

ZONING ORDER
BUCHANAN COUNTY, MISSOURI

AS AMENDED

SECTION 100 GENERAL

101 **SHORT TITLE:** These regulations including the Zoning District Maps made a part hereof constitute and may be referred to as “The Buchanan County Zoning Order.”

102 **PURPOSE:** The main purpose of the Zoning Order is to provide a framework for implementing the County Master Plan.

102.1 This Order is made in accordance with Sections 64.510 to 64.690 of the Revised Statutes of Missouri 2000 and all supplements thereto and in accordance with the Buchanan County Master Plan and is designed to: *(Amended September 13th 2023)*

102.1.1 Promote the health, safety, morals, comfort or general welfare of the inhabitants of the unincorporated portion of Buchanan County;

102.1.2 To conserve and protect property and building values;

102.1.3 To secure the most appropriate use of the land and;

102.1.4 To facilitate the adequate provision of public improvement throughout the County.

102.2 This is an order to regulate and restrict in the unincorporated portion of Buchanan County the use of land and the location of improvements thereon and is intended to:

102.2.1 Divide into districts the unincorporated territory of the County, said districts being arranged according to the County Master Plan and references to maps showing the same.

102.2.2 Regulate and restrict within such districts the erection, construction, reconstruction, alterations, repair, location, maintenance or use of buildings, dwellings, structures and lots or land.

102.2.3 Regulate and restrict the height, number of stories, size of buildings, dwellings and structures; the percentage of lot that may be occupied, size of yards, courts or other open spaces, the density of population, the location and use of buildings, dwellings, structures and land for trade, industry, residences and other purposes.

102.2.4 Preserve features of historical significance, natural resources and agricultural lands.

102.3 This Order provides for a Board of Zoning Adjustment and defines its powers and duties.

102.4 This Order provides for amendments, permits, enforcement and penalties.

103 CLASSES OF DISTRICTS: The Buchanan County Zoning Districts which are hereby established and to which these regulations shall apply are as follows:

103.1 Agricultural Districts

103.1.1 A-1 General Agricultural District

103.1.2 A-2 Commercial Agricultural District

103.1.3 A-OR Agricultural Outer Residential District

103.2 Residential Districts

103.2.1 R-1 Single-Family Residential District

103.2.2 R-2 Two Family Residential District

103.2.3 R-3 Multiple Family Residential District

103.3 Business Districts

103.3.1 B-1 General Business District

103.3.2 B-2 Neighborhood Business District

103.3.3 B-3 Highway Business District

103.4 Industrial Districts

- 103.4.1 I-1 Light Industrial District
- 103.4.2 I-2 Heavy Industrial District

103.5 Miscellaneous Districts

- 103.5.1 F - Flood Area District
- 103.5.2 G - Recreation District
- 103.5.3 P – Planned District
- 103.5.4 Q – Quarry and Mining District
- 103.5.5 ZA – Airport Zoning District

- 104 ZONING MAPS:** The boundaries of said Zoning Districts, as enumerated in Section 103 of these regulations, are hereby established as shown on the Zoning Maps prepared for that purpose. Said maps are hereby designated as the Buchanan County Zoning Maps. Said maps and all the notations, references and information shown thereon are hereby made as much a part of this Order as if the same were set forth in full herein. The Planning and Zoning Commission shall keep, on file in its Office, copies of said maps and all changes, amendments and additions thereto.
- 105 AREA GOVERNED BY THESE REGULATIONS:** The area governed by these regulations is hereby declared to be the entire unincorporated area of Buchanan County, Missouri.
- 106 INTERPRETATION:** In their interpretation and application, the provisions, of these regulations, shall be held to the minimum requirements except as specifically provided herein. It is not intended to repeal, abrogate or annul or in any way impair or interfere with any existing law, Court order of Buchanan County or any easement, covenant or other agreement by or between parties, provided however, that where these regulations impose a greater restriction upon use of land or buildings or upon the height or bulk of buildings or require larger building site areas, yards or open spaces than are imposed or required by any other law, these regulations shall control.

107 GENERAL RULES FOR INTERPRETATION: Where uncertainty exists with respect to interpretation of these regulations, the following rules shall apply:

107.1 District Boundaries: When uncertainty exists with respect to district boundaries of any of the districts enumerated in Section 103 of this Order or on the Zoning Maps, the following rules shall apply:

107.1.1 Where district boundary lines are indicated as approximately following roads, streets, alleys, highways or railroads, such boundaries shall be construed as following the right-of-way thereof.

107.1.2 Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.

107.1.3 Where boundary of a district appears to follow a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Buchanan County Commission, unless otherwise indicated.

107.1.4 Where a district boundary line divides a lot or non-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Maps.

107.1.5 When definite distances in feet are not shown on the Zoning District Maps, the district boundaries are intended to be along existing property lines, roads, streets, alleys or platted lot lines, survey or land lines, or extensions of the same. If the exact location of such lines is not clear, it shall be determined by the Zoning Officer, due consideration being given to location as indicated by the scale of the Zoning District Maps.

107.1.6 When roads, streets or alleys on the ground differ from those shown on the Zoning District Maps, the Zoning Officer shall apply the district designations on the maps to those on the ground in such a manner as to conform to the intent and purpose of this Order.

107.1.7 Wherever any road, street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to the centerline of any such road, street or alley. Wherever a public road, street or alley is dedicated as such, the Zoning District within that dedicated road, street or alley shall be automatically made void.

107.2 USES

107.2.1 Permitted uses listed in the Table of Uses are allowable in respective districts.

- 107.2.2 Conditional uses listed in the Table of Uses are allowable in respective districts with Planning and Zoning Commission approval. *(Amended June 1985)*
- 107.2.3 Accessory uses listed in the Table of Uses are allowable in respective districts.
- 107.2.4 Excepted uses listed in the Table of Uses are allowable in respective districts upon approval of the Board of Zoning Adjustment. *(Amended June 1985)*

107.3 WORD INTERPRETATION

- 107.3.1 Words used in the present tense include the future; words in the singular number include the plural; words used in the plural number include the singular.
- 107.3.2 The word “shall” or “must” is mandatory and the word “may” is permissive.
- 107.3.3 The term “used for” includes the meaning “designed for” or “intended for”.

108 CONFORMITY REQUIRED

- 108.1** Except as otherwise provided herein, it shall be unlawful to use any land or building for any purpose other than that which is permitted in the district in which such land, structure or building is located.
- 108.2** No building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height or area limit, or violate the yard or parking requirement herein established for the district in which such building or structure is located.
- 108.3** No building shall hereafter be erected, reconstructed, relocated or structurally altered on any lot or parcel unless such lot or parcel faces a dedicated street or public road; or the ownership right to such lot or parcel provides for an easement twenty-five (25) feet wide to a public road or dedicated street. Where a building is in existence no required dedicated street or right-of-way shall be vacated so as to eliminate the required access to a dedicated street or right-of-way. *(Amended June 1986)*
- 108.4** No building shall hereafter be erected, reconstructed, moved, relocated or structurally altered to have a greater percentage of lot area than permissible under the limitations set forth herein for the district in which it is located, nor can it accommodate a greater number of facilities or have narrower or smaller yards than are permissible under the limitations set forth herein for the district in which said building is located.

- 108.5** No part of a yard or other open space required around any existing building, or hereafter provided for a specific building or use and necessary to meet the requirements of this regulation, shall be included as part of a yard or open space required for another building or use.
- 108.6** No lot, held under one (1) ownership, at the effective date of this regulation, shall be reduced in dimension or area in relation to any building thereon so as to be smaller than that required by this regulation; if already smaller, the dimensions or area shall not be further reduced.
- 108.7** Every building hereafter erected or altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as provided herein.
- 108.8** No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by these regulations, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.

109 DEFINITIONS

- 109.1 ACCESSORY BUILDING:** A detached subordinate building located on the lot occupied by the main building, the use of which is customarily associated to the main use of the property. A building housing an accessory use is considered an integral part of the main building, when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.
- 109.2 ACCESSORY USE:** Any use which is associated to and subordinate to the main use of the premises.
- 109.2.1 ADULT CABARET:** A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. *(Added March 1994)*
- 109.3 AGRICULTURE OR FARMING:** The planting, cultivating, harvesting and storage of grains, hay, plants or trees commonly grown in Buchanan County, the raising and feeding of livestock or poultry shall be deemed agriculture except the feeding, fattening or finishing of livestock or poultry for hire or as a business venture separate and distinct from crop raising. This practice shall be classified as commercial agriculture. *(Amended August 15, 2012)*
- 109.4 AGRICULTURE AND FARM BUILDINGS AND STRUCTURES:** Any building or structure which is necessary or incidental to the normal conduct of a farm; including but not limited to, the residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, mills and water storage tanks.

- 109.5 AIRPORTS:** For definitions for terms pertaining to airports see Section 650 on airports.
- 109.6 ALLEY:** A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street or road.
- 109.7 ALTERATION:** Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building fabricated, assembled, constructed or erected by the skills of man. *(Amended March 25, 2014)*
- 109.8 ANIMAL HOSPITALS AND CLINICS:** An establishment where a Doctor of Veterinary Medicine admits animals principally for examination and treatment. Boarding of animals shall be limited to that necessary for the treatment of sick animals. This does not include open kennels or runs.
- 109.9 APARTMENT:** A room or a suite of rooms within an apartment house arranged, intended or designed as a place of residence of a single family or group of individuals living together as a single housekeeping unit.
- 109.10 APARTMENT HOUSE:** A building arranged, intended or designed for more than two families.
- 109.11 APARTMENT HOTEL:** An apartment house which furnishes, for the use of its tenants, services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.
- 109.11(a) APPEAL:** A request made to the Board of Zoning Adjustment to review an unfavorable decision of the Zoning Officer or the Planning and Zoning Commission concerning the application of the Zoning Order. *(Amended June 1985)*
- 109.12 BASEMENT:** A story below the first story as defined under "Story" counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.
- 109.13 BLOCK:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Zoning Officer shall determine the outline of the block.
- 109.14 BOARDING HOUSE OR LODGING HOUSE:** A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.
- 109.15 BUILDABLE AREA:** That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these regulations.

- 109.16 BUILDING:** An enclosed structure, anchored to a permanent foundation, and having exterior walls and a roof, designed for the shelter of persons, animals or property. When divided by other common or continuous walls, each portion or section of such building shall be regarded as a separate building, except that two (2) buildings connected by a breezeway shall be deemed as one (1) building.
- 109.17 CABIN:** A structure used for residential occupancy in a Recreational District for temporary or part-time occupancy. *(Amended June 1985)*
- 109.18 CAMPGROUND (CAMPSITE):** An area of land, whereupon, camping trailers, campers and similar vacation vehicles are housed on a **temporary** basis and used exclusively by such camping vehicles.
- 109.19 CAMPING EQUIPMENT:** See Vacation Vehicles.
- 109.20 CHILD CARE HOMES:** An establishment used for the purpose of a day nursery, nursery school, day school, kindergarten (not connected with a school as defined herein) or similar use which constitutes the normal care of physically and mentally sound children. Any child care facility caring for four (4) or less children shall be termed a Day Care Center. All Child Care Homes shall meet all requirements and specifications of the Missouri Division of Health or other State or local agencies having jurisdiction over Child Care Homes.
- 109.21 CLINICS:** An establishment where patients are not normally lodged overnight but are admitted for examination and treatment. This does not include Animal Hospitals or Animal Clinics.
- 109.22 CLUB:** A private, public or semi-public building or premises and appurtenant recreational facilities used by persons for recreational and eating purposes but not dwelling purposes for other than managerial or transient lodging.
- 109.23 COURT:** An open unoccupied space other than a yard, bounded on three (3) or more sides by exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.
- 109.24 CURB LEVEL:** The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is highest.
- 109.25 DISTRICT:** A section or sections of the County specifically declared within which the regulations governing the use of buildings and premises are uniform.
- 109.26 DISTURBANCE, LAND PERMIT:** Construction or land disturbance activity involving clearing, grubbing, excavating, grading and other activity that results in the destruction of one (1) acre or greater. This requirement applies statewide. A Storm Water Pollution Plan must be developed for this site. *(Amended 10-12-2011)*

- 109.27 DUMP:** A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles (or parts thereof), or waste material of any kind.
- 109.28 DWELLING:** A building or portion thereof, designed exclusively for permanent residential occupancy, including residential buildings, boarding and lodging houses, apartment houses, apartment hotels or mobile homes, but not motels or hotels, except that special provisions are required for mobile homes. *(Amended July 1974)*
- 109.29 DWELLING, GROUP:** Two or more detached or attached single family, two family or multiple family dwellings occupying a single building site and having yards or open space in common but not including a motel, hotel or motor hotel.
- 109.30 DWELLING, ONE FAMILY:** A building arranged, intended or designed for occupancy by one family.
- 109.31 DWELLING, TWO-FAMILY:** A building arranged, intended or designed for occupancy by two families.
- 109.32 DWELLING, MULTIPLE FAMILY:** A building arranged, intended or designed for occupancy by three or more families, including apartment houses, row houses, tenements and apartment hotels.
- 109.33 EXCEPTIONS:** An exception shall mean the allowance of a use within any district, such use and the conditions by which it may be permitted, being clearly and specifically stated within this regulation, with the expressed permission of the Board of Zoning Adjustment. Said exceptions must be listed under the "Exceptions" listed in these regulations.
- 109.34 FAMILY:** One (1) or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single kitchen facilities. Also a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with kitchen facilities, on a non-profit cost sharing basis.
- 109.35 FLOOD PLAIN:** See Flood Prone Area.
- 109.36 FLOOD PRONE AREA:** A land area adjoining a river, stream, watercourse or lake which is likely to be flooded by a "one hundred" year flood. A "one hundred" year flood shall mean the highest level of flooding that, on the average, is likely to occur every one-hundred (100) years as defined by the U.S. Corps of Engineers.
- 109.37 FLOODWAY:** That portion of the flood prone area defined as the stream-course and its banks.

- 109.38 FLOODWAY FRINGE AREA:** The portion of the flood prone area defined as the low lying area subject to flooding adjacent to the stream-course and its banks.
- 109.39 FRATERNITY HOUSES:** A building used by an association of students, limited to membership and usually living, culinary and sleeping facilities.
- 109.40 GARAGE, COMMUNITY:** A building or portion thereof, other than a public, private or storage garage providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.
- 109.41 GARAGE, PRIVATE:** An accessory building for storage of motor vehicles.
- 109.42 GARAGE, PUBLIC:** A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles which is operated for commercial purposes, except that no salvage of automobiles, trucks, tractors or similar automotive equipment for parts or other uses is permitted under this definition.
- 109.43 GARAGE, STORAGE:** A building or portion thereof, except those defined as a private, public or community garage, providing storage for more than four (4) motor vehicles, with facilities for washing but not other services.
- 109.44 GROSS FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines and accessory buildings. All horizontal dimensions are to be measured between the exterior faces of the building.
- 109.45 HEIGHT OF BUILDINGS:** The vertical distance measured from the highest of the following three levels:
- 109.45.1 The street curb level.
 - 109.45.2 The established or mean street grade in case the curb has not been constructed.
 - 109.45.3 The average finished ground level adjoining the building if it sets back from the street line; then to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one (1) inch to the foot or to the mean height level of the top of the main plates and highest ridge of other roofs.
- 109.46 HEIGHT OF YARD OR COURT:** The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

- 109.47 HOME OCCUPATION:** Any use customarily conducted entirely upon the premises which is clearly incidental and secondary to the use of the premises for dwelling purposes and this use neither changes the character thereof nor adversely affects the uses permitted in the district of which it is part. No signs can be displayed, except as permitted in the Order, no commodity is sold except that which is prepared on the premises, no materials can be stored outside on the premises. Any employees must be members of the family. No loud, unnecessary or unusual noise may be created that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- 109.48 HOTEL:** A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve (12) sleeping rooms, and which has no provisions for cooking in individual rooms.
- 109.49 JUNK YARD:** A lot, land, or structure, or part thereof, used primarily for the storage or sale of waste paper, rags, scrapped metal or other discarded materials; or for the collecting, dismantling, storage and salvaging of two (2) or more machines or vehicles, not in running order, or for the sale of parts thereof or other disposition of the same. A deposit or storage on a plot of two (2) or more wrecked or broken down vehicles or parts thereof or two (2) or more such vehicles for one (1) week or more in a residential district or for three (3) weeks or more in any other district. *(Amended January 5, 2011)*
- 109.50 KENNEL:** Any place where four (4) or more dogs over four (4) months of age are confined, boarded, bred, held for sale, sheltered as strays or kept as pets or for hunting. Such confinements shall not be closer than two hundred (200) feet to any lot line or four hundred (400) feet from any dwelling not located on premises. *(Amended July 1992)*
- 109.51 LOT:** A parcel of land occupied or to be occupied by one (1) main building or group of buildings, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under this Order and having its principal frontage upon a public or private street.
- 109.52 LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension.
- 109.53 LOT, THROUGH:** An interior lot having frontage on two (2) streets.
- 109.54 LOT IN SEPARATE OWNERSHIP AT THE TIME OF THE PASSAGE OF THIS ORDER:** A lot whose boundary lines, along their entire length, abuts land under other ownership as shown by plat or deed recorded in the office of the Recorder of Buchanan County on or before the date of the adoption of this Order.
- 109.55 LOT LINES:** The lines bounding a lot as defined herein.
- 109.56 LOT LINES, FRONT:** The boundary between a lot and the street on which it fronts.

- 109.57 LOT LINE, REAR:** The boundary line that is opposite and most distant from the front street line.
- 109.58 LOT LINE, SIDE:** Any lot boundary line not a front or rear line thereof. A side line may border on a road, street, alley or adjacent lot line.
- 109.59 LOT DEPTH:** The mean horizontal distance from the front lot line to the rear line.
- 109.60 LOT WIDTH:** The horizontal distance between side lines, measured at the front of the building line.
- 109.61 MOBILE HOME:** A prefabricated dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site. *(Amended January 5, 2011)*
- 109.62 MOBILE HOME COMMUNITY:** Any area, tract, site or plot of land whereupon a minimum of two (2) mobile homes as herein defined are placed, located or maintained for dwelling purposes upon a permanent or semi-permanent basis.
- 109.63 MOBILE HOME LOT:** Any area, tract, site, or plot of ground within a mobile home community or mobile home park designed for the accommodation of one (1) mobile home as herein defined and the accessory uses thereto.
- 109.64 MOBILE HOME PARK:** See Mobile Home Community.
- 109.65 MODULAR HOUSING:** For purposes of this Order a modular house shall be considered to be a home built by modular construction and all modular homes shall be regulated and meet the same standards as homes built by conventional methods.
- 109.66 MOTEL:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.
- 109.67 MOTOR VEHICLES REPAIR SHOP:** A building or a portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.
- 109.68 NONCONFORMING USE:** The use of any building or premises which was lawfully used at the time of the effective date of this regulation but which does not conform with the regulations and requirements of this Order.
- 109.69 NUISANCE, MIXED:** A nuisance which is both a public nuisance and a private nuisance at the same time; it interferes with a right of the general public and also interferes with a particular person's use and enjoyment. *(Adopted January 5, 2011)*

- 109.70 NUISANCE, PRIVATE:** An actionable interference with a person's use and enjoyment of his land. *(Adopted January 5, 2011)*
- 109.71 NUISANCE, PUBLIC (COMMON):** An unreasonable interference with a right common to the general public. It is behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community. *(Adopted January 5, 2011)*
- 109.72 NURSING HOME – CONVALESCENT HOME:** A licensed dwelling where persons are housed or lodged and furnished with professional nursing and convalescent care for a fee.
- 109.73 OPEN UNOCCUPIED SPACE:** That area of private property upon which this Order prohibits the location of any building or structure.
- 109.74 PARCEL:** All contiguous land (including lots and parts of lots) held in one ownership.
- 109.75 PARKING AREA, PUBLIC OR CUSTOMER:** An area other than a private parking area, street or alley used for parking of automobiles and available for public or semi-public use.
- 109.76 PARKING SPACE:** A surfaced area of private or public property, either within or outside a building, suitable in size or location to store one (1) standard automobile.
- 109.77 PERSON:** One or more individuals, partnership, associations, corporations, legal representatives, trustees or receivers. It also includes, but is not limited to, any owner, employee, or lending institutions, and includes all political subdivisions and agencies of the County and any commission, authority, board or other instrumentality of government. *(Amended April, 1983)*
- 109.78 PLAT:** A map, plan or layout of a city, township, section or subdivision indicating the location and boundaries of individual properties.
- 109.79 PREMISES:** A parcel together with all buildings and structures thereon.
- 109.80 ROOMING HOUSE:** A building or portion thereof, other than a hotel, where lodging of four (4) or more persons is provided for compensation.
- 109.81 SANITARY LANDFILL:** A type of operation in which garbage and/or refuse is deposited by a plan on a specified portion of land, is compacted by force applied by mechanical equipment and covered by suitable covering material. It is compacted to a depth of six (6) to twelve (12) inches over individual cells of garbage and refuse deposited during any one day. Said sanitary landfill shall have at least an additional twenty four (24) inches of suitable covering material before the sanitary landfill is abandoned and should meet the regulations set forth by the Missouri State Division of Health.

- 109.82 SETBACK – LINE, BUILDING:** The distance extending across the full width of a lot, the depth of which shall be measured between the front line of the building and the property line of the street right of way.
- 109.83 SIGN:** Words, numerals, figures, devices, designs or trademarks used to identify or call attention to an individual, profession, firm, business or commodity, which are visible from any public street or from the air.
- 109.84 SORORITY HOUSES:** See “Fraternity Houses”.
- 109.85 STABLE, PRIVATE:** An accessory building for the keeping of horses, ponies, mules or cows owned by occupant of the premises, and not kept for remuneration, hire or sale.
- 109.86 STABLE, PUBLIC:** A stable other than a private or riding stable as defined herein.
- 109.87 STABLE, RIDING:** A structure, in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.
- 109.88 STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
- 109.89 STORY, HALF:** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- 109.90 STREET:** That area of land platted and dedicated for public use, or lawfully used as a public thoroughfare for vehicular travel, excluding from this definition access ways commonly designated as alleys.
- 109.91 STREET LINES:** A dividing line between a lot, tract or parcel of land and a continuous street.
- 109.92 STRUCTURE:** Anything fabricated, assembled, constructed or erected by the skills of man, the use of which requires permanent location on or in the ground or attached to something having permanent location on or in the ground, including but not limited to, buildings, signs, poles, fences, decks and in-ground swimming pools. *(Amended March 25, 2014)*
- 109.93 STRUCTURE ALTERATIONS:** Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or substantial change in the roof or in the exterior walls.
- 109.94 SUBDIVISION:** A Subdivision shall, for the purpose of these regulations, be the division of a tract of land into two (2) or more lots for the purpose of sale and / or development,

whether immediate or in the future, including the re-subdivision or re-platting of land, where a street, public or private is to be dedicated, reserved or platted, open or constructed, *except* the division of land into two (2) parcels greater than five (5) acres each shall be exempt from these regulations. *(Amended 10-12-2011)*

- 109.95 THEATER, OUTDOOR DRIVE-IN:** An open lot, or part thereof, with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.
- 109.96 TINY HOMES:** A structure designed for residential use that is less than 1000 square feet with wheels or on a foundation. *(Added May 17, 2019)*
- 109.97 TRAILER OR MOBILE HOME:** See “Mobile Home” and “Vacation Vehicle”.
- 109.98 TRAILER OR MOBILE HOME COURT:** See “Mobile Home Community” and “Vacation Vehicle Parks and Communities”.
- 109.99 TOURIST COURT, MOTEL OR MOTOR HOTEL:** See “Motel”.
- 109.100 USE:** The specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.
- 109.101 VACATION VEHICLE:** All vehicles used or so constructed as to permit being used as conveyances upon the public streets and highways and duly licensable as such, and constructed in such manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one (1) or more persons. This definition shall refer and include all portable contrivances, used or intended to be used, for temporary living and sleeping quarters and which are capable of being moved by its own power, towed or transported by another vehicle; provided that this definition shall apply to camping trailers of any sort, or pick-up campers.
- 109.102 VACATION VEHICLE COMMUNITY:** Any area, tract, site or plot of ground whereupon a minimum of twenty-five (25) vacation vehicles as herein defined are placed, located or maintained or intended to be placed, located or maintained for temporary dwelling purposes.
- 109.103 VACATION VEHICLE LOT:** Any area, tract, site or plot of ground within a vacation vehicle park designed for the accommodation of one (1) vacation vehicle as herein defined and the accessory uses thereto.
- 109.104 VACATION VEHICLE PARK:** Any area, tract, site or plot of land whereupon a minimum of two (2) vacation vehicles as herein defined are placed, located or maintained or intended to be placed, located or maintained for temporary dwelling purposes.

- 109.105 VARIANCE:** Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning as further set out hereinafter in Powers and Duties of the Board of Zoning Adjustment.
- 109.106 YARD:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. Where lots abut a street that is designated a thoroughfare on the Major Highway Plan, all yards abutting said thoroughfare shall be measured from a line one-half the proposed right of way width from the centerline, or from the lot line, whichever provides the least setback. On other lots, all yards abutting a street shall be measured from a line twenty-five (25) feet from the centerline, or from the lot line, whichever provides the least setback.
- 109.107 YARD, FRONT:** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
- 109.108 YARD, REAR:** A yard between the rear lot line and the rear line of the main building and the side lot lines.
- 109.109 YARD SIDE:** A yard between the main building and the adjacent side line of the lot, extending entirely from a front yard to the rear yard.
- 109.110 ZONING AMENDMENT:** A change or revision of the Zoning Ordinance or map.
- 109.111 ZONING APPEAL:** An appeal filed by an individual who has applied to the Zoning Officer for a building permit and who has been turned down for non-compliance with the requirements of the Ordinance.
- 109.112 ZONING BOARD:** The term used to refer to the Zoning Board of Adjustment as herein regulated.
- 109.113 ZONING OFFICER:** The individual appointed to administer the Zoning Ordinance.
- 109.114 ZONING ORDINANCE:** The text of the zoning process which describes the terms and conditions of the zoning within the unincorporated portion of Buchanan County.
- 109.115 ZONING (BUILDING) PERMIT:** A permit issued by the Zoning Officer indicating that the plans submitted show compliance with the Zoning Ordinance, that the use or structure proposed is allowed by the Ordinance or has been allowed by the granting of a variance or exception by the Board of Zoning Adjustment. *(Added March 1994)*
- 109.115.1:** At least two (2) acres are required for use if zoned properly. If not, a Conditional Use Permit or rezoning must be applied for and approved along

with an on-site septic system by the Environmental Inspector for a fee. This definition does not apply to residential districts or Buchanan County subdivision regulations. *(Amended May 17, 2019)*

109.115.2: Twenty (20) or more acres are not subject to rezoning; however a building permit and on-site septic system must be applied for and approved by the Environmental Inspector for a fee. *(Adopted January 5, 2011)*

109.115.3: All Zoning Districts, **regardless of acreage**, require a building permit for any structure and on-site wastewater treatment, if applicable. Failure to secure a building permit or follow proper setbacks, right of ways and all Density Table Requirements can result in the demolition of the structure(s). The County may use any suitable means or assistance for the demolition, which includes County employees or day laborers employed for that purpose or any other assistance necessary.
(Revised May 11, 2018)

109.116 Road/driveway cuts to be sized and approved by the County Road Supervisor with the landowner paying for the “tube” and the County providing installation. *(Adopted January 5, 2011)*

200 AGRICULTURAL DISTRICTS

200.1 INTENT: Agricultural Districts are intended to provide open space for economic activities that require large tracts of land in one block.

200.2 PARKING: For parking requirements in these districts see Section 718.

200.3 SIGNS: For sign requirements in these districts, see Section 722.

200.4 OTHER REGULATIONS: For regulations other than parking and signs, see supplementary regulations in Sections 700 through 730.

201 CLASSES OF AGRICULTURAL DISTRICTS

201.1 A-1 General Agricultural District

201.2 A-2 Commercial Agricultural District

201.3 A-OR Agricultural Outer Residential District

202 DISTRICT, USES: See Table of Uses for land uses allowable in Agricultural Districts.

202.1 USES, PERMITTED: Those uses listed as permitted in the Table of Uses are allowable in Agricultural Districts provided they meet the necessary criteria established by the requirements listed in the Density Table.

202.2 USES, CONDITIONAL: Those uses listed as conditional in the Table of Uses may be permitted in Agricultural Districts provided they meet at least the necessary criteria established by the requirements listed in the Density Table and any additional requirements of the Planning Commission under Sections 705 and 807.

202.3 USES, ACCESSORY: An accessory use as defined in subsection 109.2 and/or regulated herein is allowed in Agricultural Districts where the principal use to which it is accessory is permitted, provided it meets the requirements listed in the Density Table.

203

AGRICULTURAL DENSITY REQUIREMENTS TABLE

MINIMUM LOT AREA

PERMITTED USES:	A-1	A-2	A-OR
Farming Activities	N/A	N/A	N/A
Dwellings	20 Acres	N/A	1 Acres
Other Permitted Uses	1 Acre	1 Acre	1 Acre

AMENDED AUGUST 15, 2012

CONDITIONAL USES:	A-1	A-2	A-OR
Schools	5 Acres	5 Acres	5 Acres
Roadside Stands	N/A	N/A	N/A
Dwellings	2 Acre	N/A	N/A
All Other	2 Acre	2 Acre	2 Acre

MINIMUM LOT WIDTH (Feet)	A-1	A-2	A-OR
Farming Activities	N/A	N/A	N/A
Other Permitted Uses	200'	200'	200'

AMENDED SEPTEMBER, 1990

MAXIMUM HEIGHT OF BUILDINGS	A-1	A-2	A-OR
Farming Activities	N/A	N/A	N/A
Other Permitted Uses	N/A	N/A	N/A
Principal Building	N/A	N/A	35'
Accessory Building	N/A	N/A	35'
Other Exceptions	See Section 700		

MINIMUM FRONT YARD (Feet)	A-1	A-2	A-OR
Farming Activities	N/A	N/A	N/A
Other Permitted Uses	50'	50'	50'

MINIMUM SIDE YARD (Feet)	A-1	A-2	A-OR
Farming Activities	N/A	N/A	N/A
Other Permitted Uses	15'	15'	15'

MINIMUM REAR YARD (Feet)	A-1	A-2	A-OR
Farming Activities	N/A	N/A	N/A
Other Permitted Uses	75'	75'	75'
BUILDABLE AREA	N/A	N/A	25%

203.1 One (1) dwelling constructed on a forty (40) acre or larger tract, before the date of this amendment, may be separated with one (1) or more acres from the parent tract without rezoning to residential use; and is not subject to requirements of Section 108.6. *(Adopted January 28, 2000)*

204 PRIVATE SWIMMING POOL REGULATIONS FOR A-OR DISTRICT ONLY: Private swimming pools having a water depth of two (2) feet or more are allowed, provided the following conditions are met:

204.1 If located not less than fifteen (15) feet from any rear or side lot line.

204.2 No private swimming pool shall extend forward of the established front building line.

204.3 If located in the side yard, it shall not be less than thirty (30) feet from the front property line.

204.4 The swimming pool area shall be entirely enclosed and separated from the remainder of the property by a protective fence or other permanent structure at least four (4) feet in height.

204.5 Locked gates or entrances shall maintain the protective enclosure when a qualified and responsible person is not tending the pool.

204.6 Swimming pools shall be located at least ten (10) feet from overhead electrical conductors. *(Amended September, 1975)*

205 FAMILY EXCEPTION - DWELLINGS: For all land Zoned A-1 a building permit shall be issued for a dwelling without requirement of rezoning when:

205.1 The proposed housing site consists of not less than two (2) acres.

205.2 Owner/builder requesting the building permit is a sibling, parent, child or grandchild of the owner of the parcel.

For this purpose, the parcel from which the building site is taken shall not be divided more than one time, nor reduced in size further than allowed by Section 108.6 without approval by a Conditional Use Permit. Any further division of the parcel shall be subject to rezoning and applicable subdivision regulations. *(Amended June 1998)*

210 A-1 GENERAL AGRICULTURAL DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in an A-1 General Agricultural District (except for any structures that are farm structures or clearly incidental to farm operations) and shall be subject to all general provisions of this Order.

210.1 INTENT: The intent of the A-1 General Agricultural District is to provide locations for the furtherance of agricultural oriented activities in the unincorporated area of Buchanan County. In an agricultural area it is necessary to retain prime agricultural land for agricultural purposes, since this land is one of the most valuable of the natural resources. Any rezoning of these lands into other uses must be carefully reviewed and rezoned only from actual necessity.

220 A-2 COMMERCIAL AGRICULTURAL DISTRICT: The following regulations shall apply to every lot, parcel, tract or building site in an A-2 Commercial Agricultural District (except for any structures that are farm structures or clearly incidental to farm operations) and shall be subject to all general provisions of this Order.

220.1 INTENT: The intent of the A-2 Commercial Agricultural District is to provide suitable locations for commercial activities related to agriculture.

230 A-OR AGRICULTURAL-OUTER RESIDENTIAL DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in an A-OR Agricultural-Outer Residential District (except for any structures that are farm structures or clearly incidental to farm operations) and shall be subject to all general provisions of this Order.

230.1 INTENT: The intent of the A-OR Agricultural-Outer Residential District is to permit a combination of rural residential living and animal husbandry.

230.2 ANIMAL HUSBANDRY: Shall include the maintenance of no more than one (1) animal unit per usable acre. Such unit shall consist of one (1) horse, one (1) cow, five (5) hogs, seven (7) sheep, or one hundred (100) poultry; cats, dogs, rabbits, chinchillas, guinea pigs and pigeons. *(Amended April 1983)*

230.2.1 The slaughter of animals, such as poultry, rabbits or cattle is permitted only where intended for consumption by the resident family.

230.2.2 The keeping, feeding, and maintenance of any permitted animal(s) is permitted for non-profit purposes only.

230.2.3 The animals, other than household pets, shall not be kept within a dwelling, within twenty (20) feet of a dwelling or within sixty (60) feet of the front property line of the building site.

230.2.4 Housing or caging of animals shall be adequate, sanitary and subject to all State health requirements for health and sanitation. All animal food, except hay and straw, shall be stored in rodent proof containers.

230.3 LAND RECLASSIFIED: If any land classified in the A-OR District is reclassified to any other district in which animal husbandry is not a permitted use, any such use therein shall cease within one (1) year from the effective date of the reclassification.

300 RESIDENTIAL DISTRICTS

300.1 INTENT: Certain classes of districts, designated by the symbol “R” and referred to as Residential Districts are established to provide space and a suitable environment in which the inhabitants of the unincorporated portion of Buchanan County may dwell.

300.2 PARKING: For parking requirements in Residential Districts, see Section 718.

300.3 SIGNS: For sign requirements in Residential Districts, see Section 722.

300.4 OTHER REGULATIONS: For regulations other than parking and signs, see supplementary regulations in Sections 700 through 730.

301 CLASSES OF RESIDENTIAL DISTRICTS

301.1 R-1 Single-Family Residential District

301.2 R-2 Two-Family Residential District

301.3 R-3 Multiple-Family Residential District

302 RESIDENTIAL DISTRICTS USES: See Table of Uses for land uses permissible in Residential Districts.

302.1 USES, PERMITTED: Those uses listed as permitted in the Table of Uses are allowable in Residential Districts provided they meet the necessary criteria established by the requirements listed in the Density Table.

302.2 USES, CONDITIONAL: Those uses listed as conditional in the Table of Uses may be permitted in Residential Districts provided they meet at least the necessary criteria established by the requirements listed in the Density Table. Also, any additional requirements placed thereto by the Planning and Zoning Commission under Section 705 and 807.

302.3 USES, ACCESSORY: An accessory use, as defined in subsection 109.2 and/or regulated herein, is allowed in Residential Districts where the principal use to which it is accessory is permitted, provided it meets the requirements listed in the Density Table.

RESIDENTIAL DENSITY REQUIREMENTS TABLE

MINIMUM LOT AREA (SQ. FT.)	R-1	R-2	R-3
Single Family Dwelling (with sewage)	8,000	8,000	8,000
Two Family Unit	N/A	10,000	8,000
Over Two (2) Families	N/A	N/A	10,000
Septic Tank	Soil Morphology		
Schools	5 Acres	5 Acres	5 Acres
All Other Permitted Uses	20,000	20,000	20,000
MINIMUM LOT WIDTH (Feet)	70'	70'	70'

Amended January 15, 2013

MAXIMUM HEIGHT OF BUILDING (Feet)	R-1	R-2	R-3
Principal Building	35'	35'	35'
Accessory Building	35'	35'	35'
Other Regulations	N/A	N/A	N/A

MINIMUM FRONT YARD (Feet) (From property line)	R-1	R-2	R-3
Principal Building	50'	50'	50'
Accessory Building	50'	50'	50'

Amended June 11, 1990

MINIMUM SIDE YARD (Feet)	R-1	R-2	R-3
Dwellings to 20' height	6'	6'	6'
Dwellings in excess of 20' height	10'	10'	10'
Accessory Building (See Section 702.4)	6'	6'	6'

MINIMUM REAR YARD (Feet)	R-1	R-2	R-3
Principal Building	25'	25'	25'
Accessory Building	6'	6'	6'

BUILDABLE AREA (OF LOT)	30%	40%	60%

- (1) See Section 304 for private swimming pool regulations in R-1, R-2 & R-3 Districts.
(Amended September 1975)
- (2) See Airport Zoning District for other height limitations and Section 707.3 for height limitations.

- 304 PRIVATE SWIMMING POOL REGULATIONS FOR RESIDENTIAL DISTRICTS:** Private swimming pools having a water depth of two (2) feet or more are allowed, provided the following conditions are met:
- 304.1** If located not less than fifteen (15) feet from any rear or side lot line.
 - 304.2** No private swimming pool shall extend forward of the established front building line.
 - 304.3** If located in the side yard, it shall not be less than thirty (30) feet from the front property line.
 - 304.4** The swimming pool area shall be entirely enclosed and separated from the remainder of the property by a protective fence or other permanent structure at least four (4) feet in height.
 - 304.5** Locked gates or entrances shall maintain the protective enclosure when a qualified and responsible person is not tending the pool.
 - 304.6** Swimming pools shall be located at least ten (10) feet from overhead electrical conductors. (Amended September 1975)
- 310 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT:** Every lot, tract, parcel or building site in a R-1 Single Family Residential District shall be subject to the following regulations and to all general provisions of this Order.
- 310.1 INTENT:** The intent of the R-1 Single-Family Residential District is to provide suitable locations for single family dwelling accommodations and to promote the health, safety, morals, comfort or general welfare of the inhabitants of Buchanan County.
- 320 R-2 TWO-FAMILY RESIDENTIAL DISTRICT:** Every lot, tract, parcel or building site in a R-2 Two-Family Residential District shall be subject to the following regulations and to all the general provisions of this Order.
- 320.1 INTENT:** The intent of the R-2 Two-Family Residential District is to provide suitable locations for two family dwelling accommodations and to conserve and protect the property and building values in Buchanan County.
- 330 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT:** Every lot, tract, parcel or building site in a R-3 Multiple Family Residential District shall be subject to the following regulations and to all the general provisions of this Order.

330.1 INTENT: The intent of the R-3 Multiple Family Residential District is to prevent congestion while providing healthful dwelling accommodations for the inhabitants of Buchanan County.

400 BUSINESS DISTRICTS

400.1 INTENT: Certain classes of districts designated by the symbol “B” and referred to collectively as Business Districts are established to provide space and suitable locations for commerce and trade while coordinating physical development in accordance with present future needs as developed by the Comprehensive Master Plan of Buchanan County.

400.2 PARKING: For parking requirements in business districts see Section 718.

400.3 SIGNS: For sign requirements in business districts see Section 722.

400.4 PERFORMANCE STANDARDS: No land use shall emit or provide vibration, concussion, noise, dust, noxious gases, smoke, particulate matter, glare, heat or radiation that is detectable from the outside of the building.

400.5 OTHER REGULATIONS: For regulations other than parking and signs, see supplementary regulations in Section 700 through 730.

401 CLASSES OF BUSINESS DISTRICTS:

401.1 B-1 General Business District

401.2 B-2 Neighborhood Business District

401.3 B-3 Highway Business District

402 BUSINESS DISTRICTS USES: See Table of Uses for land uses permissible in Business Districts.

402.1 USES, PERMITTED: Those uses listed as permitted in the Table of Uses are allowable in Business Districts provided they meet the necessary criteria established by the requirements listed in the Density Table.

402.2 USES, CONDITIONAL: Those uses listed as conditional in the Table of Uses may be permitted in Business Districts, provided they meet at least the necessary criteria established by the requirements listed in the Density Table and any additional requirements of the Planning Commission under Sections 705 and 807.

402.3 USES, ACCESSORY: An accessory use as defined in subsection 109.2 and/or regulated herein is allowed in Business Districts where the principal use to which it is accessory is permitted, provided it meets the requirements listed in the Density Table.

403 BUSINESS DENSITY REQUIREMENTS TABLE

MINIMUM LOT AREA (SQ. FT.)	B-1	B-2	B-3
Per Building	6,000	6,000	20,000

MINIMUM LOT WIDTH (Feet)	B-1	B-2	B-3
Per Building	60'	60'	100'

MAXIMUM HEIGHT OF BUILDING (Feet)	B-1	B-2	B-3
Principal Building	35'	35'	35'
Accessory Building	20'	20'	20'

MINIMUM FRONT YARD (Feet) (from property line)	B-1	B-2	B-3
Principal Building	50'	50'	100'
Accessory Building	50'	50'	50'

MINIMUM SIDE YARD (Feet)	B-1	B-2	B-3
Principal Building	6'	6'	6'
Accessory Building (See Section 702.4)	6'	6'	6'

MINIMUM REAR YARD (Feet)	B-1	B-2	B-3
Principal Building	25'	25'	25'
Accessory Building	6'	6'	6'

BUILDABLE AREA	75%	75%	50%
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410 B-1 GENERAL BUSINESS DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in a General Business District and shall be subject to all general provisions of this Order.

410.1 INTENT: The intent of the General Business District is to allow for the conduct of commerce and trade and to provide personal services which due to their character require an economic base that extends beyond the community and thereby creates increased traffic flow and higher density land use. Therefore, in the General Business District, care must be taken to insure adequate movement of goods, services and reasonable accessibility.

420 B-2 NEIGHBORHOOD BUSINESS DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in a B-2 Neighborhood Business District and shall be subject to all general provisions of this Order.

420.1 INTENT: The intent of a B-2 Neighborhood Business District is to provide for the conduct of retail trade and to provide personal services for the regular needs and conveniences of the people in adjacent residential areas, as these shops and stores are an integral part of the neighborhood closely associated with the residential, religious, recreational and educational elements. More restrictive requirements for air, light, open spaces and off-street parking are made than are provided in other business districts.

430 B-3 HIGHWAY BUSINESS DISTRICTS: The following regulations shall apply to every lot, tract, parcel or building site in a B-3 Highway Business District and shall be subject to all general provisions of this Order.

430.1 INTENT: The intent of the Highway Business District is primarily for the conduct of retail trade catering to the motoring public. Since the intent of the Highway Business District is to cater to the motoring public and these districts are located on thoroughfares and interstates, the ingress and egress to the thoroughfares and interstates from these districts must be carefully determined. The intent of this district is not to “strip” the thoroughfares or interstates of Buchanan County, rather it is to be used as certain major thoroughfares and interstates where access can be best controlled.

500 INDUSTRIAL DISTRICTS

500.1 INTENT: Certain classes of districts designated by the primary symbol “I” and referred to collectively as Industrial Districts are established for the production of marketable commodities by manufacture or other operations. Due to their characteristics, they may generate waste materials and can create nuisances, thereby, requiring controls for the health, and safety of the inhabitants of Buchanan County.

500.2 PARKING: For parking requirements in Industrial Districts, see Section 718.

500.3 SIGNS: For sign requirements in Industrial Districts, see Section 722.

500.4 PERFORMANCE STANDARDS:

500.4.1 No land use shall be permitted or operated that produces vibration, concussion, dust, fly-ash, odor, noxious gases, heat or glare at any point on the lot line.

500.4.2 No land use shall be permitted or operated that produces a noise level greater than that level produced by the average traffic of the area discernible at the property and road boundary.

500.5 OTHER REGULATIONS: For regulations other than parking and signs see supplementary regulations in Sections 700 through 730.

501 CLASSES OF INDUSTRIAL DISTRICTS

501.1 I-1 Light Industrial District

501.2 I-2 Heavy Industrial District

502 INDUSTRIAL DISTRICTS USES: See Table of Uses for land uses permissible in Industrial Districts.

502.1 USES, PERMITTED: Those uses listed as permitted in the Table of Uses are allowable in Industrial Districts provided they meet the necessary criteria established by the requirements listed in the Density Table.

502.2 USES, CONDITIONAL: Those uses listed as conditional in the Table of Uses may be permitted in Industrial Districts provided they meet at least the necessary criteria established by the requirements listed in the Density Table and any additional requirements of the Planning Commission under Sections 705 and 807.

INDUSTRIAL DENSITY REQUIREMENTS TABLE

MINIMUM LOT AREA	I-1	I-2
Per Building	1 Acre	1 Acre

MINIMUM LOT WIDTH (Feet)	I-1	I-2
Per Building	100'	100'

MAXIMUM HEIGHT OF BUILDINGS (Feet)	I-1	I-2
Principal Building	45'	45'
Accessory Building	35'	35'

MINIMUM FRONT YARD (Feet)	I-1	I-2
Principal Buildings	50'	50'
Accessory Buildings	50'	50'

MINIMUM SIDE YARD (Feet)	I-1	I-2
Principal Building	20'	20'
Accessory Building	10'	10'
Bordering a Residential Zone (R-1 - R-3)	50'	50'

(SEE SECTION 702.4)

MINIMUM REAR YARD (Feet)	I-1	I-2
Principal Building	25'	25'
Accessory Building	20'	20'
Bordering a Residential Zone (R-1 – R-3)	50'	50'

BUILDABLE AREA	I-1	I-2
	60%	75%

510 I-1 LIGHT INDUSTRIAL DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in an I-1 Light Industrial District and shall be subject to all general provisions of the Order.

510.1 INTENT: The intent of the I-1 Light Industrial District is primarily for the further refining of semi-finished commodities and materials into highly valued semi-finished products or finished wares. This process may result in unsightly conditions or obnoxious smoke, odor, dust, heat, glare and noise that should be prevented or controlled.

520 I-2 HEAVY INDUSTRIAL DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in an I-2 Heavy Industrial District and shall be subject to all general provisions of this Order.

520.1 INTENT: The intent of the I-2 Heavy Industrial District is primarily for the processing of large quantities of raw materials into finished or semi-finished commodities.

600 MISCELLANEOUS DISTRICTS

600.1 INTENT: Certain classes of districts designated by various primary symbols such as “F” Flood Area District; “G” Recreation District; “P” Planned District; “Q” Quarry and Mining District and “ZA” Airport Zoning District referred to collectively herein, as Miscellaneous Districts. They are established for special purposes as hereinafter set forth.

600.2 PARKING: For parking requirements in these districts see Section 718.

600.3 SIGNS: For sign requirements in these districts see Section 722.

601 CLASSES OF MISCELLANEOUS DISTRICTS

601.1 “F” Flood Area District

601.2 “G” Recreation District

601.2.1 Private swimming pools having a water depth of two (2) feet or more are allowed, provided the following conditions are met:

601.2.1.1 If located not less than fifteen (15) feet from any rear or side lot lines.

601.2.1.2 No private swimming pool shall extend forward of the established front building line.

601.2.1.3 If located in the side yard, it shall not be less than thirty (30) feet from the front property.

601.2.1.4 The swimming pool area shall be entirely enclosed and separated from the remainder of the property by a protective fence or other permanent structure at least four (4) feet in height.

601.2.1.5 Locked gates or entrances shall maintain the protective enclosure when a qualified and responsible person is not tending the pool.

601.2.1.6 Swimming pools shall be located at least ten (10) feet from overhead electrical conductors. (Amended September 1975)

601.3 “P” Planned District

601.4 “Q” Quarry and Mining District

601.5 “ZA” Airport Zoning District

601.6 “GRM” Recreation Residential Mobile Home District Overlay (*Amended June 14, 1989*)

602 MISCELLANEOUS DISTRICTS, USES: See Table of Uses for land uses permissible in Miscellaneous Districts.

602.1 **USES, PERMITTED:** Those uses listed as permitted in the Table of Uses are allowable in Miscellaneous Districts provided they meet the necessary criteria established by the requirements in the Density Table.

602.2 **USES, CONDITIONAL:** Those uses listed as conditional in the Table of Uses may be permitted in Miscellaneous Districts provided they meet necessary criteria established by the requirements of the Planning Commission under Sections 705 and 807.

602.3 **USES, ACCESSORY:** An accessory use as defined in subsection 109.2 and/or regulated herein is allowed in Miscellaneous Districts where the principal use to which it is accessory is permitted, provided it meets the requirements listed in the Density Table.

603 MISCELLANEOUS DISTRICTS DENSITY REQUIREMENTS

603.1 For residential uses permitted in any Miscellaneous District the density requirements of R-3 District shall apply.

603.2 For commercial uses permitted in a Miscellaneous District the density requirements of B-2 District shall apply.

603.3 For industrial uses permitted in any Miscellaneous District the density requirements of I-1 District shall apply.

610 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES**610.1 STATUTORY AUTHORIZATION, SEE SECTION 102.1**

The Legislature of the State of Missouri has in 64.090 RSM delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the Buchanan County Commission of Buchanan County, Missouri ordains as follows:

610.2 FINDINGS OF FACT:

1. Flood losses resulting from periodic inundation: The special flood hazard areas of Buchanan County, Missouri are subject to inundation. This in turn results in loss of the following: life and property, health and safety hazards, disruption of commerce, governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base. All adversely affect the public health, safety and general welfare.
2. General causes of the flood losses: These flood losses are caused by the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
3. Methods used to analyze flood hazards: The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area and depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristics of what can be expected to occur on the particular streams subject to this ordinance. It is the general order of a flood which could be expected to have a one percent chance of occurrence in any one year, as delineated on the Federal Insurance Administration's FIS and illustrative materials dated February 1978 as amended, and any future revisions thereto.
 - b. Calculation of water surface profiles based on a standard hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.

- c. Computation of the floodway required conveying a flood, without increasing flood heights more than one (1) foot at any point.
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- e. Delineation of flood fringes, i.e., that are outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

610.3 STATEMENT OF PURPOSE: It is the purpose of this Ordinance to promote the public health, safety and general welfare of unincorporated Buchanan County, and to minimize those losses described in Article I, Section B (1); to establish or maintain the community’s eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3) and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Ordinance to:

- 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights of velocities.
- 2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
- 3. Protect individuals from buying lands that are unsuited for intended development purposes due to the flood hazard.

611 GENERAL PROVISIONS

611.1 LANDS TO WHICH ORDINANCE APPLIES: This ordinance shall apply to all lands within the jurisdiction of Buchanan County Commission identified as numbered and unnumbered A zones and AE zones. These designations are shown on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated August 1,1983 and any future revisions thereto. In all areas covered by this Ordinance, no development shall be permitted except through the issuance of a floodplain development permit. The Buchanan County Commission or its duly designated representative shall grant this permit. The permit is granted under such safeguards and restrictions as they may reasonably impose for the promotion and maintenance of the general welfare or health of the inhabitants of the community and as specifically noted in Sections 614, 615 and 616.

611.2 FLOODPLAIN ADMINISTRATOR: The Zoning Officer of Buchanan County is hereby designated as the Floodplain Administrator under this Ordinance.

611.3 COMPLIANCE: No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

611.4 ABROGATION AND GREATER RESTRICTIONS: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

611.5 INTERPRETATION: In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

611.6 WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The Section does not imply that areas outside the floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Ordinance shall not imply those areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Ordinance shall not create a liability on the part of Buchanan County, any officers or employees thereof, for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

611.7 SEVERABILITY: If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

612 ADMINISTRATION

612.1 FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED): A floodplain development permit shall be required for all proposed construction or other development including the placement of manufactured homes, in the areas described in Section 611.1. No person, firm, corporation or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

612.2 DESIGNATION OF FLOODPLAIN ADMINISTRATOR: The Floodplain Administrator or designated official is hereby appointed to administer and implement the provisions of this Ordinance.

612.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR: Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure those sites are reasonably safe from flooding and that the floodplain development permit requirements of this Ordinance have been satisfied.
2. Review of all applications for floodplain development permits, for proposed development, to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which Federal, State or local law requires prior approval.
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
4. Issuance of floodplain development permits for all approved applications.
5. Notification of adjacent communities and the State Emergency Management Agency prior to any alteration or relocations of the watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
6. Assurance that maintenance is provided with the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.
7. Verification and maintenance of a record of actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures.
8. Verification and maintenance of a record of the actual elevation (in relation to mean sea level) that the new or improved non-residential structures have been flood proofed.
9. When flood-proofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

612.4 APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMITS: To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block, tract, house, street address or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;

3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the Floodplain Administrator;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the Administrator or his authorized agent who may be requested to submit evidence to indicate such authority.

614 PROVISIONS FOR FLOOD HAZARD REDUCTION

614.1 GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within all numbered and unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.
2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood, however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this ordinance. If flood insurance study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
3. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within the cumulative effect of the proposed development. When combined with all other existing and anticipated development, it will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes and other developments shall require:

- a. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Construction with materials resistant to flood damage;
- c. Utilization of methods and practices that minimize flood damage;
- d. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Any on-site waste disposal systems must be located so as to avoid impairment or contamination; and
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) All proposals for development, including proposals for manufactured home parks and subdivisions of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. Storage, material and equipment

- a. The storage or processing of materials within the special flood hazard area, that are in time of flooding, buoyant, flammable,

explosive or could be injurious to human, animal or plant life is prohibited.

- b. Storage or other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

6. Agricultural Structures

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet flood proofed provided there is no human habitation or occupancy of the structure. The structure must be of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

7. Accessory Structures

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-flood proofed provided there is no human habitation or occupancy of the structure. The structure must be of single-wall design, a variance has been granted from the standard floodplain management requirements of this ordinance and a floodplain development permit has been issued.

614.2 SPECIFIC STANDARDS

- 1. In all areas identified as numbered and unnumbered A Zones and AE Zones where base flood elevation data has been provided, as set forth in Article 4, Section A (2) the following provisions are required.

- a. Residential Construction

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

*(*In all unnumbered and numbered A Zones and AE Zones, the FEMA Region VII office recommends elevation to one (1) foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.)*

b. Non-Residential Construction

New construction or substantial-improvement of any commercial, industrial, or non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 612.4 and number 9.

(The FEMA Region VII office recommends elevation to one (1) foot above the base flood elevation to qualify for flood insurance rates based upon flood proofing.)

c. All new construction and substantial-improvements, that fully enclose areas below lowest floor and are used solely for parking of vehicles, building access or storage, (in an area other than a basement) that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on the exterior walls, by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided; and
- (2) The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

614.3 MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist

flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones or AE Zones, on the community's FIRM on sites;
 - a. Outside of manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision, on which a manufactured home has incurred substantial damage as the result of a flood;

be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. Require that manufactured homes to be placed or substantially-improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM, that are not subject to the provisions of Section 614.3, number 9 of this Ordinance be elevated so that either:
 - a. The lowest floor of the manufactured home is one (1) foot above the base flood level or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

*(*In all unnumbered and numbered A Zones and AE Zones, the FEMA Region VII office recommends elevating to one (1) foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.)*

614.4 FLOODWAY: Located within areas of special flood hazards established in 611.1 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway. Unless, it has been demonstrated through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. If 614.4 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 614.
4. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in 614.1.

614.5 RECREATIONAL VEHICLES

1. Recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:
 - a. be on the site for fewer than 180 consecutive days; or
 - b. be fully licensed and ready for highway use* ; or
 - c. meet the permitting elevation and the anchoring requirements of the Ordinance of manufactured homes.

(A recreation vehicle is ready for highway use if it is on its wheels or a jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.)*

615 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

615.1 ESTABLISHMENT OF APPEAL BOARD: The Buchanan County Board of Zoning Adjustment as established by the Buchanan County Commission shall hear and decide appeals and requests for variances from the floodplain management requirements of this Ordinance.

615.2 RESPONSIBILITY OF APPEAL BOARD: Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Section 615.1. The Buchanan County Board of Zoning Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.

615.3 FURTHER APPEALS: Any person aggrieved by the decision of the Buchanan County Board of Zoning Adjustment or any taxpayer may appeal such decision to the Circuit Court of Buchanan County as provided in 64.620 RSMO.

615.4 FLOODPLAIN MANAGEMENT VARIANCE CRITERIA: In passing upon such applications for variances, the Buchanan County Board of Zoning Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this Ordinance, and the following criteria:

1. the danger to life and property due to flood damage;
2. the danger that materials may be swept onto other lands to the injury of others;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations, not subject to flood damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the Comprehensive plan and floodplain management program for that area;
9. the safety of access to the property, in times of flood, for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of the public utilities and facilities such as sewer, gas, electrical and water systems; streets and bridges.

615.5 CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance grows.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provided the proposed activity will not preclude the structure's continued historic designation.
3. Variances shall not be issued within any designated floodway if any increase in flood level during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon (a) showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant and (c) a determination that the granting of a variance will not result in increased flood heights. Additionally, there can be no threats to public safety, extraordinary public expense, and creation of nuisances, fraud or victimization of the public or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing, over the signature of a community official that:
 1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
 2. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this Ordinance.

615.6 CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES: Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Section 615.4 and 615.5 of this Ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood proofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this Ordinance shall demonstrate that the varied structure is located in wide expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the building. Residential

structures, such as homes and garages, cannot be considered agricultural structures.

2. Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e. foundation, wall framing, exterior and interior finish, flooring, etc.) below the base flood elevation must be built with flood resistant materials in accordance with Section 614.1 of this Ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structures in accordance with Section 614.1 of this ordinance. All of the building's components must be capable of resisting specific flood related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable to resisting damage during flood conditions in accordance with Section 614.1 of this Ordinance.
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 614.2 of this Ordinance.
7. The agricultural structures must comply with the floodplain management encroachment provisions of Section 614.4 of this Ordinance. No variances may be issued for agricultural structures within any designated floodway if any increase in flood levels would result during the 100-year flood.
8. Major equipment, machinery or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. A community shall notify the applicant in writing over the signature of a community official that:
 1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
 2. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this ordinance.

11. Wet-flood proofing and construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

615.7 CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES: Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following condition as well as those criteria and conditions set forth in Section 615.4 and 615.5 of this Ordinance.

In order to minimize flood damage during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood proofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e. foundation, wall framing, exterior and interior finishes, flooring, etc.) below the flood elevation, must be built with flood-resistant materials in accordance with Section 614.1 of this Ordinance.
3. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Section 614.1 of this ordinance. All the building's structural components must be capable of resisting specific flood related forces including hydrostatic, buoyancy, hydrodynamic and debris impact forces.
4. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 614.1 of this Ordinance.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 614.2 of this ordinance.
6. The accessory structures must comply with the floodplain management encroachment provisions of Section 614.4 of this ordinance. No variances may be issued for accessory structures within any designated floodway if any increase in flood levels would result during the 100-year flood.

7. Equipment, machinery or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structure(s).
9. A community shall notify the applicant in writing over the signature of a community official that:
 1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
 2. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this Ordinance.

10. Wet-flood proofing and construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

616 PENALTIES FOR VIOLATION: Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Buchanan County Commission or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

617 AMENDMENTS: The regulations, restrictions and boundaries set forth in this Ordinance may from time-to-time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Buchanan County. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

618 DEFINITIONS: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this Ordinance its most reasonable application.

“100-Year Flood”-see *“Base Flood.”*

“Accessory Structure” – means the same as *“Appurtenant Structure.”*

“Actuarial Rates” – see *“risk premium rates.”*

“Administrator” – means the Federal Insurance Administrator.

“Agency” – means the Federal Emergency Management Agency (FEMA).

“Agricultural Commodities”- means agricultural products and livestock.

“Agricultural Structure” – means any structure used exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities.

“Appeal”-means a request for review of the Floodplain Administrator’s interpretation of any provision of this Ordinance or a request for a variance.

“Appurtenant Structure”- means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

“Area of Special Flood Hazard” – is the land in the floodplain within a community subject to one (1) percent or greater chance of flooding in any given year.

“Base Flood” – means the flood having one (1) percent chance of being equaled or exceeded in any given year.

“Building” – see *“Structure”*.

“Chief Executive Officer” or “Chief Elected Official” – means the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

“Community” – means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within it jurisdiction.

“Development” – means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Elevated Building” – means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

“Eligible Community” or “Participating Community” – means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

“Existing Construction” – means for the purposes of determining rates, structures for which the *“start of construction”* commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date. *“Existing construction”* may also be referred to as *“existing structures”*.

“Existing Manufactured Home Park or Subdivision” – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed before the effective date of the floodplain management regulations adopted by the community. This includes at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

“Expansion to an Existing Manufactured Home Park or Subdivision” – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes the installation of utilities, the construction of street and either final site grading or the pouring of concrete pads.

“Flood or Flooding” – means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” – means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

“Flood Elevation Determination” – means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

“Flood Elevation Study” – means an examination, evaluation and determination of flood hazards.

“Floodway Fringe” – means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

“Flood Hazard Boundary Map (FHBM)” – means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

“Flood Insurance Rate Map (FIRM)” – means an official map of a community, on which the Administrator has delineated the special flood hazard areas and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

“Floodplain or Flood Prone Area” – means any land area susceptible to being inundated by water from any source (*see flooding*).

“Floodplain Management” – means the operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flood-proofing” – means any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures and their contents.

“Floodway or Regulatory Floodway” – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway Encroachment Lines” – means the lines marking the limits of floodways on Federal, State and local floodplain maps.

“Freeboard” – means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. *“Freeboard”* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

“Functionally Dependent Use” – means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

“Highest Adjacent Grade” – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” – means any structure that is listed individually in the National Register of Historic Places, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register and meets one of the following requirements. It is certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district. It is individually listed on a State inventory of historic places in states with historic preservation programs, which have been approved by the Secretary of the Interior. It is individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of Interior in States without approved programs.

“Lowest Floor” – means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area is not considered a building’s lowest floor, unless such enclosure is not built so as to render the structure in violation of the applicable flood proofing design requirements of this Ordinance.

“Manufactured Home” – means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *“manufactured home”* does not include *“recreational vehicle”*.

“Manufactured Home Park or Subdivision” – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” – means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM) or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

“Market Value or Fair Market Value” – means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

“Mean Sea Level” – means, for the purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced.

“New Construction” – means for the purposes of determining insurance rates, structures for which the *“start of construction”* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *“new construction”* means structures for which the *“start of construction”* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” – means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed is completed or after the effective date of floodplain management regulations adopted by the community. Facilities include, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

“NFIP” – means the National Flood Insurance Program.

“Participating or Eligible Community” – means a community in which the Administrator has authorized the sale of flood insurance.

“Person” – means including of any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.

“Principally Above Ground” – means that at least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

“Recreation Vehicle” – means all vehicles used or so constructed as to permit being used as conveyances upon the public streets and highways and duly licensable as such, and constructed in such manner as will permit occupancy thereof for human habitation, dwelling or sleeping places

for one (1) or more persons. This definition shall refer and include all portable contrivances, used or intended to be used, for temporary living and sleeping quarters and which are capable of being moved by its own power, towed or transported by another vehicle. This definition shall apply to camping trailers of any sort, or pick-up campers.

“Remedy A Violation” – means to bring the structure or other development into compliance with Federal, State or local floodplain management regulations; if this is not possible, to reduce the impacts of its noncompliance.

“Risk Premium Rates” – means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. These rates include provisions for operating costs and allowances.

“Special Hazard Area” – means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as unnumbered or numbered zones A and AE.

“Start of Construction” – includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred-eighty (180) days of the permit date. The *actual start* means either the first placement of permanent construction on a site, such as, the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations or the erection of temporary forms. Also not included, installation on the property of accessory structures such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency”- means that agency of the State government or other office designated by the Governor of the State or by State statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

“Structure” – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. *“Structure”*, for insurance purposes, means a walled and roofed building other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

“Substantial Damage” – means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial Improvement” – means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals fifty (50) percent of the market value of the structure before the *“start of construction”* of the improvement. This term includes structures, which have incurred *“substantial damage”*, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. Also, not included are any alterations of a *“historic structure”*, provided that the alteration will not preclude the structure’s continued designation as a *“historic structure”*.

“Variance” – means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

“Violation” – means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, or certifications or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation” – means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, where specified, of floods of various magnitudes and frequencies in the floodplain.

625 “G” RECREATION DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in a “G” Recreation District.

625.1 INTENT: The intent of a “G” Recreation District is to provide large tracts of open space for leisure time activities around public and private water reservoirs, ponds, lakes, and other areas. Therefore, the erection of structures within the district is limited to those whose use is relative to leisure time activities.

626 “GRM” RECREATION RESIDENTIAL MOBILE HOME DISTRICT OVERLAY

626.1 INTENT: The intent of a “GRM” District is to provide a combination of temporary and permanent housing in “G” Recreation areas around lakes, reservoirs and other areas where limited housing is recommended.

626.2 USES, CONDITIONAL: The following uses are permitted by a Conditional Use Permit.

- A.** Manufactured housing (mobile homes) individually or in groups of not more than five (5) on a single tract, not platted as a Mobile Home Park, for occupancy by owner and/or as a rental unit.

- B. All such manufactured housing shall comply with all single-family dwelling regulations for R-3 Districts.
- C. All other Conditional Uses allowed in a Recreation District.

630 “P” PLANNED DISTRICT: The following regulations shall apply to every lot, tract, parcel, or building site in the Planned District:

630.1 INTENT: The intent of the Planned District is to allow flexibility in the development land, location of building, structure of roads and at the same time preserve the general intent and spirit of this Order.

630.2 PLAN OF DEVELOPMENT FOR “P” PLANNED DISTRICT: The owner or owners of any tract of land comprising an area of not less than five (5) acres or all of a renewal or development area, may submit to the Zoning Officer, a plan for the use and development of all such tracts of land for residential, business or industrial purposes. Such development plan shall be referred to the Planning and Zoning Commission for study and public hearing, and reported to the Buchanan County Commission. The Buchanan County Commission may authorize rezoning and the issuance of building permits shall be administered by the Zoning Officer, even though the use of the land and the use and location of structures, including yards and open spaces required by this Order do not conform in all respects to the regulations contained in other sections of this Order.

630.2.1 The Development Plan shall include a location plan map, identifying general land usage within one thousand (1,000) feet of the boundaries of said proposed planned development district and a plot plan of the proposed development showing:

- 630.2.1.1 Types and locations of building and accessory structures.
- 630.2.1.2 Street arrangements including proposed right-of-way and surfacing.
- 630.2.1.3 Open spaces for exclusive use of area.
- 630.2.1.4 Utility requirements (water, sewer, gas, and electric).
- 630.2.1.5 Location of uses other than residential.
- 630.2.1.6 Plans illustrating adequate off-street parking in accordance to standards established by the Planning and Zoning Commission.
- 630.2.1.7 Traffic routing system so designed as to minimize nuisance effects due to the generation of traffic to and from the use.
- 630.2.1.8 Comprehensive landscaping plan.

630.2.1.9 Any other information the Planning and Zoning Commission may need to adequately consider the effect that the proposed uses may have upon the cost of providing municipal services to the area. The State of Missouri Division of Health must approve all sewage disposal systems before a building permit is issued.

630.2.1.10 Topographical plan showing existing and future drainage and topographical contours of the area to be developed.

630.2.2 The Zoning Commission may recommend the development as submitted, or may modify, alter, adjust or amend the plan before recommendation or denial of the plan and shall report to the Buchanan County Commission setting forth its reasons for approval or denial of the application. If approved, specific evidence and facts showing that the proposed development plan meets the following conditions:

630.2.2.1 That the value of buildings and the character of the property adjoining the area included in such plan will not be adversely affected.

630.2.2.2 That such plan is consistent with the intent and purpose of this Order to promote public health, safety, morals and general welfare.

630.2.2.3 That the street and highway access is of sufficient capacity for uses dependent on automobile transportation.

630.2.2.4 That the design and landscaping is in harmony with adjacent areas.

630.2.2.5 That the yard requirements and open spaces are adequate to serve the needs of the people as projected by the plan.

630.2.3 COMPLETION OF IMPROVEMENTS: All improvements must be completed prior to the issuance of building permits, except as follows:

630.2.3.1 Personal bonds may be accepted at the option of the Officer. Such guarantee shall be for a period of not more than one (1) year from the execution date. By the end of the one (1) year period, the improvements shall be in place, as required by the specification, or guarantee may, at the County option, be enforced, and the County may install improvements. No such surety shall be accepted unless it is enforceable by or payable to the County in a sum at least equal to the costs of constructing the improvements as estimated by the Officer.

630.2.3.2 After approval of the Development Plan, the developer may elect to develop the plan as one unit or develop the plan in logical portions connected to previously improved areas. This election must be in

writing, must define “logical portion” and must be filed with the Zoning Officer prior to issuance of building permits for the area designated in the election. If election is made to develop the plan in logical portions and improvements are completed in the designated area of satisfactory surety that is furnished by the developer or his contractor, to guarantee installation of the area designated in the election, then the building permit may be issued.

630.2.3.3 If substantial development has not occurred according to the approved plan, within two (2) years, the Buchanan County Commission may initiate proceedings to rezone the property to its previous zoning. The usual amendment procedures shall be followed with notice to landowners.

640 “Q” QUARRY AND MINING DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in a “Q” Quarry and Mining District.

640.1 INTENT: The intent of a “Q” Quarry and Mining District is to identify and locate those areas where the recovery of natural resources, by mining, is occurring in Buchanan County and to prevent intrusion of this operation into residential or recreational districts as provided in RSMo. 1978 (64.560).

640.2 APPLICATION FOR PERMIT: Application for a permit shall conform to the requirements in Missouri Revised Statutes Cumulative Supplement 1971 (444.550) and shall include the following:

640.2.1 At the time an application is made for a permit, the applicant shall submit a general plan for restoration of the area to be excavated or used in any way with the activity permitted. Included in this plan shall be:

640.2.1.1 A map prepared and certified by a professional engineer.

640.2.1.2 An identification of the area to correspond with the application.

640.2.1.3 The boundaries of surface properties and names of owners on the area of land to be affected.

640.2.1.4 The names and locations of all streams, creeks or other bodies of public water, roads, buildings, cemeteries, oil and gas wells and utility lines in the area to be mined.

640.2.1.5 The boundaries of the area of land affected, shown by appropriate markings, the crop line of the seam or deposit to be mined, and the total number of acres involved in the area of land affected.

- 640.2.1.6 The date on which the map was prepared, the north point and the Section, Township and Range.
- 640.2.1.7 The drainage plan on and away from the area of land affected, indicating the directional flow of water, constructed drainage ponds, natural waterway used for drainage and the nearest streams or tributaries recording the discharge of overflow.
- 640.2.1.8 Such other information that the Planning Commission may require.

640.3 FEES: No fees shall be charged for an application for a quarry and mining permit.

650 "ZA" AIRPORT ZONING DISTRICT: The following regulations shall apply to every lot, tract, parcel or building site in a "ZA" Airport Zoning District and other Districts as allowed by the Table of Uses.

650.1 PRIVATE LANDING STRIPS: Private Landing Strips which are used by the owner or other persons authorized by owner not to exceed three airplanes, subject to the following regulations:

- 650.1.1** Runway length according to the size and make of airplane with a minimum length of one thousand three hundred twenty (1,320) feet.
- 650.1.2** There shall be a \$300.00 land use fee. *(Amended 10-12-2011)*
- 650.1.3** There shall be a building permit fee of fifteen (.15) cents per square foot for a hangar. *(Amended 10-12-2011)*
- 650.1.4** The owner must have signed approval from adjoining landowners that have land, which is within five hundred (500) feet from the center of each end of the landing strip. They must file it with the Zoning Officer, unless the landing strip ends five hundred (500) feet or more from the property line. Signed approval is not required from owners on both sides of a landing strip.
- 650.15** If the landing strip is used for other than what the Planning and Zoning Commission considers private use, it will revoke the permit and operations will cease.
- 650.1.6** All private landing strips will be inspected and approved by the Zoning Officer or Environmental Officer before they are in use and will be considered on an individual basis at a hearing before the Planning and Zoning Commission.

650.2 COMMERCIAL AIRPORTS: Subject to the following regulations:

- 650.2.1 A commercial airport is considered an airport open to the public with service available.
- 650.2.2 All commercial airports must have written consent from all adjoining property owners unless the landing strip ends one thousand (1,000) feet from the property line.
- 650.2.3 All commercial airports must be zoned as such.
- 650.2.4 There shall be a \$300.00 land use fee. *(Amended 10-12-2011)*
- 650.2.5 Runway length to be a minimum of two thousand eight hundred (2,800) feet, except special purpose operations listed in Federal Air Regulations 21-25. The hangar and tie down area must be at least 150 feet from the center of the runway.
- 650.2.6 The distance from either end of the landing strip must be five hundred (500) feet or more from the property line.
- 650.2.7 The distance from either side of the landing strip must be one hundred fifty (150) feet or more from the property line.
- 650.2.8 All commercial airports shall be fenced to prevent small children from entering airport unattended.
- 650.2.9 A construction permit must be obtained for a hangar and the cost will be as listed in Section 805.1.5.
- 650.2.10 Runway ends shall be defined so as not to create a hazard to aircraft.
- 650.2.11 All commercial airports will be inspected and approved by the Zoning Officer. *(Amended April, 1983)*

650.3 NONCONFORMING USES

- 650.3.1 **REGULATIONS NOT RETROACTIVE:** The regulations prescribed by this Section shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this resolution, and is diligently prosecuted.
- 650.3.2 **MARKING AND LIGHTING:** Notwithstanding the preceding provisions of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights, as deemed necessary by the County. This is for

indication to the operators of aircraft in the vicinity of the airport and the presence of such airport hazards.

650.4 PERMITS, EXISTING USES: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or to become a greater hazard to air navigation than existed on the effective date of this Ordinance, or any amendments thereto when the application for a permit is made.

650.4.1 NONCONFORMING USES, ABANDONED OR DESTROYED: If a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated or decayed, no permit shall be granted that allows such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

650.4.2 HAZARD MARKING AND LIGHTING: Any permit or variance granted may be so conditioned as to require the owner of the structure or tree in question to, at his own expense, install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Such action must be deemed advisable to the purpose of this Order and be reasonable in the circumstances.

650.5 PERMITS, FUTURE USES: Except as specifically provided in Sections 650.5.1 through 650.5.3, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created, unless a permit shall have been applied for and granted from the County. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is the affirmative, the permit shall be granted.

650.5.1 In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than seventy five (75) feet of vertical height above the ground. When such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone a permit shall be required.

650.5.2 In the areas lying within the limits of the instrument and non-instrument approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy five (75) feet of vertical height above the ground. When such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone a permit shall be required.

650.5.3 In the areas lying within the limits of the transition zones, beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy five (75) feet of vertical height above the ground.

When such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones a permit shall be required.

650.5.4 Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by the regulation except as set forth in Section 650.7.

650.6 USE RESTRICTIONS: Notwithstanding any other provisions of this Order, no use may be made of land within any zone established by this Order in such a manner as to create electrical interference with radio communication between the airport and aircraft. Nor can the use make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, take off or maneuvering of aircraft.

650.7 HEIGHT LIMITATIONS: No structure or tree shall be erected, altered or allowed to grow, or maintained, except as otherwise provided in this Section of these regulations, in any zone, as defined in this Section, to a height in excess of the height limit established for such zone. Such height limitations are hereby established for each of the zones as follows:

650.7.1 INSTRUMENT APPROACH ZONES: This zone will be one (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the instrument runway, thence, extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.

650.7.2 NON-INSTRUMENT APPROACH ZONES: This zone will be one (1) foot in height for each forty (40) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point ten thousand two hundred (10,200) feet from the end of the runway.

650.7.3 VFR AIRPORT APPROACH ZONES: This zone will be one (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point one hundred (100) feet from and at the centerline elevation of the end of the runway and extending to a point two thousand one hundred (2,100) feet from the end of the runway.

650.7.4 TRANSITION ZONES: This zone will be one (1) foot in height for each seven (7) feet in horizontal distance beginning at a point at the elevation of the centerline of non-instrument runways. Thence, extending two hundred (200) feet beyond each end thereof, and five hundred (500) feet normal to and at the elevation of the centerline of the instrument runway; thence

extending to a height of one hundred fifty (150) feet above the airport elevation which is 1,000 feet above the mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone. Then, extending a distance of five thousand (5,000) feet from the edge of the instrument approach zone measured normal to the centerline of the runway.

650.7.5 HORIZONTAL ZONE: One hundred fifty (150) feet above the airport elevation or a height of 1,000 feet above mean sea level.

650.7.6 CONICAL ZONE: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of one thousand (1000) feet above the airport elevation.

650.7.7 EXCEPTED HEIGHT LIMITATIONS: Nothing in this Order shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to one thousand (1,000) feet above the surface of the land.

700 SUPPLEMENTARY REGULATIONS

701 ACCESSORY BUILDINGS: Accessory buildings, as defined in subsection 109.1 and/or regulated herein, are permitted in any district. No detached accessory building hereafter constructed shall occupy a required front yard or be located within ten (10) feet of any dwelling existing or under construction on the building site. No single accessory building in any district shall occupy more than thirty (30) percent, nor shall all such buildings collectively occupy more than forty (40) percent of the required yard spaces in the rear half of the lot. See Density Tables, based on zoning, for side yard lot line set backs. On external corner lots in a subdivision, an accessory building shall not project closer than fifteen (15) feet to the street side lot line, except, if the building is a required parking garage and has access to the side street, such set-back shall be a minimum of twenty (20) feet.

702 TRANSITION REGULATIONS

702.1 LOTS IN TWO DISTRICTS: Where a district boundary line divides a lot, in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet onto the more restricted portion, provided the lot has frontage on a street in the less restricted district.

702.2 STREETS IN TWO DISTRICTS: Where a Residential District is bounded by a portion of a Business District, then any side street extending through such Residential District into such Business District shall not be used for any business purpose, except as herein set forth. The business structure erected shall face and open upon the street set aside for business purposes, except that a show-window may be built and exposed upon said side street within the area set aside as a part of such Business District and an entrance may be made at the corner. All other entrances thereto must face on the business street, except that entrances may be made from such residential street to the upper stories of such business structure.

702.3 GARAGE ENTRANCES: No public or private garage for more than five (5) motor vehicles shall have an entrance or exit for motor vehicles within fifty (50) feet of a Residential District.

702.4 SIDE-YARD AND REAR-YARD TRANSITION: Where a lot in a Business or Industrial District abuts a lot in a Residential District, there shall be provided along such abutting lines, a yard equal in width or depth to that required in the Residential District (or specified dimensions or percentage of lot width or depth).

702.5 FRONT-YARD TRANSITION: Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front-yard depth in the Business or Industrial district shall be equal to the required front-yard depth of the Residential District for a distance of fifty (50) feet into the Business or Industrial District.

702.6 CORNER LOT TRANSITION: On every corner lot in a Residential District there shall be provided on the side street, a side yard equal in depth to the required front-yard depth on said street.

703 DIMENSIONAL MODIFICATIONS

703.1 YARD MODIFICATION: The following modification shall apply only where forty (40) percent or more of the existing structures, which face the same side of a street between the same two (2) intersecting streets, have observed a front set-back greater or less than the required front yard in that district. The front yard for a dwelling hereafter erected on the same block frontage shall be the average set-back of the existing structures, but in no case shall the front yard be reduced to less than fifteen (15) feet.

703.2 HEIGHT MODIFICATION: In any district a permitted building, other than a dwelling or accessory building, as defined herein, may be built to a greater height than elsewhere permitted under height regulations in this Order, if the minimum dimensions of the rear yard and each of the side yards exceed the requirements in the district by one (1) foot for each one (1) foot of additional height.

703.3 BUILDING SITE MODIFICATION: Even though the area is less than the minimum required by these regulations for the district, any of the following specified lots or parcels of land may be used as a building site for dwelling purposes, (except in an Industrial District) if all other requirements are met and providing that no more than one (1) dwelling unit shall be placed upon any such lot or parcel.

703.3.1 Any lot shown on a subdivision recorded prior to the effective date of this regulation.

703.3.2 Any parcel of land (less than twenty acres) purchased prior to the effective date of this regulation (1997), by the present owner or any subsequent owners, where no adjacent land is owned by the same person.

703.3.3 Any lot or parcel of land where the deficiency is due exclusively to the condemnation of a portion thereof for a public purpose or the sale thereof for a public purpose to any agency or political subdivision of the city, State or Federal government.

703.4 "ZERO" SIDE YARD: In any "P" Planned District or in any other Residential District, in which a developer has development control over an entire block area, one (1) required side yard may be eliminated, providing the minimum of the remaining side yard shall be at least fifteen (15) feet in dimension. No other structure, either main or accessory, on subject parcel or adjacent parcel, shall be permitted next to the "Zero" side yard structure, unless a minimum of fifteen (15) feet between structures is provided. Furthermore, a legal easement, provided in written covenants, shall be provided in all adjacent lots to permit maintenance and access to the structure placed on the side lot lines.

705 CONDITIONAL USES: The Buchanan County Zoning Commission may approve a conditional use provided the property owner establishes that the requirements listed herein have been met or shall be met.

705.1 The proposed use is compatible to other land uses in the general neighborhood and will not be detrimental to the property or building values of the area.

705.2 Roads or streets of capacity will serve the site sufficient to carry the traffic generated by the proposed use.

705.3 The proposed use will not result in a hardship or hazard upon the neighborhood.

705.4 The Commission may provide that approval be contingent upon acceptance and observance of specified conditions, including but not limited to:

705.4.1 Conformity to plans and drawings submitted with the application.

705.4.2 Special yards, open spaces, buffer strips, walls, fences, hedges and landscaping.

- 705.4.3 Performance standards relative to emission of noise, vibration or other potentially dangerous or objectionable elements.
- 705.4.4 Limits on time of day for conducting specified activities.
- 705.4.5 A period in which the use shall be exercised or the approval shall lapse.
- 705.4.6 Guarantees as to compliance with the terms of approval.
- 705.4.7 Mobile homes individually placed under Conditional Use procedures of the Order:
 - 705.4.7.1 Shall in the application, establish exact need and reason for the requested use.
 - 705.4.7.2 Shall comply with all requirements for single family dwellings as set out in this Order.
 - 705.4.7.3 Shall be anchored as required by Revised Statutes of Missouri.
 - 705.4.7.4 Shall be skirted with a sturdy weather resistant material.
 - 705.4.7.5 Shall be subject to annual permit renewal of \$50.00. *(Amended January 5, 2011)*
 - 705.4.7.6 Mobile homes shall be manufactured in the year 2000 or newer. The application must include an inspection report by a certified inspector. *(Amended January 1, 2017)*
 - 705.4.7.7 No building permit for a single wide mobile home shall be issued by the Zoning Officer until the applicant presents a title or copy of title to the Zoning Office. The title must be presented within sixty (60) days of the granting of the Conditional Use. Failure to do so shall void the Conditional Use Permit. *(Amended January 5, 2011)*
 - 705.4.7.8 As of April 1, 2012 no single wide mobile homes, travel trailers or semi-box trailers may be placed in Buchanan County for storage. If moved from existing location, it cannot be grandfathered in. *(Added March 26, 2012)*
- 705.5** Additional applicable Sections – Conditional Use Permit 804.5 – Fees for Conditional Use applications 805.6 – Conditional Use Procedures 807. *(Amended March 9, 1988)*
- 705.6** A Conditional Use shall be satisfied within one (1) year after utilities are in place and the septic system is operational and occupied by applicant. *(Adopted January 5, 2011)*

707 INTERPRETATION

707.1 BUILDING SITE REQUIREMENTS – IRREGULAR LOTS: Where the side lot lines are not parallel, the minimum width requirement may be applied to the average lot width of the lot; if when measured at the front lot line the width is at least thirty-five (35) feet and when measured twenty-five (25) feet back of the front lot line, the width is at least fifty (50) feet. The same determination shall be made on the rear half of the lot.

707.2 LOT COVERAGE: In calculating the percentage of lot coverage or required yards, for the purpose of applying the regulations of this resolution, the features of a structure as hereafter set forth, shall not be included as coverage, nor be considered an infringement into the required yards:

- 707.2.1 Unenclosed steps, stairways, landings and stoops not extending above the ground level.
- 707.2.2 Unenclosed surfaces walks and driveways.
- 707.2.3 Fences or trellises not exceeding six (6) feet in height. In residential districts, fences in the front yard shall be open.
- 707.2.4 Retaining walls not more than eighteen (18) inches higher than the grade of the ground retained.
- 707.2.5 Flue or fireplace chimney attached to the main building.
- 707.2.6 Bay windows extending not more than eighteen (18) inches from the main building.
- 707.2.7 Cornices, canopies and eaves not extending more than three (3) feet.
- 707.2.8 Open fire escape not projecting into a required side yard more than one-half (1/2) the width of such yard.
- 707.2.9 Fire escapes, solid floor balconies and enclosed outside stairways, which do not project to within twelve (12) feet of the rear lot line.

707.3 HEIGHT LIMITATIONS

- 707.3.1 The height limitations of this Order shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulk heads, other similar features and necessary mechanical appurtenances usually carried above the roof level.

707.3.2 The provisions of this Order shall not apply to prevent the erection, above the building height limit, of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

707.3.3 On through lots one hundred twenty-five (125) feet or less in depth, the height of a building may be measured from the curb level of either street. On through lots of more than one hundred twenty-five (125) feet in depth, the height regulations for the street permitting the greater height, shall apply to a depth of not more than one hundred twenty (125) feet from that street.

707.4 YARD LIMITATIONS

707.4.1 Where the building wall is not parallel to a side or rear lot line, the required least dimension of the side yard or the rear yard along such line may be considered to be the average distance of said wall from said lot line, provided that no such side shall be less than four (4) feet in width at any point and no such rear yard shall be less than ten (10) feet in depth at any point.

707.4.2 On a corner or external lot, a structure may face either street, except if a structure, including an attached garage, faces the street side yard, the side yard set-back shall be the same as the required front yard set-back in the district. This does not relieve the normal front yard requirement of the lot as defined in this Order.

708 HOME OCCUPATIONS: Home occupations when permitted, as a “Conditional Use” in any Agricultural or Residential District must meet the criteria listed herein. The following criteria shall be employed to determine a valid home occupation:

708.1 No employment of help other than the members of the resident’s family by blood or marriage.

708.2 No outdoor display or storage of material.

708.3 No signs displayed except as permitted in this Order.

708.4 No commodity is sold on the premises except that which is prepared on the premises.

708.5 No more than twenty (20) percent of the net floor area of the dwelling may be devoted to the occupation.

708.6 No required off-street parking space shall be used in the conduct of the home occupation.

- 708.7** No mechanical equipment is used which makes any loud, unnecessary or unusual noise or any noise, which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- 708.8** In no way shall the appearance of the structure be so altered by the conduct of the home occupation within the structure that it may reasonably be recognized as serving a nonresidential purpose (either by color, materials of construction, lighting, sounds, noises, vibrations, etc.). Accessory buildings may be used for Home Occupation if all preceding criteria are met. *(Amended June 1985)*

710 REQUIREMENTS FOR MOBILE HOME COMMUNITIES

710.1 DEFINITIONS: Certain words and phrases pertaining to this Section are defined as follows:

- 710.1.1 MHC shall mean mobile home community.
- 710.1.2 Mobile Home - see subsection 109.61.
- 710.1.3 Mobile Home Community – see subsection 109.62
- 710.1.4 Mobile Home Lot – see subsection 109.63 for definition.

710.2 INTENT: The intent of this Order is to insure a systematic development of MHC within Buchanan County and to achieve an environment that will promote the health, safety and welfare of the citizens of the unincorporated areas of Buchanan County.

710.3 PLATTING REQUIREMENTS: Any area, tract, site or plat of ground on which two (2) or more mobile homes are placed, located or maintained shall be platted for record in conformity with platting regulations for a subdivision, then submitted for the review and approval of the Commission according to this Order and the subdivision regulations of Buchanan County, except where noted or excepted herein. All Mobile Home Courts which are, and shall remain in one ownership, (no lots to be sold or streets dedicated) require the same platting requirements, but shall be only filed with the Assessor’s Office, not recorded. *(Amended August, 1985)*

710.4 COMPREHENSIVE DEVELOPMENT PLAN: The location of MHC shall be in compliance with the orderly development plans and processes of the unincorporated areas of Buchanan County as shown in the Master Plan for Buchanan County.

710.5 GENERAL REQUIREMENTS FOR MHC SITES

710.5.1 The location of the MHC site shall be such that:

710.5.1.1 The site, including mobile home stands, patios, structures and all site improvements, shall be harmoniously and efficiently organized in relation to

topography, the shape of the plot, and the shape, size and position of structures, and common facilities with full regard to use, appearance and livability.

710.5.1.2 The site shall not be exposed to objectionable smoke, noise, orders or other adverse influences, and no portion subject to unpredictable and/or sudden flooding subsidence or erosion shall be used for any purpose, which would expose persons or property to hazards.

710.5.1.3 Conditions of soil, ground water level, drainage and topography at the site shall not create hazards to the property or the health and safety of the occupants.

710.5.1.4 Exposed ground surfaces in all parts of every MHC may be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

710.5.1.5 The ground surface in all parts of every MHC may be graded and equipped to drain all surface water in a safe efficient manner.

710.5.2 RECREATION AREAS

710.5.2.1 In all MHC there shall be one or more recreation areas which shall be easily accessible to all occupants of said MHC.

710.5.2.2 In a MHC the size of a recreational area for two (2) to twenty-five (25) mobile homes shall be a minimum of twenty-five hundred (2,500) square feet or one hundred (100) square feet for each mobile home lot. For a recreational area with more than twenty-five (25) mobile homes the minimum area shall be five thousand (5,000) square feet for each mobile home lot. The Planning and Zoning Commission may waive this requirement when the MHC is within four hundred (400) feet of a public or recreational area.

710.5.2.3 Recreation areas shall be so located as to be free of traffic hazards, and should, where the topography permits, be centrally located.

710.5.2.4 All swimming facilities within a MHC shall be designed and constructed in a manner approved by the Missouri State Health Department.

710.5.3 REQUIRED SET-BACKS, BUFFER STRIPS AND SCREENING

710.5.3.1 All mobile homes shall be located at least fifty (50) feet from any MHC property boundary line abutting upon a public street or county road, and at least sixty (60) feet from any property line abutting upon a State or Federal highway.

- 710.5.3.2 There shall be a minimum distance of twenty-five (25) feet between the mobile home stand and abutting internal MHC street pavement.
- 710.5.3.3 All MHC located adjacent to industrial or commercial land uses shall be provided with screening, such as fences or natural growth, along the property boundary line separating the MHC and such adjacent nonresidential uses. Landscaped buffer zones not less than sixty (60) feet wide shall be provided between park and highway.
- 710.5.3.4 All mobile homes shall be set back not less than one hundred fifty (150) feet from a sewage lagoon or drainage field from a sewage treatment system.
- 710.5.3.5 All sewage lagoons and sewage treatment systems shall be adequately fenced to provide protection for the residents of the MHC.
- 710.5.3.6 Adequate protection by fences or vegetative screening shall be provided against any undesirable off-site views or any adverse influence from adjoining roads and areas.

710.6 STREET SYSTEM

- 710.6.1 All MHC shall be provided with safe and convenient vehicular access from abutting public streets or roads other than alleys.
- 710.6.2 Entrances to MHC shall be designed to minimize congestion and hazards and allow free movement to traffic on adjacent streets. No parking shall be permitted on the MHC entrance street for a distance of one hundred (100) feet from its point of beginning. Entrance to the MHC shall be in accordance with the design standards of the Missouri State Highway Department.
- 710.6.3 Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements: Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load, in accordance with the type of street. A minimum of twelve (12) foot wide lanes are required for collector streets, ten (10) foot wide lanes for local streets and a seven (7) foot wide lane for parallel guest parking is required. Streets shall be a minimum width of twenty-seven (27) feet of surfaced roadway with a right-of-way width of fifty (50) feet.

- 710.6.4 All streets in a MHC shall be provided with one (1) seven (7) foot surfaced parking lane.
- 710.6.5 Pavements: All streets shall be surfaced to meet the minimum standards for Type "C" streets, as outlined in the Buchanan County Rules for Land Subdivision, and shall be durable and well drained under normal use and weather conditions. Street surfaces shall be maintained free of cracks, holes and other hazards.
- 710.6.6 Grades: Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than twelve (12) percent.
- 710.6.7 Intersections: Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. Intersections of more than two streets at one point shall be avoided.
- 710.6.8 Potentially hazardous locations, such as major street intersections, MHC entrances and steps or stepped ramps shall be illuminated.
- 710.6.9 Convenient access shall be provided to each mobile home lot by means of an access-way reserved for maneuvering the mobile home into position. Access-ways shall be kept free from trees and other immovable obstructions. Access to mobile home stands shall not be permitted from any public road or highway.

710.7 PARKING

- 710.7.1 Off-street parking spaces shall be provided at the rate of at least two (2) spaces for each mobile home lot to provide for guest parking, for tenants and for delivery and service vehicles. A space shall be at least nine (9) feet by twenty (20) feet.
- 710.7.2 Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated.

710.8 MOBILE HOME LOTS: The area of the mobile home lot shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

- 710.8.1 **Pad Size:** Each unit or space shall be provided with a pad or stand not less than twelve (12) feet by sixty (60) feet.
- 710.8.2 **Patio Size:** Each unit or space shall be provided with an all weather surface patio of at least one hundred eighty (180) square feet.
- 710.8.3 **Construction:** The mobile home stand shall be so constructed that it will not heave, shift or settle unevenly under the weight of the mobile home due to

frost action, inadequate drainage, vibration or other forces acting on the structure. The mobile home stand shall be provided with anchors and tie-downs, such as, cast-in-place concrete “dead men” eyelets imbedded in concrete foundations or runaways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand. (Refer to 618.2.4)

710.8.4 **Location:** All stands shall be a minimum of one hundred fifty (150) feet from any sewage lagoon, disposal facility cesspool, septic tank or seepage pit within the MHC or on adjacent property.

710.9 WATER AND SEWAGE

710.9.1 An accessible, adequate, safe, and potable supply of water shall be provided in each MHC. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the Missouri State Health Department.

710.9.2 An adequate and safe sewage system shall be provided in all MHC for conveying and disposing of all sewage.

710.9.2.1 Such system shall be designed, constructed and maintained in accordance with State and local laws.

710.9.2.2 Septic tanks shall not be considered an adequate method for disposing of sewage in a MHC of more than twenty-five (25) mobile homes.

710.9.3 Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

710.9.4 The MHC shall maintain one (1) flush toilet and one (1) lavatory for each sex, per each fifty (50) mobile homes or fraction thereof, as emergency sanitary facilities.

710.9.5 In a MHC of two (2) to twenty-five (25) mobile homes where individual septic tanks are used for the disposal of sewage, the lot size for each mobile home shall be a minimum of fifteen thousand (15,000) square feet. Where group septic tanks are used for the disposal of sewage, the requirements of the Missouri Department of Health shall be met. (Amended July 1974)

710.10 REFUSE HANDLING

- 710.10.1 The storage, collection and disposal of refuse in the MHC shall be so conducted as to create no health hazards, rodent harborages, insect breeding areas, accidents, fire hazards or air pollution.
- 710.10.2 All refuse shall be stored in fly-tight, watertight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- 710.10.3 Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
- 710.10.4 All refuse containing garbage shall be collected at least weekly. Where suitable collection service is not available from municipal agencies, **the MHC operator shall provide this service**. All refuse shall be collected and transported in covered vehicles or covered containers.

710.11 SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES: The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities when provided, such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas and commercial uses supplying essential goods or services for the exclusive use of park occupants.

- 710.11.1 All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- 710.11.2 All rooms containing sanitary or laundry facilities shall have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.
- 710.11.3 All rooms containing sanitary or laundry facilities shall have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them.
- 710.11.4 All rooms containing sanitary or laundry facilities shall have at least one (1) window which can be easily opened, or a mechanical device which will adequately ventilate the room.

710.11.5 Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

710.11.6 Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

710.12 WALKS

710.12.1 All MHC shall be provided with safe, convenient, all season pedestrian walks. Sudden changes in alignment and gradient shall be avoided.

710.12.2 **Common Walk System:** A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four (4) feet.

710.12.3 **Individual Walks:** All mobile home stands shall be connected to common walks, to roads or driveways. Such individual walks shall have a minimum width of three (3) feet.

710.13 RESPONSIBILITIES OF THE MHC MANAGEMENT

710.13.1 The person to whom a permit for MHC is issued shall operate the park in compliance with this Order and shall provide adequate supervision to maintain the MHC, its facilities and equipment in good repair and in a clean and sanitary condition.

710.13.2 The MHC management shall notify MHC occupants of all applicable provisions of this Order and inform them of their duties and responsibilities under this Order.

710.13.3 The management shall supervise and be responsible for the placement of each mobile home on its stand, which includes securing its stability and installing all utility connections.

710.13.4 The management shall maintain a register containing the names of all occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the MHC.

710.13.5 The management shall notify the Missouri Health Department immediately of any suspected communicable or contagious disease within the MHC.

710.14 RESPONSIBILITIES OF MHC OCCUPANTS

- 710.14.1 The MHC occupant shall comply with all applicable requirements of this Order and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- 710.14.2 Skirting may be installed on each mobile home and porches, awnings and other additions may be installed if permitted and approved by the MHC management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home may be used for storage, only if permitted by the MHC management. If permitted, the following conditions shall be satisfied; the storage area shall be provided with a base of impervious material; stored items shall be located so as not to interfere with the underneath inspection of the mobile home; the storage area shall be enclosed by skirting and no combustible or flammable materials shall be permitted.
- 710.14.3 The MHC occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof and watertight.

710.15 NONRESIDENTIAL USES

- 710.15.1 Any nonresidential use of the property shall be subordinate to the residential use and character of the property.
- 710.15.2 The land area devoted to commercial use shall not exceed five (5) percent of the total area or as determined by the Planning and Zoning Commission. Any portion of the MHC, which is devoted to commercial use, shall be primarily for the use of or service to the MHC occupants and shall be incidental and related to the residential use and character of the development. Such use is limited to stores and service facilities.
- 710.15.3 Nonresidential use is prohibited if such use adversely affects the desirability of subject property or neighboring properties for residential use or family occupancy.
- 710.15.4 No part of any MHC shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of residents and for the management and maintenance of the MHC.
- 710.15.5 Nothing contained in this Order shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the permanent utilities.

710.16 ELECTRICAL DISTRIBUTION SYSTEM-TELEPHONE SYSTEM

- 710.16.1 Every MHC shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances that shall be installed and

maintained in accordance with applicable codes and regulations governing such systems and shall be underground.

710.16.2 All lateral electrical distribution systems and telephone service lines to each mobile home or service building shall be located underground in an approved and safe manner.

710.16.3 All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method to ground metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

710.17 FUEL SUPPLY AND STORAGE

710.17.1 Each mobile home lot provided with fuel gas shall have a manual shutoff valve installed upstream of the fuel outlet. The outlet shall be equipped with a cap to prevent accidental discharge of fuel when the outlet is not in use.

710.17.2 Pressurized fuel systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

710.17.3 Fuel storage containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning.

710.17.4 No fuel storage shall be located inside or beneath any storage cabinet, carport, mobile home or any other structure.

710.17.5 Fuel storage tanks located in areas subject to traffic shall be protected against physical damage.

710.18 BARBECUE PITS, FIREPLACES, STOVES: Cooking shelters, barbecue pits, fireplaces and wood burning stoves shall be located, constructed, maintained and used to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

710.19 INSECT AND RODENT CONTROL

710.19.1 Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Environmental Inspector.

- 710.19.2 MHC shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- 710.19.3 Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground to prevent rodent harborage.
- 710.19.4 Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- 710.19.5 The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. MHC shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

710.20 FIRE PROTECTION

- 710.20.1 MHC shall be kept free of litter, rubbish and other flammable materials.
- 710.20.2 Portable fire extinguishers shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than two and one-half (2½) pounds.
- 710.20.3 Fire hydrants shall be installed where the park water supply system is capable of serving them.
- 710.20.4 In case of inadequate water supply for fire protection by regular fire fighting equipment, a minimum two (2) gallon fire extinguishers shall be provided and maintained by the MHC owner, in the ratio of one (1) to not more than ten (10) mobile homes or trailers. They shall be located conveniently throughout the MHC. Individual hose connections at each mobile home from the domestic water supply shall also be provided as an auxiliary source of water for fire protection.

710.21 DENSITY REQUIREMENTS

- 710.21.1 No MHC shall be permitted an average of mobile home lots of more than six (6) per acre.
 - 710.21.1.1 In a MHC of two (2) to twenty-five (25) mobile home lots, there shall be a minimum total area of not less than three (3) acres.

- 710.21.1.2 In a MHC of over twenty-five (25) mobile home lots there shall be a minimum total area of not less than five (5) acres.
- 710.21.2 All MHC shall provide lots sufficient in size that no mobile home or any structure, addition or appurtenance thereto is located less than five (5) feet from the nearest adjacent lot boundary.
- 710.21.3 Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet, provided that mobile homes placed end-to-end may have a clearance of fifteen (15) feet where opposing rear walls are staggered.
- 710.21.4 An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak and porch which has a floor area exceeding twenty five (25) square feet, and has a top or roof, shall for purposes of all separation requirements, be considered to be part of the mobile home.

711 REQUIREMENTS FOR VACATION VEHICLE PARKS AND COMMUNITIES

711.1 DEFINITIONS: Certain words and phrases pertaining to this Section are defined as follows.

- 711.1.1 VV shall mean Vacation Vehicles.
- 711.1.2 VVP shall mean Vacation Vehicle Park.
- 711.1.3 VVC shall mean Vacation Vehicle Community.
- 711.1.4 VVPC shall mean Vacation Vehicle Park or Community.
- 711.1.5 Vacation Vehicle (See Subsection 109.98 for definition.)
- 711.1.6 Vacation Vehicle Community (See Subsection 109.99 for definition.)
- 711.1.7 Vacation Vehicle Lot (See Subsection 109.100 for definition.)
- 711.1.8 Vacation Vehicle Park (See Subsection 109.101 for definition.)

711.2 GENERAL REQUIREMENTS: Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, settling or erosion shall be used for any purpose that would expose persons or property to hazards.

711.3 SOIL AND GROUND COVER REQUIREMENTS: Exposed ground surfaces in all parts of every parking area shall be covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

711.4 REQUIRED SEPARATION BETWEEN VV: VV shall be separated from each other and from other structures by at least ten (10) feet.

711.5 DENSITY REQUIREMENT: The density shall not exceed thirty-five (35) VV spaces per acre of gross site area.

711.6 REQUIRED RECREATION AREA: In all VV parking areas there shall be at least one recreation area which shall be easily accessible from all trailer spaces. The size of such recreation area shall not be less than eight (8) percent of the gross site area or two thousand five hundred (2,500) square feet, whichever is greater.

711.7 REQUIRED SETBACKS FROM PUBLIC ROADS: All VV shall be located at least twenty five (25) feet from any boundary line abutting upon a public road or highway.

711.8 STREET SYSTEM: All VV parking areas shall be provided with safe and convenient vehicular access from abutting public streets or roads to each VV space. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface that shall be well drained.

711.8.1 **ACCESS:** Access to VV parking areas shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent roads. All traffic into or out of the parking areas shall be through such entrances and exits.

711.8.2 **INTERNAL STREETS:** Surfaced roadways shall be for one-way traffic only and shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements. For a street with one-way and no parking a width of twelve (12) feet is required. (This is acceptable only serving less than twenty-five (25) VV spaces.) A street with one-way parking on one side only a width of twenty feet (20) is required, (acceptable only when serving less than fifty (50) VV spaces). A street with one-way parking on both sides, a width of twenty-seven (27) feet is required.

711.8.3 **OFF-STREET PARKING AND MANEUVERING SPACE:** Each VV parking area shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of VV, incidental to parking, shall not necessitate the use of any public street, sidewalk, right-of-way or any private grounds not part of the VV parking area.

711.9 WATER SUPPLY: An accessible, adequate, safe and potable supply of water shall be provided in each VV parking area. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the Missouri State Division of Health.

- 711.9.1 The water supply shall be capable of supplying fifty (50) gallons per space each day for all spaces lacking individual water connections and one hundred (100) gallons per space per day for all spaces provided with individual water connections.
- 711.9.2 Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. The minimum distances between wells and various sources of contamination shall be one hundred fifty (150) feet.
- 711.9.3 No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled-in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
- 711.9.4 The treatment of a private water supply shall be in accordance with applicable laws and regulations.

711.10 WATER DISTRIBUTION SYSTEM: The water supply of the VV parking area shall be connected by pipes to all buildings and other facilities requiring water.

- 711.10.1 All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations and requirements, and shall be a type and in locations approved by the Environmental Inspector.
- 711.10.2 The water piping system shall not be connected with non- potable or questionable water supplies and shall be protected against the hazards of back flow or back siphonage.
- 711.10.3 The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch, under normal operating conditions at service buildings and other locations requiring potable water supply.
- 711.10.4 Each VV parking area shall be provided with one or more easily accessible water supply outlets for filling VV water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of back flow and back siphonage.
- 711.10.5 **INDIVIDUAL WATER CONNECTION:** If facilities for individual water service connections are provided, the following requirements shall apply:

- 711.10.5.1 Riser pipes provided for individual water service connections shall be located and constructed so that the parking of VV will not damage them.
- 711.10.5.2 Water riser pipes shall extend at least four (4) inches above ground elevation. The pipe size shall be at least three-quarter (3/4) inch.
- 711.10.5.3 Provisions shall be made to prevent freezing of service line, valves and riser pipes.
- 711.10.5.4 Underground stop and waste valves shall not be installed on any water service.
- 711.10.5.5 Valves shall be provided near the outlet of each water service connection. They shall be turned off and the outlets capped or plugged when not in use.

711.11 SEWAGE DISPOSAL: An adequate and safe sewerage system shall be provided in all VV parking areas for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State and local laws.

711.11.1 **SANITARY STATION:** A sanitary station shall be provided, consisting of at least one trapped four (4) inch sewer riser pipe connected to the VV parking area's sewer system. It should be surrounded at the inlet end by a concrete apron sloped to the drain, and provided with a suitable hinged cover and a water outlet with the necessary appurtenances. This station should be connected to the parking area water supply system to permit periodic washing down of the immediate adjacent areas.

711.11.1.1 Each VV parking area shall be provided with a sanitary station in the ratio of one (1) for every one hundred (100) VV spaces or fractional part thereof.

711.11.1.2 Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any VV space by a distance of at least fifty (50) feet.

711.11.2 **SEWER LINES:** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements, and shall be separated from the water supply system at a safe distance. Sewers shall be at a grade, which will insure a velocity of two (2) feet per second when flowing full. All sewer lines shall be constructed of materials approved by the Environmental Inspector, shall be adequately vented and shall have watertight joints.

711.11.3 **INDIVIDUAL SEWER CONNECTIONS:** If facilities for individual sewer connections are provided, the following requirements shall apply.

711.11.3.1 The sewer riser pipe shall have at least a four (4) inch diameter, shall be trapped below the ground surface and shall be so located on the VV space that the sewer connection to the VV drain outlet will approximate a vertical position.

711.11.3.2 The sewer connection shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one (1) pipeline only without any branch fittings. All joints shall be watertight.

711.11.3.3 All materials used for sewer connections shall be corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

711.11.3.4 Provisions shall be made for plugging the sewer riser pipe when a VV does not occupy the space. Surface drainage shall be diverted away from the riser.

711.11.4 **SINK WASTES:** No liquid wastes from sinks shall be discharged onto or allowed to accumulate on the ground surface.

711.11.5 **SEWAGE TREATMENT AND/OR DISCHARGE:** Where the sewer lines of the VV parking area are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Environmental Inspector prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State, except with prior approval of the Environmental Inspector.

711.12 ELECTRICAL DISTRIBUTION: If an electrical wiring system is provided, it shall consist of approved fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with applicable codes and regulations governing such systems and shall be underground.

711.12.1 **POWER DISTRIBUTION LINES:** All direct burial conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially approved for the purpose. Such conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communication lines.

711.12.2 **INDIVIDUAL ELECTRICAL CONNECTIONS:** If individual VV spaces are connected to the electrical wiring system, an approved type of

disconnection device and over current protective equipment shall be one hundred and twenty (120) volts AC, fifteen (15) amperes and/or thirty (30) amperes.

711.12.2.1 Outlet receptacles at individual VV spaces shall be located not more than twenty five (25) feet from the over current protective devices in the trailer and a three (3) wire grounding type shall be used. Receptacles shall be of weatherproof construction.

711.12.2.2 The VV shall be connected to the outlet receptacle by flexible cable with connectors and a male attachment plug.

711.12.2.3 Required Grounding: All exposed non-current carrying metal parts of VV and all other equipment shall be grounded by means of a grounding conductor run with branch circuit conductors or other method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for VV or other equipment.

711.13 SERVICE BUILDINGS AND OTHER SERVICE FACILITIES: The requirements of this Section shall apply to service buildings, recreation buildings and other service facilities such as: Management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas and commercial uses supplying essential goods or services for the exclusive use of VV occupants.

711.13.1 A central service building containing toilets and other plumbing fixtures shall be provided in VV parking areas. Service buildings shall be conveniently located within a radius of approximately three hundred (300) feet to the spaces to be served and shall contain the following units.

PARKING SPACES

1-9
10-24
25-49
50-99
100 or more

TOILETS

<i>MEN</i>	<i>WOMEN</i>
1	1
1	2
2	3
3	4
4	6

URINALS

<i>MEN</i>
1
1
2
4
6

PARKING SPACES

LAVATORIES

SHOWERS

	<i>MEN</i>	<i>WOMEN</i>	<i>MEN</i>	<i>WOMEN</i>
1-9	1	1	1	1
10-24	2	2	1	1
25-49	3	3	2	2
50-99	4	4	3	3
100 or more	6	6	4	4

- 711.13.2 Additional fixtures including laundry trays, clothes washing machines, and an ice making machine may be provided.
- 711.13.3 A service sink with a flushing rim shall be provided for disposal of liquid wastes, unless a sanitary station is conveniently accessible for this purpose.
- 711.13.4 Where a VV parking area is designed for and exclusively limited to use by self-contained trailers, only the following minimum emergency sanitary facilities shall be required. For each one hundred (100) trailer spaces, or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex.
- 711.13.5 When a VV parking area requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for trailer spaces and shall be based on the total number of persons using such facilities.
- 711.13.6 **EXEMPTIONS:** Any person desiring to furnish temporary facilities for accommodating a VV rally, or other group of VV assembled for the purpose of traveling together, shall make application for such activity to the Environmental Inspector. The Environmental Inspector, upon determination that public health will not be endangered, may waive the requirements for a service building and other sanitary and physical facilities. However, location of the site, the facilities, which are provided, and the method of conduction, such rally shall be acceptable to the Environmental Inspector before a temporary permit shall be issued for a period of operation, which shall not exceed ten (10) days.
- 711.13.7 **STRUCTURAL REQUIREMENTS FOR BUILDINGS:** All portions of the structure shall be protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such

materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

711.13.8 All rooms containing sanitary or laundry facilities shall:

711.13.8.1 Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent waterproof material or covered with moisture resistant material.

711.13.8.2 Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of floor area served by them.

711.13.8.3 Have at least one (1) window, which can be easily opened, or a mechanical device, which will adequately ventilate the room.

711.13.8.4 Toilets shall be located in separate compartments equipped with self-closing doors. The shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

711.13.8.5 Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture and cold water shall be furnished to every water closet and urinal.

711.14 BARBECUE PITS, FIREPLACES, STOVES: Cooking shelters, barbecue pits, fireplaces and wood burning stoves shall be located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

711.15 REFUSE HANDLING: The storage, collection and disposal of refuse in the VV parking area shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution.

711.15.1 All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any VV space. Containers shall be provided in sufficient number and capacity to store all refuse.

711.15.2 Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and facilitate cleaning around them.

711.15.3 All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the **owner or operator** of the VV parking area shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers to a disposal site approved by the Environmental Inspector.

711.16 INSECT AND RODENT CONTROL: Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Environmental Inspector.

711.16.1 Parking areas shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

711.16.2 Storage areas shall be so maintained as to prevent rodent harborage: lumber, pipe and other building materials shall be stored at least one (1) foot above ground.

711.16.3 Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

711.16.4 The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parking areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

711.17 FUEL SUPPLY AND STORAGE: All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any VV or less than five (5) feet from any VV exit.

711.18 FIRE PROTECTION: VV parking areas shall be kept free of litter, rubbish and other flammable materials.

711.18.1 Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and shall be maintained in good operating condition.

711.18.2 Fires shall be made only in barbecue pits, fireplaces, stoves and other equipment intended for such purposes.

712 MODULAR HOUSING: See subsection 109.65

713 NONCONFORMING USES

713.1 **NONCONFORMING USES CONTINUED OR CHANGES:** The lawful use of a building existing at the time of the effective date of this Order may be continued although such use does not conform to the provisions herein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a higher classification. Whenever a nonconforming use has been changed to a use of higher classification, such use shall not thereafter be changed to a nonconforming use of lower classification. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

713.2 **NONCONFORMING USE DUE TO CHANGE IN ZONING:** Whenever the use of a building becomes nonconforming through an amendment to the Zoning Order or Zoning District Maps, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of higher classification.

713.3 **NONCONFORMING USE STOPPED OR DISCONTINUED:** In the event that a nonconforming use of any building or premises is discontinued, or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the zoning regulations of the district in which it is located.

713.4 **NONCONFORMING USE ENLARGED:** A building or lot containing a nonconforming use may not be enlarged, extended, reconstructed or altered unless such use is made to conform to the regulations of the district in which it is located.

713.5 **NONCONFORMING BUILDING DESTROYED:** A nonconforming building or structure, except a dwelling, destroyed by fire, explosion, act of God or the public enemy to the extent of greater than fifty (50) percent of its actual value shall not be restored or replaced, unless all regulations contained herein are complied with. (Revised April 1983)

713.6 **NONCONFORMING BUILDING – MAINTENANCE:** Maintenance and minor repairs necessary to keep a nonconforming building in sound condition shall be permitted.

714 DANGEROUS BUILDINGS & NUISANCES (*Adopted 2011*)

714.1 DANGEROUS BUILDINGS DECLARED TO BE A PUBLIC NUISANCE ABATEMENT REQUIRED: All buildings or portions thereof which are determined after inspection by the Enforcement Officer to be dangerous as defined in this Order are hereby declared to be public nuisances and shall be abated by repair, rehabilitation or removed.

714.1.1 Identification of Dangerous Buildings

For the purpose of this Order, any building or structure, which has any or all of the conditions or defects hereinafter described, shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public are endangered.

1. Whenever such buildings are located in Zoning Districts A-OR, R-1, R-2, R-3 and G or whenever located in an A-1 District within five hundred (500) feet of a residence in separate ownership.
2. Whenever fire, earthquake, wind and flood thereof, have damaged any portion, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe.
3. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration or decay, faulty construction, the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, including the foundation, or any other cause, is likely, partially or completely to collapse.
4. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
5. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damaged faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Environmental Inspector to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.
6. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, heating apparatus or other cause is determined by the Fire Marshall to be a fire hazard.
7. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
8. Nuisance, Mixed: A nuisance which is both a public nuisance and a private nuisance at the same time; it interferes with a right of the general public and also interferes with a particular person's use and enjoyment. *(Adopted January 5, 2011)*
9. Nuisance, Private: An actionable interference with a person's use and enjoyment of his land. *(Adopted January 5, 2011)*
10. Nuisance, Public (Common): An unreasonable interference with a right common to the general public. It is behavior which unreasonably interferes with the

health, safety, peace, comfort or convenience of the general community.
(Adopted January 5, 2011)

11. Whenever any portion of a building or structure remains on a site after the demolition or destruction or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof as an unattractive nuisance or hazard to the public.

715 COMPLETION AND RESTORATION OF BUILDINGS: Nothing herein contained shall require a change in the plans, construction or designated use of a building, the foundation for which has been completely constructed at the time of the adoption of this Zoning Order and the remaining construction of which shall have been completed within one (1) year of the adoption of this Zoning Order.

717 HOUSE NUMBERING

717.1 ZONING OFFICER TO ESTABLISH HOUSE NUMBERS

- 717.1.1 The Zoning Officer shall establish all house numbers and shall furnish all owners and builders of houses with the necessary information. The Officer will then issue a certificate of the number and keep a record of the same according to roads and streets, and all numbering shall be done in strict conformity with the directions of the Zoning Officer.
- 717.1.2 **DUTY OF CONTRACTOR ERECTING HOUSE:** The owner or builder erecting any house in Buchanan County may report the location thereof to the Zoning Officer and procure a certificate of the number to be placed thereon.
- 717.1.3 **LOCATION OF NUMBER:** It shall be the duty of the owner of each house or building to keep and maintain the number on such premises or postal receptacle at a place where it shall be clearly visible from such street.

718 OFF STREET PARKING AND LOADING: For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off-street parking in the form of private garages, carports, or open areas made available exclusively for that purpose shall be provided. The average parking area provided for each car may be nine (9) feet by twenty (20) feet plus the maneuvering space necessary to utilize each space. No portion of a parking area, except the necessary drives, shall extend into a public road, street or alley. Ingress and egress from parking areas to a road or street shall not be greater than thirty five (35) feet in width. Any signs used to illuminate said parking areas should be directed away from any adjacent residential district.

718.1 PARKING FOR DWELLINGS AND CABINS: For all dwellings there shall be provided two (2) off-street parking spaces for every single family unit, four (4) parking spaces for every duplex, and one and one-half (1 ½) parking spaces for every multiple-family unit. Such parking areas are to be located on the same lot as the main building or buildings, or in a community garage in the same block. For each cabin there shall be one (1) off-street

parking space. In addition, each lot shall provide adequate surfaced turn-around space so that exiting vehicles do not back into roads or streets. *(Amended November 1985)*

- 718.2 PARKING FOR HOTELS, MOTELS, FRATERNITY HOUSES OR DORMITORIES:** For all hotels, motels, fraternity houses, sorority houses or dormitories there shall be provided one (1) off-street parking space for each sleeping room. In addition any restaurant which is an accessory use to any of the above uses shall provide one (1) off-street parking space for each four (4) patron seats in said restaurant. Such parking area shall be located on the same lot as the main building, or on a lot within three hundred (300) feet of the main building.
- 718.3 PARKING FOR HOSPITALS AND INSTITUTIONS:** For all hospitals and institutions there shall be provided one (1) off-street parking space for each three (3) beds, plus one (1) space for each two (2) staff members and employees. Such parking areas shall be located on the same lot as the main building or on a lot within three hundred (300) feet of the main building.
- 718.4 PARKING FOR PLACES OF ASSEMBLY:** For all theaters, churches, funeral chapels, stadiums, auditoriums or any other public or private places of assembly there shall be provided one (1) off-street parking space for each four (4) patron seats. Such parking areas shall be located on the same lot as the main building or on a lot within three hundred (300) feet of the principal building.
- 718.5 PARKING FOR BUSINESS BUILDINGS:** For all business or commercial buildings there shall be provided one (1) off-street parking space for each one-hundred (100) square feet of service floor area in the building. Such parking area shall be located on the same lot as the main building or on a lot within three hundred (300) feet on land zoned for business.
- 718.6 PARKING FOR INDUSTRIAL BUILDINGS:** For all industrial buildings there shall be provided adequate parking space for each employee. Such parking area shall be located on the same lot as the main building or within five hundred (500) feet on land zoned for industry.
- 718.7 PARKING FOR SCHOOLS:** For all elementary and junior high schools there shall be provided two (2) off-street parking spaces per classroom, plus an off-street passenger loading zone. For all high schools there shall be provided ten (10) off-street parking spaces per classroom and an off-street loading zone.
- 718.8 PARKING FOR BOWLING ALLEYS:** For all bowling alleys there shall be provided six (6) off-street parking spaces for each bowling lane within the main building.
- 718.9 GENERAL PARKING REQUIREMENTS:** All parking areas required in Sections 718.2 to 718.8 inclusive above, shall be surfaced with an asphalt or concrete pavement and a solid fence, wall or screen planting, not less than three (3) feet in height, shall be constructed as a screen between any such parking area and an abutting lot in district R-1 to R-3 inclusive.

719 PROTECTION OF SEWERS AND UTILITY LINES: No building or addition thereto shall be erected over or across any public sewer or utility line, nor upon any platted or recorded easement, unless permission is granted in writing by the County and the public utility whose lines are involved, if any.

720 SANITARY LANDFILL REGULATIONS: It shall be unlawful for any person to use any land, premises or property within the County for the operation of a sanitary landfill without first making application for and securing a permit to do so.

720.1 DEFINITIONS: For the purposes of this regulation the following terms are defined.

720.1.1 **SOLID WASTE:** Shall mean garbage, refuse and other discarded material, including, but not limited to, solid and liquid waste materials resulting from industrial, business, agricultural and residential activities.

720.1.2 **PERSON:** Shall mean any individual, partnership, corporation, association, institution, cooperative enterprise or legal entity.

720.1.3 **SANITARY LANDFILL:** See subsection 109.78.

720.1.4 **SANITARY LANDFILL INSPECTOR:** The sanitary landfill inspector shall be the Zoning Officer, Environmental Inspector or the Missouri State Division of Health or any duly authorized representative thereof.

720.1.5 **DUMPS:** See subsection 109.27.

720.1.6 **GARBAGE:** Shall mean animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

720.1.7 **REFUSE:** See Solid Waste, Section 720.1.1.

720.2 The applications for a permit to operate a sanitary landfill shall be filed with the County Zoning Officer and shall contain a description and plat of the land on which the disposal of solid waste is proposed. In addition, a description of the sequence and a plan of operation, type and capacity of equipment to be used for operation, plans for fire, nuisance and vermin control, existing and proposed roadways and easements, existing topography and water course must be filed. Filed also must be a written statement and diagram explaining the proposed location and extent of earth work and fill operations, proposed measures to control storm drainage and estimated daily or weekly volume of solid waste to be placed in the sanitary land fill.

720.3 FEES AND BOND: The permit to operate a sanitary landfill shall be granted by the Planning and Zoning Commission only after the following conditions have been met. Delivery to the County of a cash or performance bond in the amount of \$5,000, said cash or performance bond shall run to the County and shall be conditioned as follows:

- 720.3.1 The operation of the landfill shall operate and comply with all of the terms, conditions, provisions, requirements and specifications contained in these regulations by the permittee, his agents and employees.
- 720.3.2 That the operator, his agents and employees will save harmless the County from any expense incurred through the failure to operate and maintain the sanitary landfill as required by these regulations. This includes any expense the County may be put to for correcting any condition or violation of these regulations. Whenever the Zoning Commission determines it necessary for the County to correct any unsanitary condition or conditions volatile of these regulations or from any damage growing out of the negligence of the operator, his agents or employees, the County's own labor and equipment will be used.
- 720.3.3 Bond shall run for a period of two (2) years after the landfill site has been finished and brought to final grade.
- 720.3.4 For Fees of an application for the sanitary landfill permit see the Buchanan County Table of Uses.

720.4 UNAUTHORIZED DISPOSAL: The dumping of solid waste in open dumps or in unlicensed landfill operations which do not meet the conditions of regulations is prohibited.

720.5 REGULATIONS: Any person, firm or corporation to whom a permit is granted for the operation of a sanitary landfill shall observe these regulations. These regulations shall govern the operation of all sanitary landfills in the County and any failure to observe these regulations shall be sufficient grounds for suspension or revocation of the permit as hereinafter provided.

- 720.5.1 All garbage and other refuse accepted by the permit holder shall be thoroughly compacted by equipment of sufficient weight and capacity to carry out all necessary operations. Sufficient auxiliary equipment shall be available to the site or otherwise available to permit operation in case of equipment breakdown.
- 720.5.2 Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed two (2) feet prior to its compaction.
- 720.5.3 The area of the landfill shall be continually policed to prevent fire and smoke and the blowing of papers. Open areas shall be neat and orderly at all times and shall be covered at the end of each day's operation with at least six (6) inches of cover material, as well as when wind conditions warrant it through the day, with sufficient material to prevent unsightly conditions.
- 720.5.4 A minimum depth of twelve (12) inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times.

- 720.5.5 When the fill has been brought up to two (2) feet below the desired finished grade, it shall be covered with at least twenty-four (24) inches of compacted cover material graded and seeded in such a manner as to prevent erosion. The final graded and seeded finished surface of the fill shall be maintained for a period of two (2) years after filling operations have been completed.
- 720.5.6 Where the trench system of a sanitary landfill is used successive parallel trenches must be separated by an adequate inter-trench area.
- 720.5.7 Where the landfill operation is conducted in a ravine, the sides of the ravine shall be terraced prior to land filling if the slope of the sides of the ravine is 1:1 or greater.
- 720.5.8 In the event that refuse material exists on the site at the time the permit is issued, whether in the form of an open dump or any other form, such refuse material shall be collected, compacted and covered with the cover material at least two (2) feet in depth at the finished grade. In areas in which land filling operations will be conducted, at least six (6) inches of cover material must be provided. This cover operation shall be completed within fifteen (15) working days after the issuance of a permit, unless some other period of time is specified in the permit.
- 720.5.9 The operation shall erect such temporary or permanent fences or take other measures as may be necessary to reasonably control blowing of paper and other materials from the landfill.
- 720.5.10 Access to the landfill site shall be controlled by proper fencing, gates and locks and other measures necessary to control access. No solid waste shall be deposited in the landfill unless it is in full operation and all unauthorized persons are excluded from the landfill area.
- 720.5.11 The salvage or scavenging of materials from the landfill is prohibited.
- 720.5.12 The burning of solid waste on the landfill site is prohibited.
- 720.5.13 No landfill operations shall be conducted so that fill will be placed in streambeds or other areas where streams would be obstructed or when erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance or health hazard, or pollute any watercourse or underground water aquifer.
- 720.5.14 The owner/operator shall provide an access road that is passable in all types of weather conditions. *(Amended March 1994)*
- 720.5.15 The owner/operator shall provide surface drainage facilities on the landfill site, which will permit the drainage of storm water. The existence of

standing pools of water on the finished face of the landfill six (6) hours after the last precipitation shall constitute evidence of inadequate surface drainage.

720.5.16 The owner/operator shall take such measures as are necessary to control dust.

720.6 ENFORCEMENT – PERMIT SUSPENSION AND REVOCATION

720.6.1 The Zoning Officer, the Environmental Inspector, or the Missouri Division of Health, or an authorized representative thereof, hereinafter designated the Sanitary Landfill Inspector may enforce the provisions of this Section. This Section shall be enforced through frequent inspections of the landfill sites to determine satisfactory compliance with regulations promulgated hereunder.

720.6.2 It shall be the duty of the operator of a sanitary landfill to give the Sanitary Landfill Inspector free access to the landfill site for the purpose of making such inspections as are necessary to determine compliance with the requirements of this regulation. The Sanitary Landfill Inspector shall notify in writing any permit holder who is violating the provisions of this regulation and the specific manner in which the regulation is being violated. In the event the permit holder refuses to correct the violation within a reasonable time after notice in writing, the permit to operate a sanitary landfill may be revoked after suitable public hearing before the Planning and Zoning Commission.

720.7 PERMIT REINSTATEMENT: Whenever any sanitary landfill permit provided for this regulation has been revoked, the holder may at the time file a written application for reinstatement with the Zoning Officer, together with a signed statement that all violations of the provisions of this Section have been corrected. The Sanitary Landfill Inspector shall make a re-inspection of the landfill site and if he/she finds that all violations have in fact been corrected, he shall so notify the Planning and Zoning Commission in writing. The Planning and Zoning Commission may reinstate the permit after a reinstatement fee of \$5000.00 is paid to Buchanan County. *(Amended 10-12-2011)*

721 SEWAGE DISPOSAL *(Amended April 12, 1996)*

721.1 All buildings, structures and uses of land in the unincorporated area of Buchanan County, including farm buildings or farm dwellings, shall hereafter, be equipped with an adequate safe and sanitary disposal system for all human, domestic, commercial and industrial wastes. No person or property owner including farm buildings and farm dwellings shall dispose of any sewage in any way that may result in the contamination of surface waters, groundwater or present a nuisance or imminent health hazard. For purposes of this Order, disposal of sewage or other liquid wastes may be had by one of the following methods:

- 721.1.1 A sanitary sewer system and a mechanical treatment plant approved and a permit issued by the Missouri Clean Water Commission, Missouri Department of Natural Resources or the Buchanan County Environmental Inspector.
- 721.1.2 A sanitary sewer system and an oxidation basin approved and a permit issued by the Missouri Clean Water Commission or Missouri Department of Natural Resources.
- 721.1.3 On-site disposal systems (single family residences). The design and installation shall be approved and a permit issued by the Missouri State Department of Health or the Buchanan County Environmental Inspector. The Missouri Department of Natural Resources shall be the approval agency for on site disposal systems serving commercial and multi-family units producing a daily flow in excess of 3,000 gallons.
- 721.1.4 Individual septic tank and sand filter provided that each individual system shall first be approved and a permit issued by the Missouri State Division of Health or other State agency having jurisdiction over sewage treatment facilities.

721.2 THE ABOVE SEWAGE TREATMENT SYSTEMS SHALL BE PERMITTED OR REQUIRED AS FOLLOWS:

- 721.2.1 Any developer(s) or persons undertaking a subdivision of fifteen (15) lots or more, be it a new subdivision, a re-subdivision of lots in an existing subdivision or an addition of new lots to an existing subdivision that is contiguous or is known, designated or advertised as a common unit or by a common name or similar name, that when added to the existing lots in the present subdivision totals fifteen (15) lots or more shall provide for the treatment of sewage by mechanical treatment plant or oxidation basin. A centralized wastewater collection and treatment system shall be installed by the developer(s) or person(s) at his own cost and must meet the requirements and specifications of the Missouri Department of Natural Resources. Any developer(s) or person(s) proposing a subdivision of seven (7) to fifteen (15) lots each being less than five (5) acres must be permitted to do so by the Missouri Clean Water Commission, 10CSR20-1.030 Disposal of Wastewater in Residential Housing Developments. Applications for this purpose can be obtained in the Office of Planning and Zoning. **This order also applies to all development in the miscellaneous Planned Districts.** *(Amended July 2005.)*
 - 721.2.1.1 The site of a mechanical treatment plant or oxidation basin shall be such that no portion of the equipment or basin shall be closer than three hundred (300) feet to an existing dwelling or closer than one hundred fifty (150) feet to a

property line. Buildings otherwise permitted may not be constructed within one hundred (100) feet of a mechanical treatment plant or oxidation basin.

721.2.1.2 The Board of Adjustment may, after public hearing, permit by variance, oxidation basins having five (5) acres or less of water area or other sewage disposal facilities to be located closer than one hundred fifty (150) feet to a property line. In addition, the Board of Adjustment may permit an oxidation basin of any size to be located adjacent to a property line, if the owners of all property within three hundred (300) feet of the basin relinquish, by easement of record, the right to use any and all of their land which is within two hundred (200) feet of said basin for residential purposes.

721.2.1.3 The maximum number of dwelling units that the treatment facility can safely accommodate, as determined by the Missouri Clean Water Commission or any other State agency having jurisdiction, shall be entered on the building permits for the facility and the Zoning Officer shall not issue permits for construction of dwelling units, to be served by that facility, in excess of that number.

721.2.1.4 The developer of the subdivision shall be responsible for the continued maintenance and operation of the treatment facility, unless the proper public agency, homeowner's association or private operating company agrees in writing to assume said maintenance and operation.

721.2.2 The installation of individual septic tanks shall be permitted only where there is no possibility, now or in the future, as allowed by the Missouri Clean Water Commission, for connection to a sanitary sewer, and where there are less than fifteen (15) units in the development. Such installations shall be subject to the following standards under the following guidelines. *(Amended October 13, 1990)*

These regulations are enacted for the purpose of regulating the design, construction and modification of on-site sewage disposal systems as the term is defined in these regulations. They are in order to protect and promote the public health and to prevent the entrance of infectious, contagious, communicable or dangerous diseases into Buchanan County.

721.2.2.1 The Buchanan County Commission hereby adopts Missouri State Statute 701.025 through 701.059 laws for septic systems and 19CSR 20-3.080 Minimum Construction Standards for septic systems. The Buchanan County

Commission also adopts the rules to guide the Planning and Zoning Department and the Buchanan County Environmental Inspector and any other legally designated representative in the application and administration of the State Standard thereon. Copies of the Minimum Construction Standards and Statutes are on record and available in the Planning and Zoning Department. *(Amended May, 2011)*

721.2.2.2 **PERMIT:** All persons engaged in the construction, major modification or major repair of an on-site sewage disposal system in Buchanan County shall obtain a permit from the Buchanan County Environmental Inspector. *(Amended July 1, 2005)*

APPLICATION: All persons seeking to construct, modify or repair an on-site sewage disposal system shall submit a written application for same on forms provided by the Buchanan County Environmental Inspector. Such application shall be accompanied by plans, including site plans indicating the location of soil profile holes, test results, lot lines, specifications, design data and other pertinent information required by the Buchanan County Environmental Inspector. All plans and specifications shall demonstrate in writing and graphically that the proposed on-site sewage disposal system is in compliance with the requirements of these regulations. If said standards cannot be complied with, the Zoning Officer shall not issue the building permit for construction of a structure requiring disposal on the premises.

721.2.2.1.2 **INSPECTION:** The Buchanan County Environmental Inspector shall inspect up to one hundred percent of on-site sewage disposal systems constructed, modified or repaired by on-site sewage disposal system contractors.

721.2.2.1.4 **PROOF OF INSPECTION:** All existing septic systems shall be inspected by a licensed onsite inspector/evaluator and approved by the Buchanan County Environmental Inspector or Zoning Director with documentation. *(Adopted January 5, 2011)*

721.2.2.2 The Buchanan County Environmental Inspector or their duly authorized representative shall be notified by the owner at the time each septic tank is being installed and shall make such inspection as is deemed necessary to

assure that the system satisfies the requirements of the Zoning Order. In case the above-required notification is not given, the Environmental Inspector may cause the system to be uncovered and exposed at the expense of the owner so that the inspection can be made. Said notification and inspection to take place during the normal five (5)

day work week between the hours of 8:00 a.m. and 4:00 p.m. (*Revised April, 1983*)

721.2.2.3 Septic systems to be installed in any A-1, A-2 and A-OR parcels shall require a total area of not less than forty three thousand five hundred and sixty (43,560) square feet (1) acre. The total area required for septic systems in the remaining zoning categories [R-1, R-2, R-3, B-1, B-2, B-3, I-1, I-2] and miscellaneous districts will be defined by a soil morphology test. This test will be required before a building permit can be issued. (*Amended 2011*)

721.3 Any building, structure or use of land which will discharge sewage, waste or effluent of any kind off the premises shall require a permit from the Missouri State Division of Health or other State or local agencies having jurisdiction over sewage treatment facilities. The Buchanan County Environmental Inspector shall not issue a permit for the use of such land until a permit from the Missouri State Division of Health or other State or local agencies having jurisdiction over sewage treatment facilities has been submitted.

721.4 If a public sanitary sewer system becomes available within two hundred (200) feet from a building being served by an approved individual septic tank and lateral system and such system fails or becomes inoperative, the same shall not be repaired or replaced and said building shall be connected to the public sewer system if connection is feasible. The Buchanan County Zoning Officer or the Environmental Inspector shall make the determining inspection in all such cases.

721.5 A copy of all permits issued for septic tank systems or public sewer connections shall be filed with the Buchanan County Zoning Office. If no such approved permit is on file, no building permit for construction shall be issued, or if issued, shall be null and void.

721.6 The continued use of a malfunctioning septic system for more than ten (10) days following notification of the property owner involved shall be deemed a violation of this Zoning Order and subject to penalties as set out in Section 811, Violations and Penalties and/or Section 721.8.

721.7 FEES

721.7.1 The Buchanan County Environmental Inspector for inspection of a new installation, major modification or major repair of an on-site sewage disposal system will charge a fee.

721.8 PENALTIES

721.9 APPEAL

721.9.1 Any applicant aggrieved by a decision of the Environmental Inspector may appeal that decision to the State Department of Health. The notice of appeal must be made in writing within forty-five (45) days of the Inspector's decision. The notice shall state the specific reason(s) for the applicant's disagreement with the Inspector's decision.

721.9.2 Upon receipt of the notice of appeal, the State Department of Health shall schedule a hearing to be held within thirty (30) days of the filing of the notice of appeal.

721.9.3 The hearing shall be conducted by the said State Administrator and at the conclusion of the hearing, the State Administrator, in his sole discretion, may affirm or reverse the decision of the Inspector. The State Administrator shall make the decision in writing and shall supply a copy of his decision to the applicant within fifteen (15) days of the conclusion of the hearing.

721.10 **AUTHORITY:** This ordinance is promulgated under the authority of Section 192.300 RSMo.

722 SIGNS

722.1 DEFINITIONS: For the purpose of this regulation the following terms are defined.

722.1.1 **ADVERTISING DISPLAY:** Any structure not within a building, that is erected, maintained or used to call attention to any product, service or activity.

722.1.2 **BILLBOARD:** Any advertising structure with advertising surface in excess of twenty (20) square feet upon which such advertising display is not related to a permitted principal use of the premises.

722.1.3 **FACE SIGN:** Any sign attached to the face of a building or structure in such a manner as to be approximately parallel to the plane of such face and not extending farther than one (1) foot from the face of the building.

- 722.1.4 **IDENTIFICATION SIGN:** A sign on a premises which serves only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church or institution, or which serves only to tell the name and/or address of an apartment house or hotel or which serves to identify a parking lot.
- 722.1.5 **ILLUMINATED SIGN:** Any advertising display which through electrical, or other illumination devices, illuminates characters, letters, figures or outlines by means of electrical lights or luminous tubes as a part of the sign proper.
- 722.1.6 **NAMEPLATE:** A sign, which serves solely to designate the name of person or persons residing in a dwelling.
- 722.1.7 **POLE SIGN:** A sign supported wholly by a pole or poles, the surface of which is not a part of a building.
- 722.1.8 **PROJECTING SIGN:** Signs other than face signs, which are suspended or supported by any building or wall and which project outward there from.
- 722.1.9 **PYLON SIGN:** See Pole Sign.
- 722.1.10 **ROOF SIGN:** A sign supported on or over a roof of a building and not projecting over public property.
- 722.1.11 **SIGN AREA:** Area of signs shall be determined as gross area of the whole sign for printed, constructed or painted matter and does not include supporting poles or structures. For free standing lettered signs, area shall be measured by drawing an imaginary line, a distance of one (1) inch from all letters and words, enclosing the complete sign and area calculated as above.
- 722.1.12 **SIGN HEIGHT:** The vertical distance measured from the highest of the following three levels:
- 722.1.12.1 From the street curb level to the level of the highest point of the sign.
- 722.1.12.2 From the established or mean street grade, in case the curb has not been constructed, to the level of the highest point of the sign.
- 722.1.12.3 From the average finished ground level adjoining the sign if it sets back from the street line, to the level of the highest point of the sign.

722.1.13 **TEMPORARY SIGNS:** Any sign to be displayed for a short period, which shall not be greater than six (6) months.

722.2 GENERAL PROVISIONS

722.2.1 No billboard or other advertising display, not specifically related to the use of the property where it is located, may be closer than six hundred sixty (660) feet to the nearest edge of a right-of-way on an interstate highway or a primary highway, unless such ground is zoned commercial or industrial. In this case, no sign may be closer than one (1) foot to the nearest edge of the right-of- way. No billboard may be erected closer than five hundred (500) feet from any existing billboard. *(Amended July 1974)*

722.2.2 There are no specific requirements on the design and/or construction of a sign permitted by these regulations except that the permission to erect or maintain a sign is not considered to be an approval of the method of construction either specifically or implied. The Buchanan County Commission or Planning and Zoning Commission or other governmental agencies within the County do not assume any liability for the sign or signs constructed under the provisions of this Order.

722.2.3 All signs must be kept neatly presented and the copy on signs shall be neat and orderly, properly braced and supported and the area beneath signs shall be kept free of weeds and debris by the person or persons to whom a sign permit is issued.

722.2.4 All legally existing signs at the effective date of these regulations shall be considered legally nonconforming signs. Any nonconforming signs, which are damaged by fire, storms or other cause, to the extent of fifty (50) percent or more of its value, (on approval of the County), shall be removed. Within ninety (90) days of the effective date of this resolution, all nonconforming signs shall be registered by either the owner of the land on which it is located or by the owner of the sign and a fee paid according to the schedule in 722.4.

722.2.5 Illuminated signs using colors that may conflict with safety signs may not be erected closer than one hundred (100) feet to an intersection.

722.2.6 **HEIGHT OF SIGNS:** All projecting signs in business districts shall be a minimum of ten (10) feet above the street elevation.

722.2.7 **SIGNS AT OR NEAR INTERSECTIONS, ETC.:** All signs, whether permanent or portable, shall not be located nearer than five (5) feet from the property line, nor shall they be, in the case of corner lots, in the triangular area

formed by the intersection street lines and a straight line joining said street lines at points which are thirty (30) feet in distance from the point of intersection, measured along said street lines.

722.2.8 **SCENIC AND HISTORIC SITES:** No billboards may be located nearer than one thousand (1,000) feet from an area that has been established as a scenic or historic area.

722.2.9 Billboard signs or other advertising subject to regulation and controls under Section 226.500 to 226.600 RSMo. by Missouri State Highway Department shall not require County Fees, permits or bonds as set out in this section. *(Amended June 1985)*

722.3 PERMITS: Permits are required for every sign erected or constructed in the County, except for "Name Plates", "For Sale", "For Rent" and temporary signs and those signs defined in Section 722.2.9. Applications for such sign permits shall be made on forms provided along with proof of agreement of owner of land, (if not owned by the applicant) to erect the sign. *(Amended June 1985)*

722.4 FEES: The following fees shall be required for all applications for sign permits.

722.4.1 On Premise Sign \$25.00

722.4.2 Other Signs

0-99 square feet	\$30.00 every three years
100-299 square feet	\$45.00 every three years
Over 300 square feet	\$60.00 every three years

722.5 PERMITTED SIGNS-BY DISTRICT

722.5.1 **A-1 DISTRICT**

722.5.1.1 Name plates not to exceed four (4) square feet.

722.5.1.2 Temporary signs.

722.5.1.3 Identification signs, not to exceed twenty (20) square feet in height, or ten (10) feet in height.

722.5.1.4 Advertising displays not to exceed thirty-two (32) square feet or exceed fifteen (15) feet in total height.

722.5.1.5 Billboards not to exceed five hundred (500) feet in area and fifty (50) feet in height.

722.5.1.6 Pole signs not to exceed one hundred fifty (150) feet in area and fifty (50) feet in height.

722.5.2 **A-2 DISTRICT**

722.5.2.1 Name plates not to exceed four (4) square feet.

722.5.2.2 Temporary signs.

722.5.2.3 Identification signs not to exceed thirty-two (32) square feet or ten (10) feet in height.

722.5.2.4 Advertising displays, not to exceed one hundred (100) square feet or twenty (20) feet in height.

722.5.2.5 Billboards not to exceed five hundred (500) square feet or fifty (50) feet in height.

722.5.3 **A-OR DISTRICT**

722.5.3.1 Name plates not to exceed four (4) square feet.

722.5.3.2 Temporary signs.

722.5.3.3 Identification signs not to exceed thirty-two (32) square feet or ten (10) feet in height.

722.5.4 **R-1 DISTRICT**

722.5.4.1 Name plates not to exceed two (2) square feet.

722.5.4.2 Temporary signs.

722.5.4.3 Identification signs not to exceed thirty-two (32) square feet, or ten (10) feet in height.

722.5.5 **R-2 DISTRICT**

722.5.5.1 Name plates not to exceed two (2) square feet.

722.5.5.2 Temporary signs.

- 722.5.5.3 Identification signs not to exceed thirty-two (32) square feet, or ten (10) feet in height.
- 722.5.6 **R-3 DISTRICT**
 - 722.5.6.1 Name plates not to exceed four (4) square feet.
 - 722.5.6.2 Temporary signs.
 - 722.5.6.3 Identification signs not to exceed thirty-two (32) square feet, or ten (10) feet in height.
- 722.5.7 **B-1 DISTRICT**
 - 722.5.7.1 Name plates not to exceed four (4) square feet.
 - 722.5.7.2 Identification signs not to exceed one hundred (100) square feet, or ten (10) feet in height.
 - 722.5.7.3 Advertising displays, including billboards, not to exceed five hundred (500) square feet in area or fifty (50) feet in total height. (Amended July 1974)
 - 722.5.7.4 Temporary signs.
- 722.5.8 **B-2 DISTRICT**
 - 722.5.8.1 Name plates not to exceed four (4) square feet.
 - 722.5.8.2 Identification signs not to exceed fifty (50) square feet, or ten (10) feet in height.
 - 722.5.8.3 Advertising displays, not including billboards, not to exceed fifty (50) square feet.
 - 722.5.8.4 Temporary signs.
- 722.5.9 **B-3 DISTRICT**
 - 722.5.9.1 Name plates not to exceed ten (10) square feet.
 - 722.5.9.2 Identification signs not to exceed fifty (50) square feet, or ten (10) feet in height.

722.5.9.3 Advertising displays not to exceed one hundred-fifty (150) square feet and height not to exceed fifty (50) feet.

722.5.9.4 Temporary signs.

722.5.9.5 Pole signs not to exceed fifty (50) feet in height or one hundred fifty (150) square feet in area.

722.5.10 **I-1 DISTRICT**

722.5.10.1 Advertising displays not to exceed two hundred fifty (250) square feet in area or exceed fifty (50) feet in total height.

722.5.10.2 Identification signs.

722.5.10.3 Temporary signs.

722.5.11 **I-2 DISTRICT**

722.5.11.1 There is no limitation on area of advertising displays but the total height shall not exceed fifty (50) feet.

722.5.11.2 Identification signs.

722.5.11.3 Temporary signs.

722.5.12 **MISCELLANEOUS DISTRICTS**

722.5.12.1 Name plates not to exceed four (4) square feet.

722.5.12.2 Identifications signs not to exceed thirty-two (32) square feet.

722.5.12.3 Advertising displays, not including billboards, not to exceed thirty-two (32) square feet in area or twenty-five (25) feet in total height.

722.5.12.4 Temporary signs.

722.6 PERFORMANCE BONDS: The permit to construct and maintain a sign or signs either individually or in groups, shall be granted by the Planning and Zoning Commission only after the following conditions have been met: Delivery to the County of bond in the amount of \$1,000 for an individual sign or at the option of the applicant, blanket bond in the amount of \$5000 for any number of signs in the County. Said bond shall run to the County and shall be considered as follows:

- 722.6.1 That the permittee, his agents and employees, will comply with all of the terms, conditions, provisions, requirements and specifications contained in these regulations.
- 722.6.2 That the permittee, his agents and employees, will faithfully maintain the sign or signs and the premises around the sign or signs in accordance with the provisions of these regulations.
- 722.6.3 That the permittee, his agents and employees, will save harmless the County from any expense incurred through the failure of the permittee, his agents and employees, to construct and maintain the sign or signs as required by these regulations. This includes any expense the County may be put to for correcting any condition, violation of these regulations or damages growing out of negligence of the permittee, his agents and employees, by the County's own labor and equipment whenever the Zoning Commission determines it necessary.
- 722.6.4 Bond shall run for a period of three (3) years after the sign or signs have been finished. Bonds shall be renewed every three (3) years under the same requirements stated in 722.6. *(Amended June 1985)*

723 USES NOT LISTED – DETERMINATION: Whenever there is doubt as to the classification of a use not specifically listed or mentioned in this Order, the determination shall be made by the Planning and Zoning Commission.

723.1 The determination of the Planning and Zoning Commission shall be rendered within a reasonable time, but not to exceed sixty (60) days. It shall state the class or classes of districts in which the proposed use will be added and whether it is a permitted use, a conditional use, an accessory use, a temporary use or an exception.

723.2 The determination of the use shall be effective immediately, and the use specifically described shall thereafter be considered as a permitted use, a conditional use, an accessory use, a temporary use or an exception. The uses shall be allowed in the districts indicated, and shall have the same status as other uses listed and as regulated therein.

723.3 Application for the determination shall be made in writing. No specific form is required.

724 USES PROHIBITED: The following uses shall be prohibited.

724.1 RESIDENTIAL OR AGRICULTURAL DISTRICTS:

724.1.1 No wrecked, derelict or inoperable vehicle shall be parked in a residential or agricultural district on a public street, road or alley therein for a period in excess of seventy-two (72) hours. This period is cumulative and need not be in succession. *(Amended March, 1988)*

- 724.1.2 No farm machinery of any type shall be parked in a residential area (unless in an enclosed building on private property) or the public streets therein for a period in excess of seventy-two (72) hours. This period is cumulative and need not be in succession.
- 724.1.3 No livestock including cattle, cows, horses, sheep, pigs, goats nor poultry may be kept, fed, housed, stored or bred in any R-1, R-2 or R-3 District.
- 724.1.4 No adult cabaret, as defined in section 109.2.1 of this ordinance shall be erected, located or maintained in any A-1, A-2, A-OR, R-1, R-2 or R-3 District. *(Amended March, 1994)*

724.2 BUSINESS, INDUSTRIAL AND MISCELLANEOUS DISTRICTS

- 724.2.1 No adult cabaret, as defined in section 109.2.1 of this Ordinance shall be erected, located or maintained in any B-1, B-2, B-3, I-1, I-2 or any designated Miscellaneous District including F, G, P, Q, ZA, and GRM Districts. *(Amended March, 1994)*

724.3 ALL DISTRICTS

- 724.3.1 Commercial Wind Energy Conversion Systems. The use, installation and maintenance of Commercial Wind Energy Conversion Systems is a prohibited use within all zoning districts. A Commercial Wind Energy Conversion System is an electrical generating facility of greater than 100 kilowatts in total nameplate generating capacity, comprised of one or more wind turbines and accessory facilities, including, but not limited to, power lines, transformers, substations and meteorological towers, which operate by converting the kinetic energy of wind into electrical energy. *(Amended March, 2020)*

725 VACATED STREETS AND ALLEYS: Whenever any street, alley or other public way is vacated by official action of the governing body, the zoning districts adjoining each side shall be automatically extended to the center of such vacated street or alley. All areas included in such adjacent district shall then and thenceforth be subject to all regulations of the extended districts.

726 VISIBILITY AT INTERSECTIONS: On a corner lot in any residential district, no fence, wall, hedge or other structure or planting more than three and one half (3 ½) feet in height, measured from the crown of the street is permitted within the triangular area formed by the intersecting street lines and a straight line joining said street lines and extending thirty (30) feet from the point of intersection, measured along said street lines.

727 SMALL WIND ENERGY CONVERSION SYSTEMS: The use of small wind energy conversion systems as defined in this subsection is a **permitted** use within all zoning districts. A small

wind energy conversion system may consist of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kilowatts, which is not more than 120 feet in height, and which is intended solely to reduce onsite consumption of purchased utility power. *(Amended March, 2020)*

728

SOLAR ENERGY CONVERSION SYSTEMS (SECS) AND ACCESSORY SOLAR ENERGY SYSTEMS (ASES) RULES AND REGULATIONS *(Amended June, 2013)*

- 728.1 Solar panels, modules, photovoltaic panels and any other solar related equipment shall follow the same requirements as their respective zoning district.
- 728.2 Support structures for ground level panels must be screened using lattices, fencing or landscaping from view of right-of-way and residential properties.
- 728.3 Roof-mounted Accessory Solar Energy Systems (ASES) may exceed the maximum building height specified for principal or accessory buildings within the applicable zoning district by no more than three (3) feet.
- 728.4 Panels may not be placed in front yards, except for primary use in light and heavy industrial districts.
- 728.5 Panels must be placed to minimize glare on adjacent properties or roadways.
- 728.6 There shall be a permit fee of one hundred dollars (\$100.00) for any solar system.
- 728.7 Caveat: Property owners subject to deed restrictions and covenants and/or Homeowner's Association rules should check to determine if solar energy panels and systems are permitted.

729

UTILITY-SCALE SOLAR ENERGY SYSTEMS

This regulation is designed to address the authorization of Utility-Scale Solar Energy Systems in Buchanan County, Missouri. The regulation is organized as follows:

- 729.1. **PURPOSE:** To set forth standards for the construction, installation, operation, and decommissioning of a utility-scale solar energy system in Buchanan County in a manner that promotes economic development and ensures the protection of health, safety, and welfare. This ordinance is not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this regulation shall not be deemed to nullify any provisions of local, state, or federal law.
- 729.2. **APPLICABILITY:** This regulation applies to the siting, construction, installation, operation, and decommissioning of utility-scale (large) solar energy systems to be constructed or installed after the effective date of this regulation within the jurisdiction of Buchanan County. This regulation shall not be applicable to accessory solar energy systems located within the jurisdiction of Buchanan County.
- 729.3. **DEFINITIONS.**
 - 729.3.1. An accessory solar energy system consists of one (1) or more free-standing

ground or roof mounted solar arrays or modules or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels at homes or businesses.

729.3.2. **AGRIVOLTAICS:** A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

729.3.3. **APPLICANT:** Person who signs an application for a utility-scale solar energy system permit; the term also includes the following, as applicable:

729.3.3.1. If Applicant applied in his or her individual capacity, the Applicant's heirs, legal representatives, successors, and assigns; or

729.3.3.2. If Applicant applied in his or her capacity as an agent, then Applicant's principals and their other respective agents, heirs, legal representatives, successors, and assigns; and

729.3.3.3. If Applicant is a tenant, then, in the case the Applicant abandons the solar energy system, all landowners and their respective heirs, legal representatives, successors, and assigns.

729.3.4. **COUNTY OR BUCHANAN COUNTY:** The Buchanan County Commission and Buchanan County Planning and Zoning Board.

729.3.5. **GLARE:** The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

729.3.6. **GROUND-MOUNTED:** A solar energy system mounted on a rack or pole that rests or is attached to the ground and is not attached or affixed to an existing structure or building.

729.3.7. **HABITABLE (OR INHABITABLE) STRUCTURE:** A structure designed for human occupancy and that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

729.3.8. **NON-PARTICIPATING LANDOWNER:** A parcel of real property which is not under lease or other property agreement with the USES owner/operator.

729.3.9. **PARTICIPATING LANDOWNER:** A parcel of real property which is under lease or other property agreement with the USES owner/operator.

729.3.10. **POLLINATOR-FRIENDLY SOLAR ENERGY:** A USES that meets the requirements of the Missouri Pollinator Habitat Planning Tool for Solar Sites developed by University of Missouri Extension or another pollinator friendly checklist developed by a third-party as a solar-pollinator standard designed for Midwestern ecosystems, soils, and habitat.

729.3.11. **ROOF-MOUNTED:** A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mounted systems are accessory to the principal use.

729.3.12. **SOLAR EASEMENT:** A solar easement means a right, expressed as an easement, restriction, covenant or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

- 729.3.13. **SOLAR ENERGY:** Radiant energy (direct, diffuse, and/or reflective) from the sun.
- 729.3.14. **SOLAR ENERGY SYSTEM:** A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems.
- 729.3.15. **SOLAR PANEL:** That part or portion of a solar energy system containing one (1) or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating, and/or electricity.
- 729.3.16. **SOLAR PHOTOVOLTAIC SYSTEM:** A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever sunlight strikes them.
- 729.3.17. **SOLAR-RELATED EQUIPMENT:**
- 729.3.17.1. **SOLAR ARRAY:** A grouping of multiple solar modules with the purpose of harvesting solar energy.
- 729.3.17.2. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to sunlight.
- 729.3.17.3. **SOLAR MODULE:** A framed unit containing a grouping of solar panels.
- 729.3.17.4. **SOLAR STORAGE BATTERY:** A component of a solar energy device that is used to store solar-generated electricity or heat for later use.
- 729.3.18. **UTILITY-SCALE SOLAR ENERGY SYSTEM (USES):** A solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power for the primary purpose of wholesale or retail sales of generated electricity for off-site use. Utility-scale solar energy systems produce fifty (50) megawatts or more and consist of a group of interconnected solar panels, electrical collection and transmission lines, transformers, inverters, substations, battery energy storage systems, operation and maintenance facilities, and other appurtenant structures. These larger solar energy generation systems are often referred to as utility-scale solar.
- 729.3.19. **UTILITY-SCALE SOLAR ENERGY SYSTEM PERMIT:** A zoning permit issued upon compliance with standards of this regulation.
- 729.4. **GENERAL REQUIREMENTS**
- 729.4.1 A USES may be allowed as a conditional use in districts zoned Industrial or Agricultural. All USES shall require a USES Permit and be subject to the terms and conditions set forth below.
- 729.4.2 A USES Permit issued by the Buchanan County Planning and Zoning Commission is required prior to any USES commencing construction.
- 729.4.3 A USES Permit will expire and become null and void if construction has not been initiated within one (1) year from the permit issuance date or if the USES is out of service or abandoned for a period of twelve (12) continuous months. The Buchanan County Planning and Zoning Commission may grant extensions to the deadlines based on hardship conditions.
- 729.4.4 The USES Permit application fee is based on the rated capacity as provided in

Table 1 and is non-refundable. If Buchanan County incurs expenses greater than can be covered by this permit fee, the county will directly invoice the applicant for the additional costs.

729.4.5 Any physical modification that materially alters the USES after the initial permit is issued, including, but not limited to repowering, shall require approval and a permit modification under this regulation.

729.4.6 The permit shall be revoked if the USES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the USES not to be in conformity with these regulations.

Table 1

Rated Capacity	Fee
50 MW	\$20,000
>50 MW up to and including 75 MW	\$24,000
>75 MW	\$28,000
Permit Modification	\$8,000

729.4.7 A USES is prohibited in districts not zoned Industrial or Agricultural.

729.4.8 It is unlawful for any person to construct, install, maintain, modify, or operate a USES that is not in compliance with this regulation or with any condition contained in a USES Permit issued pursuant to this regulation.

729.4.9 The USES will allow designated Buchanan County representative or employee's access to the facility at any time for inspection purposes provided such inspections shall be subject the USES's owner or operators reasonable safety requirements and protocols while on the subject property.

729.4.10 A USES constructed prior to the effective date of this regulation shall not be required to meet the terms and conditions of these regulations. Any physical modification to an existing USES, whether or not it existed prior to the effective date of this regulation, that materially alters the USES shall require approval under this regulation. Routine maintenance or like-kind replacements do not require a permit.

729.5. **PERMIT APPLICATION PROCESS:** The USES Permit application process may be conducted simultaneously with the conditional use permit application process and will involve the following steps. Throughout this process the County will be involved as a resource to assist in maintaining good relationship between all stakeholders in the project, including potentially affected nonparticipating landowners:

729.5.1. **PRE-APPLICATION MEETING:** An informal meeting shall be held between the County and applicant at least sixty (60) days before the intended submittal date of the USES Permit application. This meeting will be a question/answer session to be used for familiarization of the County with the proposed project and for clarification of requirements before the application is finalized. The applicant shall be responsible for arranging a mutually acceptable meeting time and date. If requested by the County, the pre-application meeting shall include an applicant-facilitated site visit.

729.5.2. **APPLICATION COMPLETENESS REVIEW:** The County will review a USES Permit

application for completeness within thirty (30) calendar days upon receipt. As appropriate, additional information will be requested from the applicant. The applicant shall provide the requested information within thirty (30) calendar days from the date of the request. If the requested information is not provided within thirty (30) calendar days the County will terminate their review of the application and return the application to the applicant.

729.5.3. **PUBLIC HEARING:** The County will hold a public hearing on the USES Permit application in accordance with Section 807 of the Buchanan County Zoning Order. The public hearing on the conditional use permit application may be held at the same time. Members of the public who are not residents nor landowners of Buchanan County, may submit written comments only. Written comments can be submitted to the County at any time between the announcement of the public hearing until fifteen (15) calendar days after the closure of the public hearing.

729.5.4. **DETERMINATION:** The County will consider all public comments received and will issue a permit approval or denial within forty-five (45) calendar days after the closing of the public hearing. The County will include conditions on the permit approval at its discretion. The County has the right and duty to decide on each USES Permit application as it determines for the county and residents. Fulfillment of the requirements of this regulation in a USES Permit application does not constitute an obligation on the part of the County to approve a permit for the project.

729.6. **PERMIT APPLICATION CONTENTS:** An applicant proposing a USES must submit an application that demonstrates the terms and conditions provided in Section VII are met and contains the following:

729.6.1. A list of landowners who authorized placement of solar facilities on their properties along with copies of any lease documents, if applicable.

729.6.2. The applicant shall submit a detailed site plan for both existing and proposed conditions, showing locations of all solar arrays, other structures (inverters, transformers, electrical substations, and other buildings), property lines, rights-of-way, service roads, required setbacks, visual buffers, floodplains, wetlands, and other protected natural resources, topography, and electric equipment. The site plan should show all zoning districts that the project would be located in. The applicant shall also provide to the County the following information on the site plan or in narrative form:

729.6.2.1. Number, location, and spacing of solar panels.

729.6.2.2. Maximum Megawatts (MW) which may be generated.

729.6.2.3. Planned location of underground and aboveground electric lines.

729.6.2.4. Planned access to the USES for emergency responders.

729.6.2.5. Project development timeline.

729.6.2.6. Identification of prime farmland and farmland of statewide importance.

729.6.2.7. Operation and maintenance plan.

729.6.2.8. Landscaping plan.

729.6.2.9. Visual buffer plan.

729.6.2.10. Decommissioning plan.

729.6.2.11. Name, address, email address, and phone number of the contact person and 24-hour contact person of the applicant.

729.6.2.12. The address and legal description of the proposed site, including the

property parcel numbers for each tract.

729.6.3. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, and an agreement and bond which guarantees the repair of damage to public roads and other areas caused by construction of the USES. A Road Use Agreement must be signed by the USES developer/owner and the County and must include provision for restoring county roads to a condition equal or better than before construction of the USES.

729.6.4. Digital versions of all planning and construction documents required, in pdf format.

729.6.5. Application fee as specified in Table 1.

729.6.6. If the applicant is not a utility, the applicant shall provide the County written confirmation that the public utility company to which the USES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

729.7. **TERMS AND CONDITIONS**

729.7.1. **HEIGHT:** The height of ground mounted panels shall be agreed upon by the County and Applicant but under no circumstances shall it exceed twenty-five (25) feet in height when oriented at maximum tilt.

729.7.2. **SETBACKS:** At a minimum, the USES shall meet the following setbacks. Setback distance shall be measured from the outer edge of the USES array, excluding security fencing and visual buffer.

729.7.2.1. Alternative 1

729.7.2.1.1. A one hundred (100) foot setback shall be maintained from property lines or the established setback for buildings or structures in the zoning district in which the USES is located; whichever is greater. The setback increases to two hundred (200) feet if the USES is adjacent to a property that is zoned as residential or to a property zoned as agricultural if a non-participating residential dwelling is within five hundred (500) feet of the property line.

729.7.2.1.2. A fifty (50) foot setback shall be maintained from the right-of-way of State and County highways and a thirty (30) foot setback from the right-of-way of all other roads, or the required setback for the applicable zoning district, whichever is greater.

729.7.3. **VISUAL BUFFER:**

729.7.3.1. Alternative 1 – The applicant shall submit a landscaping plan outlining the proposed screening for the project, including, but not limited to natural and native vegetation, plantings, earth berms, or fencing that provides a year-round visual buffer to restrict the view of the USES from adjacent public or private property (including property located across the public right-of-way from the USES). Existing natural tree growth and natural land berms along the USES perimeter may create a sufficient buffer if approved by the County and shall be preserved when reasonably practicable.

729.7.3.2. A visual buffer plan must be submitted to and approved by the County. The types of vegetation to be planted must be approved in advance by the County. Any or planted vegetative buffer shall consist of vegetation which is of a type species which will normally grow to a height in the geographic area within a reasonable time period sufficient to shield the USES from view of adjacent landowners and the public right-of-way (for instance, Leyland cypress trees planted at 8-10 foot intervals). Buchanan County shall have the right to contract with any outside agency or entity with regard to the types of plantings to be used. The cost of any such outside review shall be the responsibility of Buchanan County.

729.7.3.3. Any visual buffer must be established as shown on the approved site plan and be continually maintained in accordance with the most recent visual buffer plan approved by the County.

729.7.4. **GROUND COVER:**

729.7.4.1. The applicant shall submit a completed pollinator-friendly solar scorecard such as the Missouri Pollinator Habitat Planning Tool for Solar Sites developed by University of Missouri Extension, or a similar third-party solar pollinator standard designed for Midwest eco-systems and conditions. Land around and under solar panels and in the USES buffer areas shall be planted, established, and maintained for the life of the USES in perennial vegetated ground cover. To the maximum extent feasible for site conditions, perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with the guidance specific to the local area.

Vegetation to be planted must be approved by the County.

729.7.4.2. The site shall be planted and maintained to be free of invasive or noxious species as listed by the Missouri Department of Agriculture, without harming perennial vegetation. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, spot use of herbicides to control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety.

729.7.4.3. Clearing of natural vegetation in connection to the USES shall be limited to that which is necessary for the construction, operation, and maintenance of the USES and consistent with best practices for the preservation of natural areas or good husbandry of the land or forest areas.

729.7.5. **LAND ZONED AGRICULTURAL:** USES that is constructed or installed on land zoned agricultural shall demonstrate co-location of agricultural uses (agrivoltaics) on the project site, locating the project in a wellhead protection area for the purpose of removing agricultural uses from high-risk recharge areas or using pollinator-friendly ground cover.

729.7.6. **BUILDABLE AREA:** USES shall meet the existing lot coverage restrictions applicable to that zoning district. However, ground-mounted solar panels shall be considered pervious and exempt from lot coverage standards if there is vegetation groundcover, sheet flow is maintained, and water is allowed to infiltrate under and around the solar panels through a pervious surface and into the subsoil.

729.7.7. **SOIL EROSION AND SEDIMENT CONTROL:** The applicant agrees to conduct all site development work, including roadwork, in compliance with the Missouri Land Disturbance Stormwater General Operating Permit as required by the Missouri Department of Natural Resources and the Land Disturbance Permit as required by Buchanan County.

729.7.8. **GLARE AND LIGHTING:**

729.7.8.1. USES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways, or interfere with traffic, air traffic, or create a safety hazard. The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

729.7.8.2. Any on-site lighting provided for the operational phase of the USES shall be fully shielded and directed away from adjacent properties, be positioned downward to minimize light trespass onto adjacent properties and be limited to the minimum reasonably necessary for safe operation.

729.7.9. **FENCING:**

729.7.9.1. A perimeter security fence with a minimum height of six (6) feet must be installed along all exterior sides of the USES. The fence shall not include barbed wire or woven wire designs and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. Alternative fencing can be used if the site is incorporating agrivoltaics.

729.7.10. **POWER AND COMMUNICATION LINES:**

729.7.10.1. All utility, transmission, and communications lines running between banks of solar panels and to nearby electric substations or interconnections with buildings, and any plumbing shall be buried underground unless the County grants a written exception due to environmental constraints.

729.7.10.2. Other solar infrastructure, such as module-to-module collection cables, CAB cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located and maintained aboveground.

729.7.11. **SIGNAGE:** Appropriate warning signs providing a 24-hour emergency contact phone number shall be posted at the USES. No other signs, except standard identification signage related to USES installation, manufacturing, and operations shall be displayed. Signage must be in accordance with the signage requirements of the applicable zoning district.

729.7.12. **COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAWS:** The USES shall comply with all applicable federal, state, and local laws and regulations including but not limited to, the requirements of the Buchanan County zoning code, applicable building, fire, electric, and plumbing codes, safety and environmental requirements. If a provision in this regulation directly conflicts with a requirement in the Buchanan County zoning code, this regulation shall control.

729.7.13. **OPERATION AND MAINTENANCE:** The applicant must submit an operation and plan for the County's review and approval. The operation and maintenance plan shall include procedures for operation and maintenance of the USES its components.

729.7.14. **DECOMMISSIONING:**

729.7.14.1. Removal of all solar and solar related equipment, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities must occur within six (6) months of the date from when use of the USES has been discontinued or abandoned, or upon termination of the useful life to the system.

Removal and restoration must be completed no later than twelve (12) months after commencement of such decommissioning. The USES is presumed to be discontinued or abandoned if electricity is not generated by the system for a period of twelve (12) consecutive months. Once the USES is decommissioned, the permit shall become null, and void and all rights thereunder shall terminate.

729.7.14.2. The USES shall be decommissioned in accordance with the most recent decommissioning plan approved by the County. The USES owner is required to notify the County immediately upon cessation or abandonment of the system. The USES owner must provide written notice within thirty (30) days to the County upon commencement of decommissioning and upon its completion. If the USES owner fails to dismantle and/or remove the USES and restore the land in accordance with the approved decommissioning plan within the established timeframes, Buchanan County may complete the decommissioning and land restoration at the USES owner's expense.

729.7.14.3. The real property where the USES was located shall be restored to its substantially original condition, which existed at the time of approval of the construction of the USES by the County. Re-vegetation of restored soil areas shall be with native crops, seed mixes, and plant species suitable to the area.

729.7.14.4. The USES owner shall post a bond or other financial security approved by the County sufficient to ensure the funds in the amount of the estimated decommissioning costs in current dollars less salvage value will be available for decommissioning and restoration. The applicant shall provide the approved security prior to beginning construction. The financial assurance shall automatically renew each year or have no expiration and shall not be released until the USES has been decommissioned and site restoration completed.

729.7.14.5. A decommissioning plan shall be submitted to and approved by the County prior to construction or installation of the USES and shall contain the following:

729.7.14.5.1. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan.

729.7.14.5.2. Statement of conditions that require the decommissioning plan to be implemented.

729.7.14.5.3. A removal plan that identifies all structures, components, non-utility owned equipment, and underground infrastructure buried within six (6) feet of the surface that shall be removed.

729.7.14.5.4. A plan for recycling or otherwise reusing all materials to the extent reasonably practicable.

729.7.14.5.5. A restoration plan to return the property to its condition prior to the installation of the USES or to some other condition reasonably appropriate for the designated land use after the USES is removed.

729.7.14.5.6. A timeline to complete decommissioning consistent with this regulation.

729.7.14.5.7. Description of the mechanism for posting of a performance bond, surety

bond, escrow account or other form of financial assurance, and the estimated decommissioning costs in current dollars less salvage value.

729.7.14.6. The decommissioning plan and financial assurance shall be updated by the owner of the USES every five (5) years and adjusted as necessary to ensure sufficient funds are available to decommission the project over its life.

729.7.15. **CERTIFICATIONS:** The applicant shall submit an affidavit to the County that provides, to the best of the applicant's knowledge:

729.7.15.1. That construction and operation of the USES will comply with all applicable federal, state, and local statutes, rules, regulations, and ordinances, including, but not limited to, the requirements of the Buchanan County Zoning Code; and

729.7.15.2. That commercial general liability insurance of at least \$1,000,000.00 will be maintained throughout the siting, construction, installation, operation, and decommissioning of the USES and the USES owner will provide written proof of the existence of such insurance within 30 calendar days of written demand by the County. The USES owner shall further cause the liability insurance carrier to provide at least 30 calendar days' written notice to the County prior to the cancellation of such insurance.

730 POLLUTION CONTROLS: Any and all uses permitted by these regulations are subject to existing and future Federal, State and local laws pertaining to land, water and air pollution, and must conform to any such laws in addition to requirements contained herein.

800 ADMINISTRATION

800.1 This Zoning Order shall be administrated and enforced by a Zoning Officer or a duly appointed representative of the Zoning Commission.

800.2 The Zoning Officer or the duly appointed representative may cause any building, structure, place or premises to be inspected and examined, and to order the remedying of any condition found to exist therein in violation of any regulation of this Order.

800.3 The Zoning Officer shall maintain permanent and current records relative to adoption, amendment, administration and enforcement of this Zoning Order. This includes, but is not limited to, all zoning maps, plans, applications, planned development, conditional uses, variances, appeals and disposition thereof, and shall provide an information service for the citizens of Buchanan County on all matters relating to zoning in Buchanan County.

800.4 The Zoning Officer shall examine all applications for building permits for the use of land and shall determine if the applications and plans submitted conform to all provisions of this Zoning Order. Only if all provisions of this Order have been met may the Zoning Officer issue any permits.

800.5 In the event any permit is issued that is not in conformity with the provisions of this Zoning Order, such permit shall be null and void.

804 PERMITS: The Zoning Officer or his duly authorized representative shall have the power to enforce the provisions of this Order. No building shall be erected, constructed, reconstructed, moved or demolished, nor shall it be altered without first making application for, paying the fee, if required, and being issued a building permit in accordance with the terms of this Order.

804.1 BUILDING PERMITS

804.1.1 Applications for building permits shall be filed with the Buchanan County Planning and Zoning Officer, upon forms prescribed. The application must set forth among other things the taxing map-block-parcel number assigned, a general description of any building or structure to be constructed, erected or altered therein, including the size, shape and location of the structure on the premises, and the intended use. (See Fee Schedule in Section 805.)

804.1.2 The Zoning Officer shall be empowered to act within the provisions of the Order, upon all applications for building permits, and the same shall be approved, if all requirements of this Order are met, not later than thirty (30) days after the date of filing. In the event an application does not meet the requirements of this Order, or action has not been completed within the thirty (30) days, the Zoning Officer shall so notify the applicant and the applicant may appeal the decision to the Board of Zoning Adjustment as provided in Section 900.

804.1.3 There shall be a separate permit for each building or structure to be constructed, erected or altered, except accessory buildings, and appurtenances which may be included in the permit for the main building upon payment of additional fee, and when construction is simultaneous.

804.1.4 Each building permit shall be posted upon the premises for which it is issued. It shall be displayed so that it is visible from the street, or if no street is nearby, displayed on the structure or premises in or on a location visible for inspection. The building permit shall be displayed for a period of thirty (30) days from the time of completion.

804.1.5 A building permit shall expire after one (1) year, provided however that extensions may be made where warranted.

804.1.6 A record of all building permit applications and building permits issued shall be kept in the Office issuing such permits.

- 804.1.7 The issuing Officer may revoke a building permit issued in accordance with the provisions of this and other pertinent regulations if such issuing Officer finds any of the following: Prior to the completion of the structure for which the permit was issued, there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the building permit, or the permit was issued under false representation or that any other provisions of this regulation are being violated.
- 804.1.8 Failure, refusal or neglect of any property owner or his authorized representative to apply for and secure a valid and proper permit(s), including the payment of the prescribed fee, as provided, shall be reason for the issuance of a “stop order” by the Zoning Officer. For this “stop order”, owner or authorized representative shall have been notified in writing at least ten (10) days prior to the issuance of said “stop order” that he/she is in violation of regulations of the County. Said “stop order” shall be posted on or near property in question, in a conspicuous place and no further condition shall proceed. Said permits shall include: rezoning, Conditional Use, building, solar energy, demolition/removal, temporary use, addition/alteration, in ground pool, septic system, sign and retail fireworks permits.*(Amended September 8, 2014)*
- 804.1.9 Where building or construction has proceeded without filing for and receiving a valid building permit, the fee for issuance of a subsequent building permit for said construction shall be doubled. *(Amended June 1985)*

804.2 TEMPORARY USE PERMITS:

- 804.2.1 An application for a temporary use permit shall be made to the Zoning Officer and a temporary use permit may be issued by the Zoning Officer for a period of not more than six (6) months for any of the following uses:
- 804.2.1.1 Asphalt or Concrete Batching Plant
 - 804.2.1.2 Fireworks Sales
 - 804.2.1.3 Christmas Tree Sales
 - 804.2.1.4 Roadside Stands
 - 804.2.1.5 Circuses or Carnivals
 - 804.2.1.6 Amusement Parks and Arcades
 - 804.2.1.7 Contractors Sheds – Temporary

- 804.2.1.8 Flower Vendors
- 804.2.1.9 Real Estate Tract and Sales Offices
- 804.2.1.10 Race Tracks – Temporary (Go-Carts, Motorcycles, Cars)
- 804.2.1.11 Others (Zoning Officer) *(Amended April 1983)*

804.2.2 Any application for the renewal or extension of any temporary use permit listed in Section 804.2.1 must be approved by and meet all conditions of the Planning and Zoning Commission. *(Amended October 1984)*

804.2.3 For Fee schedule see section 805.

804.2.4 **VIOLATION:** The violation of any condition under which a temporary use permit is granted, shall be grounds for the revocation of the temporary use permit and any continuation of said use shall be a violation of this Order.

804.3 SEPTIC TANK APPROVALS: Approval shall be required for each individual septic tank as provided in Section 721.

804.4 DEMOLITION PERMITS:

804.4.1 No person, firm or corporation shall wreck, demolish or raze a building or other structure without first obtaining a permit from the Zoning Officer. Such permit shall be issued only to a bonded person, firm or corporation as hereinafter provided. A permit may be issued to the owner of record who desires to wreck, demolish or raze any building thereon. However, if such building is more than two (2) stories high or is less than ten (10) feet back from the street property line, such owner shall be required to give bond to the County, as herein required from persons, firms or corporations engaged in the business of wrecking, demolishing or razing buildings.

804.4.2 All applications for permits to demolish or raze a building or other structure shall be made to the Zoning Officer. Every such application shall state owner’s name of record, the location of the building or structure, its length, width, height and the principal materials of its construction. Also, the length of time it will require to demolish or raze said building or structure. If someone makes application other than the owner of record, written proof of permission of said owner to demolish is required. If such application complies with the terms and provisions of this Section, then the Zoning Officer shall issue such permit. If such demolition or razing is not begun within sixty (60) days after issuance of the permit, such permit shall expire by limitation and be void.

- 804.4.3 Every person shall annually, before engaging in the business of wrecking, demolishing or razing of buildings or other structures, have given bond to the Buchanan County Commission. The amount of bond shall be \$5,000 with good and sufficient sureties to be approved by the Commission and the form thereof to be approved by the County Attorney. Bond and sureties are conditioned, among other things, that said person will pay any and all damages which may be caused to any property, public or private, within the County, and any and all claims for persons, firms or corporations or their agents, employees, contractors or sub contractors. Such bond shall be further conditioned that the County shall be saved harmless from all costs, loss or expense, arising out of the carrying on of such business and that the person shall comply with the terms and provisions of this Section. In lieu of such bond, the Zoning Officer may accept a certificate of insurance with approved coverage.
- 804.4.4 In the wrecking, demolishing or razing of any building or structure, the work shall be carried on in conformance with good engineering practice.
- 804.4.5 When any building or structure over forty (40) feet in height is being wrecked, demolished, or razed, a shed covering shall be provided adjacent to such building for the full frontage of such building on the road or street. However, no shed shall be required when such building or structure is ten (10) feet or more back of the building line. Such shed shall be of heavy construction and shall have a clearance inside of not less than seven (7) feet in height and shall be properly lighted at night.
- 804.4.6 A separate permit shall be required for each separate building to be demolished, razed or wrecked. (See Fee Schedule)

804.5 CONDITIONAL USE PERMITS: The Zoning Officer shall issue a Conditional Use Permit only after such use has been approved by the Buchanan County Planning and Zoning Commission according to requirements found herein for Conditional Uses. All conditions of said use shall be placed upon the permit issued and shall be effective on the expiration of the thirty (30) day appeal period.

805 FEE SCHEDULE: The following fee schedule shall be required for application and administration of all requests for permits in the unincorporated area of Buchanan County. *(Amended October 4, 2010)*

- 805.1.1 Single Family Dwelling House/Manufactured Mobile Home/ Modular:** Including all finished living space.

Fifteen (.15) cents per square foot.

805.1.2 Two Family Dwelling (Duplex)
House: Including all finished living space.
Fifteen (.15) cents per square foot.

805.1.3 Multiple Family Dwelling (Tri-plex or larger)
Including all finished living space.
Fifteen (.15) cents per square foot.

805.1.4 Accessory Uses
Detached garage, shed or other structure(s).
(Amended 01-01-2017)
Fifteen (.15) cents per square foot.

805.1.4.1 Farm or Agricultural Structures(s)
Fifty dollars (\$50.00) minimum up to five hundred (500) square foot and then ten (.10) cents per square foot thereafter with a cap of five hundred (\$500.00) maximum.
(Added 01-01-2017)

805.1.5 Commercial and Industrial Buildings

Twenty (.20) cents per square foot.

805.1.6 Other Structures
Telecommunication Towers - \$1,000. All other 1% of total estimated cost to construct, minimum of \$50.00.

805.1.7 Land Disturbance Permit Fees:
Residential: \$100.00
Commercial: \$200.00

805.1.8 No charge shall be made for building permit applications to any church, school, charitable institution or government subdivision being operated on a not for profit basis.

805.1.9 Fees paid to the Planning and Zoning are **not** refundable.

805.2 FEES FOR SIGN PERMITS APPLICATION

805.2.1 See section 722 for Sign Application Fees.

805.3 FEES FOR TEMPORARY USE PERMITS APPLICATIONS

805.3.1 For all Temporary Use Permits the fee shall vary according to the use intended for six (6) months or less. *(Amended January 5, 2011)*

805.3.1.1 All Temporary Use Permits shall expire after six (6) months' duration.

805.4 FEE FOR SEWAGE DISPOSAL PERMIT APPROVAL

805.4.1 Contact Buchanan County Environmental Inspector. *(Amended January 5, 2011)*

805.5 FEE FOR DEMOLITION PERMIT APPLICATION

805.5.1 The fee for a Demolition Permit shall be \$50.00. *(Amended January 5, 2011)*

805.6 FEES FOR CONDITIONAL USE PERMIT APPLICATIONS

805.6.1 The application fee for a Conditional Use Permit allowing a single-family dwelling or multiple family dwelling is \$350.00, plus the cost of notification to surrounding property owners, as required by the State of Missouri, along with the legal advertising fee. *(Amended January 5, 2011)*

805.6.2 For all other Conditional Use Permit applications, the fee shall vary according to the Buchanan County Zoning Order Table of Uses, if applicable, plus the cost of notification to surrounding property owners, as required by the State of Missouri, along with the legal public notice hearing advertising fee. *(Amended January 5, 2011)*

805.7 FEES FOR REZONING

805.7.1 The application fee for rezoning to a residential district shall be \$350.00, plus the cost of notification to surrounding property owners, as required by the State of Missouri, along with the legal public notice hearing advertising fee. *(Amended January 5, 2011)*

805.7.1.1 The application fee for rezoning to a commercial or industrial district shall vary according to the Buchanan County Zoning Order Table of uses, plus the cost of notification to surrounding property owners, as required by the State of Missouri, along with the legal public notice hearing advertising fee. *(Amended January 5, 2011)*

805.7.1.2 No fee shall be charged for a change in the Zoning District Maps where the Planning and Zoning Commission or the County Commission initiates the change.

805.8 FEES FOR LAND DISTURBANCE PERMITS

The fee for a Buchanan County land disturbance permit shall be one hundred dollars (\$100.00) for a residential permit and two hundred dollars (\$200.00) for a commercial permit. *(Added 10-12-2011)*

806 AMENDMENT PROCEDURE

806.1 Applications for amendment, revision or change of the Zoning District Map of Buchanan County may be made by any person, or his agent who owns the land sought to be zoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Zoning Officer.

806.2 In addition to information regarding the proposed rezoning, conditional use permit, variance, exception or appeal, the Zoning Officer will provide the last known names and addresses of all property owners within one thousand (1,000) feet of the property being petitioned for rezoning. Distance shall be measured from the exterior boundaries of the tract, lot or parcel. *(Amended May, 2011)*

806.3 Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of the Buchanan County Zoning Order, other than the Zoning District Map, may be made by any interested person on forms prescribed by the Planning and Zoning Commission and duly filed with the Zoning Officer.

806.4 All applications shall be set down for hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Commission from the date of filing the same. Any such hearing may, for good cause at the request of the applicant or in the discretion of the Planning and Zoning Commission, be continued. Notice of such hearing shall be published not less than fifteen (15) days prior to date of said hearing and shall be made to all property owners within one thousand (1,000) feet of the subject property, by certified mail, utilizing the list of the most current owner(s) determined by the Zoning Officer, twenty (20) days prior to the hearing date. If such land adjoins the incorporated limits of a town or city, owners of property within these limits being within one hundred eighty five (185) feet of the subject property shall be notified in the same manner. Notice of the public hearing shall be posted at least fifteen (15) days in advance thereof in one or more public areas of the Courthouse or Buchanan County. **Non-receipt of the notice shall not nullify any action taken through these amendment procedures.** *(Amended May, 2011)*

- 806.5 Upon final hearing of such application, the Planning and Zoning Commission shall approve or deny the same by majority vote and a report of such action, together with a recommendation for final approval or denial shall be made by the Planning and Zoning Commission to the Buchanan County Commission.
- 806.6 The Planning and Zoning Commission, upon its own motion may make applications for amendment, revision or change of the Zoning District Map of Buchanan County, for final determination by the County Commission. Likewise, the County Commission may revise, modify or amend this Order, including the Zoning District Map, upon its own motion, provided however, such proposed changes shall first be submitted to the Planning and Zoning Commission for recommendation and report. In either case, final action thereon shall be taken only upon notice and hearing as provided herein.
- 806.7 In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, **or** by the owners of twenty percent (20%) directly opposite, **or** directly in the rear of the frontage proposed to be altered, **or** in cases where the land affected lies within one and one-half (1½) miles of the corporate limits of a municipality having in effect an ordinance zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Clerk, such amendment may not be passed except by the favorable vote of two-thirds (**2/3**) of the members of the County Commission. *(Amended September 8, 2014)*
- 806.8 Properties rezoned or granted a Conditional Use Permit in all Zoning Districts shall be declared null and void and revert back to the previous zoning status if no substantial action is taken within a one (1) year time period after such rezoning(s) or granted Conditional Use Permit of said property. A rezoned parcel(s) or Conditional Use Permit shall only be utilized for the specific intent stated on the application unless further amended. A rezoning or Conditional Use Permit shall be deemed in compliance with “substantial action taken” when continuous activity has taken place upon the land pursuant to the application on the permit issued or in the event of the erection of a structure(s) when sufficient building activity has occurred in a diligent manner. *(Adopted 2011)*
- 806.9 No case shall be reopened nor shall any application be accepted constituting the same application involving the same property upon which the Planning and Zoning Commission has taken action for at least one (1) year from the date of the final action of the Planning and Zoning Commission. *(Added September 8, 2014)*

807 CONDITIONAL USE PROCEDURES

- 807.1 An application for a Conditional Use, as listed in Section 705, shall be filed with the Planning and Zoning Commission, on approved forms, at least twenty (20) days prior to any regular meeting of the Planning and Zoning Commission. *(Amended June 1985)*

807.2 Fees shall be as set out in Section 805 and public hearing procedures as follows:

807.2.1 All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Planning and Zoning Commission, be continued. Notice of such hearing shall be published not less than fifteen (15) days prior to date of said hearing in a local news publication. All property owners within one thousand (1,000) feet of all property lines of subject property shall be given notice of the public hearing by certified mail twenty (20) days prior to the hearing. If such land adjoins the incorporated limits of a town or city, owners within one hundred eighty five (185) feet of subject property lying within the incorporated areas shall be notified in the same manner. **Non-receipt of notice shall not nullify any action taken through these procedures.**

807.3 After the public hearing, the Planning and Zoning Commission may approve or deny the application as they determine the desirability, based on conditions listed in Section 705.4, of said use on that particular site. *(Amended March 1988)*

807.4 The decision of the Planning and Zoning Commission shall be final unless appealed to the Buchanan County Board of Zoning Adjustment within thirty (30) days of the date of the decision of the Planning and Zoning Commission.

807.5 No case shall be reopened nor shall any application be accepted constituting the same application involving the same property upon which the Planning and Zoning Commission has taken action for at least one (1) year from the date of the final action of the Planning and Zoning Commission. *(Added September 8, 2014)*

811 VIOLATION AND PENALTY

811.1 The Zoning Officer or his authorized representative shall have power to cause any land, building, structure, place or premise to be inspected or examined and to order in writing the remedying of any condition found to exist therein in violation of this Order.

811.2 Any owner, lessee or tenant of land located within the unincorporated area of the County who has been served with an order in writing, from the office of Planning and Zoning, to correct or remove a violation shall have ten (10) days with which to comply or find themselves in violation of the Buchanan County Zoning Order. Zoning violations are a misdemeanor filed by the Buchanan County Prosecuting Attorney or County Counselor punishable by a fine not to exceed one thousand (\$1000.00) dollars. *(Amended January 9, 2013)*

811.3 Each and every day that such violation continues shall constitute a separate violation.

813 REASONABLENESS OF REGULATION: Any person having an interest in property affected by the Zoning Order may have the reasonableness of this Order determined by bringing an action in the Circuit Court of the County against the Zoning body of the County.

814 INVALIDITY OF A PART: If any Section, subsection, sentence, clause or phrase of this Order is for any reason to be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order.

815 REPEAL: All orders or regulations or parts thereof, in conflict with any of the provisions of this Order, are hereby replaced insofar as the same are in conflict with the provisions hereof.

816 NONDISCRIMINATION: Nothing contained herein shall be construed as authorizing the governing body to discriminate against any person by reason of color, race or sex.

900 BOARD OF ZONING ADJUSTMENT

901 ESTABLISHMENT OF BOARD: A Board of Zoning Adjustment is hereby established and is also herein referred to as “the Board” in accordance with the Revised Statutes of Missouri 1978-1964 and all amendments thereto.

902 APPOINTMENT AND COMPOSITION OF THE BOARD: The Board shall consist of five (5) freeholders and not more than two (2) of whom shall be residents of the incorporated area of Buchanan County, and not more than one (1) of whom may be a member of the County Planning and Zoning Commission. The membership of the first Board shall serve respectively; one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years and two (2) for four (4) years. Thereafter, members shall be appointed for terms of four (4) years each.

903 OFFICERS OF THE BOARD: The Board shall elect its own Chairman and Vice-Chairman who shall serve for one (1) year and shall adopt rules of procedure consistent with the provisions of this Order. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses.

904 MEETINGS OF THE BOARD: All meetings of the Board shall be open to the public and shall be held at the call of the Chairman and at such other times as the Board may determine.

905 RULES OF PROCEDURE OF THE BOARD: The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Section. These shall include, among other things, regulations relating to any notices for public hearing in addition to such public notice as required by law, forms to be used in the submission of the applications, times when hearings shall be held, procedures for the conduct of public hearings and forms of written reports and findings of the Board.

906 MINUTES AND FINDINGS OF THE BOARD: The Board shall keep minutes of its proceedings and official actions or, if absent or failing to vote, indicating of such fact. It shall also keep records of its examination and other official action, all of which shall be filed promptly in the office of Planning and Zoning, and shall be open to public examination at reasonable times during the workday of said office. All findings and actions of the Board shall be in writing and shall set forth the reasons for the action taken, no matter what action was taken. Findings shall be complete, detailed and specific. In every instance, a statement of facts upon which such action is based shall appear in the minutes.

907 VOTE REQUIRED BY THE BOARD: The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the terms of this Order or to effect any variation or modification of the regulations of this Order. *(Amended June 1993)*

908 ASSISTANCE TO THE BOARD FROM THE REGIONAL PLANNING DEPARTMENT AND OTHER OFFICIALS

908.1 The Director of the Regional Planning Department may designate such employees of their staff as are required to assist the Chairman of the Board in carrying out the official business of the Board by preparation of any reports upon the applications which shall be read into the record at the public hearing.

908.2 The Board may call upon any other Regional Official for assistance in their performance of their duties and it shall be the duty of such other officials to render such assistance to the Board as may be reasonably required.

909 GENERAL POWERS OF THE BOARD: The Board shall have the following general powers:

909.1 The Board shall hear and decide all matters referred to it or upon which it is required to pass under this Section.

909.2 The Board shall hear and decide appeals made by any person or persons, severally or jointly aggrieved by any Order, requirement, decision or determination made by the Zoning Officer or other officials in the enforcement of this Order. The Board may reverse, affirm, wholly or partly, or may modify the Order, requirement or decision appealed from and shall make such Order, requirement or decision as, in its opinion, ought to be made.

910 SPECIFIC POWERS OF THE BOARD TO GRANT VARIANCES: The Board may grant specific variances from the strict application of this Order when, by reason of exceptional narrowness, shallowness, shape or substandard size of specific parcels of property, or by reason of exceptional topography conditions or other extra-ordinary situations or conditions of specific parcels of property, the strict application of these regulations or amendments thereto would result in a practical difficulty or unnecessary hardship upon the owner of said property provided:

910.1 That such relief or modification can be granted without substantial impairment of the intent, purpose and integrity of this Order and the Master Plan of development for Buchanan County, Missouri.

910.2 That this shall not permit a use of land not authorized by the provisions of this Order for a specific zoning district or an increase in the height or volume of a building or structure, or an increase in the density of development beyond that permitted by this Order for any particular zoning district.

910.3 **VARIANCE:** Before granting a variance on the basis of an unusual difficulty or unreasonable hardship, there must be a finding by the Board of Zoning Adjustment that **all** of the following conditions exist:

910.3.1 If the owner complied with the provisions of this Order, he would not be able to make any reasonable use of his property.

910.3.2 The difficulties or hardship are peculiar to the property in question in contrast with those of other property in the same district.

910.3.3 The hardship was not the result of the applicant's own action.

910.3.4 The hardship is not merely financial or pecuniary.

911 SPECIFIC POWERS OF THE BOARD TO GRANT EXCEPTIONS: Exceptions to the district regulations may be made by the Board of Zoning Adjustment after the request has been duly advertised and a public hearing held as required by law provided all conditions herein have been met.

911.1 In considering any application for an exception hereunder, the Board of Zoning Adjustment may give consideration to the Comprehensive Master Plan of the County, the health, safety, morals, comfort and general welfare of the inhabitants of the County and shall include, but not limit their consideration to the following factors.

911.1.1 The stability and integrity of the various zoning districts.

911.1.2 Conservation of property values.

911.1.3 Protection against fire and casualties.

911.1.4 Observation of general police regulations.

911.1.5 Prevention of traffic congestion.

911.1.6 Promotion of traffic safety and the orderly parking of motor vehicles.

- 911.1.7 Promotion of the safety of individuals and property.
- 911.1.8 Provision of adequate light and air.
- 911.1.9 Prevention of over-crowding and excessive intensity of land use.
- 911.1.10 Provision for public utilities and schools.
- 911.1.11 Invasion by inappropriate uses.
- 911.1.12 Value, type and character of existing or authorized improvements and land uses.
- 911.1.13 Encouragement of improvements and land uses in keeping with overall planning.
- 911.1.14 Provision for orderly and proper urban renewal, development and growth.

911.2 Exceptions which may be authorized by the Board of Zoning Adjustment:

- 911.2.1 In all districts exceptions may be granted for:
 - 911.2.1.1 Airports and Heliports
 - 911.2.1.2 Cemetery and Crematory
 - 911.2.1.3 Public buildings and utilities including, but not limited to, structures and transmission equipment for telephone, electricity, radio, microwave, television, water and gas supply. *(Amended July 1985)*

911.3 Prior to review of the request for an excepted use by the Board of Zoning Adjustment, the applicant shall:

- 911.3.1 File an application on forms provided by Buchanan County.
- 911.3.2 File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has a lawful right to receive a conveyance thereof, if the application is granted.
- 911.3.3 File a form of a declaration of restrictions indicating the use, which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restrictions must provide that if such use is abandoned or

is proposed to be changed that the subsequent use shall be in conformity with the zoning restriction, then in effect as to the land, unless a new application for an excepted use is made and granted.

911.3.4 A plot plan shall be filed with the application showing:

911.3.4.1 Legal dimension of the tract to be used.

911.3.4.2 Location of all proposed improvements, including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.

911.3.4.3 Grade elevations.

911.3.4.4 Building setback from all property lines.

911.3.4.5 Front, side and rear elevations of all improvements to be erected.

911.3.4.6 Such perspective drawings of the proposed improvements, in such detail as the Board may require as will clearly show the finished appearance of the improvements proposed.

911.3.4.7 Location and type of planting, screening or walls.

911.3.4.8 Such other items as the Board shall deem reasonably necessary to properly process the application.

912 TIME FOR WHICH DECISION OF THE BOARD IS VALID: No decision of the Board permitting the erection, alteration, or use of a building or use of land shall be valid for a period longer than two (2) years unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is promptly started and proceeds to completion in accordance with the terms of the decision of the Board.

913 AUTHORITY OF BOARD TO INTERPRET ZONING DISTRICT MAPS AND BOUNDARIES: Where there is a dispute as to location of any zoning district or zoning district boundary line which has been determined or interpreted by the Zoning Officer, an appeal for such interpretation or determination may be made to the Board and a determination shall be made by said Board.

914 APPEALS TO BOARD AND STAY OF PROCEEDINGS

914.1 Any persons(s) aggrieved by a ruling of the Zoning Officer or the Planning and Zoning Commission regarding the interpretation of this Order may take an appeal to the Board of Zoning Adjustment. Such appeal shall be made within thirty (30) days following the date of any written order, requirement or decision complained of. Such appeal shall be filed on

forms provided by the Zoning Officer specifying the grounds therefore upon said forms provided. The Zoning Officer shall immediately transmit to the Board all of the information constituting the record(s), upon which the appeal action is being taken. *(Amended May, 2011)*

914.2 An appeal shall stay all proceedings in furtherance of the action from which appeal is made, unless the Zoning Officer certifies to the Board of Zoning Adjustment that by reasons of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by restraining order, which after notice to the Zoning Officer and due cause shown, may be granted by the Board of Zoning Adjustment or by a Court of competent jurisdiction.

915 FEES: There shall be fees for any action brought before the Board of Zoning Adjustment. *(Amended January, 2011)*

915.1 Variance and Exception (Excluding towers ie: Telecommunications and Cellular see below). The fee shall be one hundred fifty dollars (\$150.00) plus the cost of publication and notice to abutting property owners.

915.2 Exception for Telecommunication/Cellular Towers shall be one thousand dollars (\$1000.00) plus the cost of publication and notice to abutting property owners.

915.3 Appeals to the Board shall be three hundred fifty dollars (\$350.00) plus the cost of publication and notice to abutting property owners.

916 PROCEDURE OF HEARINGS BEFORE THE BOARD

916.1 The Board shall fix a reasonable time for the hearing of appeals giving public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. In the hearing of appeals before the Board, all testimony, objections thereto and ruling thereof, shall be taken down by a secretary and recorded. Upon the hearing before the Board, any party may appear in person or by agent or by attorney.

916.2 The action of the Board shall be final unless an appeal is taken to the Circuit Court of Buchanan County within thirty (30) days of the date upon which the applicant was officially notified of the Board's final action. No case shall be reopened nor shall any application be accepted constituting the same appeal involving the same property upon which the Board has taken action for at least one (1) year from the date of the final action by the Board.

916.3 The Board may grant a rehearing, upon any prior decision, in which new evidence, not considered by the Board at the previous hearing is presented. The application for the rehearing must be made to the Board within thirty (30) days of the date upon which the final decision on the original appeal was made. *(Amended May, 2011)*

917 APPEALS FROM DECISIONS OF THE BOARD: Any person or persons jointly or severally aggrieved by any decision of the Board, or any office, department, board or bureau of Buchanan County, may present to the Circuit Court of Buchanan County a petition, duly verified, setting forth that such decision is illegal in whole or in part, and specifying the ground of the illegality. Such petition shall be presented to the Circuit Court within thirty (30) days from the date of the letter advising the applicant of the decision of the Board. The Circuit Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

918 GUIDELINES FOR BOARD OF ZONING ADJUSTMENT

918.1 GENERAL

918.1.1 The Board of Adjustment is a quasi-judicial administrative body whose decisions affect private property rights to the same extent as Court decisions. For that reason its procedures must be regular and properly judicial, and its decisions should accord with the recognized body of law in its field.

918.1.2 The Board of Adjustment is not a legislative body. It must enforce the meaning and the spirit of the Zoning Order, which was enacted by the County Commission. Where particular provisions of the Order seem to lead to consistent injustice, the Board should recommend to the County Commission that they be amended. It should not attempt a "Back-door" amendment by a series of its own decisions. The Board must always keep in mind that it does not have the authority to amend the Zoning Order. If requests come to it of this nature it should refuse to hear them and advise those making the request as to the proper procedures through which to seek amendments to the Zoning Order.

918.1.3 The decisions of the Board of Adjustments are subject to review in the Circuit Courts, but not by the County Commission. The County Commission itself does not have the authority to revoke or modify a decision of the Board of Adjustment, nor can it direct the Board to render a particular decision in a specific case. If the County Commission feels the Board of Adjustment is in error in a certain case, it may seek remedy through the judicial system.

918.2 POWERS AND DUTIES: The Board of Adjustment has three (3) main powers and duties; 1) the power to hear appeals from the Zoning Officer or Planning and Zoning Commission's decisions as to matter of interpretation of the Zoning Order, 2) the power to grant exceptions in cases specifically provided for in the Order, and 3) the power to grant "variances" in cases where "practical difficulties" or "unnecessary hardship" would result from literal enforcement of the Order.

918.2.1 **APPEAL TO BOARD OF ADJUSTMENT:** An appeal to the Board of Adjustment involves a situation in which an interested party alleges the Zoning Officer or the Planning and Zoning Commission has made an error in the interpretation of the Zoning Order as applied in a specific case. This usually arises when the Zoning Officer refuses to issue a building permit or the applicants or opponents of a request are aggrieved by the decision of the Planning and Zoning Commission. The function of the Board in an appeal is to make a judgment as to the proper interpretation of the Zoning Order in the context of the specific facts of the case. The Board, in an appeal, has no authority to set aside any provision of the Zoning Order or to authorize the issuance of a permit or over rule a decision made by the Planning and Zoning Commission that violates the strict terms of the Zoning Order. The Board’s power of interpretation consists merely of; (a) determining the true facts in a case and (b) apply to those facts what it conceives is to be the true meaning of the Order.

918.2.2 **EXCEPTION:** In certain situations, the Order authorizes the Board to permit a given type of property use when it finds that particular conditions are met. When the Board does this, it is granting an “exception” (Special Use Permit). The Board must follow the language of the Order exactly and be sure that all conditions specified have been met. In other words, for an “exception” to be made by the Board of Adjustment there must be explicit mention of the authority to grant such an “exception” and the circumstances under which it can be granted must apply to the particular situation.

918.2.3 **VARIANCE:** The most familiar kind of action requested of the Board of Adjustment is to grant a “variance”. This is to allow some variation in the stated dimensional requirements of the Zoning Order in cases where their strict application would involve undue hardship. The first rule for the Board to remember in exercising this function is that it must not be too liberal with its grants, for otherwise the whole Zoning Order may be subverted.

918.3 RULES OF PROCEDURE: One of the first steps which the Board of Adjustment should take after its creation is to adopt rules of procedure for itself. At least the following provisions should be considered:

918.3.1 The Board should fix the time within which notice of appeal from the Zoning Officer’s decision must be filed by the property owner.

918.3.2 The Board should make provision for the giving of notice prior to hearing the appeal.

918.3.3 The appeal should be heard within a reasonable time.

- 918.3.4 The quorum for the purpose of hearing cases should be not less than three (3) members.
- 918.3.5 The concurring vote of three (3) members should be required in order to: (a) reverse any "Order", requirement, decision or determination of the Zoning Officer, (b) grant an exception authorized by the Order or (c) grant a variance from the literal terms of the Zoning Order.
- 918.3.6 The decision should be given within a reasonable time.
- 918.3.7 Any application for a rehearing should be denied if there is not substantial change in facts, evidence or conditions.
- 918.3.8 A complete set of minutes should be kept. These should show, as to all cases heard by the Board: (a) the evidence presented, (b) the Board's findings of fact and (c) the Board's decision.

918.4 BOARD ACTIONS: In granting an exception or variance, the Board is entitled to impose conditions upon the permit which will make the proposed property use less objectionable to its neighbors and to the community as a whole. The conditions must be "reasonable". In order to grant a variance, the Board should make certain findings, which must, of course, be supported by the facts. A summary of the findings that ought to be required before a grant of a "variance" is as follows:

- 918.4.1 There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Order. In order to support his/her finding, the property owner must prove;
 - (A) If the property owner complies with the Order, he/she can secure no reasonable return from, or make no reasonable use of his/her property. This is a very strict requirement. It is not enough to show that he/she could secure greater profits from his property if the variance were granted, for this could be shown by almost any applicant at the expense of his neighbors. Ordinarily, some physical problem preventing development of the property in an authorized manner should be shown.
 - (B) A hardship results from the application of the Zoning Order. The Board should not consider the fact that a deed restriction or some similar factor limits the use of the property; it may consider only hardship created by the operation of the Order.
 - (C) The hardship is not the result of the applicant's own actions. Where the property owner has, knowingly or unknowingly,

violated the Order by erecting a forbidden type of building, he cannot cite his expenses as hardship that he will suffer if he is not permitted to continue; otherwise no one would ever comply with this Order. Similarly, where a man buys property, knowing of zoning restrictions which prohibit the use he wants to make of it, he cannot be said to suffer hardship if the restrictions are enforced, such hardship would be self-imposed.

918.4.2 The variance is in harmony with the general purpose and intent of the Order and preserves its spirit. The Board should deny a variance as a violation of this finding where;

- (A) The applicant attempts to expand a nonconforming use or to make it more permanent,
- (B) The application is for a “use variation” authorizing the property to be used in a way prohibited by the Order, as distinguished from a variance in the lot area yard size, building height or other “dimensional requirement”.

918.4.3 In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. In making this finding the Board must determine;

- (A) The interest of the community as a whole has been preserved.