N
80	803	Offices of Osteopathic Physicians	N	N	N	N	N	P	P	N	N
80	804	Offices of Other Health Practitioners	N	N	N	N	N	P	P	N	N
80	805	Nursing & Personal Care Facilities	N	N	N	N	N	P	P	N	N
80	806	Hospitals	N	N	N	N	N	P	P	N	N
80	807	Medical & Dental Laboratories	N	N	N	N	N	P	P	N	N
80	808	Home Health Care Services	N	N	N	N	N	P	P	N	N
80	809	Health & Allied Services, NEC	N	N	N	N	N	P	P	N	N

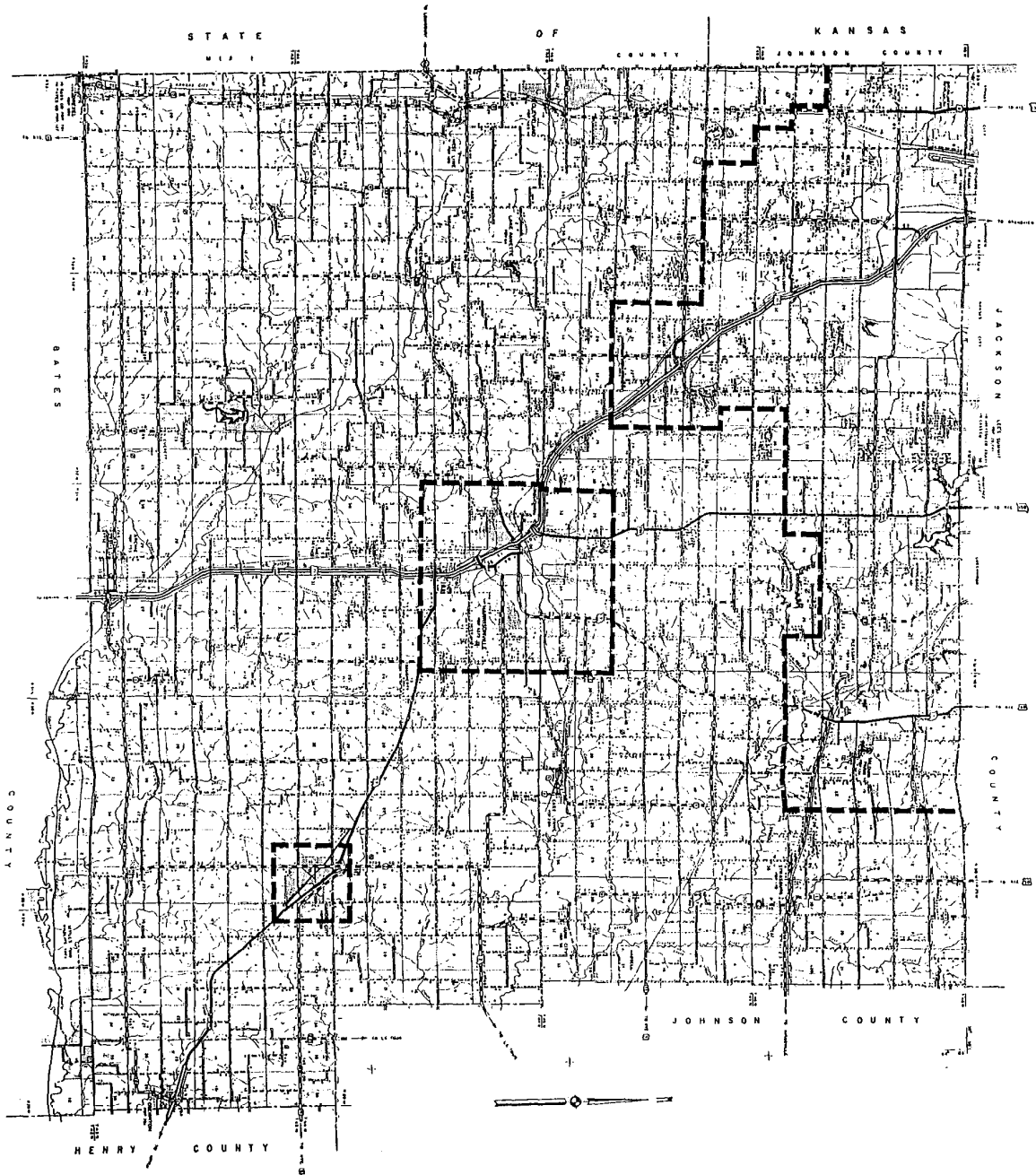






<p>Note: Manufactured homes in Districts "A", "R-A", and "R-1" shall be placed upon a permanent foundation and shall have a minimum floor area of 1,000 square feet. No manufactured home shall be permitted within an existing subdivision until on (1) year after the date of adoption of this ordinance. See District Regulations within the "M-P" and "M-H" sections for futher information.</p>												

**SUBDIVISION ORDINANCE**



**LEGEND**

	Urban Reserve Secondary Boundary
	Actual Boundary
	Section Line
	Quarter Section Line
	Township and Range Lines
	Railroad
	Road
	Stream
	Well
	Building
	Church
	School
	Cemetery
	Post Office
	City
	Town
	Village
	Hamlet
	Unimproved Land
	Cultivated Land
	Pasture
	Forest
	Water
	Marsh
	Swamp
	Sand
	Gravel
	Clay
	Limestone
	Sandstone
	Shale
	Coal
	Oil
	Gas
	Iron
	Lead
	Zinc
	Copper
	Silver
	Gold
	Platinum
	Uranium

Urban Reserve Secondary Boundary  
 For dimensional purposes, the actual boundary  
 line will follow section lines, half section lines  
 and quarter section lines as designated on this map.

**GENERAL HIGHWAY MAP  
 CASS COUNTY  
 MISSOURI**

PREPARED BY THE  
 MISSOURI HIGHWAY AND TRANSPORTATION DEPARTMENT  
 DIVISION OF PLANNING  
 IN COOPERATION WITH THE CORPORATION  
 OF PUBLIC WORKS  
 U.S. DEPARTMENT OF HIGHWAY ADMINISTRATION

SCALE  
 1" = 1 MILE

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**CASS COUNTY, MISSOURI**

**SUBDIVISION REGULATIONS**

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Article I

GENERAL PROVISIONS

SECTION 1. JURISDICTION: All plans, plats, or replats of land laid out in building lots, hereafter made for each subdivision or each part thereof lying within the jurisdiction of the Cass County Planning Commission shall be prepared, presented, and recorded as herein described.

SECTION 2. PURPOSE AND INTENT: The purpose and intent of these Regulations is to provide for the harmonious development of the unincorporated areas of the County; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities and drainage; for the avoidance of congestion of population through requirements of minimum lot width, depth, and area, and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sanitary sewers, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure to the Governing Body, the actual construction of such physical improvements.

SECTION 3. APPLICABILITY: The owner or owners of any land located within the jurisdiction of these Regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivision, suburban lots, building lots, tracts, or parcels or any owner of any land establishing any street, alley, park, or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these Regulations.

SECTION 4. EXEMPTIONS: These Regulations shall not apply in the following instances:

1. The division of any parcel with forty (40) acres or more for the purpose of dividing an agricultural tract from a habitable residence existing prior to the adoption of these regulations, provided that no subdivided lot is less than five (5) acres in area.
2. A change in the boundary between adjoining land which does not create an additional lot.
3. Land used for streets or railroad right-of-way, a drainage easement, or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.

# ***CASS COUNTY, MISSOURI***

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## **SUBDIVISION REGULATIONS**

4. Whenever any lot, parcel, or tract of land located within the area governed by these Regulations has been subdivided, re-subdivided, or replatted prior to the adoption of these Regulations.
5. Any transfer by operation of law.
6. Land which is to be used for cemetery purposes.

SECTION 5. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS: All plans, plats, or replats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission for its consideration, and its recommendation shall be submitted to the Governing Body for their official consideration and action.



Article II

DEFINITIONS

SECTION 1. **DEFINITIONS:** Definitions for the interpretation of these rules and regulations as follows:

1. **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 farming operations and the residence or 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.
2. **Alley:** A public or private right-of-way which affords only a secondary means of access to abutting property.
3. **Arterial Street:** A street serving major traffic movements, designed primarily as a traffic carrier between various sections of the county and which forms part of the through-street network.
4. **Block:** A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way, or parks, etc., or a combination thereof.
5. **Collector Street:** Any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.
6. **Cul-de-sac:** A street having one end open to traffic and being permanently terminated by a vehicular turnaround.
7. **Design:** The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
8. **Easement:** A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
9. **Engineer:** Shall mean the County Engineer or designated engineering consultant.

# **CASS COUNTY, MISSOURI**

## **SUBDIVISION REGULATIONS**

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10. **Final Plat:** A plan or map prepared in accordance with the provisions of this Regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Recorder of Deeds of the County in which any part of the subdivision is located.
11. **Governing Body:** The Cass County Commissioners.
12. **Improvements:** Street work and utilities that are to be installed, or agreed to be installed by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.
13. **Local Street:** A street or road which provides primarily for direct access to adjoining properties and is designed to serve minor traffic needs.
14. **Lot:** A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.
15. **Major Thoroughfare:** A street, highway, or roadway designated as such on the official Major Street Plan.
16. **Marginal Access Streets or Frontage Roads:** A minor street which is generally parallel to or adjacent to a major traffic thoroughfare, highway, or railroad right-of-way and provides access to abutting properties.
17. **Pedestrian Way:** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
18. **Planning Area:** That area on a map prepared and maintained for or by the Planning Commission describing the planning area limits.
19. **Planning Commission:** Shall mean the Cass County Planning Commission, unless otherwise specified.
20. **Preliminary Plat:** A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.
21. **Setback Line or Building Line:** A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

structures may not be erected or altered except as otherwise provided in the Zoning Regulations.

22. Sight Triangle: A Sight Triangle is a triangular area at the intersection of two streets in which nothing shall be erected, placed, planted, or allowed to grow high enough above the elevation of the adjacent roadway to constitute a sight obstruction. The area included in a Sight Triangle shall be bounded on two sides by the centerlines of each street, and on the third side by a line connecting the two lines. The unobstructed sight distance must be sufficient to allow the operator of vehicles approaching the intersection simultaneously, to see each other in time to prevent a collision. The sight distance must be related to vehicle speeds and to the resultant distances traversed considering perception, reaction time and braking. (See the Transportation and Traffic Engineering Handbook, Second Edition, Institute of Transportation Engineers, 1982, or most recent edition).
23. Street: A right-of-way, dedicated to the public use, which provides principal vehicular and pedestrian access to adjacent properties.
24. Subdivider: A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself or for others.
25. Subdivision: The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision", and the term "resubdivision" as used herein shall include any further subdivision of a lot of parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest approved subdivision of the same.
26. Zoning Enforcement Officer: Administrator who enforces the subdivision regulations, or other individual as designated by the Governing Body.

***CASS COUNTY, MISSOURI***

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**SUBDIVISION REGULATIONS**

*Article III*

**MINIMUM DESIGN STANDARDS**

**SECTION 1. WATER AND SEWER:**

1. The area of the lots shall be determined by the availability of public sewer and a public water supply, and by the district regulations of the zoning ordinance. Prior to the submission of a preliminary plat, the subdivider shall obtain information as to whether adequate public sewer and water supply are available.
2. If the proposed subdivision is serviced by a public water supply and a public sewer system, the minimum lot area requirements shall be subject to those set forth herein in the Zoning Regulations.
3. If the proposed subdivision is serviced with a private or individual sewage disposal system, the preliminary plat and final plat shall be prepared on the basis of minimum three (3) acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.
4. All water and sewer systems shall be reviewed for approval by the Cass County Health Department.
5. For public water supply lakes and other public water supply sources, the following requirements shall apply:
  - a. For the purpose of implementing this regulation, a water supply lake shall be defined as a body of water that can be identified by a specific design elevation and shall not include the rivers, streams or drainage ways that flow into the lake. Other public water supply sources are defined as the intake location on a river or stream or a well location.
  - b. Lots platted adjacent to a water supply lake or other public water supply source shall be a minimum of 8 acres.
  - c. Lots platted adjacent to a water supply lake shall have a minimum lake frontage of 500 feet.
  - d. Lots platted adjacent to a water supply lake or other public water supply sources shall have a minimum 500 feet setback from the

# **CASS COUNTY, MISSOURI**

## **SUBDIVISION REGULATIONS**

shoreline of the lake or other public water supply source, to any structure that is connected to a sanitary sewer system or individual sewage disposal system.

- e. All individual sewage disposal systems designed on properties platted next to a water supply lake or other public water supply source shall be a low pressure system designed by an engineer and approved by the County Health Department.
- f. Properties platted within 500 feet of a water supply lake or other public water supply source, but not adjacent to the lake shall have five-acre minimum lots.

### **SECTION 2. BLOCKS:**

- 1. **Length:** Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts where no existing plats are recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of 10 feet. Blocks for business use should normally not exceed 600 feet in length.
- 2. **Width:** In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

### **SECTION 3. STREETS, ALLEYS, AND PUBLIC WAYS:**

- 1. **Relations to Adjoining Street System:** The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required, and street arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

2. Street Names: Streets that are obviously in alignment with others already existing and named shall bear the same alpha-numeric designation adopted by the Governing Body.
3. Arterial and Collector Streets: Major streets through subdivisions shall conform to the Major Street Plan as adopted by the Planning Commission and the Governing Body.
4. Local Streets: Local streets shall be designed to discourage through or non-local traffic.
5. Cul-de-sacs: An adequate turnaround of not less than a one hundred (100) foot diameter right-of-way shall be provided at the closed end of a dead-end street longer than one lot in length. Such local street segment shall not exceed five hundred (500) feet in length from the center line of an intersection of a cross street to the center of the cul-de-sac for subdivisions with lots of three (3) acres in size or less and 1,000 feet for all others.
6. Right-Angle Intersections: Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be 60 degrees.
7. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, State or Federal Highway: Where lots front or side, but do not back, on railroad rights-of-way, limited access freeways, or principal highways, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration, to minimum distance required for approach connections to future grade separation.
8. Half Streets: Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the Major Street Plan and other requirements of these Regulations.
9. Alleys: Alleys may be required in commercial and industrial districts. Dead-end alleys shall be avoided, wherever possible. Alleys may be required in certain residential areas.
10. Minimum Requirements: The right-of-way grades, horizontal curves, and vertical curves for streets and alleys dedicated and accepted shall not be less than the minimum for each classification as follows:

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

- a. Rural Arterial Streets:
  - Minimum right-of-way width .....100 ft
  - Maximum gradient.....5%
  - Minimum radii of horizontal curves.....500 ft.
  - Minimum sight distance on vertical curves .....350 ft.
  - Minimum distance between points of access\* .....350 ft.
  
- b. Collector Streets:
  - Minimum right-of-way width ..... 80 ft.
  - Maximum gradient.....7%
  - Minimum radii of horizontal curves.....380 ft.
  - Minimum sight distance on vertical curves .....300 ft.
  - Minimum distance between points of access\* .....200 ft.
  
- c. Local Streets:
  - Minimum right-of-way width ..... 60 ft.
  - Maximum gradient.....10%
  - Minimum radii of horizontal curves.....270 ft.
  - Minimum sight distance on vertical curves .....200 ft.
  
- d. Cul-de-sacs:
  - Minimum right-of-way width ..... 50 ft.
  - Maximum gradient.....10 %
  - Minimum radii of turnaround..... 50 ft.
  
- e. Frontage Roads:
  - Minimum right-of-way width ..... 60 ft.
  
- f. Alleys:
  - Minimum right-of-way width ..... 20 ft.
  
- g. Pedestrian Way:
  - Minimum right-of-way ..... 10 ft.
  
- h. The absolute minimum gradient on a street shall be 0.5% and minimum gradient shall be 1.0% wherever practical.

\*ITE Transportation and Land Development Manual

- 11. Additional Requirements: When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated.
  
- 12. Street Alignment: On streets with reverse curves, an appropriate tangent shall be provided between curves to permit a smooth flow of traffic.



# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

13. Intersections: Local nonaligned intersections shall be spaced at a minimum of 150 feet (centerline to centerline).
14. Drainage Easements: If a subdivision is traversed by a water course, drainage way or channel, then a storm water easement may be required. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and to provide for access for maintenance thereof.

### SECTION 4. LOTS:

1. Minimum lot width shall be as specified in the district regulations of the Cass County zoning regulation; however, corner lots shall be 20 feet wider than that required in those regulations, unless otherwise specified. Lot width shall be measured at the building setback line.
2. Minimum depth shall be 100 feet. Lot depth shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
3. Minimum lot area shall be subject to the zoning regulations of the district in which the subdivision is located.
4. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under water and sewer.
5. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under water and sewer.
6. All side lot lines shall bear 60 to 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
7. Corner lots, in residential subdivisions, shall observe the same setback on both streets.
8. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
9. Every lot shall abut on a street other than an alley.

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

10. Building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setback required by the zoning regulations.
11. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of the requirements of the zoning regulations.
12. The depth of the lot shall not exceed four (4) times its width.

### SECTION 5. EASEMENTS:

1. Where alleys are not provided, permanent easements of not less than 7½ feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way of at least 15 feet in width.
2. An additional 12-foot temporary construction easement (6 feet on each side of the lot line) shall be provided for initial construction of water, sewer, and other utility lines.

SECTION 6. DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES: In subdividing land or resubdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education may be required to be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.

SECTION 7. ACCESS CONTROL: In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat. Points of access to the hard-surfaced roadways, if not regulated by the State Highway and Transportation Commission, shall be restricted by the Planning Commission, upon recommendation from the County Engineer. In recommending restriction of access, the County Engineer shall refer to the American Association of State Highway and Transportation Officials (AASHTO) standards for the relation of sight distance to the design speed of the rural arterial roadway.

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

SECTION 8. SUBDIVISION DESIGN: The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign if, in its opinion, the layout is not suitable for the site.

SECTION 9. STORM WATER RUNOFF PLAN: For developments containing any lots less than five acres in size the subdivider shall be required to have an engineer's study prepared to determine the amount of increased stormwater runoff that will be created by the proposed development, to determine the required width of easements and to determine how this runoff will be accommodated; i.e., retention or detention ponds, etc. Such study shall be based on a 100-year storm. The County Commission may require design modification of the proposed stormwater system and subdivision to properly control and handle increased runoff. A stormwater runoff plan may be required by the Zoning Director or Planning Commission where unusual topographic or environmental conditions exist to warrant the need for such a plan.

SECTION 10. SOIL EROSION CONTROL: The subdivider shall minimize soil erosion during construction by minimizing the amount of exposed soils; avoiding critical areas (highly erosive soil and steep slopes); properly scheduling construction activities, using mulches and using diversion structures to reduce runoff crossing bare areas. The subdivider shall minimize long-term erosion of the subdivision by retaining as much vegetative cover as possible, constructing detention basins, planting vegetative buffer strips, shortening slopes and re-establishing vegetative cover as quickly as possible. The subdivider shall have a soil erosion control plan prepared by an engineer and submitted with the final plat.

**CASS COUNTY, MISSOURI**

**SUBDIVISION REGULATIONS**

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*Article IV*

**LOT SPLITS**

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning Commission may approve or disapprove lot splits in accordance with these regulations.

SECTION 1. APPLICATION PROCEDURE: Requests for lot split approval shall be made by the owner of the land to the Zoning Enforcement Officer. Four copies of a scale drawing of the lots involved if there are no structures thereon or, if structures are located on any part of the lot being split, four copies of a certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.

SECTION 2. APPROVAL GUIDELINES: Approval or disapproval of lot splits shall be made, based on the following guidelines:

1. No lot splits shall be approved if:
  - a. A new street or alley is needed or proposed.
  - b. A vacation of streets, alleys, setbacks lines, access control, or easements is required or proposed.
  - c. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
  - d. There is less street right-of-way than required by these Regulations or the Comprehensive Plan unless such dedication can be made by separate instrument or is waived by the Governing Body.
  - e. All easement requirements have not been satisfied.
  - f. If such split will result in a tract without direct access to a street.
  - g. A substandard-sized lot or parcel will be created.

# ***CASS COUNTY, MISSOURI***

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## **SUBDIVISION REGULATIONS**

- h. If the lot has been previously split in accordance with these Regulations.
2. The Zoning Enforcement Officer may recommend such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
3. The Planning Commission shall, in writing, either approve, with or without conditions, or disapprove the lot split within 60 days of application. If approved, and after all conditions have been met, the Planning Commission shall sign and furnish a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the Recorder of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.

### **SECTION 3. FILING FEE:**

1. The filing fee for lot split shall be Fifty Dollars (\$50.00).
2. Cost of recording documents, publications, writs, and engineering costs are payable in addition to filing fees. These costs will be billed to the applicant.

Article V

PRELIMINARY PLATS

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a preliminary plat together with any supplementary information necessary.

SECTION 1. PRE-APPLICATION. Prior to the filing of the preliminary plat, the subdivider shall contact the Zoning Enforcement Officer to determine:

1. Procedure for filing plats;
2. Availability of public sewers and water;
3. Comprehensive plan requirements for major streets, land use, parks, schools, and public open spaces;
4. Zoning requirements for the property in question and adjacent properties.

SECTION 2. SUBMISSION OF A PRELIMINARY PLAT:

1. Number of copies: The subdivider shall submit ten copies of the preliminary plat and ten copies of a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the official authorized to administer the subdivision regulations at least 15 days prior to a regular Planning Commission meeting at which the preliminary plat is to be considered.
2. Preliminary Plats Shall Contain:
  - a. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision);
  - b. The location of the boundary lines of the subdivision and reference to the section or quarter section lines;
  - c. The names and addresses of the developer, and the surveyor and/or engineer who prepared the plat;
  - d. Scale of the plat, 1"=100' or larger;

# **CASS COUNTY, MISSOURI**

## **SUBDIVISION REGULATIONS**

- e. Date of preparation and basis for north;
- f. Existing conditions:
  - (1) Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision shall be shown on the preliminary plat.
  - (2) All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision or adjacent thereto, with pipe sizes and manhole locations, shall be shown.
  - (3) Topography (unless specifically waved by the Engineer) with contour intervals of not less than one (1) foot nor more than five (5) feet as determined by the Engineer, referred to U.S.G.S. datum shall be shown; also location of water courses, bridges, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown;
- g. The general arrangement of lots and their approximate size;
- h. Location and width of proposed streets, alleys, pedestrian ways, and easements;
- i. The general plan of sewage disposal, water supply, and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed;
- j. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.

**SECTION 3. APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT:** Action by the Planning Commission shall be conveyed to the subdivider in writing within ten days after the official Planning Commission meeting at which time the plat was considered. *In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.*

The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the



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## **SUBDIVISION REGULATIONS**

preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of 12 months, unless an extension is granted by the Planning Commission for up to an additional six-month period. If the final plat for any part of the area covered by the preliminary plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Commission for approval.

**CASS COUNTY, MISSOURI**

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**SUBDIVISION REGULATIONS**

*Article VI*

**FINAL PLAT**

**SECTION 1. SUBMISSION:** After approval of the preliminary plat, the subdivider shall submit a final plat for determination by the Planning Commission of conformance with the Subdivision Regulations, such determination to be made within ninety (90) days after the final plat has been submitted for consideration. Preliminary and final plats may be submitted simultaneously.

1. A certified copy of the covenants, forming an association with the minimum purpose of creating a roadway maintenance fund for internal subdivision streets. Said covenant shall include the following minimum information:
  - a. Certification that the covenant has been filed with the Cass County Recorder of Deeds;
  - b. A statement indicating the covenant, as it relates to the road maintenance fund, cannot be amended without prior written consent of the Planning Commission and County Commission; and
  - c. The amount of annual dues collected for the road maintenance fund, where funds will be kept, how funds can be disbursed, and how the fee was determined.
2. Two originals (on mylar) and ten prints thereof shall be submitted to the official authorized to administer the Subdivision Regulations at least ten days prior to the Planning Commission public hearing.
3. Certification from the appropriate water district, fire district, Missouri Department of Natural Resources and Cass County Health Department.
4. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
5. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=100' or larger. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches.
6. Final Filing Fee: \$35.00 per lot.

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

**SECTION 2. INFORMATION:** The final plat shall show and contain the following information:

1. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
2. Location of section, township, range, county, and state, and the exterior boundaries of the subdivision showing (1) location and description of all monuments, (2) bearings and horizontal distances between the monuments, and (3) complete closure calculations.
3. The location of monuments or bench marks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
4. The location and horizontal calculations of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions shown in feet and decimals of feet with the length of radii and of arcs along with the intersection angle (delta) on all curves, and all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve on lot lines.
5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
6. The exact locations, widths, and names of all streets and alleys to be dedicated.
7. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.
8. Building setback lines on the front and side streets with dimensions.
9. Name, signature, certification, and seal of the registered land surveyor making the plat.
10. Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation, and basis for north.
11. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.

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12. The following certificates, which may be combined where appropriate:

- a. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.
- b. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.
- c. The acknowledgment of a Notary in the following form:

STATE OF MISSOURI )  
 )  
 COUNTY OF CASS )

BE IT REMEMBERED that on this     day of                      19   ,  
 before me, a Notary Public in and for said County and State, came  
 to me personally known to be the same person who executed the  
 foregoing instrument of writing and duly acknowledged the  
 execution of same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
 affixed my notarial seal the day and year above written.

\_\_\_\_\_  
 NOTARY PUBLIC

(SEAL)

My Commission Expires: \_\_\_\_\_

d. The certificate of the Planning Commission in the following form:

This plat of \_\_\_\_\_ Addition has  
 been submitted to and approved by the Planning Commission  
 this day of \_\_\_\_\_, 19   .

\_\_\_\_\_  
 Chairman

\_\_\_\_\_  
 Secretary

(SEAL)



# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

13. Supplemental Information to be Submitted with Final Plat: The following additional data shall be submitted with the final plat:
- a. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.
  - b. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on the deposit with such officials or governing bodies to meet this requirement.
  - c. A copy of any deed restrictions applicable to the subdivision.

SECTION 3. EXTENT AND MANNER OF PHYSICAL IMPROVEMENTS: As a condition to the approval of a final plat, the subdivider shall agree to install the following improvements:

1. Urban Reserve--Primary: Developments at a density greater than one "sell-off" in 40 acres within one-half mile of and adjacent to an incorporated city in Cass County shall petition for annexation to the City. Subdivisions not annexed by the adjacent city shall be developed according to regulations for Urban Reserve Secondary developments.
2. Urban Reserve - Secondary: A map is incorporated into these regulations that designates the Urban Reserve - Secondary Areas of Cass County and this map may be amended and revised from time to time. Subdivisions located within the designated Urban Reserve - Secondary Areas shall develop water, sewer, streets and storm drainage improvements according to the following requirements:
  - a. Water: If the proposed subdivision is served by a water district, it shall install waterlines and fire hydrants in accordance with the standards of the water district. If the proposed subdivision is to be served by a city, it shall install waterlines and fire hydrants in accordance with city standards.
  - b. Sewers: If the proposed subdivision is within four hundred (400) feet of a city sewer and that sewer has the capacity to accommodate the subdivision, the subdivision shall connect to

# **CASS COUNTY, MISSOURI**

## **SUBDIVISION REGULATIONS**

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that sewer system and the sewer lines within the subdivision as well as the connecting line will be built to the standards of the city.

If the proposed subdivision is farther than four hundred (400) feet from a city sewer line and the lots are less than three (3) acres, the subdivision shall either connect to the city system if that line has adequate capacity, or build a treatment facility adequate to handle the proposed subdivision.

If the proposed subdivision is platted in lots of three acres or more, individual sewage disposal systems will be permitted provided they are approved by the County Health Department.

c. **Streets:**

(1) If the lots in the proposed subdivision are less than three acres in area, the streets shall be constructed according to the following standards:

- Curb and gutter is required and rollback curbs are permitted for residential streets but six inch stand up curbs are required for collector streets.
- Minimum street width is 28 feet back of curb to back of curb for residential streets and 36 feet for collector streets.
- Surface Standards:

Type A - 6" portland cement concrete over 6" compacted subgrade 95% of standard maximum density; or

Type B - 2" Type 3 asphaltic concrete with 6" Type 1 asphaltic concrete base course and 6" compacted subgrade 95% of standard maximum density; or

Type C - 3" Type 3 asphaltic concrete with 5" stabilized aggregate base and 6" compacted subgrade 95% of standard maximum density.

(2) If the lots in the subdivision are three (3) acres or greater in area, the streets may be a slab and ditch section with the pavement width being 24 feet for residential streets and 32 feet for collectors. The surface standards shall be the same



# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

as above except that a minimum shoulder width of four (4) feet shall be provided on each side of the street.

- (3) All streets shall be designed to the Kansas City Metro APWA Standard Specification and Design Criteria.
  - d. **Storm Drainage/Storm Sewer:** All subdivisions designed with curb and gutter streets shall include a storm sewer system designed by a licensed professional engineer in accordance with APWA standards. All subdivisions designed with slab and ditch streets shall include appropriate ditches and drainage ways designed by a licensed professional engineer in accordance with APWA standards.
  - e. **Lots:** In those areas where municipal-type water and sanitary sewer systems will be available in the future, but are not yet available, the Planning Commission may require that lots be laid out and arranged so that they can readily be converted to urban type building sites without replatting when said systems become available. When this situation occurs, land should be subdivided so that by combining lots, a building site is created with an area of not less that required for individual sewage treatment systems which currently is three acres and provisions should be made for appropriate utility easements and street rights-of-way when utilities become available. The creation of a building site through use of multiple lots shall be contingent upon the establishment of restrictive covenants satisfactory to the County Commission that no more than one dwelling unit shall be built on an aggregate group of lots having an area of at least three acres until such time as municipal-type water and sanitary sewer systems are available.
  - f. **Design and Inspection:** All required facilities will be designed and inspected by a licensed professional engineer. The installation of water and sewer lines shall be coordinated with the city or district providing the service and whatever additional inspection that entity may require shall be made.
3. **Rural Subdivision:** Subdivisions comprised of lots three (3) acres in size or smaller shall be developed within one-half (1/2) mile of a paved County or State road. If the access road to the subdivision is a County road, the county road shall be constructed to the minimum standard specified in Section 3.4 of this article. In addition, the subdivider shall participate in the improvement of the roadway, based upon the volume and intensity of traffic generated by the subdivision (assuming complete development) in comparison to the total traffic traveling the roadway.

# **CASS COUNTY, MISSOURI**

## **SUBDIVISION REGULATIONS**

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Local streets in rural subdivisions, shall be dedicated to the County unless the County Commissioners specifically requests that they be privately maintained.

If a subdivision abuts a county road the surface of which needs to be changed to chip and seal, asphalt, asphaltic concrete or another surface because of the volume of intensity of traffic generated by the proposed development, the subdivider shall participate in the resurfacing of the roadway for that portion of the road the subdivision abuts. The developer's minimum financial responsibility will be for one-half the cost of the new road surface abutting the subdivision. The County may accept responsibility for financing the remaining cost of the road surface improvements. Should the County elect not to participate in the road surface improvement during the current or next fiscal year, the developer shall either finance the entire adjacent roadway surface improvements or delay development of the subdivision until the remaining cost of the road surface improvement is provided.

4. Rural Areas: Subdivisions located outside of the Urban Reserve - Secondary Area in Cass County shall develop private utilities and streets to the following standards, maintenance of which shall be provided through assurances provided to the Governing Body.

Streets:

- a. Streets in subdivisions comprised of lots smaller than 22,000 square feet shall be improved with curb and gutter, and a Type A, Type B or Type C paved surface as specified in Section 3 of this article.
- b. Streets in subdivisions comprised of lots between 22,000 square feet but less than five (5) acres in size shall be improved with a Type A, Type B or Type C paved surface as specified in Section 3 of this article. Curbs and gutters shall not be required.
- c. Streets in subdivisions comprised of lots five (5) acres and larger in size shall have a compacted base and be surfaced with chip and seal in conformance with the Engineer's standards and specifications.
- d. Collector and arterial streets shall be dedicated to the public.

Arterial roads which directly connect with an existing asphalt or concrete surfaced street shall be constructed of 2" Type 3 asphaltic

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

concrete surface, 10" Type 1 asphaltic concrete case course and 6" compacted subgrade 95% of standard maximum density.

Collector roads shall be improved with a Type A, Type B or Type C paved surface as specified in Section 3 of this article.

Water: Where a public water supply is proposed to serve the subdivisions, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way. The system shall meet standards set by the appropriate water district.

Where private water supplies are proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply.

Sewer: Where a public sewer system is proposed to serve the subdivision, the sewer system shall be designed and constructed to provide service to each lot within the subdivision. The sewer system shall meet all standards established by the County Engineer and the Missouri Department of Natural Resources.

In subdivisions where individual private sewers are proposed, adequate provision shall be made for easements to allow the installation of a public system should the property ever be annexed or required to develop a public system.

5. Street Signs: Street signs will be supplied and erected by the appropriate governing authority, but paid for by the Subdivider .
6. Sidewalks: Sidewalks shall be a minimum of four feet in width where required by the Planning Commission.
7. Other Improvements: If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the Engineer having jurisdiction.
  - a. All lot corners and deflection points shall be set with one-half inch ( $\frac{1}{2}$ " ) diameter iron bars twenty-four inches (24") in length. All boundary and block corners shall be five eights inch ( $\frac{5}{8}$ " ) diameter iron bars thirty-six inches (36") long.
  - b. All block corners and all curve points in the street alignment must be permanently set prior to acceptance of the plat by the County. Prior to any lot being sold, the total block must be monumented

# **CASS COUNTY, MISSOURI**

## **SUBDIVISION REGULATIONS**

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and corners set for all lots. Block corners shall be set a minimum of four inches (4") below the finished grade elevation.

For boundary corners, all such monuments shall be placed in the ground and encased within a concrete cylinder six inches (6") in diameter and thirty inches (30") in length. The top elevation of such cylinder shall be established to two inches (2") below the finished grade elevation. The iron bar shall extend above the top elevation of such cylinder no higher than two inches (2"). In the event of unusual topography, all such monuments may be established upon the completion of all grading or construction, provided however, that a satisfactory security for the actual placement of such monuments be first accepted by the Planning Commission or Board of Commissioners.

- c. A minimum of two benchmarks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than 40 acres, one benchmark shall be installed for each additional 20-acre area. The monument shall be a 3-inch brass cap set permanently in concrete, 10 inches in diameter by 24 inches deep approved by the Engineer. The elevation of the monuments shall be identified on each.

8. Improvement Procedure: After the approval, but prior to the recording of the final plat, the subdivider must make all required improvements.

In lieu of the actual construction of all physical improvements prior to the issuance of building permits, the County Commissioners may, at the option of the developer, accept a bond or other method of financial assurance acceptable by the County in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Governing Body. Such surety shall be properly executed prior to any grading or construction shall be released in segments upon written approval of the County.

Prior to issuance of building permits, all street paving, storm drainage, and utility lines must be installed in accordance with County requirements and plans approved by the appropriate utility company and all grading work completed. A phasing plan for installation of final street surfacing may be proposed by the developer to reduce deterioration during construction, provided, however, that each phase must be complete within three (3) years.

9. Acceptance of Improvements: Upon the receipt by the Governing Body of the certificate of the inspecting official that all improvements have been installed in conformance with the approved engineering drawings,

# CASS COUNTY, MISSOURI

## SUBDIVISION REGULATIONS

and with the requirements of these Regulations, and all other applicable statutes, ordinances and regulations, the Governing Body and/or such appropriate utility shall thereupon by resolution or by letter, respectively, formally accept such improvements, if not private. The improvements shall become the property of the Governing Body or appropriate utility company involved.

**SECTION 4. CONSIDERATION BY THE PLANNING COMMISSION:** If the Planning Commission does not make a determination of approval or disapproval of the final plat within ninety (90) days after the final plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the Planning Commission upon demand. If the Planning Commission shall find that the plat does not conform to the requirements of the subdivision regulations, it shall notify the owner or owners of such fact. If the plat does conform to the regulations, it shall have endorsed thereon the fact that it has been submitted to and approved by the county Planning Commission. The Recorder of Deeds shall not file any plat for land located within any area governed by subdivision regulations as provided by law until such plat shall bear the endorsement hereinbefore provided. If the council or Board of Trustees of any municipality files with the Planning Commission, a certified copy of a resolution of such council or board protesting against the action of the county Planning Commission approving any such plat of any land lying within one and one-half miles of the limits of the incorporated area of such municipality, such approval shall be deemed overruled, and such plat may be then approved only by a unanimous vote of the County Commission.

If the Final Plat is not recorded within twelve (12) months from the date of approval by the Planning Commission, the approval will expire and the plat shall be resubmitted for approval as if it were a new plat with a new filing fee. Except that the subdivider may request an extension or extensions thereof, and upon the showing of sufficient cause the Planning Commission may extend the time limit.

**CASS COUNTY, MISSOURI**

**SUBDIVISION REGULATIONS**

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*Article VII*

**RESUBDIVISIONS**

- SECTION 1. **LOT SPLIT:** A resubdivision of an existing lot or parcel which results in the creation of no more than one (1) additional lot or parcel shall only require the submittal of a final plat in accordance with lot split requirements of these regulations.
- SECTION 2. **RE-PLATS:** A resubdivision of an existing lot or parcel which results in the creation of two (2) or more additional lots or parcels shall require the submittal of both a preliminary plat and a final plat in accordance with Articles V and VI of these regulations.
- SECTION 3. **REVIEW:** The County Engineer shall review said resubdivision to determine if the existing infrastructure (i.e. sewer lines, water lines, streets, etc.) needs to be upgraded as a result of the creation of an additional lot or lots. If upgrading is needed the re-subdivider shall be responsible for the improvements.

**CASS COUNTY, MISSOURI**

**SUBDIVISION REGULATIONS**

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*Article VIII*

**VARIANCES AND EXCEPTIONS**

SECTION 1. **VARIANCES:** Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or impractical, the Planning Board may recommend to the Governing Body, by letter of transmittal, authorization of variances or exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variances or exceptions, the Planning Board shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
4. Such request for variance shall be approved or disapproved by the Governing Body after its consideration of the recommendation of the Planning Board. The decision of the Governing Body shall be transmitted in writing to the subdivider and the Planning Board.

SECTION 2. **APPEALS:** The subdivider may appeal decisions made in the enforcement and administration of these regulations by the County Engineer to the Planning Board and by the Planning Board to the Governing Body. The decision of the Governing Body shall be final and shall be made in writing and transmitted to the subdivider and Planning Board.

SECTION 3. **WAIVERS:** Any waiver of the required improvements shall be only by the Governing Body on a showing that such improvement is technically not feasible.

**CASS COUNTY, MISSOURI**

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**SUBDIVISION REGULATIONS**

*Article IX*

AMENDMENTS

- SECTION 1. AMENDMENT PROCEDURE. These regulations may be amended at any time after the Planning Commission has held a public hearing on the proposed amendment. A notice of such public hearing shall be published fifteen (15) days in advance of the hearing in at least one newspaper having general circulation within the county, and notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one or more public areas of the courthouse of the county. Such hearing may be adjourned from time to time.
- SECTION 2. PUBLIC 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.
- SECTION 3. ACTION BY THE PLANNING COMMISSION. 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, to the Governing Body.
- SECTION 4. ACTION BY THE GOVERNING BODY. When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Governing Body may adopt such recommendation, return it to the Planning Commission for further consideration, or take no further action.

**CASS COUNTY, MISSOURI**

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**SUBDIVISION REGULATIONS**

*Article X*

**MISCELLANEOUS PROVISIONS**

- SECTION 1. SUBMISSION TO THE GOVERNING BODY: After the review of the final plat by the Planning Commission, such final plat together with the recommendations of the Planning Commission, shall be transmitted to the Governing Body as required by law for its review.
- SECTION 2. RECORDED PLATS: Seven copies of the recorded plat shall be provided by the subdivider and shall be submitted to Zoning Enforcement Officer for distribution to various public and quasi-public departments, offices, and agencies.
- SECTION 3. SEVERABILITY. If any section of this Regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these Regulations, said section to be completely severable from the remaining provisions of these Regulations and the remaining provisions of these Regulations shall remain in full force and effect.
- SECTION 4. PENALTY. Any person violating the provisions of the Subdivision Regulations shall be guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate offense.

**CASS COUNTY, MISSOURI**

**SUBDIVISION REGULATIONS**

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**CASS COUNTY, MISSOURI**

**SUBDIVISION REGULATIONS**

*Article XI*

**EFFECTIVE DATE**

These Regulations shall take effect and be in force and after its passage, approval, and adoption.

Approved by the Cass County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(SEAL)

\_\_\_\_\_

Secretary

\_\_\_\_\_

Chairman

Approved by the Cass County Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

ATTEST:

County Clerk

(SEAL)

\_\_\_\_\_

Chairman

\_\_\_\_\_

Commissioner

\_\_\_\_\_

Commissioner

**CASS COUNTY, MISSOURI**

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**SUBDIVISION REGULATIONS**



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# **PROCEDURAL MANUAL**

**CASS COUNTY, MISSOURI**

***PROCEDURAL MANUAL***

*February 1991*

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*Article 1*

**THE ROLE OF EACH PARTICIPANT**

**INTRODUCTION**

The purpose of zoning and subdivision regulations is to promote orderly growth and enhance the livability of Cass County. The degree to which these regulations are effective is largely dependent upon the caliber of implementation. The best regulations are ineffective by themselves and perform their functions only through proper administration on a day-to-day basis.

The purpose of this Procedure Manual is to set forth guidelines for the proper administration of the Zoning and Subdivision Regulations, and the management of floodplain regulations. Included are descriptions of the general role of each participant, a discussion of the decision-making process, a recommended code of conduct, and a step-by-step outline of the most common development requests. Through the use of the Procedure Manual, the Zoning Ordinance and Subdivision Regulations will be more efficient, as well as applied more equitably and consistently.

The power to enact zoning and subdivision regulations has been granted to cities and counties by the state enabling legislation. These statutes require the participation of three separate bodies in the process of administering the regulations: The Planning Commission, the Board of Zoning Appeals, and the Governing Body.

**Cass County Planning Commission.** By State of Missouri statutes, the first duty of a planning commission is to adopt a plan for the physical development of the unincorporated areas of the county. Before adopting or amending the plan, the planning commission must hold a public hearing. After adoption, a copy is certified to the county commission and county clerk, and a copy recorded in the office of the county recorder of deeds.

Under R.S. Mo. 64-510, a planning commission is primarily an advisory body. Under the Zoning Ordinance, the Cass County Planning Commission's first duty is to hold a public hearing where public opinion can be expressed regarding proposed rezoning.

In this sense, the Planning Commission is a sounding board for community attitudes toward development. It is important for the Planning Commission to establish the facts surrounding each development issue as clearly as possible so that decisions are not based on misinformation or conjecture. The Planning Commission is required to adopt a recommendation to the Governing Body regarding rezoning.

Under the Subdivision Regulations, the Planning Commission has responsibility for approving or disapproving both preliminary and final plats. Guidelines to carry out this responsibility are provided by the design standards set out in the regulations.

**Board of Adjustments.** The Board of Adjustment is primarily a quasi-judicial body rather than an advisory or legislative one. Its role in zoning administration is specifically limited to two types of tasks:

1. The appeal of an administrative decision or interpretation; and
2. The granting of variances for cases of hardship.

In the first case, the responsibility of the Board of Adjustment is to rule on the interpretation of the zoning regulations whenever there is an ambiguous provision or an alleged error. Variances are granted for unusual physical constraints, and the role of the Board of Adjustment is to determine if a variance should be granted in a manner which is consistent with the intent of the zoning ordinance and fair to the applicants. The Board of Adjustment is not involved in administering the subdivision regulations.

**The County Commission.** The Governing Body has responsibility for enacting and amending the zoning and subdivision regulations after consideration of the recommendations of the Planning Commission. This responsibility includes amending the zoning regulations or the zoning district maps, but does not include approving subdivision plats. The role of the Governing Body in the subdivision process is limited to accepting or rejecting dedications of easements, rights-of-way and the public lands, approving financial guarantees or financing mechanisms to ensure construction of all public improvements, and approving engineering drawings.

Article 2

THE BASIS OF DECISION-MAKING

As with other "police powers", the exercise of zoning and subdivision regulations is subject to certain legal limitations. One of the most important of these limitations requires that zoning and subdivision regulations cannot be applied in an "arbitrary or capricious" manner. Decisions regarding zoning and subdivision issues cannot be fixed or arrived at through an exercise of will or by caprice, without consideration or adjustment with reference to principles, circumstances, or significance.

Zoning Issues. Before making any recommendation or decision on a zoning request, the Planning Commission must first hold a public hearing. The purpose of the hearing is to allow both sides to express their views on the issue and to discuss all relevant factors. Although the hearing is a valuable mechanism for gauging the community's attitudes toward development and for establishing the facts of each case, it is important that decisions not be based solely on the opinions of the largest or most vocal group of participants. Instead, zoning decisions must be based on the best interests of the entire community, and not just the interests of a particular property owner or neighboring property owners. In addition, the Planning Commission should try to distinguish between facts and opinions at a public hearing. Unsubstantiated assertions ("This project would reduce the value of my property by 75 percent") or generalizations ("People who live in apartments always drive fast cars and race up and down the streets") should be analyzed for their validity. Even "expert witnesses" should be pressed to give as factual a basis as possible for their judgments.

Second, zoning decisions should include consideration of long-range community goals as well as short-range needs. The recommendations of the Comprehensive Plan should be the primary source for this information. Because of its importance in the zoning process, the Comprehensive Plan should be reviewed on a regular basis and amended as necessary to ensure that it remains current.

Third, it is important to zone for land, not people. An error frequently made is approval of a rezoning to accommodate an applicant's personal circumstances

without consideration of land use conditions and characteristics. Such rezoning are rarely in the public interest and, if challenged, can be held to be invalid. Instead, decisions should be based on whether the land proposed to be rezoned is appropriately suited to the list of permitted uses in the proposed zoning district. Appropriate factors for consideration of a rezoning application include:

1. The character of the neighborhood;
2. The zoning and uses of properties nearby;
3. The suitability of the subject property for the uses to which it has been restricted;
4. The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property;
5. The length of time the property has remained vacant as zoned;
6. The relative gain to the public health, safety and welfare by not rezoning the property as compared to the hardship imposed on the property owner;
7. The recommendation of staff; and
8. Compliance with the Comprehensive Plan.

It should also be pointed out that the entire class of uses which the zoning district permits should be considered rather than just the use the applicant proposes, since a change in ownership or in market conditions could easily result in a change of the proposed use.

**Appeals, Variances and Special Uses.** The Board of Adjustment has the important task of interpreting the Zoning Ordinance in situations where the language of the ordinance is alleged to be ambiguous, the specifics of the case are unusual enough to warrant special consideration, or an appeal is made. Thus, the decisions made by the Board of Adjustment must be carefully thought out and clearly stated in order to safeguard the integrity and purpose of the Zoning Ordinance.



In deciding an appeal, the Board of Adjustment must interpret sections of the Zoning Ordinance, as well as preserve the intent and consistency of the regulations. The specifics of the applicant's situation are largely irrelevant, since the ruling of the Board of Adjustment will affect not only the case at hand, but will also set precedent, and so will affect each subsequent use of that section of the Zoning Ordinance.

The granting of a variance requires a very careful examination of the applicant's situation. Although the Board of Adjustment should be careful to avoid setting any unintentional precedents, the variance process requires a case-by-case approach. Before a variance can be granted, facts must be presented supporting the standards set forth in the Cass County zoning ordinance. These conditions require the existence of practical difficulties or unnecessary hardship, and that any variance granted be consistent with the intent of the regulations, the general welfare of the community, and the rights of adjacent property owners.

The granting of a special use permit also requires a case-by-case approach. The zoning ordinance sets forth conditions which must be met before a special use may be granted. The district regulations also may establish additional conditions. The recommendation to grant a special use permit should be made to the County Commission only after the Planning Commission has found all the standards as set forth in the ordinance have been met.

In each of the duties described above, it is important to point out that it is not the role of the Board of Adjustment or Planning Commission to change or weaken the intent of the zoning ordinance. If the ordinance needs changing, an amendment should be passed by the Governing Body after the Planning Commission's review and recommendation.

**Subdivision Plats.** The decision to approve or disapprove a preliminary or final plat should be based on technical standards that can be set out in written form. Standards for subdivision design are included in the subdivision regulations. Standards for engineering design and construction should be available from the Zoning Officer. There are other elements of "good subdivision design", however, that are not easily quantified or expressed in writing. These include aesthetics, compatibility with adjoining subdivisions, relationship to topographic conditions, efficiency of the utility layout, and general suitability of the lot and block design to

the intended use of the land. These issues will have to be resolved in the best judgment of the Planning Commission after consideration of the plans for the subdivider.

In reviewing a subdivision plat, there are two distinct sets of interests to be considered: the interests of the property owner or owners and the county-at-large. Initially the subdivider is the property owner, but eventually lots in the subdivision are likely to be sold to a variety of people. The property owner(s) needs a subdivision design that can be developed easily and economically. This means an efficient street and utility layout, and lots which have the appropriate size, shape and topography to develop and maintain for their intended use. The broader community needs a subdivision design that blends well with the development pattern of the County, and that will not be a financial drain on local government. This means that the subdivider must adhere to appropriate standards for design and construction, and give adequate financial guarantees to ensure that all public improvements are installed.

*Article 3*

**CODE OF CONDUCT**

In administering the zoning and subdivision regulations, it is crucial that the decisions be made fairly and that they have the appearance of fairness. The credibility of the Planning Commission, the Board of Adjustment, the Governing Body, and public support for zoning and subdivision regulations in general, will erode quickly if there is an appearance of unfairness or impropriety in members of these public bodies. For this reason, it is important that a code of conduct be established and followed as closely as possible.

**Conflicts of Interest.** In making zoning and subdivision decisions, members of the Planning Commission, Board of Adjustment, and the Governing Body should be acting in the best interest of the entire community. Whenever a member of any of these bodies is acting on an issue in which he or she also has a personal interest, an important element of fairness is lost. In general, a conflict of interest is any situation in which a member is in a position to act upon or influence a development request which includes the potential for direct or indirect gain, financially or otherwise. In order to clarify this general rule, the following guidelines are recommended.

No member shall act on or influence any development request when:

1. The member has a potential for direct or indirect profit or financial gain from the development;
2. The member owns or is employed by any company which is an applicant, subdivider, developer or option holder;
3. The applicant, subdivider, developer or option holder is an established and regular client of the member or the member's place of employment;
4. One or more of a member's immediate family (parent, sibling, spouse or child) has a direct financial interest in the development or is an

owner or officer of any company which is an applicant, subdivider, developer or option holder; or

5. The member has a potential for indirect financial gain or loss because of related property or business holdings.

Other situations not covered by these guidelines should be left to the judgment of the member involved. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality.

Ideally, citizens appointed to the Planning Commission and Board of Adjustment should not include those who are likely to have repeated conflicts of interests. When a conflict of interest does occur, however, the following steps should be taken:

1. The member should declare, and the record should show, that a conflict of interest exists with respect to a particular issue, and that the member will not participate in any discussion or action;
2. The member should step down from his or her regular seat and should not speak with any other members during the discussion of the issue at hand; and
3. The member should not represent or speak on behalf of the applicant, but may speak on this or her own behalf as a private citizen during the hearing.

Acknowledgement of Outside Information. During any public hearing, it is presumed that all sides will have the opportunity to hear the opposing side's information and arguments, and to offer rebuttal. This right is lost when discussions are held or information is provided outside the public hearing. The possibility exists that a decision could be based on information that was never discussed publicly. To avoid this situation, Planning Commission and Board of Adjustment members should not receive any information relating to a case or discuss a case with anyone who has an interest in the outcome. Where such a discussion or information is unavoidable, the member should declare during the hearing, and the record should show, the

general nature and content of the discussion or information and the participants in the discussion or the source of the information.

These guidelines also apply to any personal knowledge which is relevant to the issue. If a member has any personal knowledge which will affect his or her decision, such information should be made public during the hearing and should be subject to rebuttal.

**Informed Participation.** All parties with an interest in a particular development issue have a right to a decision based on all of the available information. Any member who is not informed or aware of the available information should abstain from voting on that issue. This includes the following situations:

1. When a member has not reviewed the application or the information submitted with the application;
2. When a member has missed all or part of a public hearing and has not been able to review a transcript of the hearing; or
3. When a member has missed all or part of the discussion between members prior to the vote.

As a corollary to this policy, it is the duty of each member to attend normally scheduled meetings as regularly as possible. Without regular attendance, informed decision-making and full participation in the regulatory process is unlikely.

*Article 4*

**PROCEDURAL SUMMARY**

The final section of this manual is a step-by-step explanation of each type of development request. Also included are checklists to assist in the review of each request.

It is important to note that the official procedural requirements are contained in the zoning and subdivision regulations themselves. This manual is a summary document intended to present the zoning and subdivision process in an easily understood format.

**ZONING TEXT AMENDMENT**

**PROCEDURE**

*Article 5*

**ZONING TEXT AMENDMENT PROCEDURE**

A proposal for an amendment of the text of the Zoning Ordinance is normally initiated by either the Planning Commission or the County Commission. A citizen may also begin the amendment process by submitting the proposed change to the Zoning Officer.

1. If the change is initiated by a private citizen, the normal procedure is for the Planning Commission to permit the individual to present the proposed amendment and the case for it at a regular meeting. The Planning Commission, based on the information presented, determines whether the proposal should be considered as an amendment. If it is determined that the proposal has merit, the Planning Commission may set a date for the public hearing and authorize the publication of the necessary public notice.
2. If the text amendment is initiated by either the Planning Commission or the Governing Body, a public hearing may be scheduled immediately. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.
3. The public hearing may be adjourned from time to time, and upon its conclusion the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.
4. The Governing Body shall consider the Planning Commission's recommendation and may either approve or disapprove the recommendation; or return the proposed amendment to the Planning



Commission for reconsideration. If the Governing Body disapproves the recommendation, the application may be returned to the Planning Commission for reconsideration. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for disapproval and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the Governing Body may approve or disapprove the proposed zoning district amendment.

If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

CASS COUNTY, MISSOURI

For Office Use Only

ZONING TEXT AMENDMENT FORM

Case No.:

Filing Fee:

Date Advertised:

Public Hearing Date:

---

APPLICANT OR AGENCY:

ADDRESS:

ZIP:

TELEPHONE #:

Present Text:

PROPOSED AMENDMENT:

**ZONING DISTRICT**

**CHANGE**

Article 6

ZONING DISTRICT CHANGE

A proposal for a change in district classification (rezoning) may be initiated by either the County Commission, the Planning Commission, or the owner of the property affected.

1. The applicant shall first obtain the proper application form from the office of the Zoning Officer. The rezoning application form shall be completely filled out and returned to the office of the Zoning Officer with the appropriate filing fee, a certified list of owners of property within one thousand (1000) feet and other required information.

**AN APPLICATION SHALL NOT BE SCHEDULED FOR PUBLIC HEARING UNTIL THE APPLICATION FORM HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.**

2. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and shall describe generally the change requested. A written notice shall also be mailed to notify surrounding property owners of the public hearing and of their right to file protest petitions and shall explain the protest procedure.
3. Such notice shall be given by certified mail to all owners of any real property within one thousand (1000) feet of the proposed rezoning. A notice shall also be posted in a conspicuous place in the County Courthouse.
4. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its

recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.

The Planning Commission shall inform protestors at the public hearing of their right to submit protest petitions. 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.

The Governing Body shall consider the Planning Commission's recommendation and may either approve or disapprove the recommendation or return the proposed amendment of the Planning Commission for reconsideration. If the Governing body disapproves the recommendation, the application may be returned to the Planning commission for reconsideration. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for disapproval and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the Governing Body may approve or disapprove the proposed zoning district amendment.

If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

**CASS COUNTY, MISSOURI  
REZONING APPLICATION FORM**

For Office Use Only

Case No.:  
Filing Fee:  
Date Advertised:  
Date Notices Sent:  
Public Hearing Date:

APPLICANT:  
ADDRESS:  
OWNER:  
ADDRESS:  
LOCATION OF PROPERTY:  
LEGAL DESCRIPTION:

PHONE:  
ZIP:  
PHONE:  
ZIP:

Present Zoning  
Present Use of Property:

Requested Zoning:

SURROUNDING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North		
South		
East		
West		

CHARACTER OF THE NEIGHBORHOOD:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?  
If yes, explain:



CASS COUNTY, MISSOURI

PROCEDURAL MANUAL

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OTHER:

Certified list of property owners within 1000 feet.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENTS:

SIGNATURE:

DATE:

BY:

TITLE:



**APPEAL OF ADMINISTRATIVE**

**DECISION**

Article 7

APPEAL OF ADMINISTRATIVE DECISION

APPEAL PROCEDURE

Where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance, or of any ordinance adopted pursuant thereto, that interpretation may be appealed to the Board of Adjustment. In its deliberations, the Board of Adjustment must only consider whether or not the interpretation in question conformed to what was actually written in the regulations. The Board may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board can clarify ambiguities or resolve conflict between opposing sections. Since the Board's decisions will affect future applications of the regulation in question, the specific hardships of the applicant should not be considered when reaching a determination.

1. The applicant shall first meet with the Zoning Officer to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, an application shall be obtained.
2. The applicant shall file a completed application with the Zoning Officer and pay the appropriate fee. The application shall include an explanation of the decision being appealed and a statement of the reasons for the appeal. Drawings of the property in question and a list of all surrounding property owners may be required.

**AN APPLICATION SHALL NOT BE PROCESSED UNLESS IT HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.**

3. The Zoning Officer shall then schedule a regular meeting of the Board of Adjustment and send copies of the application to members of the Board of Adjustment. Fifteen (15) days prior to the Board meeting, an official notice to the public shall be published in a newspaper of general circulation in the County explaining the appeal and the time and place

of the scheduled hearing. A copy of the notice shall be mailed to each land owner within 1,000 feet and to the Planning Commission.

4. At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal must be heard by the Board within a reasonable period of time from the application and fee submittal and a written decision must be rendered without unreasonable delay.
5. The Board of Adjustment may either affirm, reverse or modify the order, requirement or interpretation at issue. The determination, in written form, shall be sent to all affected parties including the Planning Commission. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

**CASS COUNTY, MISSOURI**

**PROCEDURAL MANUAL**

**ZONING APPEAL APPLICATION**

**CASS COUNTY, MISSOURI**

**For Office Use Only**

**Case No.:**

**Filing Fee:**

**Date Advertised:**

**APPLICANT:**

**PHONE:**

**ADDRESS:**

**ZIP:**

**OWNER:**

**PHONE:**

**ADDRESS:**

**ZIP:**

**LOCATION OF PROPERTY:**

**LEGAL DESCRIPTION:**

**Section of Zoning Ordinance Being Appealed:**

**Explanation of Decision Being Appealed:**

**Present Use of Property:**

**Proposed Use of Property:**

**SIGNATURE:**

**DATE:**

**BY:**

**TITLE:**

CASS COUNTY, MISSOURI

BOARD OF ADJUSTMENT

REASONS FOR DETERMINATION

Case No.:

Date of Action:

Action:

On \_\_\_\_\_, 19\_\_\_\_, the Cass County Board of Adjustment, at its regular meeting,  
(Affirmed, Reversed, Modified) the decision or determination by  
(Approving/Denying) the appeal brought before them as Case No. \_\_\_\_\_ by the Applicant,  
(Name).

In making this decision, the Board found:

\_\_\_\_\_  
Zoning Officer

**VARIANCE**

*Article 8*

**VARIANCE**

**VARIANCE PROCEDURE**

When an applicant feels that the strict application of the requirements of the zoning regulations would create an undue hardship, he or she may request a variance from the Board of Adjustment. The Board of Adjustment must base its decision, to as great a degree as possible, on factual evidence, and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Ordinance and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

1. The applicant shall first meet with Zoning Officer and receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form.
2. The applicant shall submit a completed application form and pay the appropriate fee. As a part of the application, a sketch map may be submitted showing proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties.

**AN APPLICATION SHALL NOT BE PROCESSED UNLESS IT HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.**

3. The Zoning Officer shall then schedule a regular meeting of the Board of Adjustment and send copies of the application to Board of Adjustment members. Fifteen (15) days prior to the Board of Adjustment meeting, an official notice to the public shall be published in a newspaper of general circulation in the County explaining the variance request and the time and place of the scheduled hearing. A copy of the notice shall be

mailed to each landowner within 1,000 feet and to the Planning Commission.

4. At the schedule meeting, the Board of Adjustment shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Adjustment shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

A. *UNIQUENESS*

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

B. *ADJACENT PROPERTY*

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

C. *HARDSHIP*

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

D. *PUBLIC INTEREST*

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent



property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

E. *SPIRIT AND INTENT*

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

F. *MINIMUM VARIANCE*

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Adjustment, shall be kept. The Board of Adjustment may either grant, grant conditionally, or deny the application for a variance. The Board of Adjustment's determination, in writing, shall be sent to all affected parties, including the Planning Commission.

VARIANCE APPLICATION

CASS COUNTY, MISSOURI

For Office Use Only

Case No.:

Filing Fee:

Date Advertised:

Public Hearing Date:

APPLICANT:

ADDRESS:

OWNER:

ADDRESS:

LOCATION OF PROPERTY:

LEGAL DESCRIPTION:

PHONE:

ZIP:

PHONE:

ZIP:

ADJACENT ZONING AND LAND USE:

Land Use

Zoning

North

South

East

West

Present Use of Property:

Proposed Use of Property:

Utility lines or easements that would restrict proposed development:

Please complete both pages of the form and return to:

Zoning Officer  
Annex No. 2  
109 E. Wall St.  
Harrisonville, MO 64701

# CASS COUNTY, MISSOURI

## PROCEDURAL MANUAL

Please indicate below the extent to which the following facts may be established, in the applicant's opinion.

1. *UNIQUENESS*  Yes  No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. *ADJACENT PROPERTY*  Yes  No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. *HARDSHIP*  Yes  No

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. *PUBLIC INTEREST*  Yes  No

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. *SPIRIT AND INTENT*  Yes  No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. *MINIMUM VARIANCE*  Yes  No

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE:

DATE:

BY:

TITLE:

CASS COUNTY, MISSOURI

DETERMINATION OF THE BOARD OF ADJUSTMENT

Variance Case: \_\_\_\_\_

Date of Action: \_\_\_\_\_

On \_\_\_\_\_, 19\_\_\_\_, the Cass County Board of Adjustment, at its regular meeting,  
(Action: Approved, Conditionally Approved, Denied) the variance  
requested from Section \_\_\_\_\_ of the Zoning Ordinance for the property at \_\_\_\_\_  
(Address or Location) as requested by \_\_\_\_\_ (Applicant).

In \_\_\_\_\_ (Action) this request, the Board of Adjustment found that the variance (did/did not) fulfill  
the necessary five conditions for variance approval. Specifically, the Board of Adjustment found: \_\_\_\_\_

X. Findings of Board of Adjustment on each of the following conditions:

Approved

Denied

- a. Uniqueness
- b. Adjacent Property
- c. Hardship
- d. Public Interest
- e. Spirit and Intent
- f. Minimum Variance

Conditions (if any):

Please call the Zoning Officer at 884-5100 with any questions.

\_\_\_\_\_  
Zoning Officer

**SPECIAL USE**

*Article 9*

**SPECIAL USE**

**SPECIAL USE PROCEDURE**

Certain uses or exceptions are permitted in some zoning districts, only when a special use permit has been obtained from the Planning Commission. Such uses require special study with respect to specific location and design considerations to assure that they will have minimal negative impact on surrounding properties.

1. The applicant shall first meet with the Zoning Officer to receive a full explanation of the zoning and special use requirements, and an application form.
2. The applicant shall submit a completed application form to the Zoning Officer and pay the appropriate fee. The application shall include a plan showing existing and proposed structures on the property in question, adjacent property, parking spaces, driveways, and other information which would be helpful to the Planning Commission in their deliberations. Also enclosed shall be a certified list of owners of property within one-thousand (1000) feet of the subject property for which special use permit approval is sought.

**AN APPLICATION SHALL NOT BE PROCESSED UNLESS IT HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.**

3. The Zoning Officer shall follow procedure as per a zoning amendment application and schedule a regular meeting of the Planning Commission and send copies of the application to Planning Commission members. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and shall describe generally the request. A written notice shall also be mailed to notify surrounding property owners, within 1,000 feet, of the public hearing and of their right to file protest petitions and shall explain the protest procedure.

4. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.
5. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body.
6. This recommendation shall be submitted along with an accurate record of the public hearing.
7. The Planning Commission shall inform protestors at the public hearing of their right to submit protest petitions. Protest petitions for special use permits should be administered by the same procedure as for zoning amendments.
8. The Governing Body shall consider the Planning Commission's recommendation and may either approve or disapprove the recommendation or return the proposed amendment to the Planning Commission for reconsideration. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for disapproval and may resubmit its original recommendation, the Governing Body may approve or disapprove the proposed zoning district amendment.
9. If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

SPECIAL USE APPLICATION

CASS COUNTY, MISSOURI

For Office Use Only

Case No.:

Filing Fee:

Date Advertised:

Date Notices Sent:

Public Hearing Date:

APPLICANT:

PHONE:

ADDRESS:

ZIP:

OWNER:

PHONE:

ADDRESS:

ZIP:

LOCATION OF PROPERTY:

LEGAL DESCRIPTION:

ADJACENT ZONING AND LAND USE:

Land Use

Zoning

North

South

East

West

Present Use of Property:

Please complete both pages of the form and return to:

Zoning Officer

Annex No. 2

109 E. Wall St.

Harrisonville, MO 64701



Does the proposed special use meet the following standards?

Yes      No

1. Is deemed necessary for the public convenience at that location;
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and
3. Is found to be generally compatible with the neighborhood in which it is proposed and
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.
6. Adequate utility, drainage, and other such necessary facilities have been will be provided.

Should this special use be valid only for a specific time period?

Yes                  No

If Yes, what length of time?

SIGNATURE:

DATE:

BY:

TITLE:

Attachments Required:

- Site plan showing existing and proposed structures on the property in question, and adjacent property off-street parking, driveways, and other information.
- Certified list of property owners within one thousand feet (1,000).
- Title Report for property on which the special use permit is requested.

CASS COUNTY, MISSOURI

PLANNING COMMISSION

REASONS FOR DETERMINATION

Special Use Case No.:

Date of Action:

Action:

Expiration Date:

On \_\_\_\_\_, 19\_\_\_\_, the Cass County Planning Commission at its regular meeting, recommended \_\_\_\_\_ (Action: Approval, Conditional, Approval, Denial) of a special use permit for a \_\_\_\_\_ (Use) to be located at \_\_\_\_\_ (Address or Location).

In recommending \_\_\_\_\_ (Action) of this special use permit, the Planning Commission considered all standards listed in the Zoning Ordinance, and all other conditions listed for that use in other sections of these regulations. In addition, the Planning Commission found that the proposed use (did/did not) provide safeguards to assure its compatibility with the surrounding area.

Conditions (if any):

\_\_\_\_\_  
Zoning Officer

**AMENDMENT OF SUBDIVISION**

**REGULATIONS**

*Article 10*

**AMENDMENT OF SUBDIVISION REGULATIONS**

**SUBDIVISION AMENDMENT PROCEDURE**

A proposal for an amendment of the text of the Subdivision Regulations is normally initiated by either the Planning Commission or the Governing Body. However, a private citizen may request that the Planning Commission initiate the amendment process by submitting a proposed change to the Planning Commission.

1. If the change is requested by a private citizen, the normal procedure is for the Planning Commission to permit the individual to present the proposed amendment and the case for it at a regular meeting. The Planning Commission, based on the information presented, determines whether the proposal is worthy of consideration as an amendment. If it is determined that the proposal has merit, the Planning Commission may set a date for the public hearing and authorize the publication of the necessary public notice.

If the text amendment is initiated by either the Planning Commission or the Governing Body, a public hearing may be scheduled immediately. The Zoning Officer shall be responsible for having an official notice of the public hearing published in a newspaper or general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.

2. The public hearing may be adjourned from time to time and upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing. For action on subdivision amendments, a quorum of the Planning Commission must be present. A quorum is more than one-half the total membership of the Commission. A vote either for or against an

amendment by a majority of the quorum constitutes a recommendation of the Planning Commission. When neither a vote for nor a vote against the amendment has a majority of the quorum, it constitutes a "failure to recommend".

3. The Governing Body shall consider the proposed amendment and may approve the recommendation of the Planning Commission, or may take whatever action it deems necessary.

**SUBDIVISION REGULATION AMENDMENT**

Subdivision Regulation Amendment Checklist

Case No.:

Date Filed:

Individual or Agency Requesting Change:

Address:

Telephone Number:

Zip Code:

Date of Public Hearing:

Existing Regulation:

Proposed Regulation:

**PLAT APPROVAL**

*Article 11*

**PLAT APPROVAL**

**PLAT APPROVAL PROCESS**

Any subdivision of land within the jurisdiction of the Subdivision Regulations must, with certain exceptions, follow the procedures outlined below. The simple division of one lot into two lots may qualify for a simplified procedure (See Lot Splits) explained in the subdivision regulations. Any change of boundary which does not create an additional lot or any division of land for agricultural purposes into parcels of five (5) acres or more and does not create the need for a new street is exempt from the subdivision regulations.

1. The applicant shall first meet with the Zoning Officer to receive an explanation of the subdivision procedure and its requirements, information on the current zoning, and an application form.
2. The application form shall be completely filled out and returned to the office of the director of the public works with the appropriate filing fee and any required supplemental information. As a part of the application, ten (10) copies of a preliminary plat conforming to the requirements of the subdivision regulations and a vicinity map showing the location of the proposed subdivision shall be submitted.

**AN APPLICATION SHALL NOT BE PROCESSED UNTIL IT HAS BEEN FULLY COMPLETED, THE APPROPRIATE FEE PAID, AND ALL REQUESTED INFORMATION SUBMITTED.**

3. The Planning Commission, based on the standards set out in the subdivision regulations, may approve, approve conditionally, or disapprove the preliminary plat and forward it on to the County Commission for review and comment.
4. The subdivider shall submit the final plat application form, along with the appropriate fee and any required supplemental information.



Included as part of the application shall be the original and ten (10) copies of the final plat prepared in accordance with the subdivision regulations.

5. The Planning Commission shall review the final plat and, based on the approved preliminary plat and the standards set out in the subdivision regulations, approve or deny the final plat.
6. The Governing Body shall review the final plat for consideration for any dedication from the subdivider of street rights-of-way, drainage easements, park lands, or other property to be used for public purposes.

CASS COUNTY, MISSOURI

**PRELIMINARY PLAT CHECKLIST**

Subdivision No.:

Date Filed:

1. Name of Subdivision:
2. Name of Owner:
3. Name of Subdivider:
4. Name of Person who prepared the Plat:
5. Date of Public Hearing:

**Instructions:**

The following checklist is to be completed by the Zoning Officer and shall accompany the Preliminary Plat when it is submitted to the Planning Commission. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

- |    |  |            |           |
|----|--|------------|-----------|
| 6. | Does the Preliminary Plat show the following information?                                      |            |           |
|    |  | <u>Yes</u> | <u>No</u> |
| A. | Name of the subdivision  | —          | —         |
| B. | Location of boundary lines and reference to section or quarter-section lines.                  | —          | —         |
| C. | Legal description, complete with Section, Township, Range, principal meridian, county.         | —          | —         |
| D. | Name and address of owner(s).  | —          | —         |
| E. | Name and address of subdivider(s).   | —          | —         |
| F. | Name of planner, engineer, landscape architect, or surveyor who prepared the Preliminary Plat. | —          | —         |
| G. | Scale of Plat, 1" = 100' or larger, and north arrow.   | —          | —         |
| H. | Date of preparation, north arrow and graphic scale.  | —          | —         |
| I. | Current zoning classification and proposed use of the area being platted.                      | —          | —         |

		<u>Yes</u>	<u>No</u>
J.	Location, width and name of platted streets or other public ways, railroad rights-of-way, utility easements, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.	—	—
K.	Location of existing sewers, water mains, gas mains, culverts or other underground installations within or adjacent to the proposed subdivision with pipe size, manholes, grades, and location.	—	—
L.	Names of adjacent subdivisions together with arrangement of streets and lots and owners of adjacent parcels or unsubdivided land.	—	—
M.	Topography at contour intervals of not more than two (2) feet referred to U.S.G.S. datum and location of water courses, bridges, lakes, ravines and other significant physical feature.	—	—
N.	Arrangement of lots and their approximate sizes.	—	—
O.	Location and width of proposed streets, alleys, pedestrian ways and easements.	—	—
P.	General plan of sewage disposal, water supply and utilities, if public.	—	—
Q.	Notation of type of sewage disposal and water supply if non-public.	—	—
R.	Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.	—	—
S.	Relationship to adjacent unsubdivided land.	—	—
T.	Approximate gradient of streets.	—	—
U.	Gross acreage of the subdivision; acreage dedicated to streets and other public uses; total number of buildable lots; maximum, minimum and average lot sizes.	—	—
7.	Certifications of approval from the Department of Natural Resources, the appropriate water district, and the appropriate fire district.	—	—

# CASS COUNTY, MISSOURI

## PROCEDURAL MANUAL

	<u>Yes</u>	<u>No</u>
8. Will the proposed subdivision make the development of adjacent property more difficult?	—	—
9. Are lots sized appropriately for zoning district?	—	—
10. Are all lots free from floodplain encroachment?	—	—
11. Are drainageways and other drainage facilities sufficient to prevent flooding both on-site and off-site?	—	—
12. Are all lots buildable with respect to topography, drainageways, bedrock, and soil conditions?	—	—
13. Do proposed street grades and alignment meet all requirements?	—	—
14. Is the proposed subdivision inside the County limits?	—	—
15. Were ten (10) copies of the preliminary plat submitted?	—	—
16. Was the preliminary plat fee of \$ _____ paid?	—	—

CASS COUNTY, MISSOURI

**FINAL PLAT CHECKLIST**

Subdivision No.:

Date Filed:

- 1. Name of Subdivision:
- 2. Name of Owner:
- 3. Name of Subdivider:
- 4. Name of Person who prepared the Plat:
- 5. Date of Hearing:

**Instructions:**

The following checklist is to be completed by the Zoning Officer and shall accompany the Final Plat when it is submitted to the Planning Commission. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

6. Does the Final Plat show the following information?

	<u>Yes</u>	<u>No</u>
A. Name of the subdivision.	—	—
B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct.	—	—
C. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments.	—	—

# CASS COUNTY, MISSOURI

## PROCEDURAL MANUAL

	<u>Yes</u>	<u>No</u>
D. The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines.	—	—
E. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	—	—
F. Exact locations, widths and names of all streets and alleys to be dedicated.	—	—
G. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	—	—
H. Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission.	—	—
I. Building setback lines on the front and side streets with dimensions.	—	—
J. Name and address of the registered land surveyor preparing the plat.	—	—
K. Scale of plat, 1" = 100' or larger, date of preparation and north point.	—	—
L. Statement dedicating all easements, streets, alleys, and all other areas not previously dedicated.	—	—
7. Was the original on mylar, tracing cloth, or similar material, and were sufficient copies submitted?	—	—
8. Have all acknowledgements been signed?		
A. Owner or owners and all mortgager.	—	—
B. Dedications or reservations.	—	—
C. Engineer, surveyor or person preparing plat.	—	—

	<u>Yes</u>	<u>No</u>	
D. County Clerk and County Collector.	—	—	
9. Title Opinion:			
A. Submitted (Date)	—	—	
B. Have all owners and mortgager signed plat?	—	—	
10. Has certification been submitted stating that all taxes and special assessments due and payable have been paid?	—	—	
11. Have certifications been submitted from the appropriate water district, fire district and DNR.	—	—	
12. Deed Restrictions:			
A. Are any deed restrictions planned for subdivision?	—	—	
B. If so, has a copy been submitted?	—	—	
13. How has installation of the following improvement been guaranteed?			
	<u>Construction</u>	<u>Bond</u>	<u>Petition(%)</u>
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Sidewalks	_____	_____	_____
Other, as required			
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
14. Are additional comments attached?	—	—	

**LOT SPLIT**



*Article 12*

**LOT SPLIT**

**LOT SPLIT PROCEDURE**

When specified conditions occur, one existing parcel of land may be divided into two lots using a simplified procedure instead of a formal plat. This procedure, known as a lot split, is faster and less costly to follow, but can only be used if all the criteria specified in the Subdivision Regulations are followed.

1. The applicant shall meet with Zoning Officer to receive an explanation of the lot split procedure, including its requirements and limitations.
2. The lot split application shall be completely filled out and returned to the office of the Zoning Officer with the appropriate filing fee. As a part of the application, four (4) copies of a scale drawing shall be submitted showing the boundaries of the existing parcel; the location of all structures; the precise nature of the proposed split; the legal description of the lots to be formed; and the name, signature, and seal of the licensed engineer or the registered land surveyor who prepared the drawing. Prior to the Planning Commission meeting, all adjoining property owners shall be notified.

**AN APPLICATION SHALL NOT BE PROCESSED UNTIL IT HAS BEEN FULLY COMPLETED, THE APPROPRIATE FEE PAID, AND ALL REQUESTED INFORMATION SUBMITTED.**

3. The Planning Commission shall review the proposed lot split at a regular scheduled meeting based on the criteria specified in the Subdivision Regulations.
4. The Planning Commission Officer shall, within thirty (30) days of application, in writing, ratify or not ratify, or continue for cause those applications which, in the official's opinion, do not comply with the Subdivision Regulations.

5. No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been ratified in the manner provided in the Subdivision Regulations.

LOT SPLIT APPLICATION  
CASS COUNTY, MISSOURI

Lot Split Application No: \_\_\_\_\_

Date: \_\_\_\_\_

**Request To:** Zoning Officer  
Annex No. 2  
109 E. Wall St.  
Harrisonville, MO. 64701

**Attachment Required:**

- Four (4) copies of scale drawing;
- Legal description of lots to be created;
- The location of any structure(s) on the lot or lots thereon, together with the precise nature, location and dimensions;
- Name, signature, and seal of the licensed engineer or registered land surveyor who prepared the drawing.
- Filing Fee: \$ \_\_\_\_\_

**APPLICANT**

**OWNER**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Area Code Telephone Number

\_\_\_\_\_  
Area Code Telephone Number

**REQUEST**

As provided in Article \_\_\_\_\_ of the Subdivision Regulations, Cass County, Missouri, a lot split of Lot \_\_\_\_\_, Block \_\_\_\_\_, in the \_\_\_\_\_ Addition to Cass County is hereby requested. The lot is generally described as:

**LOT SPLIT REQUIREMENTS**

The lot split is sought to provide for the issuance of building permits in lots divided into not more than two (2) tracts without having to replat said lot.

The lot split application meets the following requirements:

YES    NO

(a) No new street or alley or other public improvements is needed or proposed.

(b) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.

(c) The lot split will not result in significant increases in service requirements (e.e., utilities, schools, traffic control, streets, etc.); or will not interfere with maintain existing service level (e.g., additional curb cuts, repaving, etc.).

(d) There is street right-of-way as required by these regulations or the Comprehensive Plan.

(e) All easement requirements have been satisfied.

(f) The split will not result in a tract without direct access to a public street.

(g) No substandard-sized lot or parcel will be created.

(h) The lot has not been previously split in accordance with these regulations.

**APPLICANT'S SIGNATURE**

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

**ACTION**

Action of the Zoning Officer:

\_\_\_\_\_

**SITE PLAN**

Article 13

**SITE PLAN APPLICATION  
CASS COUNTY, MISSOURI**

Site Plan Application No. \_\_\_\_\_

Date: \_\_\_\_\_

**Request To: Zoning Officer**  
Annex No. 2  
109 E. Wall Street  
Harrisonville, MO. 64701

Intent:

Cass County recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse environmental impacts, and health-related problems. It seeks to ensure that any location within the County that has a potential for such problems, referred to as areas of critical concern, shall be subject to Site Plan Review by the Planning Commission. Site Plan Reviews shall help ensure that the meaning and intent of the Zoning Ordinance, and all portions thereof, are fully complied with.

Submission Requirements: The site plan shall include, at the discretion of the Planning Commission, the data, details, and supporting plans listed in the zoning ordinance which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

Site plans shall be prepared by a registered professional engineer, architect, or landscape architect, at a scale of 1 inch equals 100 feet (unless a determination is made by the Zoning Officer that an alternative scale is acceptable), on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for written information.

Authority:

Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which site plan review is applicable, unless Site Plan Review approval has been granted by the Zoning Officer.

Standards for Review:

Please indicate whether the standards listed below are met by the site plan submittal:

<u>YES</u>	<u>NO</u>	
_____	_____	The proposal conforms to the provisions of the Zoning Ordinance.
_____	_____	The proposal as implemented would be compatible with the surrounding area.
_____	_____	The proposal conforms to the provisions of the county's Subdivision Ordinance.
_____	_____	The proposal conforms to customary engineering standards used in the county.
_____	_____	The location of streets, paths, walkways, and driveways are located so as to enhance safety, and minimize any adverse traffic impact on the surrounding area.
_____	_____	The extent to which the buildings, structures, walkways, roads, driveways, open space (if any), and parking lots, have been located to achieve the following objectives: (a) preserve existing off-site views and create desirable on-site views, (b) conserve natural resources and amenities available on the site, (c) minimize any adverse floor impact, (d) ensure that proposed structures are located on suitable soils, (e) minimize any adverse social or environmental impact, and (f) minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide utility services to the site.

SIGNATURE:

DATE:

BY:

TITLE:

**FLOOD PLAIN  
MANAGEMENT**



*Article 14*

**FLOOD PLAIN MANAGEMENT**

**FLOOD PLAIN DEVELOPMENT PERMIT:**

The Zoning Officer should issue flood plain development permits based upon completed applications from developers. The officer should supply information such as base flood elevation, regulatory flood elevation, floodway or floodway fringe designation, etc. The developer will complete the remainder of the information requested and return it to the administrator. At the same time as the local administrator issues the permit application, he/she may issue an Elevation Certificate, FEMA form 81-31 (5/90), for residential development. If the development is a nonresidential structure, such as a commercial or industrial development, the administrator may issue certificates for both elevation and flood proofing, FEMA Form 81-65 (5/90), copy also attached. For nonresidential structures, the developer has the option of either elevating or floodproofing, or may use a combination of both to meet the base flood elevation requirements of the building site.

The elevation certificate or flood proofing certificate gives final verification that the development has met the standards of the permit requirements. These documents should be permanently filed with the permit and remain a public record.

The above flood plain development permit application, along with the detailed plans of the development, as required by the community's ordinance, should be returned to the Zoning Officer. An example of a permit application, with instructions on the reverse side, is attached for reference.

After the Zoning Officer reviews the permit application and approves it, the application becomes a permit for flood plain development. The flood plain development permit is not to be construed as a building permit, nor as a zoning/land use permit, but rather as certification by the Zoning Officer that the required process has been followed and that plans and specifications are in keeping with the community's flood plain management ordinance.

After the flood plain development permit has been approved and issued, the actual development can start. After the lowest floor (including basement) has been completed, the Elevation and/or Floodproofing Certificate verifying "as built elevations" should be returned to the zoning officer for the files. A copy of the elevation/floodproofing certificate should be given to the developer for his/her use at this time. It is this document which will be used to calculate the owner's insurance rates. An example of an elevation certificate and a floodproofing certificate is attached.

Substantial improvements to existing structures in the flood plain will need to be permitted in the same manner as above. This type of requirement is especially important in those communities which have flood plains that are already developed. Manufactured homes will also need to be addressed as in the above procedures, to include additional specifications addressed in the manufactured homes section of your ordinance.

#### **Maintaining Flood Plain Development Documents**

All records for flood plain development, including copies of the flood plain development permit/application, building permits, elevation/floodproofing certificates, and occupancy certifications, shall be maintained on file by the Zoning Officer. These files are necessary to record and document flood plain development. These files are often accessed by: insurance agents writing flood insurance policies; lending institutions loaning money on the development, appraisers researching property located in flood plains, and FEMA staff in reviewing community compliance with NFIP participation requirements.

Any assistance you may require in this process should be directed to FEMA Region VII staff at (816) 283-7002.

# CASS COUNTY, MISSOURI FLOOD PLAIN DEVELOPMENT PERMIT/APPLICATION

Application # \_\_\_\_\_ Date \_\_\_\_\_

TO THE ADMINISTRATOR: The undersigned hereby makes application for a Permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Floodplain Management Ordinance and will all other applicable county/city ordinances and the laws and regulations of the State of Missouri.

Owner or Agent	Date	Builder	Date
Address		Address	
Phone		Phone	

**SITE DATA**

1. Location: \_\_\_\_\_ 1/4; \_\_\_\_\_ 1/4; Section \_\_\_\_\_; Range \_\_\_\_\_; Township \_\_\_\_\_  
Street Address \_\_\_\_\_
2. Type of Development: Filling \_\_\_\_\_ Grading \_\_\_\_\_ Excavation \_\_\_\_\_ Min Improvement \_\_\_\_\_  
Routine Maint \_\_\_\_\_ Substantial Improv \_\_\_\_\_ New Const \_\_\_\_\_ Other \_\_\_\_\_
3. Description of Development: \_\_\_\_\_

4. Premises: Structure size \_\_\_\_\_ ft. x \_\_\_\_\_ ft. Area of site \_\_\_\_\_ sq. ft.  
Principal use \_\_\_\_\_ Accessory uses (storage, parking, etc.) \_\_\_\_\_
5. Value of improvement (fair market) \$ \_\_\_\_\_ Pre-improvement/Assessed value of structure \$ \_\_\_\_\_
6. Property located in a designated FLOODWAY? Yes \_\_\_\_\_ No \_\_\_\_\_

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE FLOOD (100-YEAR) ELEVATION.

7. Property located in a designated floodplain FRINGE? Yes \_\_\_\_\_ No \_\_\_\_\_
8. Elevation of the 100-year flood (ID source) \_\_\_\_\_ MSL/NGVD
9. Elevation of the proposed development site \_\_\_\_\_ MSL/NGVD
10. Elevation/floodproofing requirement \_\_\_\_\_ MSL/NGVD
11. Other floodplain elevation information (ID and describe source) \_\_\_\_\_

12. Other permits required?
 

Corps of Engineer 404 Permit:	Yes _____ No _____	Provided _____
State Dept. of Natural Resources:	Yes _____ No _____	Provided _____

\_\_\_\_\_ All provisions of Ordinance \_\_\_\_\_ Floodplain Management Ordinance shall be in compliance.

**PERMIT APPROVAL/DENIAL**

Plans and Specifications Approved/Denied this \_\_\_\_\_ Day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Signature of Developer/Owner Authorizing Official

\_\_\_\_\_  
Print Name and Title Print Name and Title

THIS PERMIT ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY-IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED \_\_\_\_\_ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY-IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED \_\_\_\_\_ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION.

THIS PERMIT IS USED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY-IMPROVED BUILDING COVERED BY THIS PERMIT.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NONRESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED ABOVE THE BASE FLOOD ELEVATION.

7. Other Permits Required?

Corps of Engineers 404 Permit: Yes  No

State Permit: Yes  No

Local Levee District: Yes  No

Local Drainage District: Yes  No

Other: \_\_\_\_\_

All provisions of the community of CASS COUNTY, MO., Flood plain Management Ordinance (Ordinance Number v) shall be complied with.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications Approved this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_\_.

_____ Signature REG. ENGINEER	_____ Date	_____ Authorizing Official Name/Title	_____ Date
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AFFIX SEAL HERE

INSTRUCTIONS FOR COMPLETION

\* Community Official provides this information

\*\* Developer/Owner provides this information

Permit/Application # \_\_\_\_\_

- #1          \*\*
- #2          \*\*
- #3          \*\*
- #4          \*\*
- #5        \* a) & b)/\*\* c)
- #6          \*
- #7        \*/\*\*

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Please complete both pages of the form and return to:

Zoning Officer  
Annex No. 2  
109 E. Wall St.  
Harrisonville, MO. 64701