

THE ZONING ORDER FOR WARREN COUNTY, MISSOURI

The Zoning Order presented to the County Commission of Warren County, Missouri by the Planning and Zoning Commission of Warren County (Hereinafter the "County") pursuant to Section 64.860 RSMo. For the purpose of promoting the health, safety, morals, comfort and general welfare of the citizens of the County and to conserve and protect property and building values, to secure the most economical use of the land of the County and to facilitate the adequate provision of public improvements all in accordance with the **"Official Master Plan of Warren County"** by regulating and restricting the location, erection, construction, reconstruction, alteration, repair and use of all buildings, structures and land for trade, residence, industry, and all other lawful purposes; dividing the County into districts for such purposes; providing for the amendment and change in such regulations, restrictions and boundaries of such districts; defining certain terms; providing for a Board of Adjustment, and procedures for appeals thereto and taking of testimony, objections and rulings thereon; providing for appeals to the Circuit Court from rulings and decisions of the Board of Adjustments; providing procedures for other purposes; and prescribing the procedures for the enforcement of and penalties for the violation of its provision.

Be it Ordained by the County Commission of Warren County, Missouri.

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Section 1.1: SHORT TITLE

These regulations shall be know and cited as the "Zoning Order of Warren County, Missouri (hereinafter the "Order").

Section 1.2: AUTHORITY

The following regulations have been recommended pursuant to the provisions of Section 64.800 through 64.905 RSMo. By the Warren County Planning and Zoning Commission and adopted by the County Commission of Warren County to provide for the harmonious development of the unincorporated areas of the County in order to promote the health, safety, convenience, prosperity and general welfare of the present and future inhabitants of the County.

Section 1.3: PURPOSE

The Order shall regulate and restrict in the unincorporated portions of the County the use of land and the location of improvements thereon; the size of yards, courts and other open spaces; the density of population; the location and use of buildings, structures and land for trade, industry, residence and other lawful purposes, including, but not limited to, areas for agriculture, forestry and recreation; divide the unincorporated territory of the County for the aforesaid purposes into districts which are arranged in accordance with the "**Official Master Plan of Warren County**" (hereinafter the "Master Plan"), said Master Plan having been adopted as the comprehensive plan of the County; regulate and restrict within such districts the erection, construction, reconstruction, alteration, repair, relocation, maintenance or use of buildings, structures, lots and land; provide for the establishment of a Planning and Zoning Commission, a Planning and Zoning Administrator and a Board of Zoning Adjustment and define their respective powers and duties; and provide procedures for amendments, permits, enforcement and penalties relating to the order.

Section 1.4: EFFECTIVE DATE

The effective date of this Order is September 17, 2012. Warren County originally adopted zoning and subdivision regulations on November 27, 1985. On August 1, 1994, the County amended and restated these regulations.

Section 1.5: RELATIONSHIP TO EXISTING REGULATIONS

To the extent that the provisions of the Order are the same in substance as the previously adopted regulations, they shall be considered as continuations thereof and not a new enactments unless otherwise specifically provided. In particular, a situation under the previously adopted Order does not achieve lawful nonconforming status under these regulations merely by repeal of the previous Order. In addition, these regulations hereby endorse and ratify all previous actions taken and decisions regarding planning, zoning and subdivision matters made by the Planning and Zoning Commission, the County Commission and the Board of Zoning Adjustment.

Section 1.6: REPEAL OF CONFLICTING REGULATIONS AND RELATIONSHIP TO EXISTING

All regulations relating to planning, zoning and subdivision previously adopted by the County Commission which are inconsistent with any provision of the Order are repealed to the extent of such inconsistency. Any use, activity, or occupancy under the previously adopted order does not achieve lawful nonconforming status under these regulations merely by repeal of the previous Order. In addition, any prosecution, fine or penalty for the violation of any provision of the prior Order shall not be abated by the enactment of this Order.

Section 1.7: APPLICATION OF REGULATIONS

The Order applies to all unincorporated land in Warren County, Missouri.

Section 1.8: NO USE OR SALE OF LAND OR BUILDINGS EXCEPT IN CONFORMITY WITH REGULATORY PROVISIONS

- A. Subject to Article V of the Order regarding nonconforming Situations, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of any land or buildings under his control except in accordance with all of the applicable provisions of the Order.
- B. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 1.9: FEES

- A. Reasonable fees sufficient to cover the cost of administration, including, but not limited to costs of notice, publication, and inspections(s) may be charged to applicants for all permits, approvals, amendments, inspections, variances, and other administrative relief and appeals. The amount of the fees charged shall be as set forth and revised from time to time by the County Commission and shall be paid at the time the application is filed.
- B. The County may, in its sole discretion, require applicants from time to time to pay for professional consulting services, including but not limited to engineering, soils, environmental, noise, structural and legal expertise, that are deemed necessary by the County in order to review applications or other matter related to the Order.

Section 1.10: INTERPRETATION, SEVERABILITY, AND REPEAL

- A. In interpreting and applying the provisions of the Order, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort or general welfare. It is not intended by the Order to interfere with or abrogate or annul any

easements, covenants or other agreements between parties, or any statute, local ordinance or regulation, except that if these regulations impose a greater restriction or higher standard than such other statute, ordinance or regulation, then the Order shall control.

- B. If any section, subsection, sentence, clause, or phrase of the Order is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Order.

- C. All orders or regulations of the County or parts thereof in conflict with any of the provisions of the Order are hereby repealed insofar as the same are in conflict with the provision hereof.

Section 1.11: COMPUTATION OF TIME

The computation of time will be in calendar days. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or declared County holiday, that day shall be excluded

Section 1.12: MISCELLANEOUS

- A. As used in the Order, words importing the masculine gender include the feminine and neuter.

- B. Words used in the singular in the Order include the plural and words used in the plural include the singular.

ARTICLE II: BASIC DEFINITIONS AND INTERPRETATIONS

Section 2.1: DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in these regulations.

Accessory Building. Any building or structure, the use of which is incidental to the principal use of another structure on the same premises, such as a garage or storage shed, except that in no case shall a mobile home be used for any purpose other than a residence for human occupancy or an office.

Accessory Use. A use which is customarily incidental and subordinate to and customarily found in connection with the principal use of the premises on which it is located and which serves only to further the successful utilization of the primary use.

Adult Entertainment Use. An establishment consisting of, including, or having the characteristics of any or all of the following:

- A. **ADULT BOOKSTORE** - An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- B. **ADULT CABARET** - An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas or an establishment that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- C. **ADULT MINI MOTION PICTURE THEATER** - An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

- D. **ADULT MOTION PICTURE THEATER** - An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Agriculture or Forestry. The planting, cultivating, harvesting and storage of grains, hay or plants, grapevines or trees commonly grown in the County and the raising and feeding of livestock, horses or poultry.

Agricultural Buildings and Structures. Any building or structure which is necessary or incidental to the normal conduct of farming, including, but not limited to, the residence of the operator, the residence of farm employees, barns, buildings and sheds for housing livestock, poultry, horses and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

Airport. An area of land or water that is used or intended to be used for the landing and take-off of aircraft, and includes its buildings and facilities.

Alcohol or Drug Treatment Facility. A facility licensed by the State of Missouri for the treatment of persons recovering from drug and/or alcohol abuse.

Alley. A special type of street which provides a secondary means of access to lots.

Alteration. Any change, addition to, modification or remodeling of an existing structure, facility or land.

Animal Day Care. Facility where animals are left for periods of less than 24 hours.

Animal Grooming. Cleaning, cutting, shampooing and other activities related to the appearance of animals.

Antenna. A structure designed to transmit or receive electronic signals.

Apartment Bldg/Condo. Building which includes a room or suite of rooms within a building provided with separate cooking facilities and intended as a single dwelling unit.

Asphalt Batch Plant (or Asphalt Plant). A facility used for the production of a mixture composed of aggregates and bituminous material that may include, but is not necessarily limited to one or more of the following: asphalt and aggregate, aggregate feeders, asphalt heater drum burners, loading facilities, material storage piles, vehicles and vehicular traffic, lime silos, fuel handling equipment, and fuel storage equipment.

Automobile. As used herein, the term includes passenger cars, busses, motorcycles, light-, medium-, or heavy-duty trucks, pickup trucks, vans, motor homes, and motorized recreational vehicles.

Automobile Graveyard. Any area or place of business, where there are 3 or more unlicensed vehicles, maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or parts thereof.

Bank. Any entity soliciting, receiving or accepting money, or its equivalent, on deposit as a business, whether the deposit is made subject to check, or is evidenced by a certificate of deposit, a passbook, a note, a receipt, or other writing, including, but not limited to, a commercial bank chartered under Ch. 362, RSMo or a national bank located in the State of Missouri.

Bar/Tavern. An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, from which at least fifty percent (50%) or more of the gross income is derived from the sale of alcoholic beverages, including taverns, bars, cocktail lounges and similar uses other than a "restaurant".

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Beauty or Barber Shop. A facility where hair cuts and other beauty services normally related thereto are offered for sale to the public by persons licensed by the State of Missouri to provide such services.

Bed and Breakfast Home. An accessory use of a single-family residence, where no more than two (2) rooms may be used or intended for the accommodation of transient, paying guests.

Bed and Breakfast Inn. A commercial use of a structure originally intended for single-family residential use, where at least three (3) but less than twelve (12) rooms may be used or intended for the

accommodation of paying, transient guests. Establishments with twelve (12) or more rooms shall be considered hotels for the purpose of this Order.

Boarding or Rooming House. A residential use consisting of one dwelling unit in which eight (8) or fewer unrelated persons reside and where a maximum of four (4) rooms are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a bed and breakfast in that a boarding house is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Board of Zoning Adjustment. The five (5) person Board appointed by the County Commission to hear appeals from decisions of the Planning and Zoning Administrator, grant variances, and interpret the County Zoning Map.

Building (Structure). An enclosed structure anchored to a permanent foundation and having exterior walls or party walls and a roof designed for the shelter of persons, animals or property designed to be used as a place of occupancy, storage or shelter.

Building, Principal. The primary building on a lot or a building that houses a principal use.

Business Day. Weekdays, excluding Saturday, Sunday, and official holidays.

Camp. The plot of ground owned by one entity in which two (2) or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes.

Cemetery, Family. A place in which no burial space is sold to the public and in which internments are restricted to persons related by blood or marriage.

Cemetery, Public. A place in which burial space is sold to the public.

Cemetery, Pet. A place in which burial space is sold to the public for the burial of animals.

Central Wastewater Collection and Treatment System. Any sewage system providing sewage treatment for more than one (1) home connected to a common sewer line, common lateral line, or common treatment system which discharges onto or off of the property on which it is located, regulated by the Missouri Department of Natural Resources.

Certify. Whenever these regulations require that some agency certify the existence of some fact or circumstance to the County, the County may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the County may accept certification by telephone from an agency when the circumstances warrant it, or the County may require that the certification be in the form of a letter or other document.

Church. A building for public worship.

Circulation Area. That portion of a lot used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clinic. A building designed and used for the diagnosis and treatment of human patients but does not provide overnight care facilities.

Club. A building or a portion of a building intended to be used as a center of informal association for a selective membership not open to the general public.

Commercial Activity. Any facility in which business is conducted, and/or which involves the purchase, sale, lease, or other transaction involving the handling or display of any article, substance, or commodity, or the provision of services, for profit, remuneration, or livelihood. This shall include, but not be limited to, mini-storage units.

Commercial Facility. Any building, structure or use of open land wherein, whereat, or whereon commercial activity is conducted.

Community Center. A facility maintained by a public agency or by a not-for-profit community or neighborhood association primarily for social, recreational, or educational needs of the community or neighborhood.

Conditional Use Permit. A permit issued by the County Commission that authorizes the recipient to make use of property in accordance with the requirements of this Order as well as any additional requirements or conditions imposed by the County upon the granting of said permit.

Conditional Use. A use of land, a building or structure that is permitted in a district only after approval is granted therefore by the County Commission in accordance with the provisions of this Order.

Convenience Store. A one-story, retail store designed to attract and dependent upon a large volume of stop-and-go traffic containing less than 15,000 square feet of gross floor area that is stocked to sell primarily prepared food, beverages, and other household supplies and, at times, gasoline to customers who purchase only a relatively few items. Illustrative examples of convenience stores are those operated by the "Quik Trip" and "7-11" chains.

Cottage or Vacation Home. A building used primarily as weekend or shortterm living quarters by persons partaking of recreational facilities or activities in the County. The same regulations shall apply to cottages as apply to dwellings except when specifically excluded.

County. Warren County, Missouri.

County Commission. County Commission of Warren County, Missouri.

Crematory. A licensed facility for the cremation of animals or humans, not necessary to be connected to cemetery.

Cultural Facility. Establishments that document the social, religious, intellectual and artistic manifestations which characterize society including museums, art galleries, concert halls, live performance theater and botanical gardens.

Day Care Facility. A licensed child or adult care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children or adults not related to the care provider for any part of the twenty-four hour day. Can include a nursery school.

Day Care Home. A child care program where care is given by a person licensed as a family day care home provider for no more than ten (10) children not related to the provider for any part of the twenty-

four (24) hour day. Such homes, when so licensed by the State of Missouri for such operation, shall be permitted as an accessory use to the residence in which it is located.

Demolition Landfill. A solid waste disposal area used for controlled disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water.

Developer. A person who is responsible for any undertaking that requires a, a variance, PUD approval, or plat approval.

Development Plan. A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements as required by this Order.

Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

District. A part or parts of the unincorporated area of Warren County for which these regulations govern the development and use of land therein.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school convent, monastery or other similar institution.

Driveway. That portion of the vehicle accommodation area that consists of the vehicle accessway bounded on either side by an area that is not part of the vehicle accommodation area.

Duplex. See *Residence, Duplex*.

Dwelling Unit. A structure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

Easement. A grant by a property owner to the public, a corporation, partnership, or a person for the use of land for a specifically designated purpose.

Event Rental Facility. Facility for public or private events such as wedding receptions, gun shows, etc. Indoor facility is an enclosed structure of four (4) walls and a roof.

Exotic Animal or Wildlife Facility. A structure or area for the breeding, management, showing, display of wildlife as defined in Section 252.020(3) RSMO, as amended.

Explosive Facility. Any building or structure or use of open land used for the manufacture, sale or storage of explosives.

Facility. Any building, structure, or use of open land for one or more particular purpose or activity.

Family. One or more persons living together as a single housekeeping unit.

Farm. A parcel of land used for growing or raising agricultural products, including related structures thereon.

Fire Arms Dealer. Any person or business which sells or trades weapons as defined in Chapter 571 RSMO, as amended.

Fireworks Stand. A temporary structure erected and designed or intended wholly or in part for the sale of fireworks to the public.

Flood Plain. Any land area susceptible to be inundated by water from the base flood. As used in these regulations, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency, a copy of which is on file with the County Floodplain Manager.

Frontage. The edge of a lot bordering a street.

Funeral Home. A funeral home, funeral parlor or mortuary, is a business that provides burial and funeral services for the deceased and their families. These services may include a prepared wake and funeral, and the provision of a chapel for the funeral.

Golf Course. An area, course or facility for playing golf, consisting of at least nine (9) holes, together with accessory structures designed and intended to be used with such facility, except miniature golf.

Grade. The slope of a surface specified in percent and shown on a surface profile plan as required herein.

Greenhouse, Plant Nursery, or Tree Farm. A farm, garden, or other cultivated land together with accessory structures designed and intended to be used only for the cultivation and sale of live vegetation. For the purposes of this Order, such uses shall be considered agricultural.

Grocery Store/Supermarket. A store which retails food; can also sell household items or clothing.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group Home. A facility licensed by the State of Missouri providing twenty-four (24) consecutive hour care for eight (8) or fewer unrelated persons who by reason of aging or medical impairment or illness require services furnished by a facility that provides shelter, board, storage and distribution of medicines, and protective oversight, including care during short-term illness or recuperation. The protective oversight is provided by up to two (2) additional persons acting as house parents or guardians who need not be related to any of the persons residing in the home.

Halfway House. A home licensed by the State of Missouri for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons living together as a single housekeeping unit.

Handicapped or Infirm Institution. An institutional facility licensed by the State of Missouri housing and providing care or assistance for persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

Hazardous Waste. Any waste or combination of wastes, as determined by the County Commission which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a present or potential threat to the health of humans or the environment. (See Article VI, Hazardous Waste).

Hazardous Waste Storage, Treatment and/or Disposal Facility. Any property that is intended or used for hazardous waste management including, but not limited to, storage, treatment and disposal sites. (See Article VI – Hazardous Waste)

Heavy Industry. A manufacturing or fabricating facility, which produces noise, odor, smoke, dust, fumes, liquid effluent, or other wastes or which could otherwise be hazardous or a nuisance to the public.

Heliport. A facility for the servicing, take-off, and landing of helicopters.

Home Improvement Center. A retail store of at least twenty thousand (20,000) square feet selling primarily building materials, floor and wall coverings, and items designed for installation in the home, and associated tools.

Home Business (or Home Occupation). Any occupation or profession carried on as an accessory use of a dwelling in connection with which there is used no sign other than a nameplate, or no display that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling; there is no commodity sold upon the premises except that prepared therein; no person is employed other than occupants residing on the premises; no exterior storage of business materials or commodity; and no mechanical equipment is used except as is customary for purely domestic household purposes, or that which is customarily found in a business office. This shall include woodworking shop equipment, facilities for the making of ceramics, the making of craft items, and other equipment which can be demonstrated to be customarily incidental to typical residence use. The occupation, as defined herein, may be in a detached garage or accessory building. This definition shall not include shops or stores, or such uses as barber shops, beauty salons, and taxidermy shops, which, by reason of various regulations and regulatory agencies, are clearly intended to be regarded as commercial ventures. Home occupations as defined herein shall cease to be accessory to a dwelling when they become larger in gross floor area than the primary use (the residence to which they are attached). *Add in Internet and t-shirt printing.

Hospice Facility. Residential and care facility for the terminally ill on the premises of a hospital or nursing home.

Hospital. An institution providing medical and/or surgical care for humans only, for both in and out patients, including medical service, training and research facilities.

Hotel. A building occupied or used as a temporary residence for individuals who are lodged, with or without meals, and in which there are twelve (12) or more sleeping rooms and no provision for cooking in individual rooms.

Hunting & Fishing Resort. A facility where lodging or lodging and meals are provided for compensation while guests utilize the property for outdoor recreation.

Impound lot. A facility for the storage of vehicles which have been towed, repossessed or are otherwise in the care and custody of the operator of the lot.

Indoor Athletic or Exercise Club. A building or portion thereof used for athletic training, sports activities or rehabilitation.

Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked dismantled or wrecked automobiles or parts thereof, iron, steel, and all other old or scrap ferrous or nonferrous materials.

Junkyard. An establishment, area, or place of business maintained, or used for the storing, keeping, buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, debris, waste, or junked, dismantled, burned, abandoned, derelict, or wrecked mobile homes or vehicles, or parts thereof, iron and other old or scrap ferrous or nonferrous material, or for the operation of an automobile graveyard, garbage dump or sanitary fill. (See Article VIII – Automobile Graveyard and Junkyard Regulations)

Kennel. An establishment where three or more mature dogs, cats, or other non-food producing animals are boarded for compensation, or bred and raised for sale. Enclosed (a structure with four (4) sides and a roof) or open (fencing with no sides or roof).

Landfill. See Solid Waste Facility.

Landing Strip. A facility for take-off and landing of aircraft with or without services available for aircraft, which is operated for private use.

Laundromat. A business providing home type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Laundry, Dry Cleaning, or Garment Service. Establishment primarily engaged in the provision of laundering, dry cleaning, clothing alterations or dyeing services.

Light Industry. A manufacturing or fabricating activity which does not produce noise, odor, smoke, dust, fumes, liquid effluent or other wastes or which could otherwise be hazardous or a nuisance to the public.

Lodge. A place where members of a local chapter of an association or a fraternal, cultural or religious organization hold their meetings; or the local chapter itself.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to, or a lesser interest in, a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition and the interest thus obtained or the street so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Lot Area. The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the travel portion of the street, and (ii) in a residential, when a private road that serves more than eight dwelling units is located along any lot boundary, then the lot boundary for the purposes of computing the lot area shall be the inside boundary of the travel portion of that road.

Master Plan. The Official Master Plan of Unincorporated Warren County, Missouri or any portion thereof adopted by the County Commission for the coordinated physical development of Warren County, including among other things, plans and programs regarding the location, character, and extent of highways, transportation routes, bridges, public buildings, schools, parks, forests, wildlife refuges, dams, and project affecting the conservation of natural resources.

Miniature Golf Course. A commercial recreation facility, resembling a golf course, containing short "holes", the majority of which are less than three hundred (300) feet in length, primarily utilizes putting irons.

Mobile Home. A building for residential use which is designed, engineered, at least partially assembled in a factory, towed to its site and which receives a title at the factory where it is manufactured. It is designed to be transported on its own chassis, used with or without a permanent foundation, and comes complete with wiring, plumbing, heating and one or more components that can be retracted for transportation purposes. Mobile homes may be used only as residences for human occupancy or for offices. (See-Mobile Home Park and Recreational Vehicle (RV) Park Regulations)

Mobile Home Park. A lot of ten (10) or more acres of land used or intended to be used, let, leased, rented or sold for the siting of three (3) or more mobile homes for residential use, where one or more of the mobile home sites is less than three (3) acres. (See- Mobile Home Park and Recreational Vehicle (RV) Park Regulations)

Modular Home or Manufactured Home. A home which is designed, engineered, and at least partially assembled in a factory, but does not have chassis or wheels attached. This definition also applies to "pre-cut", "pre-fabricated", "component", "shell" and "panelized" housing.

Motel. Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space conveniently located on the same lot, and designed, used or intended wholly or in part for the accommodation of motor vehicular transients.

Movie Theater. A building for the showing of movies to the public.

Museum. A building or place where works of art, scientific specimens or other objects of permanent value are kept and displayed.

Nameplate. A sign, not more than one (1) square foot in area, to be affixed to the exterior of a residential structure.

Nonconforming Lot. A lot existing on the original effective date of these regulations, November 27, 1985 or any subsequent amendments (and not created for the purposes of evading the restrictions of these regulations) that does not meet the minimum area requirement of the district in which the lot is located. (See Article V – Non-Conforming Situations)

Nonconforming Project. Any structure, development, or undertaking that is incomplete at the original effective date of these regulations, November 27, 1985 or any subsequent amendments and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned. (Article V – Non-Conforming Situations)

Nonconforming Situation. A situation that occurs when, on the original effective date of these regulations, November 27, 1985 or any subsequent amendments, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with these regulations, or because land or buildings are used for purposes made unlawful by these regulations. (See Article V – Non-Conforming Situations)

Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.) (See Article V – Non-Conforming Situations)

Nursing Home. A homes for the aged, the convalescent or the infirm in which three (3) or more persons reside or are provided with food, shelter, or care in exchange for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Off Premises Signs & Billboards. Billboard or sign advertising goods or services not sold on site.

On Premise Signs & Billboards. Billboard or sign advertisings goods or services sold on site.

On-Site Sewage Treatment System. Any constructed system or treatment facility handling or receiving sewage which discharges into a subsurface soil absorption system or lagoon not regulated by Chapter 644, RSMo, and which treats less than three thousand (3,000) gallons per day.

Outdoor Recreation Facility. An outdoor facility which may include, but not limited to, any of the following activities; batting cages, driving range, golf center, miniature golf, paintball, obstacle course, golf course, or go kart track.

Owner. The person in who is vested the ownership, dominion or title of property.

Parcel. *See Lot.* A parcel of land as it exists according to the records of the Warren County Assessor, whether or not developers intend to subdivide and improve said parcel, or to cause said parcel to be subdivided and improved, pursuant to the requirements of this Order.

Parking Space. An area, enclosed or open, dedicated for the storage of one vehicle, being not less than nine (9) feet wide and twenty (20) feet long, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress to and from said space.

Permitted Use(s). A use by right that is specifically authorized in a particular zoning district.

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development (PUD). An un-subdivided development constructed on a single tract of at least fifty (50) acres in area, planned and developed as an integral unit, which may consist of single-family detached or attached residences and multifamily residences and commercial and recreational facilities approved by the County Commission.

Planning and Zoning Administrator. The person employed by the County to handle specific administrative, permitting and enforcement responsibilities associated with this Order.

Planning and Zoning Commission. The Planning and Zoning Commission of Warren County, Missouri appointed by the County Commission.

Plat. A map, plan or layout of a subdivision indicating to scale the location and boundaries of individual properties. (See Subdivision Regulations)

Plat, Final. A map of land to be subdivided prepared in form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land. (See Subdivision Regulations)

Professional Services Facility. health related and non health related. A place for the regular transaction of business, whether health related or non health related.

Professional Services Facility (Office). Any place where the primary or principal affairs and business of any individual, company, partnership or corporation are conducted. However, in no case shall an office be located in a mobile home be used as an accessory use to a residence.

Public. Affecting or belonging to the public generally, as distinct from private individuals. For the purpose of this Order, this shall include any facility which is open to the general public, who need not own, have, or purchase a membership, in return for remuneration, profit, or livelihood.

Public Utility Facility. A public utility serving a local area only, such as an electric substation or water or gas pumping or regulating station or a telephone switching center.

Public Water Supply System. Any water supply system, whether privately or publicly operated, furnishing potable water and regulated by the Missouri Department of Natural Resources.

Quarry. A type of open-pit mine from which rock or minerals are extracted.

Recreational Facility. Includes, but is not limited to, swimming pools, tennis courts, skating rinks, miniature golf courses, driving ranges and practice tees not connected with a golf courses, firearms or archery ranges, skeet ranges, sporting clay ranges, paintball facilities, and any facility designed for the discharge of weapons, health clubs and/or spas.

Recreational Vehicle or Travel Trailer. A vehicle with or without motive power so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed as to permit the vehicle to be used as a place of temporary human habitation by one or more persons. If any such vehicle is used in the County as a place of human habitation for more than ninety (90) days in any twelve (12) month period, it shall be classified as a manufactured (mobile) home. (See – Mobile Home Park and Recreational Vehicle (RV) Park Regulations)

Recreational Vehicle Park (RV Park) or Travel Trailer Park. Any park, court, camp, site, parcel, or tract of land designed, intended or maintained for the purpose of supplying a temporary location and accommodations for two or more recreational vehicles, whether a charge is made or not. It shall include all facilities used or intended to be used as part of the equipment thereof, but shall not include facilities for the sale of recreational vehicles. (See – Mobile Home Park and Recreational Vehicle (RV) Park Regulations)

Recycling Center. Any facility licensed by the State of Missouri, whether publicly or privately owned, wherein recyclable materials such as glass, aluminum, copper, paper and plastic, but not including other solid waste or trash, are collected and processed.

Residence. A building, or portion thereof, designed and used exclusively for long-term residential occupancy.

Residence, Single Family. A residential building designed for and occupied exclusively by one family.

Residence, Duplex. A residential building designed for and occupied exclusively by two separate families.

Residence, Multi-family. A residential building designed with separate cooking facilities and intended to be occupied by three or more families. Can include apartments and condos.

Restaurant-General. An establishment primarily engaged in preparation of full course meals served on premise, with complete kitchen facilities for preparation of the food sold and where alcoholic beverages may be sold in conjunction with meals or at a bar within a restaurant, provided at least fifty percent (50%) or more of the gross income generated at the restaurant is related to food sales.

Retail or Service Facility. Facility for the sale by small quantities of consumer goods or services (such as medical, dental, accounting or legal), not in bulk, directly to the public.

Retail Sales. Sales of goods to consumers, usually in small quantities.

Retreat. A land use and all buildings and structures associated therewith devoted primarily to the purpose of education and instruction, with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include,

but are not limited to educational, instructional, social or temporary residential uses.

Right-of-way. The portion of a street or road, including shoulder, intended for vehicular usage

Salvage Yard. An area licensed by the State of Missouri for the dismantling, storage, and sale of inoperative, obsolete or wrecked motor vehicles, trailers, and their parts.

Sanitary Landfill. A type of operation licensed by the State of Missouri in which refuse and earth or other suitable cover material are deposited in alternate layers of specified depth in accordance with a

definite plan as approved by Missouri Department of Natural Resources ("DNR") on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

Sanitary Sewer System. A system for the collection and treatment of human domestic, commercial and/or industrial wastes which consists of one or more sewer mains and lateral lot connections and which has been approved by the State of Missouri and the County.

Sawmill. Plant where timber is sawed into boards. Can be either mobile or stationary.

School. A bonafide institution for students at the elementary, junior high, senior high, or college level, either public or private. Includes post high school training and trade schools.

Service Station. Any structure or premises used for dispensing or sale, at retail, vehicle fuels or lubricants, including lubrication of vehicles and replacement or installation of minor parts and accessories, but not primarily engaged in major repair work such as engine replacement, body and fender repair, or spray painting.

Sewage Disposal Facilities. A general term which includes a sewage disposal plant, lagoon, or septic tank as well as the absorption system, trenches, and/or absorption bed.

Shopping Center. A facility composed of one or more stores which sell a variety of goods such as groceries, hardware, and clothing to the public and often share on-site parking.

Shooting/Archery Range. A building or open area used for the test firing of weapons (including archery bows) or for target practice. Enclosed is a structure with four (4) sides and a roof; open is fencing with no sides or roof.

Sign. Any device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them. (See Signs and Billboards)

Sign Permit. A permit issued by the Planning and Zoning Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign. (See Signs and Billboards)

Single Family Stick Built Home. A residential building that is constructed completely on site and is for occupancy by one family.

Site Plan. *See Development.*

Solar Panel. A packaged interconnected assembly of solar cells. The solar panel can be used as a component of a larger system to generate and supply electricity in commercial and residential applications.

Solid Waste. Garbage, refuse, and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental, and domestic activities, but not overburden, rock, tailings, matte, slag, or other waste material resulting from mining, milling, or melting. The term "other waste material", as used in this definition, means inert solids insoluble in water.

Solid Waste Facility. Any area licensed by the State of Missouri used for the disposal or transfer of solid waste from more than one (1) residential premises, or one (1) or more commercial, industrial, manufacturing, recreational, or governmental operation.

Special Events, Occasional. Including, but not limited to circuses, fairs, carnivals, festivals, re-enactments or other types of special events which are intended to or likely to attract substantial crowds and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Events, Periodic. An event which is not continual, but which happens more frequently than Special Events, Occasional. These types of events are held in an identified facility or structure which is permanent in nature. The types of events which comprise this classification include, but are not limited to: wedding celebrations, anniversary celebrations, birthday parties, business conferences, holiday celebrations and graduation celebrations. The preparations and service food staff shall be subject to all applicable County and State Health regulations. The servicing and dispensing of alcoholic beverages shall be subject to all applicable County and State liquor license requirements.

Sports Field. Expanse of open ground used for un- motorized human sports. Can be open to the public or for private use only.

Stable, Private. An accessory building for the keeping of horses, ponies, mules, or cows owned by the occupants of the premises, and not kept for remuneration, hire, or both.

Stable, Public. A structure, in which horses or ponies used exclusively for pleasure riding or driving are housed, boarded or kept for pay, profit, hire or sale.

Stand Alone Structure. Any structure which can be used for storage, but not living quarters.

Stockyard. A large enclosed yard, usually with pens or stables, in which livestock are temporarily kept until slaughtered, sold, or shipped elsewhere.

Storage Facility. Any building, structure or open area where space is sold, rented, or leased to the public or to private industry for remuneration, profit or livelihood. Open and enclosed. Enclosed is four (4) sides and a roof; open is fencing with no sides, no roof.

Strip Mall. A commercial development consisting of at least three (3) retail sales or service areas located in one (1) building with a total gross floor area of 20,000 square feet or less with a separate main entrance to the exterior of the building with off street parking provided on property.

Structure. Anything erected, constructed, altered or repaired, the use of which requires a location on a parcel of land. The term "structure" shall include a movable building, while it is located on land, which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or permanently. The term "structure" shall also include, but not be limited to, buildings, sewer lines, water lines, privacy fences, billboards, swimming pools, poles, pipelines, transmission lines, Communications Towers and Signs, whether located underground, as a separate structure or as a part of another structure.

Structural Alterations. Any change in a structure, except those required by law or order of a governmental body, which would prolong the life of the supporting members of such structure, such as bearing walls, columns, beams, or girders.

Subdivider. Any person, firm, partnership, association, company, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision or mobile home park as herein defined. The term "subdivider" shall include any agent of any subdivider.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including

resubdivision. Subdivision includes the division or development of residential and nonresidential land, whether by deed, meets and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. (See Subdivision Regulations)

Taxidermy/Taxidermist. Facility for the purpose of preparing, stuffing, and mounting of skins of dead animals.

Tower. A structure designed for the support of one or more antennae and including guyed towers, self-supporting lattice towers or monopoles but not disguised support structures or buildings. Includes radio and television transmitting and receiving towers with accessory transmitting stations. This definition shall not restrict the right of governmental or municipal

agencies to locate such towers for their own specific needs and shall include amateur radio towers, but not public utilities regulated by the Missouri Public Service Commission

Transfer Station. Any facility licensed by the State of Missouri wherein solid wastes are unloaded from one means of transport and arranged, compressed, or otherwise made ready for reloading onto another means of transport for eventual disposal thereof, on the premises or at some other location.

Truck Terminal. A facility where trucks are loaded and unloaded temporarily stored or dispatched. Also includes fuel stations, wash bays, dispatching.

Use. The activity or function that actually takes place or is intended to take place on a lot.

Use, Principal. The activity or function that actually takes place or is intended to take place on a lot.

Utility Facilities. Any structures or facilities (other than buildings, unless such buildings are used for storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a utility for any purpose by the Missouri Public Service Commission and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Variance. Any Order entered by the Board of Adjustment granting relief from or variation of the application of any of the regulations contained in the Order.

Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

Vehicle Repair Facility. Any structure or premises conducting major vehicle repair work within enclosed service bays or stalls, including the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, spray painting, but not including the recapping or vulcanizing of tires, or the outdoor storage of wrecked or otherwise damaged and immobilized vehicles.

Vehicle Sales, new & used. Business which sells new or used cars at the retail or wholesale level.

Vehicle Wash Facility. A facility for the washing or steam cleaning of all vehicles. May be a single unity type which has a single bay or group of single bays with each bay to accommodate one vehicle or tunnel unity type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

Veterinary Clinic. A facility for the practice of veterinary medicine.

Warehouse (or Distribution Facility). A facility adapted to the reception and temporary storage of goods and merchandise.

Wholesale Facility. Commercial activity which involves sales to retailers or jobbers, rather than to the public generally.

Wholesale Sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wildlife. Class II wildlife as defined in Chapter 9 of the Missouri Wildlife Code, Mo. Code Regs. Ann., Title 3 CSR-9.240 (1996).

Wildlife Confinement Facility. Any building or structure used for the primary purpose of confining wildlife in accordance with Chapter 9 of the Missouri Wildlife Code, Mo. Code Regs. Ann., Title 3 CSR 10-9-106 (2003).

Winery. A principal or accessory building used for the primary purpose of making wine, when located on the same lot or premises with the vineyard from which the wine grapes are procured, except in the Agricultural District, where wineries may be a principal use.

Zoning Map. The official map adopted by the County which shows the location of each of the Zoning Districts described in Article III hereof.

Zoning Permit. A permit issued by the Planning and Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Order.

ARTICLE III: ZONING DISTRICTS AND ZONING MAP

Section 3.1: Zoning Districts

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings or structures, all land in the County not within the corporate limits of any city, town or village, is hereby divided into 11 (eleven) districts as follows:

CON :	Conservation District
FP :	Missouri River Flood Plain District
AG :	Agricultural Zoning District
I-1 :	Light Industrial District
I-2 :	Heavy Industrial District
C-1 :	Commercial Highway District
C-2 :	General Business District
GD :	General Development District
R-1 :	Residential Development District, High Density
R-2 :	Residential Development District, Medium Density
CD :	Community Development District

Section 3.2: District Boundaries

- A.** The boundaries of the districts are hereby established as shown on the map which has been prepared for that purpose and is hereby designated as the Zoning Map of Warren County (the "Zoning Map"). The Zoning Map and all the notations, references and information shown thereon, as the same may be amended from time to time , are hereby made a part of the Order as if said Zoning Map were set forth in full herein.

- B.** When definite distances in feet are not shown on the Zoning Map, the district boundaries are intended to be along existing roads, streets, alleys, platted lot lines, survey or land lines, barriers, or extensions of the foregoing. If the exact location of such lines is unclear, the Planning and Zoning Administrator shall determine the exact location of such lines by reference to the Zoning Map and the intent and purpose of the adjoining districts as stated in the Order.

Section 3.3: The Order and The Zoning Map

The County shall keep on file in the office of the Planning and Zoning Administrator an official copy of the Order and the Zoning Map, both of which shall include all changes, amendments and additions thereto, and which shall be available to the public during the normal business hours of the office of the Planning and Zoning Administrator.

Section 3.4: General Regulations

- A.** Except as hereinafter provided, no building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used or improved for any purpose other than is permitted by the term of the Order in the district in which such building, structure or land is situated. In addition, no building or structure to be occupied shall be erected, constructed, reconstructed or moved unless said building or structure is connected to a sanitary sewer system, or if such sanitary sewer system is not reasonably accessible, to an individual sewage disposal system.
- B.** Except as hereinafter provided, no use shall be permitted in any zoning district unless it is either specifically listed as a permitted use or it is approved as a conditional use as provided herein; provided, however if a use is not specifically enumerated in the Order, the County Commission may treat such use in the same manner enumerated use which it deems most closely resembles the unlisted use.

1Section 3.5: CONSERVATION DISTRICT (CON)

A. Purpose

The purpose of the Conservation District is to preserve in their natural state for future generations, public land, such as the Daniel Boone State Forest and the Reifsnider State Forest and to protect such resources from incompatible development.

B. Permitted Uses

1. Such uses as are permitted by the State of Missouri in the State-designated conservation areas such as: Daniel Boone and Reifsnider State Forests and Little Lost Creek;
2. Agriculture or Forestry (including related buildings and structures associated with such uses).
3. Indoor Archery Range
4. Indoor Shooting Range
5. Outdoor Archery Range
6. Outdoor Archery Range

C. Conditional Uses

1. Public Utilities Facility
2. Tower, all types

Section 3.6: MISSOURI RIVER FLOOD PLAIN DISTRICT (FP)

A. Purpose

The purposes of the Missouri River Flood Plain District are to protect the lands within the Missouri River flood plain and its immediate tributaries from encroachment by incompatible development which can be damaged by natural causes and to preserve the special qualities of the prime agricultural lands within this area for compatible, non-intensive development which is in conformance with the order of the Warren County Court of January 28, 1988, regarding Building Regulations for Development in Special Flood Hazard Areas.

B. Conditional Uses

1. Agriculture or Forestry
2. Bar/Tavern
3. Convenience Store
4. Fireworks Stand
5. Greenhouse, Plant Nursery, Tree Farm
6. Off Premise Billboard
7. Off Premise Sign
8. On Premise Billboard
9. On Premise Sign
10. Outdoor Archery Range/Club
11. Outdoor Recreation Facility
12. Outdoor Shooting Range/Club
13. Public Utilities Facility
14. Quarry
15. Solar Panels
16. Sports Fields, Private or Public

17. Towers, All Types

Section 3.7: AGRICULTURAL ZONING DISTRICT (AG)

A. Purpose

The purpose of the Agricultural Zoning District is to permit forestry and agricultural activities to occur with minimal interference from other incompatible development. It is the intent of the Master Plan and the order to protect and preserve prime agricultural land, the family farm, existing agricultural development and the natural resources of the County.

B. Permitted Uses

1. Agriculture or Forestry (including buildings and structures associated with such uses).
2. Animal Grooming
3. Church or Place of Worship
4. Cottage or Vacation Home
5. Greenhouse, Plant Nursery or Tree Farm
6. Home Business or Occupation
7. Mobile Home
8. Modular or Manufactured Home
9. On Premise Sign
10. Residence, Single Family
11. Solar Panels
12. Stable, Private

C. Conditional Uses

1. Airport
2. Alcohol or Drug Treatment Facility-In Patient
3. Animal Day Care
4. Bar or Tavern
5. Barber or Beauty Shop

6. Bed & Breakfast Home or Inn
7. Camp
8. Cemetery; Family, Public, Pet
9. Clinic
10. Club, includes religious, public or private
11. Convenience Store
12. Crematory
13. Cultural Facility
14. Day Care Facility or Home
15. Dormitory
16. Event Rental Facility, Indoor or Outdoor
17. Exotic Animal or Wildlife Confinement Facility
18. Firearms Dealer
19. Fireworks Stand
20. Funeral Home
21. Grocery Store/Supermarket
22. Group Home
23. Handicapped or Infirm Institution
24. Heliport
25. Home Improvement Center
26. Hospice Facility
27. Hospital
28. Hunting & Fishing Resort
29. Impound Lot
30. Indoor Archery Range/Club
31. Indoor Athletic or Exercise Clubs
32. Indoor Shooting Range/Club
33. Kennel, Enclosed or Open

34. Landing Strip
35. Laundromat
36. Laundry, Dry Cleaning, Garment Service
37. Light Industry
38. Lodge
39. Mobile Home Park
40. Movie Theater
41. Museum
42. Nursing Home
43. Off Premise Sign
44. Outdoor Archery Range/Club
45. Outdoor Recreation Facility
46. Outdoor Shooting Range/Club
47. Professional Services Facility (health related)
48. Public Utilities Facility
49. Quarry
50. Recreation Facility, public or private
51. Recreational Vehicle Park (RV Park)
52. Restaurant
53. Retail Sales
54. Retreat
55. Sawmill, mobile or stationary
56. School, all types
57. Service Station
58. Sewage Treatment Facility
59. Special Events, Occasional
60. Sports Fields, Private or Public

61. Stable, Public
62. Stockyard
63. Storage Facility, Enclosed or Open
64. Strip Mall
65. Taxidermy/Taxidermist
66. Towers, all types
67. Vehicle Repair Facility, includes Body Shop
68. Vehicle Sales, new or used
69. Vehicle Wash Facility
70. Veterinary Clinic
71. Winery

D. Supplementary Area and Lot Regulations

Minimum structure setback, fifty (50) feet from any right of way, easements, public or private roads. Minimum lot size of 3 acres. One dwelling per 3 acres.

Section 3.8 LIGHT INDUSTRIAL DISTRICT (I-1)

A. Purpose

The purpose of the Light Industrial District is to provide suitable areas for light industrial operations. The district should be accessible to major arteries. Residential use is prohibited. Permitted uses are restricted to those which are not characterized by extensive open storage, or the nuisance factors such as extensive smoke, dust, fumes, gas, heat, glare, fire hazards, noise, vibrations and other objectionable influences.

B. Permitted Uses

1. Agriculture or Forestry (including buildings and structures associated with such uses)
2. Animal Grooming
3. Bar or Tavern
4. Church or Place of Worship
5. Crematory
6. Event Rental Facility, Indoor and Outdoor
7. Funeral Home
8. Greenhouse, Plant Nursery or Tree Farm
9. Home Improvement Center
10. Hospital
11. Impound lot
12. Indoor Archery Range/Club
13. Indoor Shooting Range/Club
14. Light Industry
15. On Premise Signs
16. Professional Services Facility, not health related

17. Public Utilities Facility
18. Restaurant
19. Retail Sales
20. Service Station
21. Solar Panels
22. Storage Facility, Enclosed or Open
23. Taxidermy/Taxidermist
24. Truck Terminal
25. Vehicle Repair Facility, includes Body Shop
26. Vehicle Sales, new or used
27. Vehicle Wash Facility
28. Veterinary Clinic
29. Winery

C. Conditional Uses

31. Airport
2. Automobile Graveyard
3. Cultural Facilities
4. Firearms Dealer
5. Junkyard
6. Kennel, Enclosed or Open
7. Laundromat
8. Laundry, Dry Cleaning, Garment Service
9. Off Premise Billboards
10. Off Premise Sign
11. On Premise Billboards
12. Outdoor Archery Range/Club
13. Recycling Center
14. Salvage Yard

15. Sawmill, mobile/stationary
16. School, all types
17. Special Events, Occasional
18. Stockyard
19. Towers, all types
20. Transfer Station
214. Warehouse or Distribution Facility
22. Wholesale Facility

D. Supplementary Area and Lot Regulations

Minimum structure setback, fifty (50) feet from any right of way. Minimum lot size of 22,000 square feet.

Section 3.9: HEAVY INDUSTRIAL DISTRICT (I-2)

A. Purpose

The purpose of this district is to provide suitable areas for industrial operations of all types. This district should be accessible to railroads and major highway. Residential use is prohibited. This district is separated from residential districts by natural barriers wherever possible and buffer zones in other cases.

B. Permitted Uses

1. Agriculture and Forestry (including buildings or structures associated with such uses)
2. Animal Grooming
3. Church or Place of Worship
4. Crematory
5. Firearms Dealer
6. Funeral Home
7. Greenhouse, Plant Nursery or Tree Farm
8. Heavy Industry
9. Impound lot, all vehicles
10. Light Industry
11. On Premise Signs
12. Professional Services Facility, not health related
13. Public Utilities Facility
14. Sawmill, mobile or stationary
15. Service Station
16. Solar Panels
17. Storage , Enclosed or Open

18. Truck Terminal
19. Vehicle Repair Facility, includes Body Shop
20. Vehicle Sales, new or used
21. Vehicle Wash Facility
22. Veterinary Clinic
23. Warehouse or Distribution Facility
24. Wholesale Facility

C. Conditional Uses

1. Airport
2. Asphalt Batch Plant
3. Automobile Graveyard
4. Demolition Landfill
5. Junkyard
6. Kennel, Enclosed or Open
7. Off Premise Billboards
8. Off Premise Signs
9. On Premise Billboards
10. Quarry
11. Recycling Center
12. Salvage Yard
13. Sanitary Landfill
14. Special Events, Occasional
15. Stockyard
16. Towers, all types
17. Transfer Station

D. Supplementary Area and Lot Regulations

Minimum structure setback, fifty (50) feet from any right of way. Minimum lot size of 22,000 square feet.

Section 3.10: COMMERCIAL HIGHWAY DISTRICT (C-1)

A. Purpose

The purpose of the Commercial Highway District is to accommodate commercial uses that draw business primarily from adjacent traffic along the interstate and major highways within the County.

B. Permitted Uses

1. Agriculture or Forestry (including buildings and structures associated with such uses)
2. Alcohol or Drug Treatment Facility, In Patient
3. Animal Day Care
4. Animal Grooming
5. Bank/Credit Union
6. Bar/Tavern
7. Barber or Beauty Shop
8. Bed and Breakfast, Home or Inn
9. Church or Place of Worship
10. Clinic
11. Community or Senior Center
12. Convenience Store
13. Crematory
14. Daycare Facility, Home
15. Event Rental Facility, Indoor or Outdoor
16. Firearms Dealer
17. Funeral Home

18. Greenhouse, Plant Nursery or Tree Farm
19. Handicapped or Infirm Institution
20. Home Improvement Center
621. Hospice Facility
22. Hospital
23. Hotel
24. Indoor Archery Range/Club
25. Indoor Athletic or Exercise Club
26. Indoor Shooting Range/Club
27. Impound Lot
28. Light Industry
29. Motel
30. Movie Theater
31. Nursing Home
32. On Premise Sign
33. Outdoor Recreation Facility
34. Professional Services Facility , Health Related
35. Public Utilities Facility
36. Recreation Facility, Public or Private
37. Restaurant
38. Retail Sales
39. Service Station
40. Shopping Center
41. Solar Panels
42. Sports Fields, Private or Public
43. Strip Mall
44. Taxidermy/Taxidermist
45. Truck Terminal

46. Vehicle Repair Facility, includes Body Shop
47. Vehicle Sales, New or Used
48. Vehicle Wash Facility
49. Veterinary Clinic
50. Warehouse or Distribution Facility
51. Wholesale Facility
52. Winery

C. Conditional Uses

1. Adult Entertainment
2. Airport
3. Camp
4. Cemetery
5. Club
6. Cultural Facility
7. Fireworks Stand
8. Grocery Store/Supermarket
9. Group Home
10. Halfway House
11. Heliport
12. Kennel, Enclosed or Open
13. Landing Strip
14. Laundromat
15. Laundry, Dry Cleaning, Garment Service
16. Lodge
17. Museum
18. Off Premise Billboard
19. Off Premise Sign

20. On Premise Billboard
21. Outdoor Archery Range/Club
22. Recreational Vehicle Park (RV Park)
23. Recycling Center
24. School, all types
25. Special Events, Occasional
26. Stockyard
27. Storage Facility, Enclosed or Open
28. Towers, all types

D. Supplementary Area and Lot Regulations

Minimum structure setback, fifty (50) feet from any right of way. Minimum lot size of 22,000 square feet.

3.11: GENERAL BUSINESS DISTRICT (C-2)

A. Purpose

The purpose of this district is to provide sufficient space in appropriate locations for a variety of retail shopping activities and office uses which are normally found in the core area of a city or at the intersections of major streets and where development is allowed up to the property lot line.

B. Permitted Uses

1. Agricultural or Forestry (including buildings and structures associated with such uses)
2. Animal Day Care
3. Animal Grooming
4. Bank or Credit Union
5. Bar or Tavern
6. Barber or Beauty Shop
7. Clinic
8. Church or Place of Worship
9. Convenience Store
10. Crematory
11. Daycare Facility or Home
12. Firearms Dealer
13. Funeral Home
14. Handicapped or Infirm Institution
15. Home Improvement Center
16. Hospice Facility
17. Hospital

18. Indoor Archery Range/Club
19. Indoor Athletic or Exercise Club
20. Indoor Shooting Range/Club
21. Movie Theater
22. On Premise Sign
23. Professional Services Facility, health related
24. Public Utilities Facility
25. Restaurant
26. Retail Sales
27. Service Station
28. Shopping Center
29. Solar Panels
30. Strip Mall
31. Taxidermy/Taxidermist
32. Vehicle Sales, new or used
33. Veterinary Clinic
34. Winery

C. Conditional Uses

1. Adult Entertainment
2. Bed & Breakfast Home or Inn
3. Cemetery
4. Club
5. Event Rental Facility, Indoor or Outdoor
6. Greenhouse, Plant Nursery or Tree Farm
7. Grocery Store/Supermarket
8. Hotel
9. Impound Lot
10. Kennel, Enclosed or Open

11. Landing Strip
12. Laundromat
13. Laundry, Dry Cleaning, Garment Service
14. Lodge
15. Motel
16. Museum
17. On Premise Billboard
18. Off Premise Billboard
19. Off Premise Sign
20. Outdoor Recreation Facility
21. Recreation Facility, Public or Private
22. School, all types
23. Special Events, Occasional
24. Sports Field, Private or Public
25. Storage Facility, Enclosed or Open
26. Stockyard
27. Towers, all types
28. Vehicle Repair Facility, including Body Shop
29. Vehicle Wash Facility

D. Supplementary Area and Lot Regulations

Minimum structure setback, fifty (50) feet from any right of way. Minimum lot size of 22,000 square feet.

Section 3.12: GENERAL DEVELOPMENT DISTRICT (GD)

A. Purpose

The purpose of the General Development District is to permit, in the least developed areas of the County, as permitted or conditional uses, all lawful activities, including those activities which would be inconsistent with the development taking place and planned to take place in other areas of the County.

B. Permitted Uses

1. Agriculture or Forestry (including buildings and structures associated with such uses)
2. Community or Senior Center
3. Home Business or Occupation
4. Mobile Home
5. Modular Home or Manufactured Home
6. Residence, Single Family

C. Conditional Uses

1. Asphalt Batch Plant
2. Club, includes religious, private, public
3. Cottage or Vacation Home
4. Exotic Animal or Wildlife Confinement Facility
5. Explosives Facility
6. Fireworks Stand
7. Greenhouse, Plant Nursery, or Tree Farm

8. Hazardous waste storage, treatment or disposal facility -any storage, treatment or disposal (as those terms are defined in the laws of the federal government and the State of Missouri regulating solid and hazardous wastes) of:
 - a. Any radioactive wastes regulated by the laws of the federal government or of the State of Missouri;
 - b. Any solid wastes regulated by the laws of the federal government, the State of Missouri and/or the County by Article V hereof;
 - c. Any hazardous wastes regulated by the laws of the federal government, the State of Missouri and/or the County by Article V hereof.
9. Impound lot, all vehicles
10. Public Utilities Facility
11. Sawmill, mobile or stationary
12. Solid Waste Facility
13. Towers, all types

D. Supplementary Area and Lot Regulations

Minimum structure setback, fifty (50) feet from any right of way, easements, public or private roads. Minimum lot size 3 acres; maximum of one dwelling per 3 acres.

Section 3.13: RESIDENTIAL DEVELOPMENT DISTRICT –HIGH DENSITY (R-1)

A. Purpose

The purpose of the Residential Development District is to allow residential developments of various densities with limitations as to the types of dwelling units within such projects. Commercial businesses and service oriented businesses necessary to sustain such residential areas shall be allowed as conditional uses in this District in order to control their locations, design and impact. It is the intent of this district to provide for protection and future development of high to medium density single family residence areas and related activities which offer stable healthy living environments and to discourage encroachment by commercial and industry which conflicts with this intent.

B. Permitted Uses

1. Agriculture or Forestry (including buildings and structures associated with such uses)
2. Church or Place of Worship
3. Daycare Facility or Home
4. Home Business or Occupation
5. Mobile Home
6. Modular or Manufactured Home
7. On Premise Sign
8. Residence, Single Family

C. Conditional Uses

1. Animal Day Care
2. Animal Grooming
3. Apartment Bldg/Condo
4. Bank or Credit Union

5. Barber or Beauty Shop
6. Bed & Breakfast Home or Inn
7. Boarding or Rooming House
8. Cemetery, Family, Public, Pet
9. Clinic
10. Club
11. Convenience Store
12. Cottage or Vacation Home
13. Event Rental Facility, Indoor or Outdoor
14. Greenhouse, Plant Nursery or Tree Farm
15. Group Home
16. Handicapped or Infirm Institution
17. Hospice Facility
18. Hospital
19. Hotel
20. Impound lot, all vehicles
21. Kennel, Enclosed
22. Laundromat
23. Laundry, Dry Cleaning, Garment Service
24. Lodge
25. Motel
26. Museum
27. Nursing Home
28. Off Premise Sign
29. Professional Services Facility, Health or Non Health Related
30. Public Utilities Facility
31. Recreation Facility, Private or Public
32. Residence, Duplex

33. Restaurant
34. Retail Sales
35. School, all types
36. Service Station
37. Sewage Treatment Facility
38. Shopping Center
39. Solar Panels
40. Storage Facility, Enclosed or Open
41. Strip Mall
42. Taxidermy/Taxidermist
43. Towers, all types
44. Vehicle Repair Facility, including Body Shop
45. Vehicle Sales, new or used
46. Vehicle Wash Facility
47. Veterinary Clinic

D. Supplementary Area and Lot Regulations

1. Minimum front structure setback-thirty-five (35) feet.
2. Minimum side structure setback-ten (10) feet.
3. Minimum rear structure setback-ten (10) feet.
4. Minimum lot size of 15,000 square feet; maximum of one dwelling per 15,000 square foot lot.

Section 3.14: RESIDENTIAL DEVELOPMENT DISTRICT, MEDIUM DENSITY (R-2)

A. Purpose

The intent of this district is to provide for low density residential development, on one acre lots or larger, located on a central sewer system, if in the "Urban or Suburban Tiers" where municipal sewers are planned to be extended. Commercial and service oriented businesses necessary to sustain such residential areas shall be allowed as conditional uses in this District in order to control their locations, design and impact.

B. Permitted Uses

1. Agriculture or Forestry (including buildings and structures associated with such uses)
2. Church or Place of Worship
3. Daycare Facility or Home
4. Home Business or Occupation
5. Mobile Home
6. Modular or Manufactured Home
7. On Premise Sign
8. Residence, Single Family

C. Conditional Uses

1. Animal Day Care
2. Animal Grooming
3. Apartment Bldg/Condo
4. Bank or Credit Union
5. Barber or Beauty Shop
6. Bed & Breakfast Home or Inn

7. Boarding or Rooming House
8. Cemetery, Family, Public, Pet
9. Clinic
10. Club, includes religious, private, public
11. Convenience Store
12. Cottage or Vacation Home
13. Crematory
14. Cultural Facility
15. Event Rental Facility, Indoor or Outdoor
16. Funeral Home
17. Greenhouse, Plant Nursery or Tree Farm
18. Grocery Store/Supermarket
19. Group Home
20. Handicapped or Infirm Institution
21. Hospice Facility
22. Hospital
23. Hotel
24. Impound lot
25. Indoor Archery Range/Club
26. Indoor Athletic or Exercise Club
27. Indoor Shooting Range/Club
28. Kennel, Enclosed
29. Laundromat
30. Laundry, Dry Cleaning, Garment Service
31. Lodge
32. Motel
33. Movie Theater
34. Museum

35. Nursing Home
36. Off Premise Sign
37. Outdoor Recreation Facility
38. Professional Services Facility, Health or Non Health Related
39. Public Utilities Facility
40. Recreation Facility, Public or Private
41. Residence, Duplex
42. Restaurant
43. Retail Sales
44. School, all types
45. Service Station
46. Sewage Treatment Facility
47. Shopping Center
48. Solar Panels
49. Sports Fields, Private or Public
50. Storage Facility, Enclosed or Open
51. Strip Mall
52. Taxidermy/Taxidermist
53. Towers, all types
54. Vehicle Repair Facility, including Body Shop
55. Vehicles Sales, new or used
56. Vehicle Wash Facility
57. Veterinary Clinic

D. Supplementary Area and Lot Regulations

1. Minimum front structure setback-thirty-five (35) feet.
2. Minimum side structure setback-ten (10) feet.
3. Minimum rear structure setback-ten (10) feet.
4. Minimum lot size, 1 acre; maximum of one dwelling per 1 acre lot.

Section 3.15: COMMUNITY DEVELOPMENT DISTRICT (CD)

A. Purpose

The intent of the Community Development District is to recognize and protect established patterns of community development, including unincorporated towns, villages and other concentrations of homes, businesses and industry, and to encourage further compatible development and investment therein and adjacent thereto. It is the intent of the Master Plan and the Order to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of incompatible activities upon such development and upon public services and facilities. Furthermore, it is the intent of the Master Plan and the Order to encourage the general concentration of new development and investment in these areas to avoid the inefficiency and high cost of providing public services to scattered development and to provide a continuing sense of community in the settled areas of the County.

B. Permitted Uses

1. Agriculture or Forestry (including buildings and structures associated with such uses)
2. Animal Grooming
3. Church or Place of Worship
4. Cottage or Vacation Home
5. Greenhouse, Plant Nursery or Tree Farm
6. Home Business or Occupation
7. Mobile Home
8. Modular or Manufactured Home
9. On Premise Sign
10. Residence, Single Family
11. Stable, Private

C. Conditional Uses

1. Animal Day Care
2. Apartment Bldg/Condo
3. Bank or Credit Union
4. Bar or Tavern
5. Barber or Beauty Shop
6. Bed & Breakfast Home or Inn
7. Boarding or Rooming House
8. Camp
9. Cemetery, Family, Public, Pet
10. Clinic
11. Club, includes religious, private, public
12. Community Center or Senior Center
13. Convenience Store
14. Crematory
15. Cultural Facility
16. Daycare Facility or Home
17. Dormitory
18. Event Rental Facility, Indoor or Outdoor
19. Firearms Dealer
20. Fireworks Stand
21. Funeral Home
22. Grocery Store/Supermarket
23. Group Home
24. Handicapped or Infirm Institution
25. Home Improvement Center
26. Hospice Facility
27. Hospital

28. Hotel
29. Impound lot, all vehicles
30. Indoor Archery Range/Club
31. Indoor Athletic or Exercise Club
32. Indoor Shooting Range/Club
33. Kennel, Enclosed
34. Laundromat
35. Laundry, Dry Cleaning, Garment Service
36. Light Industry
37. Lodge
38. Mobile Home Park
39. Motel
40. Movie Theater
41. Museum
42. Nursing Home
43. Off Premise Sign
44. Outdoor Recreation Facility
45. Professional Services Facility, Health or Non Health Related
46. Public Utilities Facility
47. Recreation Facility, Private or Public
48. Residence, Duplex
49. Restaurant
50. Retail Sales
51. Retreat
52. Sawmill, mobile or stationary
53. School, all types
54. Service Station
55. Sewage Treatment Facility

56. Shopping Center
57. Solar Panels
58. Special Events, Occasional
59. Sports Fields, Private or Public
60. Storage Facility, Enclosed or Open
61. Strip Mall
62. Taxidermy/Taxidermist
63. Towers, all types
64. Vehicle Repair Facility, including Body Shop
65. Vehicles Sales, new or used
66. Vehicle Wash Facility
67. Veterinary Clinic

D. Supplementary Area and Lot Regulations

Minimum structure setback, fifty (50) feet from any right of way, easements, public or private roads. Minimum lot size, 2 acres; one dwelling per 2 acres.

(Revised 5/2015)

ARTICLE IV: SUPPLEMENTARY USE REGULATIONS

Section 4.1: PERMISSIBLE USES AND SPECIFIC EXCLUSIONS

- A. All uses that are not listed in Article III are prohibited. Nor shall Article II be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

Section 4.2: ACCESSORY USES

- A. Article III classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in Article III) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.
- B. Without limiting the generality of the above, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
 - 1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
 - 2. Hobbies or recreational activities of a noncommercial nature.
 - 3. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more five days (whether consecutive or not) during any 30 day period.

- C. Without limiting the generality of the above, storage outside of a substantially enclosed structure of more than one (1) automotive vehicle that is neither licensed nor operational shall not be regard as accessory to a residential principal use and is prohibited.

Section 4.3: HOME OCCUPATIONS

- A. In addition to all use limitations applicable to the zoning district in which it is located, no home occupation shall be permitted unless it complies with the following provisions:
 - 1. The business shall not employ persons other than members of the family residing on the premises.
 - 2. No more than twenty-five (25) percent of the total enclosed floor area, including basement or attic spaces, of the residence may be used for such business.
 - 3. No alteration of a principal residential structure shall be made which changes the character thereof as a dwelling
 - 4. No mechanical equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside the place of business.
 - 5. There shall be no exterior displays or signs except as permitted by the sign regulations of the County.
 - 6. There shall be no exterior storage of equipment or materials used in connection with the business.
- B. Customary home occupations include, but are not limited to, the following list of occupations:
 - 1. Dressmakers, seamstresses, tailor.
 - 2. Music teachers, provided that instructions shall be limited to one (1) pupil at a time, except for occasional groups.
 - 3. Artists, sculptors and authors or composers.
 - 4. Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers, web designers, and members of similar professions.
 - 5. Religious leaders.

6. Office facilities for salesmen, sales representatives, manufacturers' representatives, when no retail or wholesale sales are made or transacted on the premises or where no warehousing occurs.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinetmaking, etc. provided that no machinery or equipment be used or employed other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or a vocation not conducted for gain or profit.
- C. Permitted home occupations shall not in any event be deemed to include:
1. Barbershops and beauty parlors.
 2. Dancing schools.
 3. Funeral homes.
 4. Nursery schools and day care centers.
 5. Restaurants.
 6. Stables, kennels, or animal hospitals.
 7. Medical or dental offices or clinics, including chiropractors, veterinarians, podiatrists, etc.
 8. Motor vehicle repair or service facilities.

Section 4.4: PERMISSIBLE USES NOT REQUIRING PERMITS

Notwithstanding any other provisions of these regulations, no zoning or conditional use permit is necessary for the following uses:

1. Streets (does not include proposed streets in subdivisions).
2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

Section 4.5: CEMETERIES, BURIAL GROUNDS, CREMATORIES

- A.** Cemeteries: Any currently existing cemeteries located on any parcel being developed shall be in compliance with the Missouri Revised Statutes, and

1. Must be shown as a cemetery on the county plat map with the name of such cemetery.
2. No easement or right of way shall be placed on the cemetery.
3. Public access to the cemetery shall be shown on the plat from the closest roadway. Off street parking shall be provided by the developer if the cemetery is located on a county road.
4. Cemetery should have a fence or other border that delineates the boundaries of the cemetery.
5. Cemetery must have signage that identifies it as a cemetery.
6. Cemetery shall be assigned an address.

B. New Family Burial Ground: All new family burial grounds shall comply with Missouri Revised Statutes, and

1. A legal description shall be provided to the Planning and Zoning Office and recorded with the Recorder of Deeds.
2. Access to the family burial ground must be indicated on said survey or legal description.
3. Cemetery should have a fence or other border that delineates the boundaries of the cemetery.
4. Cemetery must have signage that identifies it as a cemetery.
5. Cemetery shall be assigned an address.

C. Public and Private Cemeteries (New): All public and private cemeteries (defined as those available for use by unrelated persons for a fee) shall comply with Missouri Revised Statutes, and

1. Shall comply with all applicable provisions of the Zoning Order of Warren County.
2. Roadway leading to the cemetery must be a dedicated public right of way of at least forty (40) feet in width.
3. Improvement plans shall be submitted.
4. A County plat shall be submitted for recording showing all lots, walks, and drives in the cemetery, all with descriptive names and numbers.

5. Cemetery shall be assigned an address.
6. While a church or other place of worship is permitted in all zoning districts, a cemetery as an accessory use is only permitted in certain zoning districts with a conditional use permit.

D. Crematory-Human or Animal:

1. If a conditional use permit is necessary to establish a crematory within a certain zoning district, consistent with their regulations, a cemetery may be considered an accessory use thereto, if in harmony with the surrounding area.
2. In areas where a funeral home is permitted, with or without a conditional use permit, a crematory may be considered an accessory use, with a conditional use.
3. A crematory may be a stand alone structure with a conditional use permit in permitted zoning districts.

Revised 5/2015

ARTICLE V: NONCONFORMING SITUATIONS

Section 5.1 NONCONFORMING USE OF BUILDINGS OR USE

In all districts the use of a building, structure, or land that was otherwise lawful prior to the original effective date of the Order and any subsequent amendments to the Order may be continued although such does not conform to the regulations of the specific district in which such use does not conform to the regulations of the specific district in which such use is located. If no structural alterations are made in a building or structure, a nonconforming use of that building or structure may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 5.2: DESTRUCTION OF A NONCONFORMING USE

No building or structure damaged by any cause whatsoever to the extent of seventy-five percent (75%) or more of its fair market value immediately prior to that damage shall be restored except in conformity with the regulations of the district in which the same is located, and all rights as a nonconforming use respecting such building or structure shall be terminated. If a building or structure is damaged by less than seventy-five (75%) of its fair market value immediately prior to that damage, it may be repaired or reconstructed and used as it was prior to that damage, provided that such repairs or reconstruction shall be substantially completed within twelve (12) months of the date of such damage.

All structures built prior to November of 1985 may be rebuilt with the same footprint.

Section 5.3: CONDITIONAL USES NOT NONCONFORMING

Uses lawfully existing on the original effective date of the Order and any subsequent amendments to the order which would otherwise require conditional use permits under the regulations of the district in which they are located shall not be required to obtain conditional use permits, but shall require a conditional use permit for any subsequent alteration, enlargement or extension thereof.

Section 5.4: INTERMITTENT OR PARTIAL USE

The casual, intermittent, temporary or illegal use of land, buildings or structures shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 5.5: NONCONFORMING USE DUE TO CHANGE IN ZONING

Whenever the use of land, buildings or structures becomes nonconforming as the result of an amendment to the Order or Zoning Map, such use may be continued, and the other regulations respecting nonconforming uses shall thereafter be applicable thereto.

Section 5.6: PROHIBITION AGAINST ENLARGEMENT OF NONCONFORMING USES OF BUILDING OR LAND

A building or structure containing a nonconforming use may be enlarged, extended, or structurally altered unless such use is made to conform to the regulations of the district in which the same is located and a nonconforming use on a portion of a lot may be expanded and no development or activity which is prohibited by the order or any subsequent amendment or extension thereof in the district in which such development or activity is located and being carried on shall be enlarged, extended, reconstructed or structurally altered unless such development or activity is changed to a development or activity permitted in such district.

Section 5.7: CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS

- A. A change in use of property where a nonconforming situation exists that is sufficiently substantial to require a new zoning or conditional use permit may not be made except in accordance with this Order.
- B. If the intended change in use is to a principal use that is permitted in the district where the property is located, and all of the other requirements of this order to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with the Order is achieved, the property shall not revert to its nonconforming status.

Section 5.8: REPAIR, MAINTENANCE, AND RECONSTRUCTION OF NONCONFORMING SITUATIONS

Minor repairs to and routine maintenance of property where nonconforming Situations exist are permitted and encouraged.

ARTICLE VI: HAZARDOUS WASTE

Section 6.1: APPROVAL REQUIRED FOR EXPANSION OR CONSTRUCTION OF A HAZARDOUS WASTE FACILITY

No hazardous waste storage, treatment or disposal facility (as those terms are defined in the laws of the federal government and the laws and regulations of the State of Missouri regulating hazardous wastes) or expansion of any such existing facility shall be permitted in the County without securing the prior approval therefore from all required federal and state agencies and from the County Commission.

Section 6.2: COMMUNITY IMPACT STATEMENT

No hazardous waste storage, treatment or disposal facility (as those terms are defined in the laws of the federal government and the State of Missouri regulating hazardous wastes) or expansion of any such existing facility shall be permitted in the County until a Community Impact Statement (which shall assess the environmental, social and economic impact of the facility) shall be prepared at the expense of the applicant by a firm or person approved by the County Commission. The Community Impact Statement shall be filed with the County for review by the Planning and Zoning Commission and the County Commission. The Community Impact Statement shall contain the following:

A. **Natural Environment**

1. **Soils.** A mapping of the individually identified soils according to standard classifications that presently exist on the site. An analysis of the impacts or constraints of the proposed development associated with these soils, including bearing capacity, flood hazard, corrosiveness, depth to seasonal high water and other similar factors. Any proposed soil removals or fills, whether from on or off site and an overlay of the proposed development over the soils map shall be submitted.
2. **Vegetation.** A detailed mapping and accounting of all individually identifiable vegetation community types found on the site. A qualitative and economic assessment of all vegetative resources, especially trees, and any plant species known to be rare, endangered, threatened, of special concern or unique to the area. A detailed statement as to the impacts of the proposed development on the site's vegetation, including all proposed removals and subsequent landscaping activities. An overlay of the proposed development over the vegetationtype map is a requirement of this item.
3. **Wildlife.** An assessment of the wildlife resources on the site, emphasizing any species that are considered by the United States Fish and Wildlife Service to be rare, endangered, threatened, of special concern or unique to the area. All impacts of the proposed development upon the wildlife resources, their habitat and any breeding areas that may be found to exist, either seasonally or permanently, on the site.
4. **Water quality.** A general assessment of the existing water quality of all creeks, streams and ditches and all surface bodies of water on or adjacent to the site. All impacts upon the natural environment resulting from the flood control or drainage activities identified. All impacts upon surface water quality resulting from surface runoff, erosion and sedimentation, vegetation removal, grade changes, well drilling or any other known activity which may cause a degradation of water quality. An assessment of all impacts anticipated upstream and downstream from the site with respect to water quality. Any potential point or nonpoint sources of pollution other than normal residential fertilizing and pesticide usage.
5. **Ecology.** An assessment relating the four (4) previous environmental items to the physical features of the site and to each other on a system basis. All biotic and physical factors associated with the defined ecosystems and all impacts of the proposed development upon these ecosystems shall be fully addressed.
6. **Air and noise quality.** A statement of overall site activity which will generate, create, cause or sustain air or noise pollution to include differentiation and identification of point sources or complex sources, both during construction and after construction is completed.

B. Archeological/Historical Significance

A narrative outline concerning early human cultures (if any) which may have occupied the site together with data as to artifacts which have already been uncovered at or near the site and knowledgeable estimates of the degree to which development of the site would inhibit or eliminate the possibility of significant archeological finds.

C. Cultural and Aesthetic Impact

A narrative outline of the efforts (if any) made by the development to improve the cultural or aesthetic appearance of the community.

D. Transportation Impact

A description of the impact of the development on the highways, roads and bridges in the County.

E. Financial Impact

1. **Market analysis.** This item shall indicate the financial feasibility of the proposed development and should consider both existing demand factors and projected changes in the market during the life of the development.
2. **Economic impact.** The local economic impact of the development shall be estimated for both the construction phase and the proposed development's ultimate use. The impact of construction shall show both number of skilled and unskilled workers needed, the length of time they will be employed, and the total wages to be paid. The immediate and future impact of the proposed development on the value of adjoining properties and the County.
3. **Tax effect.** An interpretation and evaluation of the extent to which the proposed development will add to (or detract from) the tax base of the County.

4. **Financial interest.** A statement as to the total estimated project value, the party or parties financially involved, including corporate identity, principal officers, major (over five (5) per cent) stockholders and all financial arrangements made or contemplated including:
 - 4.a. The identity of the lending institution furnishing mortgage money and the dollar amount being furnished by it, or, if more than one institution is involved, the identities of each and the dollar amounts being furnished by each; and
 - 4.b. Types and quantities of insurance to be carried during construction and operation of the development together with information as to the company or companies underwriting insurance.
5. **Development Scheduling.** The Community Impact Statement shall set forth a reasonably accurate development completion schedule for the proposed development.

The Planning and Zoning Commission shall review and consider such Community Impact Statement and shall make a finding as to whether the adverse impact, if such facility or expansion thereof would be approved, outweighs the benefits to be derived if the same would be denied. If the benefits do not outweigh the adverse impact, the Planning and Zoning Commission shall recommend that the County Commission deny the application.

Section 6.3: PROHIBITED WASTE

The treatment, storage, or disposal of the following wastes is prohibited in the County:

- A. Solid wastes which exhibit the characteristic of ignitability as described in 40 C.F.R. §261.21;
- B. Solid wastes which exhibit the characteristic of reactivity as described in 40 C.F.R. §261.23;
- C. The landfilling of bulk liquids;
- D. Sludges which contain more than 75 percent liquid by weight, contain liquids which will drain freely from the sludge by gravity, are free flowing sludges, or which contain more than 5 percent by weight organic liquids (i.e. oil, solvents,

chlorinated hydrocarbons, pesticides, etc.)

- E. Wastes containing free cyanides at concentrations greater than or equal to 1,000 mg/l;
- F. Wastes containing the following metals (or elements) or compounds of these metals (or elements) as determined by Toxicity Characteristic Procedure at concentrations greater than or equal to those specified

Elements	PPM
Arsenic and/or compounds as (As)	5
Cadmium and/or compounds as (Cd)	1
Chromium and/or compounds (as CR)	5
Lead and/or compounds (as Pb)	5
Mercury and/or compounds (as Hg)	0.2
Nickel and/or compounds (as Ni)	134 mg/l
Selenium and/or compounds (as Se)	1
Thallium and/or compounds (as Th)	130

- G. Wastes having a pH less than or equal to 2.0 and greater than or equal to 12;
- H. Wastes containing polychlorinated biphenyls at concentrations greater than or

Equal to 50 mg/1;

- I. Wastes containing halogenated organic compounds in total concentrations greater than or equal to 1,000 mg/kg;
- J. Wastes prohibited from disposal at Sanitary Landfills pursuant to 10 CSR 80-3.010 (3)

Elements	mg/1
Barium and/or compounds as (Ba)	100
Chlordane	0.03
Endrin	0.02
Lindane	0.4
Meptachlor	0.008
Methoxychlor	10
Toxaphene	.5
2,4-D	10
2,4, 5-TP (Silvex)	10

- K. Wastes containing any detectable levels of 2,3,7,8tetrachlorodibenzopdioxin (Dioxin); and any such other compounds and chemicals as may from time to time be prohibited by the federal government, State of Missouri or the County unless it can be demonstrated to the satisfaction of the County Commission that the material in the quantity, concentration and/or solution to be stored or disposed does not present significant actual or potential hazard to the health, safety, convenience, prosperity and general welfare of the inhabitants of the County.
- L. Hazardous waste as defined in 40 CFR 261.3.

Section 6.4: APPROPRIATELY PERMITTED OR AUTHORIZED OPERATOR

Notwithstanding the foregoing, the prohibitions contained in the preceding Section 6.3 shall not apply with respect to any operator of a hazardous waste storage, treatment or disposal facility in the County who has been appropriately permitted or authorized, prior to the original enactment of the Zoning Order on November 27, 1985, by the State (and/or by the federal government if required) to operate such facility in the County if such chemicals, or any waste streams containing any such chemicals, have been approved by such authority for storage, treatment or disposal in such facility prior to the enactment of the Zoning Order on November 27, 1985. However, nothing contained in this paragraph shall be construed as an approval by the Planning and Zoning Commission or the County Commission that such chemicals are appropriate to be stored, treated or disposed of in the County, nor shall anything contained in this paragraph be construed to impair any rights that any person, entity or political subdivision, or agency thereof, may have under the common law or statutory provisions other than the Master Plan or the Order to assert or claim that such chemicals are not appropriate for such storage, treatment or disposal in the County, or to seek any other relief with respect to the same.

Section 6.5: HAZARDOUS WASTE FACILITY LOCATION

- A. No hazardous waste storage, treatment or disposal facility (as those terms are defined in the laws of the federal government and the State of Missouri regulating hazardous waste) or the expansion of any such facility shall be located or expanded above a sole source aquifer recharge area or within one (1) mile of any stream, lake or creek within the County. For purposes of Articles VI and VII: "Streams and Creeks" shall be defined as set forth in 10 CSR 20-2.010; "Lakes" shall be defined as set forth in 10 CSR 20-7.

- B. No hazardous waste storage, treatment or disposal facility (as those terms are defined in the laws of the federal government and the State of Missouri regulating hazardous waste) or the expansion of any such facility shall be permitted in the County within one (1) mile of any dwelling, cottage, or mobile home or any building or structure used for community purposes (including, but not limited to schools, hospitals, churches or fraternal lodges) if said dwelling, cottage, mobile home, building or structure was in existence as of the date the application for a permit to open a new facility or to expand an existing facility was filed with the County Planning and Zoning Commission.

Section 6.6: GRIEVANCES

Any person or entity who claims to be aggrieved by any of the prohibitions with respect to the chemical wastes listed hereinabove, or any other of the hazardous waste restrictions contained herein, whether it be that they are not restrictive enough or that they are too restrictive, has the right to request the Planning and Zoning Commission and County Commission to reconsider, vary, modify or waive, by amendment to the Master Plan and the Order, any such prohibition or restriction and to hold public hearings with respect to such request, all as provided for in Sections 64.815 and 64.863 of the Revised Statutes of Missouri.

ARTICLE VII: SOLID WASTE REGULATIONS

Section 7.1: APPROVAL REQUIRED FOR CONSTRUCTION OR EXPANSION OF SOLID WASTE DISPOSAL AREAS, SOLID WASTE PROCESSING FACILITIES OR RESERVE RECOVERY FACILITIES

No solid waste disposal area, solid waste processing facility, resource recovery facility (as those terms are defined in the laws and regulations of the State of Missouri regarding solid wastes) or expansion of any such existing facility shall be permitted in the County without securing the prior approval therefore from all required federal and state agencies and from the County Commission.

Section 7.2: SOLID WASTE DISPOSAL AREA LOCATION

- A. No solid waste disposal area may be located within a quarter (1/4) mile of any federal, state or county road in the County.
- B. No solid waste disposal area may be located, nor may any such existing facility be expanded to, within one (1) mile of any stream or lake within the County.
- C. No solid waste disposal area may be operated within the County without securing the prior written approval therefore from all required federal and State agencies.

Section 7.3: GRIEVANCES

Any person or entity who claims to be aggrieved by any of the solid waste restrictions contained herein, whether it be that they are not restrictive enough or that they are too restrictive, has the right to request the Planning and Zoning Commission and the County Commission to reconsider, vary, modify or waive, by amendment to the Master Plan and the Order, any such restriction and to hold public hearings with respect to such request, all as provided for in Sections 64.815 and 64.863 of the Revised Statutes of Missouri.

**ARTICLE VIII: AUTOMOBILE GRAVEYARDS AND JUNKYARD
REGULATIONS**

Section 8.1: LOCATION

No automobile graveyard or junkyard, as those terms are defined in Section 226.660 RSMo, may be located within one thousand (1000) feet of the nearest edge of the right-of-way of any highway on the national system of interstate and defense highways or the primary highway system of the State of Missouri or any County road. Furthermore, all automobile graveyards and junkyards must comply with all the licensing, buffering and visibility provisions enacted by the federal government and/or the State of Missouri.

Section 8.2: GRIEVANCES

Any person or entity who claims to be aggrieved by any of the automobile graveyards and junkyards restrictions contained herein, whether it be that they are not restrictive enough or that they are too restrictive, has the right to request the Planning and Zoning Commission and County Commission to reconsider, vary, modify or waive, by amendment to the Master Plan and the Order, any such restriction and to hold public hearings with respect to such request, all as provided for in Sections 64.815 and 64.863 of the Revised Statutes of Missouri.

ARTICLE IX: PERMITS AND PLAT APPROVAL

Section 9.1: PERMITS REQUIRED

- A.** The use made of property may not be changed, substantially cleared (except for agricultural purposes), graded, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one or more of the following permits or approvals:
1. A zoning permit issued by the Planning and Zoning Administrator.
 2. A conditional use permit granted by the Planning and Zoning Commission.
 3. A final subdivision plat or PUD approved as stated by the Planning and Zoning Commission and duly recorded by the Office of the Recorder of Deeds.
- B.** Permits and approvals are granted under the provisions of the Order only when a review of the application submitted, including any plans contained therein, indicates that the development will comply with the Order if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in the Order, all development shall occur strictly in accordance with such approved plans and applications.
- C.** Physical improvements to land may not be commenced except in accordance with the provisions of the Order, whether after issuance of a zoning permit, conditional use permit, approval of a PUD on minor, preliminary, or final plat as stated by the Planning and Zoning Commission.
- D.** An application for a permit shall be submitted in such form as the planning and Zoning Commission, Board of Zoning Adjustment, Planning and Zoning Administrator and/or the County Commission may from time to time prescribe. Such application

shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed action. If such application is made by person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application, that the proposed work is authorized by the owner in fee and that the person making the application is authorized by the owner in fee to make such application. Such application shall briefly describe the proposed action, and shall give such additional information as may be required by the Planning and Zoning Administrator. Such application shall be accompanied by the payment of such fees as the County Commission may from time to time determine.

- E.** Issuance of any of the permits, as described above, authorizes the recipient to commence the activity specifically described, permitted, or authorized by the permit or plat as issued by the appropriate authority. However, the intended use may not be commenced, no building or mobile home may be occupied and in the case of subdivisions, no lots may be sold until all of the requirements have been complied with.

- F.** No permit or approval pursuant to the Order shall be granted to any applicant while said applicant is in violation of any of the provisions of the Order, unless permission therefore is specifically granted by the permit issuing authority. The only exception to the provision shall be for permits specifically intended to remedy said violation(s).

- G.** It shall be unlawful for any electrical, gas, telephone or water utility to connect its lines to any building, structure or site in the County unless the appropriate permit or approval has been granted by the appropriate County authority and is displayed on said building, structure or site.

Section 9.2: APPLICATIONS TO BE COMPLETE

- A.** All applications for permits must be complete before the permit issuing authority is required to consider the application. Incomplete applications shall be rejected.

- B.** An application is complete when it contains all the information necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all the requirements of the order, and all fees are paid in full.

- C.** The permit issuing authority shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirement and the form and type of information that must be submitted. The Planning and Zoning Administrator shall develop standard forms which will expedite the submission of the necessary plans and other required information, as appropriate.

Section 9.3: ZONING PERMITS & CONDITIONAL USE PERMITS:

EXPIRATION OF PERMITS

- A.** Permits issued pursuant to this Order shall expire automatically within one (1) year after the issuance of such permits, except in the case of a Conditional Use Permit where the time frame for compliance is two years unless it is altered in the stipulations by the Planning and Zoning Commission.
- B.** This Section shall also apply to permits issued prior to the date this section becomes effective.

Section 9.4: ZONING PERMITS

- A.** Except as hereinafter provided, no structure shall be erected, constructed, reconstructed, moved or altered, nor shall any structure or land be used for any purpose other than is permitted by the terms of the Order in the district in which such structure or land is situated. Any use which is not expressly permitted by the terms of this Order shall be deemed to be prohibited by the Order, except that accessory uses are impliedly permitted even where not expressly described or expressly permitted. In addition, no structure or use for which the order requires a wastewater treatment system shall be erected, constructed, reconstructed or moved unless said structure is connected to a central sewer system, or if such central sewer system is not reasonably accessible, to an individual sewage disposal system. All such individual sewage systems shall comply with the On-Site Septic Systems Order of Warren County, Missouri.
- B.** It shall not be lawful to erect, construct, reconstruct, enlarge, alter or repair a structure or to commence the use or improvement of any land subject to the Order without first filing with the Planning and Zoning Administrator an application in writing and obtaining a permit from the Planning and Zoning Administrator.

- C.** An application for a permit shall be submitted in such form as the County Commission may from time to time prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed action. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application, that the proposed work is authorized by the owner in fee and that the person making the application is authorized by the owner in fee to make such an application. Such application shall describe briefly the proposed action, and shall give such additional information as may be required by the Planning and Zoning Administrator.
- D.** The Planning and Zoning Administrator, or his designated representative, shall review the zoning application to ensure the proposed use is permitted in the zoning district wherein it is located, and based on this review shall either approve or deny the application.
- E.** Nothing contained in the order shall require any change in plans, construction, size or designated use of a structure for which a valid permit has been issued or lawful approval given before the effective date of the Order.
- F.** All work performed under a permit shall conform to the approved application and any approved amendments thereto.
- G.** If no work has commenced within one (1) year after the issuance of a permit, said permit shall be null and void.
- H.** A copy of every permit issued pursuant to this Order shall be prominently posted on the premises throughout the duration of the work thereunder and until the completion of the same.
- I.** The Planning and Zoning Administrator may revoke a permit issued pursuant to the Order in cases where it is determined that there has been any false statement or misrepresentation of a material fact in the application on which such permit was based, or for other good cause shown.

Section 9.5: CONDITIONAL USE PERMITS

- A.** Applications for conditional permits for uses specifically authorized for consideration under the regulations of each district shall be made to the Planning and Zoning Commission, and shall be accepted by the Planning and Zoning Administrator, along with all filing fees and a list of the names and addresses (provided by the applicant) of all owners of any real property located within one thousand (1000) feet of the property described in the applications, as shown on the tax records of the County. Applications for conditional use permits shall be submitted to the Planning and Zoning Administrator not later than 3:00pm the third Wednesday of each month, to allow time for compliance with notification as required, (the mailing and publishing fees to be paid by the applicant), and administrative requirements for inclusion, at the earliest, at the following month's Planning and Zoning Commission hearing.

- B.** The Planning and Zoning Administrator shall refer the application to the Planning and Zoning commission for investigation. 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. The Planning and Zoning Administrator shall mail a notice of a public hearing on the application to all of the adjoining owners listed by the applicant, (at the applicant's expense), and shall publish a notice of said hearing at least once in a local newspaper of general circulation in the county and post such notice in a public place in the County Administration Building at least fifteen (15) days prior to said hearing, (at the applicant's expense). The Planning and Zoning Commission, after rendering its decision on the application, may deny said application or may direct the Planning and Zoning Administrator to issue a conditional use permit which shall embody the conditions and restrictions imposed upon such permit by the Planning and Zoning Commission.

- C.** Uses lawfully existing on the effective date of the Order which would otherwise require conditional use permits under the regulations of the district in which they are located shall not be required to obtain conditional use permits, but shall require a conditional use permit for any subsequent alteration, enlargement or extension thereof.

Section 9.6: STANDARDS AND RECOMMENDATIONS ON GUIDANCE ON CONDITIONAL USE PERMIT APPLICATIONS

- A.** When presented to the Planning and Zoning Commission at the public hearing, the application for a Conditional Use Permit shall be accompanied by a report setting forth the Planning and Zoning Administrator's proposed findings and the other requirements of the Order, as well as uses on properties surrounding that of the applicant, and recommendations, if any, for additional conditions to be imposed by the Planning and Zoning Commission.
- B.** If the Planning and Zoning Administrator proposes a finding that the application fails to comply with the requirement of the Order, the requirement in question shall be identified and supporting reasons stated for the proposed finding or conclusions.
- C.** The Planning and Zoning Commission may deny said application or may direct the Planning and Zoning Administrator to issue a Conditional Use Permit which shall embody the conditions and restrictions imposed upon such permit by the Planning and Zoning Commission.
- D.** The Planning and Zoning Commission may impose such conditions on the issuance of a Conditional use Permit as will, in the Planning and Zoning Commission's sole discretion insure that:
1. The establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 2. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposed already permitted, not substantially diminish and impair property values within the area;
 3. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 4. Adequate utilities, buffering, access roads, drainage, open spaces, and/or other necessary public services and facilities can and will be economically provided;

5. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roads;
6. The Conditional Use shall, in all other respects, conform to the Order and all of the regulations contained therein, including, but not limited to, any specific conditions relating to the proposed Conditional Use and the applicable regulations of the district in which it is located.

Section 9.7: RECONSIDERATION OF APPLICATIONS

- A.** Whenever (1) the County Commission disapproves a Conditional Use Permit application, a subdivision plat application, or a rezone request, or (2) the Board of Adjustment disapproves an application for a variance, on any basis other than the failure of the applicant to submit a complete application, such action shall not be reconsidered by the respective Commission or Board within six (6) months of the date of disapproval, unless the applicant clearly demonstrates that:
1. Circumstances affecting the property that is the subject of the application have substantially changed, or
 2. New information is available that could not, with reasonable diligence, have been presented at a previous hearing. A request to be heard on this basis must be filed with the Planning and Zoning Administrator within the time for an appeal to Circuit Court (usually thirty (30) days for such administrative action). However, such a request does not extend the period within which an appeal must be taken.
- B.** Notwithstanding subsection (A), the Planning and Zoning Commission may at any time, consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

Section 9.8: AMENDMENTS TO AND MODIFICATIONS OF PERMITS

All requests for changes in permits or approved plans will be processed as new

applications. If such requests are required to be acted upon by the County Commission and/or the Planning and Zoning Commission, new conditions may be imposed in accordance with Section 9.7, but the applicant retains the right to reject such additional conditions by withdrawing his request for amendment, and may then proceed in accordance with the previously issued permit.

Section 9.9: CONDITIONAL USE PERMIT REMOVAL PROCESS

The Planning and Zoning Commission may remove or revoke a Conditional Use Permit, previously approved, either by voluntary application by the property owner or by application by the Planning and Zoning Administrator in the case of a violation of the Conditional Use stipulations. No fees are required or to be collected for the application to remove or revoke a Conditional Use Permit.

Section 9.10: CONDITIONAL USE PERMITS:

EFFECT OF PERMITS ON SUCCESSORS AND ASSIGNS

- A.** Conditional Use Permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferrable unless otherwise specified in the individual permit. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
1. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with
 2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property.

Section 9.11: CONDITIONAL USE PERMIT PROTEST PROCEDURE

- A.** If an applicant is aggrieved by a decision of the Planning and Zoning Commission regarding an application for a Conditional use Permit or an amendment thereto, the applicant may file a protest the County Commission requesting a determination from that body. A Notice of Protest shall be filed in duplicate with the County Clerk within ten (10) days after the Planning and Zoning Commission's decision and shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in the regulations regarding conditional use Permits. Notice of Protest shall be accompanied by a fee in the amount as determined from time to time by the County Commission and a payment to cover all mailing and publication costs necessary to provide notice of the public hearing on the protest to be conducted by the County Commission.
- B.** Any party other than the applicant aggrieved by a decision by the Planning and Zoning Commission regarding a Conditional Use Permit or an amendment thereto may file a protest with the County Commission requesting a determination by that body. Pending a decision by the County Commission on the protest the Conditional Use Permit shall not be effective. A Notice of Protest shall be filed in duplicate with the County Clerk within ten (10) days after the Planning and Zoning Commission's decision and shall subsequently modified, fails to meet the criteria set forth in the regulations regarding Conditional Use Permits. Notice of Protest shall be accompanied by a fee in the amount as determined from time to time by the county Commission and a payment to cover all mailing and publication costs necessary to provide notice of the public hearing on the protest to be conducted by the County Commission.
- C.** Before acting on any protest, the County Commission shall set the protest for public hearing within thirty (30) days of the filing of said protest. The County Commission shall give written notice of such hearing in the same manner as is provided in Section 9.5 hereof. The applicant and the protestants, in the case of a protest, shall be granted an opportunity to be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Commission, will be aggrieved by any decision or action with respect to a protest may also be heard at the hearing.
- D.** Following the hearing by the County Commission on a protest, the County Commission shall make a determination regarding the impact of the Conditional Use in accordance with the criteria set forth in Section 9.6D hereof and may affirm, reverse or modify in whole or in part, any determination of the Planning and Zoning Commission regarding the Conditional use Permit or amendment thereto which is the subject of the protest.

- E. Within forty-five (45) days of the hearing on the protest, the County Commission shall notify, in writing, the applicant and the protestant(s) of its decision regarding the Conditional use Permit or amendment thereto.

Section 9.12: CONDITIONAL USE & PLAT APPROVAL:

COMPLETING DEVELOPMENT IN PHASES

- A. If a development is constructed in phases or stages in accordance with this Section, then subject to Section 9.14 (Authorizing Use or Sale Before Completion of Development) the requirements and conditions imposed shall apply to each phase or stage as if it were the entire development.
- B. As a prerequisite to taking advantage of the provisions of this Section, the developer shall submit plans that clearly show the various phases or stages of the proposed project and the requirements of these regulations that will be satisfied with respect to each phase or stage.
- C. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development, then as part of the application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit issuing authority, no land may be used, and no buildings may be occupied except in accordance with the schedule approved as part of the permit.

Section 9.13: CONDITIONAL USE PERMIT, ZONING PERMIT, PLAT APPROVAL:

**NO OCCUPANCY, USE, OR SALE OF LOTS UNTIL REQUIREMENTS
FULFILLED**

Issuance of a Zoning Permit, Conditional Use Permit, or Plat Approval authorizes the recipient to commence the activity resulting in a change in the use of the land to commence work designed to construct, erect, move, or substantially alter buildings and other substantial structures, or to make necessary improvement to a subdivision. However, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lot(s) may be sold until all of the requirements of this order and all additional requirements imposed pursuant to the issuance of a Conditional Use Permit have been fulfilled.

**Section 9.14: CONDITIONAL USE PERMIT, ZONING PERMIT, PLAT APPROVAL:
AUTHORIZATION OF USE OR SALE BEFORE COMPLETION OF DEVELOPMENT**

- A.** In cases when, because of weather conditions or other factors beyond the control of the Conditional Use Permit, Zoning permit, or Plat Approval recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this Order prior to commencing the intended use of the property or any buildings, the Planning and Zoning Commission may authorize the commencement of the intended use or the occupancy of buildings if the permit recipient provides a performance bond or other security satisfactory to the County Commission to ensure that all of the requirements of this Order will be fulfilled within a reasonable period of time.
- B.** When the Planning and Zoning Commission imposes additional requirements upon the permit recipient in accordance with this Section or when the developer proposes, in the plans submitted, to install amenities beyond those required by this Order, the Planning and Zoning Commission may authorized the permittee to commence the intended use of the property, or any building, before the additional requirements are fulfilled or the amenities installed if it specifies a date by which, or a schedule, according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one or more of the following:
1. A performance bond or other security satisfactory to the County Commission is furnished; and
 2. A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when the application for renewal is made.

**Section 9.15: PLAT APPROVAL: MAINTENANCE OF COMMON AREAS,
IMPROVEMENTS AND FACILITIES**

The recipient of any permit or approval issued pursuant to this Order, or their successor, shall be responsible for maintaining all common areas, improvements, or facilities required by the Order or any permit issued in accordance with its provisions, except in those areas, improvements, or facilities with respect to which a covenant of restrictions has been conveyed which requires that a "homeowner's association" or similar body becomes responsible for the common areas, improvements, or required facilities. As illustrations, and without limiting the generality of the foregoing, this means private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

ARTICLE X: AMENDMENTS

The County Commission may, upon the recommendation of the Planning and Zoning Commission, after public notice and hearing as provided by law, amend, supplement or change the Order or the Zoning Map.

Section 10.1: CHANGE BY OWNER APPLICATION

A. Applications for amendment, revision or change of the Order or the Zoning Map may be made by any owner or his attorney-in-fact who wants his property to be rezoned. If such application is made by the owner's attorney, he shall enter upon the application the name and current mailing address of the owner. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the County Commission and duly filed with the Planning and Zoning Administrator. Accompanying said application shall be:

1. A legal description of the property proposed for rezoning;
2. A parcel map outlining the property proposed for rezoning;
3. A recent certificate of title to the subject property evidencing ownership;
4. A development plan, either in narrative form or a preliminary site plan, indicating the intended use of the property;
5. A list of the names and addresses of all the owners of all the property within one thousand (1,000) feet of the property proposed for rezoning;
6. A fee in the amount as determined from time to time by the County Commission.

In addition to the aforementioned fee, the applicant shall pay for all mailing costs for notification to adjacent property owners within one thousand (1,000) feet of the property proposed for rezoning and publication costs.

All such applications shall be set down for hearing before the Planning and Zoning Commission not later than ninety (90) days from the date of filing of the application. Notice of the time and place of such hearing shall be published in at least one newspaper of general circulation, (publication fee to be paid by the applicant), within the County, such notice to be published at least fifteen (15) days prior to the date of said hearing before the Planning and Zoning Commission. Notice shall also be given, at least fifteen (15) days before the hearing, by certified mail to all owners of any real property located within one thousand (1,000) feet of the parcel of land for which the change is proposed. Notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one or more public areas of the County Administration Building. 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. If the applicant does not appear at the scheduled hearing before the Planning and Zoning Commission, the hearing may be scheduled

hearing before the Planning and Zoning Commission, the hearing may be rescheduled upon the applicant paying for notice to be published at least fifteen (15) days prior to the hearing and for mailing of notice to all owners of any real property located within one thousand (1,000) feet of the parcel of land for which the change is proposed. Without forty five (45) days after the final hearing of such application, the Planning and Zoning Commission shall recommend the approval or denial of the same by majority vote and a report of such recommendation shall be made by the Planning and Zoning Commission to the County Commission. The County Commission may accept or reject the recommendation of the Planning and Zoning Commission and shall approve or deny the application. If the applicant wishes to continue the process with a public hearing for a final determination from the County Commission, application will be made through the County Clerk's office. Notice of the time and place of such hearing shall be published at the applicant's expense, in at least one newspaper of general circulation, within the County, such notice to be published at least fifteen (15) days prior to the date of said hearing before the Planning and Zoning Commission. Notice, at the applicant's expense, shall also be given, at least fifteen (15) days before the hearing, by certified mail to all owners of any real property located within one thousand (1,000) feet of the parcel of land for which the change is proposed.

If an application is denied, no subsequent application requesting the same amendment, revision or change to the same property, or part thereof, may be filed by any applicant until the expiration of six (6) months after the final denial by the County Commission.

Section 10.2: CHANGE BY COUNTY COMMISSION

Recommendations for amendment, revision or change of the Order of the Zoning Map may be made by the Planning and Zoning Commission upon its own motion or upon request of the County Commission. The County Commission may revise, modify or amend the order and the Zoning Map; provided, however, such proposed changes shall first be submitted to the Planning and Zoning Commission. In either case, final action thereon shall be taken only upon notice and hearing as provided in Section 10.1 hereinabove. The payment of the fee set forth above shall not be required for requests for proposed amendments, revisions or changes initiated by the Planning and Zoning Commission or the County Commission.

Section 10.3: PROTEST PROCEDURES

In case of written protest filed against any proposed change or amendment to the Order or the Zoning Map 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%) of the frontage 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 (1.5) miles of the corporate limits of a municipality having in effect ordinances 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 all the members of the County Commission.

ARTICLE XI: COMMUNICATION REGULATIONS

Section 11.1 : PURPOSES

The general purpose of this Article is to regulate the placement, construction, and modification of communications towers, support structures, and antennas in order to protect the health, safety, and welfare of the public, while at the same time not unreasonable interfering with the development of the competitive wireless telecommunications marketplace in Warren County. Specifically, this Article is intended to:

- A. Provide for the appropriate locations and development of telecommunication facilities and systems to serve the citizens and businesses of Warren County;

- B. Encourage the location of antennas atop existing structures or buildings, to minimize adverse visual impacts of communication antennas and support structures through careful design, siting, landscape, screening, and innovative camouflaging techniques;

- C. Maximize the use of existing and new support structures so as to minimize the need to construct new or additional facilities; and

- D. Encourage the use of disguised antenna support structure so as to protect the architectural integrity and the scenic quality of Warren County.

Section 11.2: DEFINITIONS

As used in this Article, the following terms shall have the meanings and usages as indicated below:

Antennas. A commercial structure designed to transmit or receive electronic signals.

Cabinet. A structure for the protection and security of communications equipment associated with one or more antennas or communications towers where direct access to equipment is provided from the exterior and the horizontal dimensions do not exceed four (4) feet by six (6) feet.

Communications Tower. A commercial structure designed for the support of one or more antennas and including guyed towers, self supporting lattice towers, or monopoles, but not disguised support structure or buildings. Includes radio and television transmitting and receiving towers with accessory transmitting stations. This does not include a cable television (CATV) tower which receives the signals of ordinary TV broadcasting stations, amplifies them, transmits them by cable or microwave, and ultimately distributes them by wire to the receivers of its subscribers. This definition shall not restrict the right of governmental or municipal agencies to locate such towers for their own specific needs and shall include amateur radio station towers, but not public utilities regulated by the Missouri Public Service Commission. This definition is not to include communication towers used for residential purposes.

Co Use or Co Location. The location of two or more telecommunication antennas or devices or providers on a single telecommunication tower.

Equipment Shelter. A building for the protection and security of communications equipment associated with one or more antennas and where access to equipment is gained from the interior of the building. The use of such structures for human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

Equipment Storage. Radio and related equipment may be stored in shelters, buildings, or cabinets, with the selection related to the amount and type of equipment required at each telecommunication facility location. Both newly created and existing space can be used for such purposes.

Stealth Communication Facility. A new or existing facility that may include, among other things, antennas in a church steeple, light standard poles, flagpoles, telephone poles, billboards, and other similar structures that do not have the appearance of a monopole or lattice tower.

Support Structure. A communications tower or stealth communication facility.

Telecommunication Facility. An unmanned facility consisting of equipment storage buildings, shelters, or cabinets, accessory equipment, and an existing or new structure to support antennas or communications towers used for the reception, switching, and/or transmission of wireless communications including, but not limited to paging, enhanced specialized mobile radio (ESMR), Personal Communications Services (PCS), domestic public cellular radio telecommunications service (Traditional Cellular), and similar technologies.

Section 11.3: APPLICATION PROCEDURE

- A. The proposed construction or placement of a Telecommunications Facility in any zoning district in Warren County shall require the issuance of a Conditional Use Permit. (See Sections 9.4-9.6)
- B. Additional Requirements: At the time of application for a Conditional Use Permit, the applicant must, in addition to the requirements of Section 9.3, submit the following:
 - 1. A detailed site plan, based on a close boundary survey of the host parcel, indicating all existing and proposed improvements including buildings, drives, walkway, parking areas and other structures, public right of ways, the zoning

categories of the subject and adjoining properties, the location of and distance to off site residential structures, required setbacks, required buffer and landscape areas, hydroptic features, and the coordinates and height AGL of the existing or proposed Communication Tower.

2. A set of engineered plans sealed by a licensed professional engineer in the State of Missouri demonstrating that the Communications Tower is structurally sound to allow for the co-location of three (3) co-users, including the applicant.
3. An analysis of available co-location opportunities provided solely for the purpose of confirming that the applicant undertook such analysis.
4. A copy of the lease for the Telecommunications Facility with a removal clause included.
5. A complete Community Impact Statement for the proposed site performed in accordance with the requirements as stated below, plus an analysis of interference with signals from other users or operators.

COMMUNITY IMPACT STATEMENT

The provisions within Section 11.3 of this code are to be applied consistently with Section 67.5094 (Mo. Rev. Stat.) and consistent with the provisions set forth in OET Bulletin 65, Edition 97-01 and Supplement A.

A. Natural Environment

1. **Soils.** A mapping of the individually indentified soils according to standard classifications that presently exist on the site. An analysis of the impacts or constraints of the proposed development associated with these soils, including bearing capacity, flood hazard, corrosiveness, depth to seasonal high water and other similar factors. Any proposed soil removals or fills, whether from on or off site and on overlay of the proposed development over the soils map shall be submitted.
2. **Vegetation.** A detailed mapping and accounting of all individually identifiable vegetation community types found on the site. A qualitative and economic assessment of all vegetative resources, especially trees, and any plant species known to be rare, endangered, threatened, of special concern or unique to the area. A detailed statement as to the impacts of the proposed development on the site's vegetation, including all proposed removals and subsequent landscaping activities. An overlay of the proposed development over the vegetation type map is a requirement of this item.
3. **Wildlife.** An assessment of the wildlife resources on the site, emphasizing any species that are considered by the United States Fish and Wildlife Service to be rare, endangered, threatened, of special concern or unique to the area. All impacts of the proposed development upon the wildlife resources, their habitat and any breeding areas that may be found to exist, either seasonally or permanently, on the site.
4. **Water quality.** A general assessment of the existing water quality of all creeks, streams, and ditches and all surface bodies of water on or adjacent to the site. All impacts upon the natural environment resulting from the flood control or drainage

activities identified. All impacts upon surface water quality resulting from surface runoff erosion and sedimentation, vegetation removal, grade changes, well drilling or any other known activity which may cause a degradation of water quality. An assessment of all impacts anticipated upstream and downstream from the site with respect to water quality. Any potential point or nonpoint sources of pollution other than normal residential fertilizing and pesticide usage.

5. **Ecology.** An assessment relating the four (4) previous environmental items to the physical features of the site and to each other on a system basis. All biotic and physical factors associated with the defined ecosystems and all impacts of the proposed development upon these ecosystems shall be fully addressed.
6. **Air and noise quality.** A statement of overall site activity which will generate, create, cause or sustain air or noise pollution to include differentiation and identification of point sources or complex sources, both during construction and after construction is completed.

B. Archeological/Historical Significance

A narrative outline concerning early human culture (if any) which may have occupied the site together with data as to artifacts which have already been uncovered at or near the site and knowledgeable estimates of the degree to which development of the site would inhibit or eliminate the possibility of significant archeological finds.

C. Cultural and Aesthetic Impact

A narrative outline of the efforts (if any) made by the development to improve the cultural or aesthetic appearance of the community.

D. Transportation Impact

A description of the impact of the development on the highways, roads, and bridges in the County.

E. Financial Impact

1. **Market analysis.** This item shall indicate the financial feasibility of the proposed development and should consider both existing demand factors and projected changes in the market during the life of the development.
2. **Economic impact.** The local economic impact of the development shall be estimated for both the construction phase and the proposed development's ultimate use. The impact of construction shall show both number of skilled and unskilled workers needed, the length of time they will be employed, and the total wages to be paid. The immediate and future impact of the proposed development on the value of adjoining properties and the County.
3. **Tax effect.** An interpretation and evaluation of the extent to which the proposed development will add to (or detract from) the tax base of the County.
4. **Financial interest.** A statement as to the total estimated project value, the party or parties financially involved, including corporate identity, principal officers, major (over five (5) percent) stockholders and all financial arrangements made or contemplated including:

- a. The identity of the lending institution furnishing mortgage money and the dollar amount being furnished by it, or, if more than one institution is involved, the identities of each and the dollar amounts being furnished by each; and
 - b. Types and quantities of insurance to be carried during construction and operation of the development together with information as to the company or companies underwriting insurance.
5. **Development scheduling.** The Community Impact Statement shall set forth a reasonably accurate development completion schedule for the proposed development.

Section 11.4: DESIGN REGULATIONS

- A.** The design of the Telecommunications Facility shall maximize the use of building materials, colors, textures, screening, and landscaping that effectively blend the proposed facility within the surrounding natural setting and environment. All Communications Towers, Equipment Shelters, and Cabinets shall have an exterior finish compatible with the natural environment surrounding the site. The site shall be kept landscaped and be aesthetically pleasing to the surrounding area.
- B.** Communication Towers shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting must be included as part of the application to install, build, or modify the antennas or support structure. Equipment Shelters and Cabinets may have lighting only as approved by the Planning and Zoning Commission as part of the Conditional Use Permit.
- C.** All obsolete and unusable Communications Towers must be removed within nine (9) months of service being discontinued. The applicant shall, as part of the application, submit an executed agreement between the property owner and the Communications Tower owner to ensure compliance with this requirement.
- D.** Communications Towers may not be used for advertising purposes.
- E.** No encroachment onto an existing sewage system.
- F.** Full compliance with the Floodplain Management Ordinance 2009-01.
- G.** Vehicle or outdoor storage on any support structure site is prohibited. On site parking for periodic maintenance and service shall be provided at all support structure locations.
- H.** Communication towers shall be erected according to design specifications as required by Federal Regulations in effect at the time of application except as otherwise provided by these regulations.

Section 11.5: LOCATION

- A.** Communications Towers must meet a setback from the property line in all directions determined by measuring the highest point of the structure plus twenty five (25) percent.

- B.** The distance between Communications Towers shall be determined by service availability.

Section 11.6: SHARED USE

An antenna which is to be attached to an existing tower may be approved by the Planning and Zoning Administrator. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers. Co users are required to apply for a Shared use Permit to add an antenna or microwave to an existing Communications Tower.

The following provisions shall govern the issuance of shared use permits for antennas by the Planning and Zoning Administrator:

1. A notarized affidavit from the owner of the tower allowing the co location of the antenna must be submitted.
2. A detailed site plan must be submitted at the time of application. To the extent applicable, the additional antenna shall comply with the provisions of Section 11.4A of the Zoning Order of Warren County. (Section 11.4A-The design of the Telecommunications Facility shall maximize the use of building materials, colors, textures, screening, and landscaping that effectively blend the proposed facility within the surrounding natural seeing and environment. All Communications Towers, Equipment Shelters, and cabinets shall have an exterior finish compatible with the natural environment surrounding the site. The site shall be kept landscaped and be aesthetically pleasing to the surrounding area.)
3. Certification that antenna placement will not enact additional requirements by the FCC/FAA. If antenna placement on an existing structure enacts other changes of said tower under FCC/FAA requirements, the Shared Use Permit will not be issued. The antenna must comply with all applicable FCC/FAA requirements.
4. Certification from a licensed professional engineer which states tower, with additional antennas, will be in compliance with Section 11.4.
5. Any information of an engineering nature submitted by the applicants, whether civil, mechanical, structural, or electrical, shall be certified by a licensed professional engineer.
6. An applicant for a Shared Use Permit shall submit the information described in the section and a non-refundable fee as established by the County Commission for the costs of reviewing the applications.
7. A Shared use Permit will not be issued on a tower that does not already have a Conditional Use Permit.
8. In granting a Shared Use Permit, the Planning and Zoning Administrator may impose conditions to the extent it is concluded such conditions are necessary to minimize any adverse effect of the proposed antenna on adjoining properties.

Section 11.7: PLANNING AND ZONING COMMISSION FINDINGS

The Planning and Zoning Commission shall conduct all hearings make written findings consistent with this Article, and issue its final recommendations within 120 days of the initial application

being made unless additional time is mutually agreed upon by the applicant and the Planning and Zoning administrator.

A. For approval, the written report shall include a specific finding for each of the following:

1. That application, as provided, is complete. If the initial application was not complete, within 30 days of filing the Planning and Zoning administrator apprised the applicant of such within 30 days of submission failure to do so is a finding that the application is complete.
2. A collocation analysis was provided to confirm that such a study was conducted by the applicant.
3. That the community impact of the project is not wholly inconsistent with environmental, financial, or aesthetic nature of the surrounding area.

Revised 1/15

ARTICLE XII: BILLBOARDS AND SIGNS

Section 12.1: INTENT AND PURPOSE

The purpose of the regulation of billboards and signs in Warren County is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and non-discriminatory standards and requirements. Specifically, this Article is intended primarily to allow for the identification of places of commerce; secondarily, for the communication of public and commercial information necessary for efficient and safe traffic movement; to protect the public from the dangers of unsafe signs; to lessen hazardous situations, confusion and visual clutter caused by a proliferation of signs competing for the attention of pedestrian and vehicular traffic; and to enhance the attractiveness and economic well being of Warren County.

Section 12.2: DEFINITIONS

Billboard. An outdoor Off Premise Sign larger than seventy two (72) square feet designed, intended or used to advertise or inform, any part of the advertising or information contents which is visible from any point of the right-of-way of the primary Highway System, and is located at least six hundred sixty (660) feet from any point of the right-of-way of the Primary Highway System.

Church Bulletin Board. A sign attached to the exterior of a church or located elsewhere on the church premises and used to indicate the services and/or other activities of the church including the church name.

Electronic Message Board Sign. An electronic message board sign is a sign or portion thereof with a fixed or changing message composed of a series of lights that may change through electronic means and may incorporate LED or other lighting methods excluding signs displaying time and temperature only.

Marquee. Any permanent structure supported entirely by the building and which projects from the wall of a building.

Primary Highway System. That portion of the highways of this State officially designated by the Missouri Highways and Transportation Commission as being in the Primary Highway System as authorized by the Constitution and laws of Missouri. The highways recognized by the State in Warren County are Interstate 70 and Highway 47.

Secondary Roads. All roads not recognized by the State as a portion of the Primary Highway System.

Sign. A device, structure, or part of a structure, including structural trim, which displays, or upon which is displayed, any colors, message, name or symbol of any kind for the purpose of advertising, announcing, directing or attracting attention from the outside of a building which is visible from a State, County or Private Road. Sign supports are not a part of the sign.

Sign, Banner. A sign, typically temporary in nature, used to advertise special events.

Sign, Off Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, On Premises. A sign located on a parcel of non-residential property advertising a business which is also located on the same parcel of property.

State Regulated Billboard. An outdoor sign designed, intended or used to advertise or inform any part of the advertising or information contents of which is visible from any point of the right-of-way of the Primary Highway system, and is located within six hundred sixty (660) feet from any point of the right-of-way of the Primary highway System.

Section 12.3: BILLBOARD AND SIGN PERMITS

- A. Signs.** It shall be unlawful for any person to erect, alter, move, replace, or otherwise structurally change any sign in Warren County without first contacting the Planning and Zoning office. On Premise signs will require a zoning permit unless it has lights or is digital. If it has lights or is digital it will need a Conditional use Permit. Off Premise signs will require a Conditional Use Permit as provided in Sections 9.4-9.6 of the Zoning order of Warren County. Both on and off premise sign applications shall be submitted to the Planning and Zoning Administrator and shall be accompanied by a set of plans that show the size and shape of the sign, the location of the proposed sign, the materials used to construct, if applicable, to support or light the sign or attach it to a building. The Planning and Zoning Administrator shall maintain a record of all sign permits issued.
- B. State Regulated Billboards.** All Billboards shall conform to current MoDot standards. After obtaining the appropriate permits from MoDot, a structure permit must be obtained through the Planning and Zoning Office. An application for a permit shall be submitted to the Planning and Zoning Administrator and shall be accompanied by a State permit issued pursuant to RSMO 226.530. Warren County shall issued a permit upon receipt of a valid State permit under RSMO 226.530. The Planning and Zoning Administrator shall maintain a record of all State Regulated Billboard permits issued.
- C.** No billboards are permitted on secondary roads.

Section 12.4: GENERAL PROVISIONS

- A. Scope.** The provision of this Section shall apply to all signs in Warren County unless a sign is specifically exempted by Section 12.5 of this Order. In case of a conflict between the provisions of this Section and other applicable provisions, the more restrictive shall govern.

B. Maintenance and Safety.

1. All signs and related support structures shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked surfaces, and broken or missing letters.
2. All signs and related support structures shall be maintained in a safe, clean and attractive condition. Whenever the Planning and Zoning Administrator determines that a sign or related support structure has become structurally unsafe or endangers life or property or is not being maintained in good repair, a notice shall be sent to the owner or person in charge of the sign. The owner or person in charge of the sign shall have ten (10) days from receipt of such notice in which to comply.

C. Non Conforming Signs.

1. No new or existing sign may be constructed, altered in structure, relocated, or replaced after the effective date of this Order, unless it conforms to all the provisions of this Order and a Conditional Use Permit or Zoning Permit has been issued, or unless it is specifically exempted from the provisions of this Order. Nothing in this Section shall relieve the owner or user of a non conforming sign from the provisions of this Article regarding safety, maintenance, and repair of signs specified in Section 12.4B-Maintenance and Safety.
2. Any non conforming sign damaged to the extent of more than sixty percent (60%) of its reconstruction value, exclusive of the foundations, at the time of damage by fire, explosion, war, riot or Act of God, shall not be restored or reconstructed as before such happening.
3. The procedure for the notification and administration of these non conforming provisions shall be established by the Planning and Zoning Administrator.

D. Prohibited and Illegal Signs The following types of Billboards and Signs are specifically prohibited in the County:

1. Signs visible from a public right-of-way that imitate, blend or conflict with, or that may be confused with traffic signals and signs. Such signs shall include, but not be limited to, signs that are imitations of "Stop" signs, contain the words "stop", "go", "caution", "danger" or "warning".
2. Signs that are of a size, location, movement or illumination as may be confused with or construed as a traffic control device or which might obstruct from view any traffic or street sign or signal.
3. Signs that advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located. Such signs shall be removed within thirty (30) days of written notification to the owner.
4. Signs on public land except those erected at the direction of or with the permission of an appropriate public authority.

5. Illuminated signs, other than as specified in Section 12.6.
6. Unkempt or unsightly signs, including those that are not securely affixed to the ground or other supporting structure and those that are not constructed or lettered to a professional quality.
7. Billboards, except as provided in Section 12.7.

Section 12.5 : EXEMPTED SIGNS

The provisions and regulations of this Article shall not apply to the following signs:

- A.** Governmental and official signs including but not limited to, the following:
 1. Public notices and official notices posted or authorized by government officials in the performance of their duties.
 2. Signs for the control or direction of traffic and other appropriate public purposes.
- B.** "No Parking" and "No Trespassing" signs.
- C.** Identification signs not exceeding four (4) square feet in sign area.
- D.** Real Estate "For Sale" signs.

Section 12.6: ILLUMINATED SIGNS

The following requirements shall apply to illuminated signs:

- A.** The light from any illuminated sign shall be so shaded, shielded and/or directed in such a manner that the light intensity or brightness will not be a substantial nuisance to the residents or occupants of surrounding areas.
- B.** No sign shall have blinking, flashing, or fluttering lights or other illuminating device of variable light intensity, brightness, or color. Illuminated signs, which indicate the time, temperature, and weather shall not be considered a flashing sign. Digital signs shall have a minimum ten (10) second delay.
- C.** No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- D.** Direct or reflected light from the electronic message board sign shall not create a traffic hazard to operators of motor vehicles or create glares effecting residential properties. All electronic message board signs shall be required to have an automatic dimmer control and shall be programmed to meet the requirements of Section 12.6B.
- E.** External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided that the light source is directed upon the face of the billboard or sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main travel way of the road and lights are not of such intensity so as to cause a glare, impair the vision of the driver of a motor vehicle or impair the operation of a motor vehicle.

Section 12.7: SIZE OF SIGNS

- A.** No signs located on a secondary road shall be larger than seventy one (71) square feet.
- B.** No on premise signs can be larger than seventy one (71) square feet.
- C.** No sign located on a secondary road shall exceed twelve (12) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping or berming.
- D.** The total maximum size limitation shall apply to each side of a sign structure. Signs may not be stacked unless they are in Industrial Zoning Districts.

Section 12.8: LOCATION REGULATIONS

- A.** Billboard size and location shall conform to MoDot standards.
- B.** No sign shall be allowed within a minimum of three hundred (300) feet of any secondary road interchanges.

Section 12.9: SEASONAL, TEMPORARY AND POLITICAL SIGNS

- A.** Political signs may be erected sixty (60) days prior to a political event. Unsuccessful primary candidates must remove the signs within ten (10) days after the primary elections.
- B.** Seasonal signs may be erected sixty (60) days prior to the particular event and must be removed ten (10) days after the particular event.
- C.** Temporary signs pertaining to special events may be displayed provided that such signs are not displayed for longer thirty (30) days. A business may display temporary signs for not longer than thirty (30) days. Such signs shall be posted with the permission of the property owner.

Section 12.10: ENFORCEMENT AND REMOVAL

- A. Sign Code Violations and Enforcement:** Signs which are not in compliance with all the provisions of this Article are declared to be unlawful. The County, through the Planning and Zoning Administrator, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provision of this Article, or against the erector, owner or user of an unlawful sign, or the owner of property on which an unlawful sign is located shall be subject to the penalties set forth in the Zoning Order of Warren County.
- B. Removal of Unlawful Signs:** Any unlawful sign which has not been removed within thirty (30) days after conviction of violation or imposition of civil penalty may be removed by the County and the costs charged to the violator. If removal costs have not been paid and the sign not reclaimed within thirty (30) days of its removal by the County, the County may sell or otherwise dispose of the sign and apply the proceeds toward the costs of removal. Any proceeds in excess of costs shall be paid to the owner of the sign.

- C. Signs which the Planning and Zoning Administrator finds upon public streets, sidewalks, rights-of-way or other public property, or which because of location presents an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the Planning and Zoning Administrator without prior notice.

Section 12.11: SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this Order is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE XIII: JURISDICTION AND ADMINISTRATIVE MECHANISMS

Section 13.1: APPOINTMENT AND TERMS OF PLANNING AND ZONING COMMISSION MEMBERS AND DUTIES

- A. The Planning and Zoning Commission, previously established by the County Commission, pursuant to Chapter 64.805 and 64.860 RSMo, does and shall consist of one resident appointed by the County Commission from the unincorporated part of each township of the County (the "appointed members"). The term of each appointed member shall be four (4) years or until his successor takes office. The term of the other members shall be for the duration of their tenure of their office positions.
- B. The Planning and Zoning Commission shall elect its chairman and other officers annually, and shall have authority from time to time to adopt rules of procedure for the transaction of its business and to employ such assistants and technical advisors as it considers necessary within the limits of its budget appropriations.
- C. The Planning and Zoning Commission shall have the following powers and duties:
 - 1. To prepare and submit to the County Commission for its approval a Master Plan for the physical development of the County and recommend amendments of said plan from time to time as it deems in the County's best interest;
 - 2. To prepare, adopt and recommend to the County Commission for enactment a Zoning Order with such regulations as to the location, height, width, and bulk of buildings and other structures, and land as it shall determine to be necessary or desirable for the promotion of the health, safety, and general welfare of the inhabitants of the County;
 - 3. To hear applications for amendments, modifications, or revisions of this Order or any part thereof, in the manner prescribed herein;

4. To consider all requests for conditional use permits, rezoning, and subdivision approvals in the manner prescribed herein;
 5. To make recommendations to the County Commission on its own initiative or upon the request of the County Commission to amend, supplement, change or repeal this Order or any part thereof;
 6. To initiate from time to time a comprehensive review of the provisions of this Order and to make written reports of its findings and recommendations to the County Commission.
- D.** A quorum for the Planning and Zoning Commission shall consist of a majority of the membership, excluding any vacant seats, a minimum of five (5). A quorum is necessary for the Planning and Zoning Commission to take official action.
- E.** All actions of the Planning and Zoning Commission shall be taken by majority vote, a quorum being present.
- F.** A roll call vote on any matter before the Planning and Zoning Commission shall be taken upon the request of any member of the Planning and Zoning Commission.
- G.** A member shall excuse himself from the proceedings on a particular issue if said member has a direct financial or personal interest in the proceedings.

**Section 13.2: APPOINTMENT AND TERMS OF BOARD OF ZONING
ADJUSTMENT MEMBERS AND DUTIES**

- A.** A Board of Zoning Adjustment (the "Board") has previously been established pursuant to Chapter 64.870 RSMo. The Board shall consist of five (5) residents of Warren County, not more than two (2) of whom shall be residents of the incorporated areas of the County, and not more than one (1) of whom may be a member of the Planning and Zoning Commission. The membership of the first Board appointed shall serve respectively: one for one (1) year, one for two (2) years, one for three (3) years, and two for four (4) years. Thereafter, members shall be appointed for terms of four (4) years each. Members shall be removable and vacancies shall be filled in accordance with Chapter 64.870 RSMo.
- B.** The Board shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of the Order. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Board and shall be a public record.
- C.** Appeals to the Board may be taken by any owner, lessee or tenant of land, or by any public officer, Department, Board or Bureau affected by any decision of the Planning and Zoning Administrator. An appeal shall be made within a period of not more than three (3) months following the action appealed from, and shall be made in the manner provided by

the rules of the Board. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planning and Zoning Administrator shall certify to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

D. The Board shall have the following powers, and it shall be its duty:

1. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by the Planning and Zoning Administrator in the enforcement of the zoning provisions of the Order:
2. To hear and decide all matters referred to it on which it is required to make a determination under this Order;
3. Where, by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision contained in the Order would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship on, the owner of such property as an unreasonable deprivation of use as distinguished from the mere granting of a privilege, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Master Plan and the Order.

E. The Board shall fix a reasonable time for the hearing of an appeal and give public notice thereof by publication at least one (1) time in a local newspaper of general circulation not less than fifteen (15) days prior to said hearing. The Board shall also give not less than fifteen (15) days notice thereof by US Mail to the owners of any real property within one thousand (1,000) feet of the lot which is the subject of the appeal. The petitioner shall provide the names and addresses of the owners of the property within one thousand (1,000) feet as shown in the tax records of the County and shall pay the costs of publication and mailing.

F. In no case shall the Board issue a variance or an order permitting a use to be placed in a district in which such use is not permitted. In no case shall the Board decide an appeal from a legislative action of the County Commission or the denial of or the conditions or restrictions placed on a conditional use permit by the County Commission. The concurring vote of four (4) members of the Board shall be necessary to effect a decision. In all cases, the spirit and intent of this order shall be observed, the welfare of

the public upheld, and substantial justice done. The Board shall render its decision within forty-five (45) days following a hearing on any appeal and the appellant and the Planning and Zoning Administrator shall be notified in writing of the decision of the Board.

- G.** In exercising of the above mentioned powers, the Board may, in conformity with the provisions of this order, reverse or affirm, wholly or partly, or modify the Order, requirement, decision or determination appealed from, and to that end shall have all the powers of the Planning and Zoning Administrator.
- H.** A quorum for the Board shall consist of a majority of the membership, excluding any vacant seats, a minimum of three (3). A quorum is necessary for the Board to take official action.
- I.** All actions of the Board shall be taken by majority vote, a quorum being present, which shall be necessary to reverse any order, requirement, decision or determination of the Planning and Zoning Administrator or to decide in favor of the applicant any matter upon which the Board is required to pass or to grant any variance.
- J.** A member shall excuse himself from the proceedings on a particular issue if said member has a direct financial or personal interest in the proceedings.

Section 13.3: APPOINTMENT OF THE PLANNING AND ZONING ADMINISTRATOR

- A.** A Planning and Zoning Administrator shall, pursuant to Chapter 64.865 RSMo be appointed by the County Commission to enforce the provisions of the Order.
- B.** The Planning and Zoning Administrator shall receive applications required by the Order and issue zoning permits. The Planning and Zoning Administrator shall issue conditional use permits, after approval of the applications by the Planning and Zoning Commission. The Planning and Zoning Administrator may have the authority to examine the premises for which permits have been requested and issued, and may make necessary inspections to assure compliance with all of the provisions of the Order. The Planning and Zoning Administrator may, when request by the Planning and Zoning Commission and/or the County Commission or when the interests of the County so require, make investigations in connection with matters referred to in the Order and render written reports on the same. For the purpose of enforcing compliance with the Order, the Planning and Zoning Administrator shall issue such notices or orders as may be necessary, including "Stop Work" orders in the case of unauthorized development.

The Planning and Zoning Administrator shall keep careful and comprehensive records of applications, of permits issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during normal business hours or by special appointment.

ARTICLE XIV: ENFORCEMENT AND REVIEW

Section 14.1: COMPLAINTS REGARDING VIOLATIONS

Whenever the Planning and Zoning Administrator receives a written, signed complaint alleging a violation of the Order or permit granted or plat approved pursuant to the Order, the office shall investigate the complaint to the extent deemed necessary by said official, take whatever action is warranted, and inform the complainant, in writing, what actions have been or will be taken.

Section 14.2: PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 14.3: PROCEDURES UPON DISCOVERY OF VIOLATIONS

- A. If the Planning and Zoning Administrator finds that any provision of the Order or permit granted or approval granted pursuant to the Order is being violated, the Planning & Zoning Administrator shall send a certified written notice to the person responsible for such violation, indicating the nature of the violation and ordering the necessary corrective action. Additional written notices may be sent at the Planning and Zoning Administrator's discretion. For the purpose of enforcing compliance with these regulations, the Planning and Zoning Administrator shall issue such notices or orders as may be necessary.
- B. The final written notice (and the initial notice may be the final notice) shall state what action the Planning and Zoning Administrator intends to take if the violation is not corrected.
- C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of these regulations or pose a danger to the public health, safety, or welfare,

the Planning and Zoning Administrator may seek enforcement without prior notice by invoking any of the penalties or remedies authorized in Section 14.4.

Section 14.4: PENALTIES AND REMEDIES FOR VIOLATIONS

- A. In accordance with and by virtue of the provisions of Chapter 64.895 RSMo, any owner, lessee, lessor, or tenant of land located within any unincorporated area covered or affected by the provisions of these regulations, who violates any of the provisions hereof shall be guilty of a Class A misdemeanor. Upon conviction of same, any said party shall be punished by virtue of Chapters 557.021, 560.016, and 560.021 RSMo regulating fines and imprisonment of anyone convicted of a Class A misdemeanor.
- B. Any act constituting a violation of the provisions of these regulations or a failure to comply with its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional use permits, shall also subject the offender(s) to the penalties set forth herein.
- C. These regulations may also be enforced by any appropriate civil action, including injunctions.
- D. Each day a violation continues may be deemed a separate offense.
- E. Any one, all, or any combination of the foregoing may be used to enforce the provisions of these regulations.

Section 14.5: PERMIT NONCOMPLIANCE ACTIONS

Any permit may be revoked (in accordance with the provisions of this Section) if the recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of the Order, or any additional conditions or requirements imposed by the issuing authority.

ARTICLE XV: INTERPRETATION, VALIDITY AND REPEAL

Section 15.1: INTERPRETATION

In interpreting and applying the provisions of the Order, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort or general welfare. It is not intended by the Order to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or any statute, local ordinance or regulation, except that if the Order imposes a greater restriction or higher standard than such other statute, ordinance or regulation, then, pursuant to RSMo. §64.880, the Order shall control.

Section 15.2: VALIDITY

If any section, subsection, sentence, clause, or phrase of the Order is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Order.

Section 15.3: REPEAL

All orders or regulations of the County or parts thereof in conflict with any of the provisions of the Order are hereby repealed insofar as the same are in conflict with the provisions hereof.

APPENDIX A
MOBILE HOME PARK AND RECREATIONAL VEHICLE (RV) PARK REGULATIONS

Section I: PURPOSE

The purpose of this section is to provide controls for the development of mobile home and recreational vehicle parks for the health, safety and welfare of the occupants of these areas.

Section II: REGULATIONS

- A.** A "permanent community section" refers to an area within a mobile home park, which permits a mobile home to be located on a mobile home unit of space for a period of more than fifteen (15) days duration. A "temporary community section" refers to an RV park or an area within a mobile home park, which permits a mobile home or RV to be located on a unit of space for a period of less than fifteen (15) days duration. As used in reference to mobile home parks, "lot" shall refer to an un-subdivided mobile home site, and also to individual tracts within a mobile home subdivision.
- B.** A mobile home or RV park may be only located in zoning districts which allow such uses as defined in Article II of the Zoning Order, providing that its location does not conflict with the Master Plan of Warren County and provided further that the location, design layout and management conforms to the requirements of the Order. Procedures for the design and approval of mobile home parks shall be the same as required for subdivisions.
- C.** The condition of soil, ground water level, drainage and topography in a mobile home or RV park shall not create hazards to the real or personal property or the health or safety of the occupants or that of the adjoining owners.
- D.** The site of a mobile home or RV park shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion shall be subject to unpredictable and/or sudden flooding, subsidence or erosion or shall be used for any purpose which would expose persons or property to hazards.

- E.** Each mobile home park shall provide an area of not less than ten (10) acres. Mobile home parks are un-subdivided developments. However, in the case of the division of any parcel, which contains an existing mobile home park, the lot which eventually contains the park may be less than ten (10) acres; such park shall never be expanded. However, if the parcel has not been subdivided, then expansion may be permitted with a Conditional Use Permit. No park shall be permitted a maximum density of more than five (5) lots per acre. Each lot shall contain a minimum of 6500 square feet, and in no case shall any lot width (measured at the front building setback line) be less than fifty (50) feet. All mobile home parks shall provided lots sufficient in size that no mobile home or any structure, addition, or appurtenance thereto is located less than ten (10) feet from the nearest adjacent lot boundary.
- F.** Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated.
- G.** Mobile Home and RV Parks shall be surrounded by a landscaped strip of open space not less than fifty (50) feet wide along the public road or highway and fifty (50) feet wide along all other property lines or street frontage.
- H.** Site planning should adapt to individual site conditions and type of market to be served. Further, site planning shall reflect advances in site planning techniques, and be adaptable to the trends in design of the mobile home or RV itself. An informal park type of site planning, which conforms to terrain, existing trees and shrubs and rock formations shall be utilized. Adoption of a stylized pattern shall be avoided. Site planning and improvements shall provide for:
1. Facilities and amenities appropriate to the needs of the occupants;
 2. Safe, comfortable and sanitary use by the occupants under all weather conditions
 3. Practical and efficient operation and maintenance of all facilities at reasonable costs
- I.** The site, including mobile home pads, patios, structures, and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the parcel, and the shape, size, and position of structures and common facilities and with full regard to use, appearance and livability. Special attention should be given to new mobile home designs and the common appurtenances that are available.
- J.** Adequate protection shall be provided against any undesirable off-site views or any adverse influence from adjoining streets and areas.
- K.** Exposed ground surfaces in all parts of every Mobile Home and RV park shall be paved or covered with stone screening, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- L.** The ground surface in all parts of every Mobile Home and RV park shall be graded and equipped to drain all surface water in a safe and efficient manner.

- M.** No part of any Mobile Home or RV park shall be used for non-residential purpose, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.
- N.** Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home pad and connected to pertinent utilities.
- O.** In all parks accommodating or designed to accommodate twenty five (25) or more mobile homes or RVs, there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation areas shall be based upon a minimum of 150 square feet for each lot or site. No outdoor recreation area shall contain less than 3750 square feet.
- P.** All Mobile Home and RV parks 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 park and such adjacent non-residential uses.
- Q.** All mobile homes and recreational vehicles shall be set back no less than 150 feet from a sewage lagoon, drain field, or from a sewage disposal facility, located within the park.
- R.** All parks shall be provided with safe and convenient vehicular access from abutting public streets or roads other than alleys.
- S.** Car parking spaces shall be provided at the rate of at least two (2) car spaces for each mobile home lot to provide for guest parking, for two car tenants, and for delivery and service vehicles. A space shall have a minimum area of nine (9) feet by twenty (20) feet.
- T.** All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
1. All parts of the street system; 0.6 foot candle, with a minimum of 0.1 foot candle.
 2. Potentially hazardous locations, such as collector and sub-collector street intersections, mobile home park entrances, and sidewalk steps or stepped ramps shall be individually illuminated, with a minimum of 0.3 foot candle.
- U.** All streets shall be paved and shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.
- V.** Grades of all streets shall be sufficient to insure adequate surface drainage; runs with a maximum grade of ten (10) percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of later curves.
- W.** Within 100 feet of an intersection streets shall be at approximately right angles. Intersections of more than two streets at one point shall be avoided.

- X.** Convenient access shall be provided to each mobile home or RV pad by means of an access way reserved for maneuvering the mobile home or RV into position. Access ways shall be kept free from trees and other immovable obstructions. Access to mobile home pads shall not be permitted from any public road or highway.
- Y.** Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and for delivery and collection points for fuel, refuse, and other material, and elsewhere as needed.
- Z.** All parks shall be provided with safe, convenient, all season pedestrian walks. Such walks shall have a minimum width of two and one half (2.5) feet. Sudden changes in alignment and gradient shall be avoided. Lighting of not less than 3300 lumens illumination with standards spaced not more than 200 feet apart, or approve equivalent, shall be provided.
- AA.** 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 three and one half (3.5) feet.
- BB.** All mobile home and RV pads shall be connected to common walks, to paved streets or to paved driveways of parking spaces connecting to a paved street, by sidewalks, which shall have a minimum width of two (2) feet.
- CC.** The area of the mobile home and RV pads shall be improved to provide adequate support for the placement and tie down of the mobile home or RV thereby securing the superstructure against uplift, sliding, rotation and overturning.
- DD.** Each unit or space shall be provided with a foundation. Each unit must conform to manufacturer's set up standards, per RSMO Chapter 700.
- EE.** The pad shall not heave, shift or settle unevenly under the weight of the mobile home or RV due to frost action, inadequate drainage, vibration or other forces acting on the structure.
- FF.** All mobile homes and RVs, at the time of installation, shall be provided with anchors and tie downs, such as cast-in-place concrete "dead men" eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home or RV to meet the minimum standards of the State of Missouri.
- GG.** 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.
- HH.** An accessible, adequate, safe and potable supply of water shall be provided in each Mobile Home and RV park. 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 satisfactory public supply is not available, a private water supply system may be developed and used as approved by the State of Missouri or other agency having jurisdiction over such matters.

- II.** An adequate and safe sewage system shall be provided in all mobile home and RV parks for conveying and disposing of all sewage. Such systems shall be designed, constructed and maintained in accordance with state and local agencies having jurisdiction.
- JJ.** Zoning district setbacks shall apply.
- KK.** If the land to be used for a proposed development is located, with wholly or partially within a Special Flood Hazard Area, as defined under Article 8 of the Floodplain management Ordinance, the developer, land owner, or any other individual or entity responsible for such proposed development, shall have performed and prepared an analysis certified by a Professional Engineer, and such analysis shall contain the base flood elevation, as well as any other required or otherwise relevant information to such proposed development. Such analysis shall be completed and submitted to the Planning and Zoning Administrator ten (10) business days prior to meeting with the Planning and Zoning Commission for a preliminary plat approval.

Section III: SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES

- A.** The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities when provided, such as:
 - 1. Management offices, repair shops and storage areas
 - 2. Sanitary facilities
 - 3. Laundry facilities
 - 4. Indoor recreation buildings
 - 5. Commercial uses supplying essential goods or services for the exclusive use of park occupants
- B.** All portions of the structure shall be properly 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.
- C.** All rooms containing sanitary or laundry facilities shall:
 - 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, non absorbent, waterproof material or covered with moisture resistant material.
 - 2. Have at least one 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.

3. Have at least one window, which can easily be opened or a mechanical device, which will adequately ventilate the room.
- D.** 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.
- E.** Illumination levels shall be maintained as follows:
1. General seeing tasks-minimum five foot candles
 2. Laundry room work area-minimum forty foot candles
 3. Toilet room, in front of mirror-minimum forty foot candles
- F.** 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.
- G.** Cooking shelters, barbecue pits, fireplaces, wood burning stoves and incinerators shall be so 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.
- H.** The storage, collection and disposal of refuse in the mobile home and RV park shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazards or air pollution.
- I.** All refuse shall be stored in airtight, watertight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- J.** 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 the m.
- K.** All refuse containing household garbage shall be collected at least weekly. Where suitable collection service is not available from municipal or private agencies, the park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers to licensed disposal facilities.
- L.** 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 with the requirements of the State of Missouri and any agency having jurisdiction over such matters.

- M.** Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- N.** Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one (1) foot above the ground.
- O.** Where 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.
- P.** The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks 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.
- Q.** Natural gas piping systems shall be installed and maintained in accordance with the latest editions of the National Fuel and Gas Code, NFPA 54 (or its successor) governing such systems. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlets shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- R.** Liquefied petroleum gas systems shall be installed and maintained in accordance with the latest edition of the Liquefied Petroleum Gas Code, NFPA 58 (or its successor) governing such systems. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- S.** All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
- T.** Liquefied petroleum gas containers installed on a mobile home lot shall be securely, but not permanently, fastened to prevent accidental overturning.
- U.** No liquefied petroleum gas vessel over twenty (20) pounds shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the State of Missouri or any agency having jurisdiction over such matters.

Section IV: FIRE PROTECTION IN MOBILE HOME AND RV PARKS

- A.** Portable fire extinguishers rated for Classes A and B shall be conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2.5 pounds.

- B.** Fires shall be made only in stoves, fireplaces, incinerators and other equipment intended for such purposes.

Section V: RESPONSIBILITIES OF MOBILE HOME AND RV PARK MANAGEMENT

- A.** The person to whom a Conditional Use Permit for a mobile home or RV park is issued shall operate the park in compliance with these regulations and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B.** The park management shall notify park occupants of all applicable provisions of this Order and inform them of their duties and responsibilities under this Order.
- C.** The park management shall supervise and be responsible for the placement of each mobile home or RV on its pad, which includes securing its stability and install all utility connections.
- D.** The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
- E.** The park management shall notify the County health Services immediately of any suspected communicable or contagious disease within the park.
- F.** All mobile homes shall be installed and meet the standards required by Chapter 700, RSMO.
- G.** Park management shall ensure each park occupant obtains the necessary permits, as required by this Article, prior to placing a mobile home in the park. Park management shall further ensure each permit is kept in good standing and in accordance with this Article.
- H.** Mobile home and RV parks shall be kept free of litter, rubbish and other flammable materials. Owners of the mobile home shall have working smoke detectors and carbon monoxide detector.

Section VI: RESPONSIBILITIES OF PARK OCCUPANTS

- A.** The park occupants shall comply with all applicable requirements of these regulations and shall maintain their mobile home or RV lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- B.** Skirting shall be installed by the unit owner on each mobile home, porches. Awnings and other additions may be installed, if permitted and approved by the park management and appropriate permits are obtained from County Planning and Zoning. When installed, these additions shall be maintained in good repair. The space immediately underneath a mobile home shall be used for

storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

1. The storage area shall be provided with a base of impervious material.
 2. Stored items shall be located so as not to interfere with the inspection of the undercarriage of the mobile home.
 3. The storage area shall be enclosed by skirting.
 4. No combustible or flammable materials shall be permitted to be stored.
- C.** The park 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.
- D.** All mobile homes located in parks subject to these regulations shall be equipped with at least one working smoke detector and carbon monoxide detector.

APPENDIX B

SUBDIVISION REGULATIONS

PART 1-SCOPE AND PURPOSE

Section I: SCOPE AND LEGAL AUTHORITY

- A.** For the purpose of the present and future development of Warren County and to protect the public health and general welfare of persons living within the territory governed, the provisions and regulations hereinafter contained shall govern subdividers and the subdividing and platting of lands lying within Warren County.
- B.** The rules and regulations governing plats and subdivision of land contained herein shall apply within the County as permitted by Sections 64.800 through 64.905 RSMO. Except in the case of resubdivision, this Order shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder of Deeds prior to the original effective date of the Subdivision Regulations or subsequent amendments thereto, nor is it intended by this Order or repeal, to annul or in any way impair or interfere with existing provisions of other laws or orders except those specifically repealed by, or in conflict with this Order, or with restrictive covenants running with the land. Where this Order imposes a greater restriction by such existing provisions of law, order, contract or deed, the provisions of this Order shall control.

Section II: TITLE

This Order shall be known, referred to and cited as Warren County, Missouri Subdivision Regulations.

Section III: INTENT AND PURPOSE

This Order is intended for the purpose of providing adequate services and utilities and a desirable and attractive living environment through good subdivision design and the utilization of

development standards directed towards assuring reasonable costs for initial development and continuing maintenance, including the following:

- A.** The proper location and width of streets, building setback liens, open spaces, recreational areas and public lands;
- B.** The manner in which streets are to be designed, and the extent to which water, sewer, storm water and other utility services are to be provided.

Section IV: INTERPRETATION

This Order establishes minimum requirements to provide for coordinated, efficient and economic development of the County, to insure the adequacy of street and utility facilities and to promote the public health, safety and welfare. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

Section V: REPEAL OF CONFLICTING REGULATIONS

- A.** All regulations relating to subdivision previously adopted by the County Commission of Warren County, which are inconsistent with any provision of these Subdivision Regulations, are repealed to the extent of such inconsistency. An order or part of an order shall be deemed inconsistent with these Subdivision Regulations if it establishes a regulation or authorization, which is inconsistent with a regulation or authorization under the new provisions of these Subdivision Regulations.
- B.** The Subdivision Regulations adopted November 27, 1985, amended and restated August 1, 1994, are repealed; however, the prosecution, fine, or penalty for the violation of any provision of or amendment to these prior Subdivision Regulations shall not be abated by the enactment of this order and Regulations.

PART 2-DEFINITIONS

Section I: DEFINITIONS

- A. General Statement:** Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" the word "shall" is mandatory' the word "may" is permissive.
- B. Subdivision:** Division of a parcel of land into three (3) or more legal parcels for resale, rent, or lease to be used for single family and/or multi-family residences providing no illegal lot is created OR into any number of lots, tracts, sites, or parcels or any size in which a public or private street is to be dedicated, reserved, platted, opened or constructed.
- C. Definitions:** For purpose of this Order, the terms used herein are defined as follows:

ALLEY. A special type of street which provides a secondary means of access to lots.

AREA, GROSS. The entire area within the boundary lines of the proposed subdivision, including the area to be dedicated for street and alley right-of-way and public use.

AREA, LOT. The area of a lot shall not include adjacent streets and alleys.

AREA, NET. The entire area within the boundary lines of the proposed subdivision, less the area to be dedicated for street and alley right-of-way and public use.

BENCHMARK. A definite point of known elevation and location of more or less permanent character.

BLOCK. An area of land entirely bounded by streets, highways, or ways, (except alleys, pedestrian ways, or exterior boundaries of a subdivision, unless such exterior boundary is a street, highway or way) or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines.

BUFFER STRIP. An area established to protect one type of land use from the undesirable characteristics of another.

BUILDING. An enclosed structure, anchored to a permanent foundation and having exterior walls or party walls and a roof, designed for the shelter of persons, animals or property designed to be used as a place of occupancy, storage or shelter.

BUILDING SETBACK LINE. A line on a plat between which line and the street right-of-way no portion of the building may be erected, excluding landings, open balconies, roof overhangs, and utilities.

CENTRAL WASTEWATER COLLECTION AND TREATMENT SYSTEM. Any sewage system providing sewage treatment for more than one home connected to a common sewer line, common later line, or common treatment system regulated by the State of Missouri.

COMMON LAND. Land held in common ownership as established in a deed of restriction or covenant and available for the exclusive use of all the fee simple title land owners designated in said restriction or covenant.

CONDITIONAL USE. A use of land, a building or structure allowed in a zoning district only after approval is granted therefore by the Planning and Zoning Commission in accordance with the provisions of the Zoning Order.

COUNTY. Warren County, Missouri

COUNTY ENGINEER. A professional engineer designated by the County Commission to perform professional engineering services for the County or to provide such services on a consulting basis for the County.

of-

COUNTY ROAD. A term denoting land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the right-way. This land must be or have been a legally established public road as prescribed by law.

CUL-DE-SAC. A short residential access street having only one end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles.

DEAD END STREET. A street having only one end open for vehicular traffic.

DEPARTMENT OF NATURAL RESOURCES. Missouri Department of Natural Resources.

DESIGN. The arrangement of land for easements, lots and right-of-way; including materials, improvement, alignment, grade, and width of these elements.

DEVELOPER. A person who is responsible for any undertaking that requires a variance, PUD approval, or plat approval.

DEVELOPMENT PLAN (ALSO SITE PLAN). A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements as required by this Order.

DWELLING. A building, or portion thereof, designed and used exclusively for long term residential occupancy.

DWELLING-SINGLE FAMILY. A detached building arranged, intended, or designed for occupancy of one family.

DWELLING-TWO FAMILY. A residence designed for or occupied by two families with separate living quarters (duplex).

DWELLING-MULTI FAMILY. A dwelling for which three (3) or more families are in one structure intended or designed for row houses, apartments or hotels.

EASEMENT. A grant by a property owner to the public, a corporation, or a person of the use of land for a specifically designated purpose.

ENGINEER. A professional engineer in the State of Missouri.

FACILITY. Any building, structure, or use of open land for one or more particular purpose(s) or activity.

FAMILY. One or more persons living together as a single housekeeping unit.

FRONTAGE. The edge of a lot bordering a street.

GRADE. The slope of a surface specified in percent and shown on a surface profile plan as required herein.

HOUSE (ALSO HOME OR DWELLING). Unless otherwise specified, the term shall refer to a single family residence.

IMPROVEMENTS. Streets and street easements, sidewalks, pedestrian ways, curbs, guttering, water mains, gas mains, electric utilities, storage tanks, CATV, storm sewers, central sewer systems (including sewage treatment facilities), monuments, landscaping, street lights and other similar items.

IMPROVEMENT PLANS. The engineering plans showing types of materials and construction details for the improvements, excluding dwelling units, to be installed during development of the subdivision or mobile home or recreational vehicle park, prepared by a professional engineer.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A system for the collection and treatment of human, domestic, commercial and/or industrial wastes which is designed to serve all the buildings or structures located on the lot on which said system is constructed and which meets all the requirements, as the same may be amended from time to time, of the State of Missouri.

LAKE. A body of water, which has a year round surface area of one half acre or more.

LOT. Land whose boundaries have been established by some legal instrument such as recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to, or a lesser interest in, a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition and the interest thus obtained or the street so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

LOT, CORNER. A lot abutting upon two (2) or more streets or roadways at their intersection.

LOT, DEPTH. The mean horizontal distance from the front line of the lot to the rear lot line.

LOT, DOUBLE FRONTAGE. A lot having frontage on two (2) nonintersecting streets or roadways as distinguished from a corner lot.

LOT, FRONTAGE. The boundary line between a lot and the street right-of-way on which the lot fronts.

LOT LINES. The lines bounding a lot.

LOT LINE, FRONT. The boundary line between a lot and the street right-of-way.

LOT LINE, REAR. The lot boundary line, which is opposite and most distant from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front or rear line thereof. A side lot line may be a party lot line, a lot line bordering on an alley, or a lot line bordering on a side street.

LOT WIDTH. The horizontal distance between side lot lines, measured at the building setback line.

MAJOR SUBDIVISION. The creation of three (3) or more separate, legal R-1 or R-2 zoned parcels within a three (3) year period requires the installation of a central public water, central waste water collection and treatment system, and a binding road maintenance agreement.

MASTER PLAN. The Official master Plan of Unincorporated Warren County, Missouri or any portion thereof adopted by the County Commission for the coordinated physical development of Warren County, including among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings, schools, parks, forests, wildlife refuges, dams, and projects affecting the conservation of natural resources.

MINOR SUBDIVISION. Individual legal parcels, a minimum of three (3) acres which require an individual septic system, if a central waste water collection and treatment system is not available, and a binding road maintenance agreement.

MOBILE HOME. A building for residential use which is designed, engineered, at least partially assembled in a factory, towed to its site and which receives a title at the factory where it is manufactured. It is designed to be transported on its own chassis, used with or without a permanent foundation, and comes complete with wiring, plumbing, heating and one or more components that can be retracted for transportation purposes. Mobile homes may be used only as residences for human occupancy or for offices. All mobile homes shall be installed and meet the standards required by Chapter 700 RSMo.

MOBILE HOME PARK. A lot of ten (10) or more acres of land used or intended to be used, let leased, rented or sold for the sitting of three (3) or more mobile homes for residential use, where one or more of the mobile home sites is less than three (3) acres.

MANUFACTURED HOUSE. A home, which is designed, engineered, and at least partially assembled in a factory, but does not have chassis or wheels attached. This definition also applies to "pre-cut", "pre-fabricated", "component", "shell" and "panelized" housing.

NON RESIDENTIAL SUBDIVISION. Either or both of (a) a division or resubdivision of a tract into more than one lot, plat, parcel, or site for commercial or industrial purposes, and/or (b) the dedication or establishment of a street or improvement in conjunction with or used in any such tract. This includes community and public institutions and facilities.

ON-SITE SEPTIC SYSTEMS ORDER OF WARREN COUNTY. An order defining and governing the construction, modification, installation, and operation of on-site sewage treatment systems.

ON-SITE SEWAGE TREATMENT SYSTEM. Any constructed system or treatment facility handling or receiving sewage which discharges into a subsurface soil absorption system or lagoon not regulated by Chapter 644, RSMO and which treats less than three thousand (3,000) gallons per day.

OWNER. The person in whom is vested the ownership, dominion or title of property.

PARK. An area open to the general public, and reserved for recreation, educational, or scenic purposes.

PAVEMENT (ALSO PAVED). An all-weather, dust free, hard surface of asphalt, concrete or the like for travel or parking.

PERSON. An individual, trustee, executor, other fiduciary, corporation, firms, partnership, association, organization, or other entity acting as a unit.

PLANNED DEVELOPMENT. Any development which requires the approval by the Planning and Zoning Commission of a Development Plan or Site Plan.

PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission of Warren County.

PLANNED UNIT DEVELOPMENT. An unsubdivided development constructed on a single tract of at least fifty (50) acres in area, planned and developed as an integral unit, which may consist of single family detached or attached residences and multi-family residences and commercial and recreational facilities where the Planning and Zoning Commission has approved a site plan.

PLAT. A map, plan or layout of a subdivision indicating to scale the location and boundaries of individual properties.

PLAT, FINAL. A map of land to be subdivided prepared in form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

PLAT, PRELIMINARY. Preliminary engineering maps, drawings, or charts and supportive material indicating the proposed layout of a subdivision.

PRINCIPAL USE. The primary use or activity imposed or applied to land, or the structures thereon. Under no circumstances may there be more than one principal use on any one parcel at any one time, except in the case of planned unit developments.

PRIVATE. Affecting or belonging to private individuals, as distinct from the public generally. For the purposes of these regulations, this shall include tennis clubs and other similar facilities, which are open to members only.

PROFESSIONAL ENGINEER. A person authorized pursuant to the provisions of RSMO 327.011 to practice as a professional engineer in Missouri, as the practice of engineering is defined in RSMO 327.011.

PROFESSIONAL SURVEYOR. Any person authorized pursuant to the provisions of RSMO 327.011 to practice as a professional surveyor in Missouri, as the practice of land surveying is defined in RSMO 327.272.

PUBLIC. Affecting or belonging to the public generally, as distinct from private individuals. For the purposes of this Order, this shall include any facility, which is open to the general public, who need not own, have, or purchase a membership, in return for remuneration, profit, or livelihood.

PUBLIC WATER. Any water supply system furnishing potable water meeting the standards of the State of Missouri.

RECORD PLAT. That plat containing the signature of the Planning and Zoning Commission designate at the meeting during which the plat is approved and the following acknowledgements:

1. Land description includes numbering of lots(s) and name of subdivision;
2. Owner's certificate;
3. Surveyor's certificate;
4. Lending institution's certificate;
5. Notary's certificate;
6. The following statement: "This plat approved (date). Approval shall be invalid if not recorded in the Office of the Recorder of Deeds in Warren County within sixty (60) days of this date," which designates Final subdivision approval, and is recorded in the Office of the Recorder Of Deeds of Warren County.

RECREATIONAL FACILITY. Includes, but is not limited to, swimming pools, tennis courts, skating rinks, miniature golf courses, driving ranges and practice tees not connected with a golf course, firearms, or archery ranges, skeet ranges, sporting clay ranges, paintball facilities, and any facility designed for the discharge of weapons, health clubs and/or spas.

RECREATIONAL VEHICLE (TRAVEL OR CAMPING TRAILER). A vehicle with or without motive power so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of temporary human habitation by one or more persons. Such vehicle shall be customarily or ordinarily used as a place of temporary habitation. If any such vehicle is used in the County as a place of human habitation for more than ninety (90) days in any twelve (12) month period, it shall be classified as a manufactured (mobile) home.

RESIDENCE. A building designed and used primarily for long-term (usually single family) residential occupancy, hotels, motels, and bed and breakfast inns.

RESIDENTIAL DEVELOPMENT. The construction and/or placement of one or more residences on the land.

RIGHT-OF-WAY. The portion of a street or road, including shoulder, intended for vehicular usage (see STREET).

SETBACK LINE. The parallel to the front, side, or rear lot line establishing the minimum space of the front, side, or rear yard.

SEWAGE DISPOSAL FACILITIES. A general term, which includes the sewage disposal plant, lagoon, or septic tank as well as the absorption system, trenches, and/or absorption bed.

SIGN. Any device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them.

SLOPE AND/OR GRADE. The rate of deviation of the ground surface from the horizontal surface, usually expressed in percentages.

SOLID WASTE. Garbage, refuse, and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental, and domestic activities, but does not include overburden, rock, tailings, matte, slag, or other waste material resulting from mining, milling, or melting. The term "other waste material", as used in this definition, means inert solids insoluble in water.

STREET. A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it

shall also include such other designation for a street as: highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court, or as otherwise designated, but excludes alleys, or a way for pedestrian use only.

STREET, RESIDENTIAL ACCESS. A street which is intended to provide direct access to abutting residential lots. It is designed for a small volume of traffic at low speeds.

STREET, RESIDENTIAL SUBCOLLECTOR. A street whose principal function is to connect access streets to collector streets. Some lots may abut this type of street.

STRUCTURE. Anything erected, constructed, altered or repaired, the use of which requires a location on a parcel of land. The term "structure" shall include a movable building, while it is located on land, which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. The term "structure" shall also include, but not be limited to, buildings, sewer lines, water lines, privacy fences, billboards, in ground swimming pools, pipelines, transmission lines, communication towers and signs, whether located underground, as a separate structure or as a part of another structure.

SUBDIVIDER. Any person, firm, partnership, association, company, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision or mobile home park as herein defined. The term "subdivider" shall include any agent of any subdivider.

TRACT. A parcel of land as it exists according to the records of the Warren County Assessor, whether or not developers intend to subdivide and improve said parcel or to cause said parcel to be subdivided and improved, pursuant to the requirements of this Order.

USE. As utilized in this order, any functional, social, or technological activity, which is imposed or applied to land, or to structure on the land.

UNSUBDIVIDED DEVELOPMENT. Any planned development which contains more than one principal use.

UTILITY EASEMENT. An area on a plat and/or deed usually contained within the area lying between a lot boundary line and a setback line, dedicated for the use of public utilities.

YARD. An open space on a lot, other than a court, unoccupied by any structure and unobstructed from the ground upward, except as otherwise provided in the Order.

PART 3-GENERAL REQUIREMENTS

Section I: APPROVAL BY PLANNING AND ZONING COMMISSION AND COUNTY COMMISSION, PROTEST BY MUNICIPALITIES

- A.** No plat or subdivision of land in the unincorporated areas of Warren County shall be recorded in the office of the County Recorder of Deeds unless and until approved by the Planning and Zoning commission. If, however, such plat be amended or rejected by the Planning and Zoning Commission, or if the City Council or Board of Trustees of any municipality files with the Planning and Zoning Commission a certified copy of a resolution of such Council or Board protesting against, including reasons, the action of the Planning and Zoning Commission approving any such plat of land lying within one and one half miles of the limits of the incorporated area of such municipality, such approval shall be deemed overruled, and such plat may then be approved only by a unanimous vote of the County Commission and the reasons for the approval or failure to approve such plat shall be spread upon the records of the County Commission and certified to the Planning and Zoning Commission.
- B.** All plans, plats, or replats of land hereafter laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys or public ways intended to be deeded or dedicated for public use or for the use of purchasers or owners of the land fronting thereon or adjacent thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, shall be submitted to the Planning and Zoning Commission for its consideration and action, and no such plat or replat or dedication or deed or street or public right-of-way shall be filed with the County Recorder as provided by law until such plat or replat or dedication or deed shall have been endorsed thereon approved by the Planning and Zoning commission. If the Planning and Zoning Commission does not approve or disapprove the plat within 45 days of initial review by the Commission, it shall be deemed approved and the Commission shall certify such facts upon the plat. In case of disapproval, the Commission shall, within five (5) working days after its decision, inform the applicant in writing of the reasons for its actions.

Section II: EXCLUSIONS

- A.** The following divisions or real property shall **not** be considered subdivisions of land within the definitions set forth above:
1. Any division of real property which, when completed, creates no lot or tract that is less than forty (40) acres in size.
 2. Any division of real property to be completed for the purpose of settling a decedent's estate or dividing a decedent's property among his heirs at law or beneficiaries, provided no illegal lot is created.
 3. Any division of real property such that one portion of the real property is sold to the owner of the immediately adjacent property so that the transferred property becomes a part of the purchaser's existing ownership interest, provided no illegal lot is created.

4. Any division of real property or interest therein such that the current property owner is to convey a portion of an existing parcel to a political subdivision or public utility company for use as a right-of-way for railroads or other public utility facilities which does not involve any new streets, easements or access.
5. Any division of real property for a highway or other public purposes or grants or conveyances relating to the vacation of land impressed for public use.
6. Any conveyance made to correct a description of a prior conveyance.
7. Any division of real property involving a conveyance of agriculturally zoned land from the owner to an immediate family member solely for the purpose of constructing a residence on said property, provided that only one such transfer may be made to any one member; such transfer of land shall be documented and recorded in the Office of the Recorder of Deeds, and such land may not thereafter be retransferred or conveyed for a period of one year from the date of transfer to the recipient.

B. This regulation shall in no manner be construed to be in conflict with or supersede Section 137.185 RSMO (1969) but shall be an additional requirement thereto which states:

1. In all cases where any person, company or corporation may hereafter divide any tract of land into parcels less than one-sixteenth part of a section or otherwise, in such manner that such parcels cannot be described in the usual manner of describing lands in accordance with the surveys made by the general government, it shall be the duty of such person, company or corporation to cause such lands to be surveyed and a plat thereof made by a surveyor in the county where such lands are situated, which plat shall particularly describe and set forth the lots or parcels of land surveyed, as aforesaid; the lots and blocks shall be numbered in progressive numbers, and the plats shall show the number, location and quantity of land in each lot, and the description of the tract of land so divided; provided, that whenever it shall appear to the county court of the county in which such tracts are situated that tracts or parcels of land less than one-sixteenth of a section, any lying outside of the limits of any incorporated city, town or village, have been conveyed without having been platted and the plat thereof recorded as herein provided, the court may require the county surveyor, by order of record, to survey and plat such tract(s) of land and record the plat so made, all of which shall be done at the expense of the owner of such tracts of land at the time the survey is made.
2. Said surveyor shall file in the office of the Clerk of the County Court of the County, in which any such lots or tracts of land platted under the provisions of this law are situated, his report and copy of such survey and statements of the cost of such survey and platting, and the recorder's fee for recording same, which shall be paid by the surveyor, with an apportionment of the same, against each tract thus surveyed and platted, and the court at the next term thereafter shall levy the amount of such costs as a tax against such tracts as thus collected the County

Court shall cause a warrant to be drawn for the amount of such collections to the surveyor making said plat and cause same to be paid to him accordingly.

Section III: SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT

Land unsuitable for subdivision development due to drainage, flood hazard, slope, rock formation or any other conditions constituting significant danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the Planning and Zoning Commission establishing that the methods proposed to meet any such condition are adequate to avoid significant danger to health, life or property.

Section IV: DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS

If the land to be used for a proposed development is located, with wholly or partially within a Special Flood Hazard Area, as defined under Article 8 of the Floodplain Management Ordinance, the developer, land owner, or any other individual or entity responsible for such proposed development, shall have performed and prepared an analysis certified by a Professional Engineer, and such analysis shall contain the base flood elevation, as well as any other required or otherwise relevant information to such proposed development. Such analysis shall be completed and submitted to the Planning and Zoning Administrator ten (10) business days prior to meeting with the Planning and Zoning Commission for a preliminary plat approval.

Section V: REVIEW OF PLATS BY OTHER AGENCIES

At the option of the Planning and Zoning Commission and/or the County Commission, proposed plats may be submitted to various state or county agencies for review and written comment.

Section VI: ADMINISTRATION

This Order shall be administered by the Planning and Zoning Commission.

PART 4-SUBDIVISION PROCESS AND SPECIFICATIONS

Section I: FILING FEES

- A.** A schedule of fees shall be adopted from time to time by the County Commission and such fees shall be paid by all persons, partnerships, companies or corporations submitting preliminary plats for approval by the Planning and Zoning Commission.
- B.** This fee shall be paid at the time the preliminary plat is submitted to the Planning and Zoning office and shall apply to the review of a preliminary sketch plan and review of the preliminary plat, improvement plans and final plat, provided that the final plat includes the same area to be subdivided as the preliminary plat.

Section II: MINOR SUBDIVISION-PLAT APPROVAL

- A.** The Planning and Zoning Commission shall approve or disapprove minor subdivision plats in accordance with this section.

B. The applicant for minor subdivision plat approval, before complying with Part IV hereof, shall submit a sketch plan to the Planning and Zoning Commission for a determination of whether the approval process authorized by this section can be and should be utilized. The Planning and Zoning Commission may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided.

C. Applicants for minor subdivision approval shall submit, after the completion of Section B above, to the Planning and Zoning Administrator, a copy of a plat conforming to the requirements set forth in Part 4, Section III hereof (as well as three prints of such plat), except that a minor subdivision plat shall contain the following certificates:

1. Certificate of Ownership

I hereby certify that I am the owner of, "Subdivision name" the property described hereon, which property is within the Subdivision regulation jurisdiction of Warren County, Missouri, and that I freely adopt this plan of subdivision.

Owner(s) Signature and Date

2. Certificate of Approval

I hereby certify that the minor subdivision shown on this plat is in all respects in compliance with the Subdivision Regulations of Warren County, Missouri, and that therefore this plat has been approved by the Planning and Zoning Commission, subject to its being recorded in the office of the County Recorder of Deeds within 60 days of the date below.

Planning and Zoning administrator's Signature and Date

3. A certificate of survey and accuracy.

D. If the proposed minor subdivision creates more than four lots which must use right-of-way for means of ingress and egress to a publicly maintained road, a minor street must be constructed or prior to the recording of said subdivision, or pursuant to part 4, Section V hereof sufficient surety must be provided. The street must have a name approved by the Warren County Emergency Services and such signage must be erected. Street names, cross sections, street profiles and signs must be detailed and provided on a separate plat and shall be submitted with the subdivision plat.

E. A fifteen foot utility easement on both sides of all right-of-way shall be provided whether they be newly created right-of-way as a result of the subdivision or

existing publicly maintained right-of-way (a county road) and a twenty foot utility easement shall be provided along all state maintained highways.

- F.** All property within a proposed subdivision adjacent to publicly maintained right-of-way shall be conveyed from the centerline of such right-of-way half the balance required as prescribed by the County prior to subdivision approval.
- G.** Not more than a total of four lots may be created out of one tract using the minor subdivision plat approval process.
- H.** Subject to the provisions of this section, the Planning and Zoning Commission shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in this article of the proposed subdivision fails to comply with the applicable requirements of these regulations.
- I.** If the subdivision is disapproved, the Planning and Zoning Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- J.** Approval of any plat is contingent upon the plat being recorded within 60 days after the Certificate of Approval is signed by the Planning and Zoning Commission Chair or his designee.
- K.** An engineer must seal that improvements have been constructed prior to the subdivision approval.

Section III: MAJOR SUBDIVISION: PRELIMINARY PLAT REQUIREMENTS

- A.** Fifteen (15) prints of a preliminary plat shall be submitted to the Planning and Zoning Office in accordance with the procedures established by the County from time to time. An aerial photo of suitable scale shall also be required. The photo shall have superimposed upon it the boundary of the property in question and any other information as may be deemed necessary by the Planning and Zoning Office. Prior to submission of a preliminary plat, the applicant may submit to the Planning and Zoning Office a sketch plan for initial review.
- B.** An application for approval of a preliminary plat shall contain the following information:
 - 1. Identification.
 - a. Proposed name of subdivision
 - b. Names, addresses, phone numbers, fax numbers and e-mail addresses of the owner and the engineer and/or surveyor responsible for the survey and design,
 - c. North point, a scale of 1" = 200' or larger and date

- d. Approximate acreage in tract
- e. A statement to the effect that "this plat is not for record" shall be stamped or printed on all copies of the preliminary plat.

2. Plat Information

- a. Location of boundary lines and their relation to established section lines, fractional section lines or survey lines
- b. Physical features of the property including watercourses, ravines, bridges, flood plain areas, sink holes, wooded areas, culverts, present structures and other features important to lot and street layout
- c. Topography of tract with contour intervals of one (1), two (2), or five (5) feet
- d. Names of all adjoining property owners as shown in the most recent County Assessor's records and the names of all adjacent subdivisions
- e. Location of all property liens around the perimeter within 100 feet, showing any existing streets, highways or other improvements
- f. Location and width of existing and proposed streets, roads, lots (approximate dimensions), alleys, building setback lines, easements, parks, school sites and other features of the proposed subdivisions
- g. Approximate gradients of streets
- h. Designation of all types of development, whether for residential, commercial, agricultural, industrial or public use
- i. Designation and location of all utilities including but not limited to sanitary and storm sewers, water, gas and electricity which are to serve the proposed subdivision
- j. The results of any tests to ascertain subsurface rock and the water table
- k. Proposed building setback lines and setback requirements
- l. Description of the proposed type of sewage disposal
- m. Description of development phasing, if any

3. Preliminary Plat Approval

Preliminary plat approval shall confer upon the subdivider the following rights and privileges:

- a. That the preliminary plat will remain in effect for a one (1) year period after its approval. The applicant may, during this period, submit all or part or parts of said preliminary plat will extend the approval of the preliminary plat for an additional year. Any part of a subdivision, which is being developed in stages, shall contain a tract of land at least one block in length.
- b. That the general terms and conditions under which the preliminary plat approval was granted will not be changed.
- c. The applicant may also proceed with detailed improvements plans required for all facilities or utilities intended to be provided.

Section IV: IMPROVEMENT PLANS AND INSTALLATION

- A.** After the preliminary plat is approved, improvement plans prepared by the project engineer for the subdivision of all or any part of the tract shall be submitted to the Planning and Zoning Administrator who shall submit the improvement plans to the Engineer for review and approval. If significant changes are to be made after the improvement plans have been approved, the engineer shall require that revised improvement plans be submitted.
- B.** Improvement plans shall be prepared on an exhibit not to exceed 24 inches by 36 inches and shall contain the following information:
 1. Title page, which shall include key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets.
 2. North arrow and graphic scale.
 3. Title block showing name and address of the subdivider and the engineering firm, as well as the engineer's seal, address, telephone number, fax number, and email address.
 4. One or more USGS or MODNR benchmarks, in or near the subdivision, to which the subdivision is referenced; no assumed elevations will be accepted.
 5. Details of streets, existing and proposed sanitary sewers, drainage channels, detention ponds, swales and storm sewers.
 6. Plans and profiles of streets and sewers at a scale of not less than one inches equals 100 feet (1" = 100') horizontal and one inch equals 10 feet (1" = 10') vertical.

7. Erosion and Sediment Control Plan. The developer shall implement an erosion and sediment control plan in accordance with requirements of the Department of Natural Resources.
8. Storm Water Runoff. The developer shall control the additional storm water runoff leaving the property. The developer must submit calculations showing the increase in storm water runoff and indicate how the additional water will be handled and must comply with county standards according to the Warren County Policies and Specifications Manual for Road and Bridges in the County Road System.
9. Roads to be built to County minimum specifications.
10. Project development phasing plan.
11. List of standards and specifications followed, citing volume, section, page or other references.

C. Actual construction of such facilities and improvements may commence prior to the final plat approval if the detailed improvement plans have been approved by the Engineer, provided that such facilities and improvements will be inspected throughout their construction. Final plat approval will be contingent, in part, upon compliance to County improvement and facility standards.

Section V: PERFORMANCE GUARANTEE

After the improvement plans have been approved, but before recording the final plat, the subdivider must either:

- A.** Complete the improvements under the inspection of the appropriate inspecting agency and in accordance with the approved plans; or
- B.** Execute a land subdivision bond, lender's or escrow agreement insuring or guaranteeing the installation of said improvements in an amount and with surety and conditions satisfactory to the County Commission. The land subdivision bond, lender's or escrow agreement shall:

1. Be prepared on forms approved by the County Attorney and should be signed by the Presiding Commissioner of the County Commission and the County Clerk;
2. Insure or guarantee the construction and completion of the improvements, as set forth in the approved improvement plans based on the cost estimate prepared by the Engineer;
3. If there is an escrow sum, it shall be held in a special account by the escrow holder subject to the audit of the County Commission;

4. If there is a lender's agreement, it shall be subject to the audit of the Engineer and/or the County Commission.
- C.** The estimated escrow sum shall be held by the escrow holder or the lender until the conditions imposed for the completion of the improvements by the County are fully satisfied and said surety agent shall have received written notification from the County Commission releasing the surety agent from its obligations. The release may be partial and may occur from time to time as improvements are completed and approved. In no case shall the release exceed ninety (90) percent of the amount held as the bond or escrow sum until all the improvements have been completed in a satisfactory manner and accepted or approved by the appropriate authorities.
- D.** The term of the land subdivision bond or the escrow agreement shall not exceed two (2) years in duration subject to the following:
1. If, at the end of the two (2) year period, all the improvements reflected by the approved improvement plan have not been completed, the County Commission may extend the term of the land subdivision bond or the escrow agreement for a period not to exceed one (1) additional year at each extension. If after review by the County Commission, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water sewage, schools, parks, playgrounds, or other public requirements. If the improvements have not been completed at the end of the two (2) year period, or as extended by the County Commission, the County Commission may:
 - a. Require the surety to perform on the bond and pay to the County such amount as shall be equal to the lesser of the amount required to complete the improvements or the amount of the bond not theretofore released; or
 - b. Require the escrow agent to remit to the County in cash or negotiable instruments constituting the escrow sum, as the case may be, the balance in the escrow account required to complete the improvements and the balance, if any, in the escrow account which exceeds such amount shall be returned to the developer; or
 - c. Require the developer to submit a new land subdivision bond or escrow agreement, which has been recalculated in order to allow for any inflation in the cost of constructing the improvements.
 2. If the surety fails to perform on the bond or the escrow agent fails to remit the amount required within thirty (30) days after written request, the County Commission may take immediate action to require performance by the surety under the bond or to secure the payment by the escrow agent of the amount required.

- E.** All escrow agents and sureties shall be subject to spot audits by the County. If the escrow agent or surety fails to comply with any of the provisions of the escrow agreement or the land subdivision bond, the escrow agent or surety shall not thereafter be allowed to act as escrow agent or surety for any subdivision improvements in the unincorporated area of the County for a period of two (2) years.

Section VI: FINAL PLAT

- A.** After the preliminary plat and improvement plans have been approved by the Planning and Zoning Commission, a final plat shall be prepared and submitted to the Planning and Zoning Commission for its approval. Ten (10) prints of the final plat shall be filed with the Planning and Zoning Commission at least twenty (20) days prior to the meeting at which approval is asked. Before approving the plat of all or part of a proposed subdivision, the Planning and Zoning Commission shall require proof that a bond, escrowed sum, or lender's agreement has been executed for the completion of the improvements. The approval of the Planning and Zoning Commission shall be shown on the plat with the date of such approval over the signature of the Planning and Zoning Commission Chair or designate. The original plat shall show or be accompanied by the following information, whether for residential, commercial, industrial, agricultural or public development.
- B.** The final plat shall be prepared on good quality mylar, of 4 mil double matte with a sheet size maximum 24" x 36"; minimum 18" x 24", its equal or better and a software compatible with current County mapping software and shall contain the following information:
 - 1. Identification
 - a. Name of subdivision, plat, etc. and names(s) of those who prepared the plat,
 - b. North point, date and indicate scale used,
 - c. Acreage in plat,
 - d. Location map and key map on first page, (if more than one sheet),
 - 2. Plat
 - a. Accurate boundary survey with bearings and distances tied to surveyed identification points (monuments),
 - b. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions to decimals of feet, length and radii of all curves,
 - c. Building setback lines on front and side streets; location and dimension of utility easements,

- d. Names of streets and lots numbered in logical order. Streets and names of adjacent subdivision (if applicable), and/or adjacent property owners within 100' in dashed lines.

3. Written Statements

- a. Dedication of all streets, public highways, alleys and land intended for public use together with land restrictions signed by all parties who have a mortgage or lien interest including owner(s),
- b. Certificate of Survey and Accuracy

I hereby certify that this plat (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision); and that this plat was prepared in accordance with the current Minimum Standards for Property Boundary Surveys of the Missouri Department of Natural Resources, Division of Geology and Land Survey. Witness my original signature, registration and seal this _____ day of _____.

Seal or Stamp
Land Surveyor

4. Certificate of Ownership

I hereby certify that I am the owner of "Subdivision Name" the property described hereon, which property is located within the subdivision regulation jurisdiction of Warren County, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, and that I or my assigns will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the County Commission in the public interest.

Owner(s) Signature and Date
(Notarized)

- 5. In the event a subdivision is to have privately maintained streets, or privately maintained facilities within the public right-of-way, evidence of the methods for controlling and maintaining each private facility shall be submitted with the final plat. Such restrictions must be approved by the Planning and Zoning Commission before they may be recorded.

6. In cases where the subdivider proposes to include other regulations such as architectural control; covenants and deed restrictions shall be submitted to the Planning and Zoning Commission indicating the additional regulations and how they are going to be administered.

Section VII: RECORDING

No subdivision plat shall be filed for record or recorded in the office of the Recorder of Deeds for the County unless and until the approval of the Planning and Zoning Commission is certified thereon. No lot covered by such plat shall be sold until said plat has been approved by the Planning and Zoning Commission or County Commission and filed for record in the office of the Recorder of Deeds of the County.

Section VIII: PLAT APPROVAL NOT ACCEPTANCE OF DEDICATION OFFERS

Approval of a plat does not constitute acceptance by the County of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on the plat. However, the County may accept any such offer of dedication by resolution of the County Commission.

Section IX: MAINTENANCE OF DEDICATED AREA UNTIL ACCEPTANCE

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner or assigns until such offer of dedication is accepted by the appropriate public authority.

PART 5 – DESIGN STANDARDS/IMPROVEMENTS

Section I: RESIDENTIAL LOT DESIGN STANDARDS

The following standards are regarded as guidelines for desirable development. The size, shape and orientation of lots shall be designed to provide desirable building sites, logically related to topography, natural features, streets and adjacent land uses. Due regard shall be given to natural features such as large trees, unusual rock formations, water courses and sites which have historical significance, scenic views and similar assets, the preservation of which would add attractiveness and value to the subdivision. The following minimum standards are set forth as guides to these goals:

- A.** Where additional widening strips are dedicated on existing streets, calculations of the area of a lot should not include widening strips in determining the gross area of the lot,
- B.** Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, soil conditions, steepness of terrain, flood conditions or other adverse natural physical conditions, the Planning and Zoning Commission may, after adequate investigation, withhold approval of such lots until engineering studies are presented to the Planning and Zoning Commission which establish that the method

proposed to meet any such condition is adequate to avoid significant danger to health, life or property,

- C. Alleys or loading courts must be provided in business blocks except in unusual cases. Alleys are optional in residential districts, but are undesirable except where alleys of adjoining subdivisions would be closed off from access by the failure to provide alleys in new subdivisions.

Section II: REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

As determined in the Warren County Policies and Specifications Manual for Road and Bridges in the County Road System Manual.

Section III: LOT DIMENSIONS, SHAPES AND POSITION

The size, shape, orientation and dimensions of lots shall be appropriate for the location and physical character of the proposed subdivision, the type of development contemplated and meet the requirements of the Zoning and Subdivision Order. Building setback lines shall be shown on all lots intended for residential use and shall not be less than fifty (50) feet from the nearest edge of State and County road rights-of-way, or sixty (60) feet from the roadway centerline, whichever is greater, and less than ten (10) feet from the side lot line, unless a definite building setback line has been established by a building erected prior to the effective date of the regulation.

- A. Depth-excessive depth in relation to width shall be avoided, particularly with smaller lots. Maximum depth to width ration will be 3:1.
- B. Width-Minimum width of fifty (50) feet at narrowest point.
- C. Area-Minimum are of 15,000 square feet.
- D. Street Access-Each proposed lot shall front upon a street improved to the standards and specifications of the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System.
- E. Double Frontage-Lots with double frontage and reversed frontage shall be avoided, except where necessary to provide separation of development from traffic arteries, or as otherwise required by topography or similar conditions.
- F. Side Lot Lines-Where practicable, side lot lines shall be at right angles to straight streets.

Section IV: ACCESS TO LOTS

- A. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- B. All lots proposing direct access to any primary or minor arterial county road must have approval of the County Commission prior to approval of the subdivision.

Section V: ENTRANCE TO STREETS

- A.** All driveway entrances and other openings onto streets within the County's jurisdiction shall be constructed so that:
 - 1. Vehicles can enter and exit from the subdivision or lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and
 - 2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

- B.** Specifications for driveway entrances are shown in the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System.

Section VI: STREET CLASSIFICATION

- A.** In all new subdivisions, the streets shall be classified as provided in Subsection B hereof. Once a street is platted, the average of the lots which said street adjoins shall not include any of the platted right of way of said street:
 - 1. The classification shall be based upon the classification of the proposed subdivision;
 - 2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips, but is not conclusive;
 - 3. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside the subdivision.

- B.** The classification shall be as follows:
 - 1. Minor-A street whose sole function is to provide access to not more than four dwelling units.
 - 2. Major-A street whose sole function is to provide access to five dwelling units or more.
 - 3. Cul-de-sac-A street that terminates in a vehicular turnaround.
 - 4. Commercial/Industrial-A street whose sole function is to provide access to commercial or industrial uses.

Section VII: COORDINATION WITH SURROUNDING STREETS

- A.** The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided onto lots (hereinafter, "surrounding streets") as provided in this Section.

- B.** Major streets shall connect with surrounding major streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- C.** Major streets shall connect with surrounding major streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- D.** Whenever connections to anticipated or proposed major streets are required by this Section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property at the point where the connection to the anticipated or proposed street is expected. In addition, the County may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created.

Section VIII: RELATIONSHIP OF STREETS TOPOGRAPHY

Streets shall be related to the topography. In particular, streets shall be designed to facilitate the drainage and stormwater runoff objectives set forth in the County Stormwater Management Standards and street grades shall conform as closely as practicable to the original topography.

Section IX: GENERAL LAYOUT OF STREETS

- A.** Major streets shall be curved whenever possible to the extent necessary to avoid conformity of lot appearance.
- B.** All permanent dead-end streets shall be developed as cul-de-sacs. See Warren County Policies & Specifications Manual for Roads and Bridges in the County Road System.
- C.** Streets shall be laid out so residential blocks do not exceed 1,000 feet in length, unless no other practicable alternative is available.

Section X: STREET INTERSECTIONS

- A.** Streets shall intersect as nearly as possible at right angles. No two streets may intersect at less than sixty (60) degrees. Not more than two streets shall intersect at any one point, unless the County Commission certifies to the permit issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.
- B.** Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than one hundred fifty (150) feet.

- C. On recommendation of the County Commission, the Planning and Zoning Commission may require traffic studies and may require a street to be dedicated to public use and built to public street standards in order to provide circulation.

Section XI: SIDEWALKS

- A. Sidewalks are required, if practicable, on both sides of all streets in subdivisions, except for:
 1. The circular "bulb" portion of all cul-de-sacs.
 2. Large lot subdivisions, such as R-2 and AG.

Section XII: ROAD AND SIDEWALK REQUIREMENTS IN UNSUBDIVIDED DEVELOPMENTS

- A. Within unsubdivided developments, all right of ways and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicles and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of these regulations and the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System.
- B. Whenever a road in an unsubdivided development connects two or more major streets in such a manner that any substantial volume of traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases, when roads in unsubdivided developments within the county are constructed in accordance with the specifications for subdivision streets, the county may accept an offer of dedication of such streets.
- C. In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational area and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than four dwelling units.
- D. Whenever the County finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.
- E. The sidewalks required by this section shall be at least four feet wide and constructed of concrete, except that the County may permit the installation of walkways constructed with other suitable materials when it concludes that:
 1. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
 2. Such walkways could be more environmentally desirable or more in keeping with overall design of the development.

**Section XIII: ATTENTION TO ACCESSIBLE RAMPS IN STREET AND
SIDEWALK CONSTRUCTION**

- A.** Whenever curb and gutter construction is used on public streets, accessible ramps shall be provided at intersections and other major points of pedestrian flow. Accessible ramps and depressed curbs shall be constructed in accordance with the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System.
- B.** In unsubdivided developments, accessible sidewalk construction shall conform to the requirement of the County.

Section XIV: BRIDGES

All bridges shall be designed and constructed in accordance with the standards and specifications provided by the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System.

Section XV: STREET NAMES AND SIGNS

- A.** Street name signs meeting the requirements of the County shall be erected by the subdivider at all intersections.
- B.** When required by the County, the subdivider shall provide reflectorized traffic control signs, such as stop and yield signs.
- C.** Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
- D.** Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersection street shall apply to the cul-de-sac.
- E.** To avoid duplication and confusion, the proposed names of all streets shall be approved by the Warren County Emergency Services GIS & Addressing Department.

Section XVI: STREET CONSTRUCTION

Streets shall be constructed in accordance with the Warren County Policies and Specification Manual for Roads and Bridges in the County Road System.

Section XVII: STREET RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS

Street right-of-ways are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow on street parking; (ii) to provide a safe drainage system. In order to fulfill these objectives, all public streets and utility easements shall be constructed in accordance with the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System.

Section XVIII: IMPROVEMENT OF EXISTING STREETS

For any development fronting on an existing road or street, it shall be the responsibility of the subdivider to bring the road or street up to the standards as required in the Warren County Policies and Specification Manual for Roads and Bridges in the County Road System.

Section XIX: STREET LAYOUT REQUIREMENTS

The street layout requirements shall meet the standards as required in the Warren County Policies and Specification Manual for Roads and Bridges in the County Road System.

Section XX: STREET GRADES AND CURVES

The street grades and curves requirements shall meet the standards as required in the Warren County Policies and Specification Manual for Roads and Bridges in the County Road System.

Section XXI: PUBLIC STREET CONSTRUCTION

The public street construction requirements shall meet the standards as required in the Warren County Policies and Specification Manual for Roads and Bridges in the County Road System.

Section XXII: DESIGNATION OF PRIVATE STREETS

For any subdivision in which private streets are proposed, the streets of the subdivision shall meet or exceed standards and specifications of the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System if the lot owners/developer expects to publicly dedicate the streets at a later date. If the owner wishes to have the County accept the private streets as public streets, such shall not be permitted until the streets are improved to these standards in existence at the time acceptance is requested. For any subdivision having private streets which received final plat approval from the County after the adoption of these regulations, the developer must construct a sign prior to recording of the final plat at all entrances of the subdivision, within fifty (50) feet of the center line of the road, which shall state: "Private Streets Maintained by Property Owners."

Section XXIII: MONUMENTS REQUIRED

Sufficient permanent and distinguishable monuments shall be accurately placed throughout the subdivision so that street alignment may be traced with accuracy. Such monuments shall be in the form of iron or similarly durable pins, not less than one-half inch in diameter and three (3) feet long driven into the earth, or spikes not less than six (6) inches long driven into the pavement. Such monuments shall be installed by the subdivider as soon as reasonably possible. The location of such monuments shall be indicated on the final plat and shall be placed in accordance with the following requirements:

- A. Street Points.** Monuments shall be set at the intersection of all streets and at the beginning and end of all curves along street centerlines.
- B. Curb Marks.** Curbs shall be permanently marked at the beginning and end of all curves and the prolongation of all lot sidelines.

Section XXIV: UTILITY EASEMENTS

- A.** Utility easements where required shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Easements of adequate width shall be provided for open channels, where required. Easements five (5) feet in width may be

allowed for underground cable installations. Telephone and electric power lines shall be located underground, except in subdivisions where all of the lots are twenty thousand (20,000) square feet or larger in size, and then developer will have the option of underground or overhead utility lines.

- B.** Where a cut or fill for a street extends beyond the limits of the right-of-way, the developer shall provide a slope easement or special escrow as determined by the County to be of sufficient area and limits to permit the construction and maintenance of the slope.
- C.** Whenever a stream or surface drainage course is located in an area proposed for a subdivision, the developer shall provide an easement determined by the County to be adequate in area to contain facilities to avoid flooding or erosion along the stream or surface drainage course.

Section XXV: STORM WATER AND STORM WATER CONTROL EASEMENTS

- A.** Storm water easements and drainage rights-of-way may be required by the County if necessary for property drainage within and through a subdivision.
- B.** Storm water control easements may be required along all major creeks and significant tributaries; around and including all new wet lakes functioning as part of a storm water control system; and for all detention area, basins, and related structures.
- C.** Storm water control easements shall include a minimum dimension of twenty (20) feet back from the bank of improved creek channels as provided on improvement plans, or of such width back from unimproved channels as required by the County. Easements shall include a distance of not less than ten (10) feet back from the estimated high water line of lakes, dry detention area and basins.
- D.** Final location of storm water control easements shall be approved by the County as part of the improvement plan approval. Such easements shall subsequently be shown on a recorded plat or special easement plat.
- E.** In addition to storm water control easements, storm water control access easements shall be required as necessary to provide for upkeep of the area within designated storm water control easements. Separately designated access easements shall not be less than twenty (20) feet wide.
- F.** The County shall require script on the recorded plat or trust indentures for all developments containing storm water control easements and access easements. Such areas shall contain script specifying assessments for and maintenance of such particular areas apart from other common land until a public authority accepts the easements.

Section XXVI: STORM, SEWERS AND OTHER DRAINAGE APPURTENANCES

- A.** The storm water drainage system shall be separate and independent of the sanitary sewer system. The plans and specifications for disposing of storm water shall be approved by the County and shall comply with the following requirements:

ponds,

1. For subdivisions consisting of lots, all of which are one (1) acre or larger, drainage swales along the streets may be acceptable. Plans for such drainage swales must be approved by the County.
2. Curbs and gutters may be provided in lieu of drainage swales but must be approved by the County.
3. The controlled release and storage of excess storm water runoff may be required for all commercial and industrial land use projects and for all residential subdivisions as determined by the County.
4. Detention of differential runoff of storm water, as approved by the County, may be required by providing permanent detention facilities, such as dry reservoirs, or other acceptable alternatives.
5. Detention reservoirs or dry bottom storm water storage areas may be designed to serve secondary purposes such as recreation, open space, or other types of uses that will not be adversely affected by occasional flooding as approved by the County.
6. Drainage detention areas that are not maintained by a public authority shall be conveyed as an undivided interest in common to each lot in the subdivision for maintenance purposes or conveyed to trustees with authority to perform maintenance responsibilities.
7. During the construction phase of development, facilities shall be provided to prevent erosion and siltation.

Section XXVII: SANITARY SEWERS

All buildings, structures and uses of land in the unincorporated area of the County shall hereafter be equipped with an adequate, safe and sanitary disposal system for all human, domestic and industrial wastes. For purposes of this regulation, disposal of sewage or other liquidated wastes shall conform to the methods outlined herein:

- A.** Where a public sanitary sewer main is reasonably accessible, in the opinion of the Planning and Zoning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including lateral connection for each lot. Such systems and connections shall comply with the regulations of the State or any other agency having jurisdiction over such matters. Verification of the service shall be provided at the time of submission of the preliminary plat.
- B.** Where a public sanitary sewer system is not reasonably accessible, in the opinion of the Planning and Zoning Commission, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved as prescribed Section 250.010 RSMo, the subdivider shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer

system in the district can be made, the use of individual sewage disposal systems may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the County and the State.

- C.** Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the subdivider shall either install a sewage collection and disposal system in accordance with the requirements of the preceding paragraph or individual disposal services may be installed on each lot within the subdivision, provided that no individual disposal service shall be permitted unless the State or any other agency having jurisdiction over such matters has approved said disposal device.
- D.** Individual sewage disposal systems shall not be allowed on lots of less than three (3) acres in area.
- E.** Where individual sewage disposal systems are allowed, the developer, prior to final plat approval, shall submit soil test results certifying that each lot is of sufficient area to allow adequate soil absorption for on site sewage disposal. All planned individual sewage disposal systems must be constructed and maintained in accordance with the regulations and requirements of the County and Missouri Department of Natural Resources.

Section XXVIII: WATER SUPPLY

- A.** Where a public water supply main is reasonably accessible, in the judgment of the Planning and Zoning Commission, the subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection to reach lot and appropriately space fire hydrants.
- B.** In the absence of a public water supply, wells shall be constructed, or a connection to a private water supply system shall be provided, so that an adequate supply of potable water will be available to every lot within the subdivision. The information furnished and the approval of the same shall comply with the requirements of the Missouri Department of Natural Resources.
- C.** Individual water systems (wells) shall not be allowed on lots of less than three (3) acres in area.

Section XXIX: ELECTRIC POWER

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- A.** If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- B.** If the use is a subdivision or is not located on a lot served by an existing power line, then a substantial internal distribution system will be necessary. The electric utility service

provider for the area must review the proposed plans and certify to the County that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section XXX: TELEPHONE SERVICE

Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of every lot within such subdivision.

Compliance with this requirement shall be determined as follows:

- A.** If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such telephone line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- B.** If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility service provider must review the proposed plans and certify to the County that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section XXXI: UNDERGROUND UTILITIES

- A.** All electric power lines, (including transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of these regulations shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with any regulation and specifications adopted by the County from time to time.
- B.** Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of these regulations, than all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.
- C.** Whenever it can be reasonably anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such as utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- D.** All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements of facilities located within the development.

- E.** Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, furnish the County with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section XXXII: FIRE HYDRANTS

- A.** Every Major Subdivision (subdivided or unsubdivided) shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- B.** Upon recommendation of the Fire Chief or his/her designee of the servicing jurisdiction, the Planning and Zoning Administrator may require that a Minor Subdivision include an adequate system of fire hydrants.
- C.** The Fire Chief or his/her designee of the servicing jurisdiction will review plans and comment on their compliance with the fire safety needs of the development. If the requirement of the fire district under this section cannot be met by the developer, the developer must seek action to ameliorate such defects. By way of example, if the servicing fire districts determines that six inch waterline is a firm requirement based on the density of the development or based on a properly adopted code, the developer must install an approved water system as required under this Section or provide certification that a variance has been granted by the servicing fire district upon further review.

Section XXXIII: GRADING

- A.** Where the preliminary plat indicates that extensive grading and compaction are probable, the County may require the submission of additional information and modifications in the proposed plat before the developer may grade any land to be subdivided.
- B.** Approved improvement plans are required prior to any grading. Erosion control devices shall be provided by the developer as specified in the Warren County Policies and Specifications Manual for Roads and Bridges in the County Road System.

Section XXXIV: LANDSCAPING

- A.** A subdivision landscape plan, excluding that portion of individual residential lots behind the building setback line, shall be submitted for review to the County and then to the Planning and Zoning Commission prior to submitting the proposed record plat. This plan shall contain types, sizes, and locations of all proposed and existing plantings.
- B.** Required Street Trees-For all single family residential subdivisions there shall be a minimum of one (1) tree for every lot; in cases of lots having frontages on more than one street (e.g. corner lots) there shall be a minimum of one (1) tree for each street on which the lot has frontage. For common land, multiple family residential subdivisions, and non-residential subdivisions, there shall be a minimum ratio of one (1) tree for every fifty (50)

feet of street frontage. Trees may be of the hardwood or softwood varieties. Each tree shall be at least one and one-half (1 ½) inches in caliper. A maximum of forty (40) percent of one species may be utilized to meet the planting requirements within each plat of a subdivision.

- C.** Location-Trees required to meet this requirement shall be located in front of the building setback line, but shall not be located within a street right-of-way unless so approved by variance. Location of new street trees shall not be allowed within the following areas:
 - 1. Street trees shall not be planted closer than three (3) feet to any curb.
 - 2. Street trees, when located within the street right-of-way line by variance, shall not be placed within twenty-five (25) feet of streetlights.
 - 3. At street intersections, no street tree shall be placed within the triangular area bounded by the pavement lines and a line connecting the two points of the edge of the street pavement fifty-four (54) feet from the point of intersection of the projected lines of the street pavements.
 - 4. Street trees shall not be planted within ten (10) feet of street inlets or manholes.
- D.** In lieu of the planting of street trees as required by this Section, the developer may submit to the Planning and Zoning Commission for review and approval an alternate landscape plan. This plan shall provide for trees appropriate in number and species for the area in front of the building setback line.
- E.** Structures or planting proposed at the subdivision entrance shall be approved by the County.
- F.** The County may require sodding or other means of ground cover appropriate to insure erosion control.
- G.** The County may require the clearing of underbrush, and may require sodding, seeding, and other landscaping improvements in common land where land has been altered.
- H.** Whenever a residential subdivision abuts a commercial or industrial use or zoning district, a permanently landscaped buffer strip twenty (20) feet in width shall be provided. Up to ten (10) feet of this required buffer strip may be satisfied on the abutting property if provided. For a commercial building next to a subdivision, the same rules apply

Section XXXV: LIGHTING REQUIREMENTS

- A.** All roads, driveways, sidewalks, parking lots, and other common areas and facilities should be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

- B.** All entrances and exits in buildings used for nonresidential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.
- C.** Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Paragraphs A and B of this Section or if the standard set forth in Paragraphs A and B could reasonably be achieved in a manner that would not substantially interfere with the use and enjoyment of neighboring properties.

Section XXXVI: OPEN SPACE REQUIREMENTS

A. Usable Open Space

As stated in the land use goals and policies of the Official Master Plan of Warren County, open space provides for a balanced mix of natural resources while offering buffering between existing and proposed developments. Therefore:

1. Every residential project may be developed in such a manner to require and provide for the preservation of usable open space.
2. For purposes of this Section, usable open space means an area that:
 - a. is not encumbered with any substantial structure;
 - b. is not devoted to use as a roadway, or parking area;
 - c. is left as of the date development began in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, lawns, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the Master Plan objectives; and
 - d. is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation.
3. Larger developments must set aside a certain percentage of area to be permanently devoted to open space. The table below indicates the amount of open space larger developments must set aside based on the number of dwelling units proposed in the development:

Number of Dwelling Units	R-2	R-1
0 to 25	0% of Site Area	5% of Site Area
26 to 50	5% of Site Area	10% of Site Area

>50	10% of Site Area	10% of Site Area
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4. Except as provided in Subsections 6 and 7, recreation facilities and usable open space required to be provided by the developer in accordance with this Section shall not be dedicated to the public, but shall remain under the ownership and control of the developer (or his successor) or a Homeowner's Association or similar organization that satisfies the criteria established in Subsection 7.
5. The person or entity having the right of ownership and control over recreational facilities and open space in a development shall be responsible for the continuing upkeep and proper maintenance of the same.
6. Homeowner's Associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:
 - a. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
 - b. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
 - c. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Section XXXVII: INSPECTION

Prior to starting any of the work covered by the above plans, after approval thereof, the subdivider shall make arrangements to provide for inspection of the work, sufficient, in the opinion of the County, to assure compliance with the plans and specifications as approved. The County shall also make inspections of all road construction. Twenty-four hours notice shall be given to the County regarding any requested inspection.

Section XXXVIII: COMPLETION OF CONSTRUCTION

The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the final plat, unless good cause can be shown for the granting of an extension of time by authority of the County Commission.

Section XXXIX: MAINTENANCE AND SUPERVISION

Where the subdivision contains sewers, sewage treatment plants, water supply systems or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance and supervision of such facilities.

Section XL: TRUST INDENTURES

- A.** Trust Indentures will be required by the Planning and Zoning Commission regarding maintenance of all common land (including pedestrian walkways and cul-de-sac islands), private streets, street lighting, drainage facilities such as detention basins and drainage pipes and ditches and other common facilities such as open spaces, swimming pools, tennis courts and other recreational facilities that require continuous maintenance.

- B.** Each Trust Indenture and warranty deed shall be accompanied by a written legal opinion from an attorney licensed to practice in the State of Missouri, setting forth the legal opinion as the legal form and effect of the deeds and Trust Indenture. The deeds and Indenture shall be approved by the County Zoning Attorney prior to being filed with the Recorder of Deeds of Warren County.

Section XLI: DISCLOSURE

- A.** So long as there shall be a private street or a street not accepted by the County for maintenance within any subdivision, or privately owned and maintained sewage or water facilities, or privately owned and maintained common facilities or open spaces, no person shall sell, lease, rent offer to sell, lease , or rent, or advertise for sale, lease or rental, any dwelling unit or nonresidential property without disclosing to each prospective purchaser or tenant his responsibility with respect to subdivision streets, storm water control facilities, applicable utilities, and common facilities in the manner required by this Section. A "prospective purchaser or tenant" includes any person making inquiry of any responsible party with respect to purchase, rental, or lease of a dwelling unit or non-residential facility.

- B.** Required Disclosure: Disclosure shall be made to each prospective purchaser or tenant in substantially the same form:

THE _____ "Applicable Facilities" _____
IN THIS SUBDIVISION ARE PRIVATE. THE OWNERS, HOMEOWNERS' ASSOCIATION, OR CONDOMINIUM ASSOCIATION ARE RESPONSIBLE FOR ALL OPERATIONS, REPAIRS AND MAINTENANCE.

- C.** Specific Requirements: It is the responsibility of each responsible party to accomplish the disclosure required by this section. Without limiting the generality of this obligation, a copy of the required disclosure, in any event:
 - 1. Shall be prominently posted in the sales office;

 - 2. Shall be contained in a contract for the sale, lease, or rental of a dwelling unit or nonresidential facility, and if not printed in "red letter" or similar contrasting and noticeable colors, shall be specifically pointed out to a prospective purchases or tenant prior to execution of any such contract; and

3. Shall be printed in readily legible type on any map or plat used for marketing purposes.

PART 6-AMENDMENTS, VARIANCES AND APPEALS

Section I: AMENDMENTS

The Planning and Zoning Commission may recommend that the County Commission change and amend these Subdivision Regulations from time to time, after public hearing, as provided in Section 64.815 RSMo.

Section II: VARIANCES

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development, or contains such topographic conditions or characteristics, that the strict application of the requirements contained in these Subdivision Regulations would impose practical difficulties or particular hardship, the Planning and Zoning Commission may vary or modify any of the requirements of these regulations so that substantial justice may be done, the public interest secured and the general intent of these regulations preserved. Applications for variances shall be made in writing and state fully and clearly the facts necessary to support the request. All applications shall be accompanied by the fee, which the County commission establishes from time to time. In granting variances, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure the objectives of these Regulations.

Section III: APPEALS

Upon the denial of an application for a subdivision variance by the Planning and Zoning Commission, petitioners may file a formal appeal requesting a formal determination on the request from the County Commission. The County Commission may affirm, reverse, or modify, in whole or in part, any variance determination by the Planning and Zoning Commission. All applications shall be filed within ten (10) days and accompanied by the fee, which the County Commission establishes from time to time.

PART 7-ADMINISTRATION AND ENFORCEMENT

Section I: GENERAL PROVISIONS

The Planning and Zoning Commission shall adopt, amend and publish rules and instructions for the administration of these Subdivision Regulations to the end that the public be informed and that approval of the plat be expedited.

Section II: COMPLAINTS REGARDING VIOLATIONS

Whenever the Planning and Zoning Administrator receives a written, signed complaint alleging a violation of the Order or permit granted or plat approved pursuant to the Order the office shall investigate the complaint to the extent deemed necessary by said official, take whatever action is warranted, and inform the complainant, in writing, what actions have been or will be taken.

Section III: PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any

situation that is contrary to the requirements of these regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section IV: PROCEDURES UPON DISCOVERY OF VIOLATIONS

- A.** If the Planning and Zoning Administrator finds that any provision of the Order or permit granted or plat approved pursuant to the Order is being violated, Administrator shall send a written notice, by certified mail, to the person responsible for such violation, indicating the nature of the violation and ordering the necessary corrective action. Additional written notices may be sent at the Planning and Zoning Administrator's discretion. For the purpose of enforcing compliance with these regulations, the Planning and Zoning Administrator shall issue such notices or orders as may be necessary.
- B.** The final written notice (and the initial notice may be the final notice) shall state what action the Planning and Zoning Administrator intends to take if the violation is not corrected, and shall advise that the decision or order may be appealed to the County Commission.
- C.** Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of these regulations or pose a danger to the public health, safety, or welfare, the Planning and Zoning Administrator may seek enforcement without prior notice by invoking any of the penalties or remedies authorized in the Warren County Zoning Code.

Section V: PENALTIES AND REMEDIES FOR VIOLATIONS

- A.** In accordance with and by virtue of the provisions of Chapter 64.895 RSMo, any owner, lessee, lessor, or tenant of land located within any unincorporated area covered or affected by the provisions of these regulations, who violates any of the provisions hereof shall be guilty of a Class A misdemeanor. Upon conviction of same, any said party shall be punished by virtue of Chapters 557.021, 560.016 and 560.021 RSMo regulating fines and imprisonment of anyone convicted of a Class A Misdemeanor.
- B.** Any act constituting a violation of the provisions of these regulations or a failure to comply with its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional use permits, shall also subject the offender(s) to the penalties set forth herein.
- C.** These regulations may also be enforced by any appropriate civil action, including injunctions.
- D.** Each day a violation continues may be deemed a separate offense.
- E.** Any one, all, or any combination of the foregoing may be used to enforce the provisions of these regulations.

Section VI: PERMIT NON-COMPLIANCE ACTIONS

Any permit may be revoked (in accordance with the provisions of this Section) if the recipient fails to develop or maintain the property in accordance with the plans submitted, the

requirements of the Order, or any additional conditions or requirements imposed by the issuing authority.

PART 8-SEVERABILITY OF PROVISIONS

Each of the sections, paragraphs and provisions of these Subdivision Regulations shall be severable. In the event any of the same is found by a court of competent jurisdiction to be unconstitutional, or otherwise invalid, the remaining sections, paragraphs and provisions of these Regulations shall be valid, unless the court finds the valid sections, paragraphs and provisions are so essentially and inseparably connected with, and so dependent upon, the invalid one(s) that it cannot be presumed that the County Commission would have adopted the valid sections, paragraphs and provisions without the invalid one(s), or unless the court finds that the valid sections, paragraphs and provisions, standing alone, are incomplete and are incapable of being executed in accordance with the County Commission's intent.

APPENDIX C

PLANNED UNIT DEVELOPMENT (PUD)

Section I: PURPOSE

- A.** The provisions of this Article are designed to deal with larger scale developments and to facilitate better site planning and community planning through modification of certain district regulations as they apply to such specialized larger scale developments.
- B.** It is hereby recognized that, for larger scale developments, the regulations of the zoning districts either individually or collectively, might impose unnecessary or undesirable rigidities on a site plan and thereby prevent achievement of the best possible plan. Therefore, Appendix C is intended:
 - 1. to permit flexibility in site design by taking into consideration varying topographical conditions present on a proposed site;
 - 2. to achieve more efficient use of land, within the framework and intent of these regulations, which can result from larger scale or multiple use developments;

3. to encourage and permit provision of open space;
 4. to protect and preserve scenic assets and natural features and to incorporate these into the development;
 5. to foster more stable communities by providing a variety and balance of housing types and living environments;
 6. to encourage and permit variety in the location of buildings, roads, parking lots, and other facilities and activities; and
 7. to increase the safety of pedestrian and vehicular traffic by reducing the number of traffic conflict points within a development.
- C.** Appendix C is intended to achieve these objectives while promoting and protecting the public health, safety, and welfare of the County, and while safeguarding the present or future use and development of areas surrounding a proposed PUD.
- D.** The PUD designation is intended to be used in R-2 or AG Districts.

Section II: PROCESSING PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

The procedures for processing a PUD are as follows:

1. If the area in question is not already zoned R-2 or AG, a rezone application must be acted upon by the Planning and Zoning Commission prior to the submittal of the PUD application and Sketch Plan. (See Article X, Amendments in the Warren County Zone Codes)
2. Bring four (4) copies of Sketch Plan to the Planning and Zoning Administrator. An appointment will be made to meet with the County Commission for preliminary approval of the Sketch Plan. Appointment will be set within 30 days.
3. Meet with County Commission for preliminary approval of Sketch Plan. Applicant should bring the engineer or anyone who can answer questions about the development.
4. After County Commission issues preliminary approval, the Sketch Plan will be sent to the Engineer. If the Sketch Plan is not approved by the County Commission, the applicant has sixty (60) days to correct the areas of concern. If the Sketch Plan is not approved at the second meeting with the County Commission, the applicant must wait a minimum of one (1) year before applying again for the PUD in the same location.
5. Approval of the Sketch Plan by the County Commission and Engineer shall assure the applicant the Sketch Plan is acceptable to go to public hearing.

6. Upon receiving approval from the Engineer for the Sketch Plan, the following must be completed and given to the Planning and Zoning Administrator: PUD application, the property owners within a 1000 feet of the proposed development determined by the applicant and applicable fees. A public hearing with the County Commission will then be set.
7. The Planning and Zoning Administrator shall mail a notice of a public hearing on the application to all the adjoining owners listed by the applicant, (at the applicant's expense, and shall publish a notice of said hearing at least once in a local newspaper of general circulation in the county (at the applicant's expense) and post such notice in a public place in the County Administration Building at least fifteen (15) days prior to said hearing.
8. Public hearing before the County Commission for review and public comment.
9. The County Commission will review the PUD application and Sketch Plan after a public hearing. It will issue its decision within forty-five (45) days. The County Commission's decision may be protested within ten (10) days by filing the protest with the Circuit Court at the expense of those filing the protest.
10. Official approval of the Sketch Plan shall confer PUD status to the subject tract and permit modifications of lot area, lot width, yard requirements, and spacing among buildings and structures within the lot, except on the perimeter of the PUD, all as set forth in the approved Sketch Plan. No deviations from the Sketch Plan approved by the County Commission after public hearing shall be permitted except as provided in Appendix C.
11. Approval of the Sketch Plan of a PUD shall expire and be of no effect two (2) years after the date of approval unless a Final site Plan has been approved by the County Commission for the initial phase of the development.
12. If approved, Final Sketch Plan submitted to Planning and Zoning Administrator for filing provided no changes have been made other than those recommended by the County Commission.
13. The applicant and the owner(s) of record shall then sign a statement that the approved Sketch Plan shall be binding upon the applicant and the owner(s) of record and upon their heirs, successors, and assigns. The Sketch Plan shall not be officially approved nor may the applicant submit a Final Site Plan for the PUD or any part thereof, until said statement has been signed as required herein. The foregoing approval and signing shall constitute official approval of the PUD designation for the subject tract.
14. Construction must be diligently pursued or the approval may be voided by the County Commission. Approval authorizes the applicant to file a Final Site Plan for the entire tract or portion thereof if the PUD is developed in phases.

Section III: MINIMUM PUD AREA

The minimum area to be developed under the regulations of Appendix C shall be fifteen (15) acres. However, the minimum PUD area may be waived by the County Commission during the preliminary hearing if the parcel in question has certain unique characteristics such as, but not limited to: significant topographic change; significant trees or wooded areas; wetlands; flood plain or poor soil conditions on portions of the property, water courses or utility easements crossing the parcel; unusual shape or proportions; and isolation from other undeveloped or developable lands. In such cases, the applicant shall submit information to the Commission to support the request for a waiver of the minimum area requirement. The Commission shall consider the request and act thereon, record said action in the minutes of the meeting, and inform the applicant of the action in writing. The request for waiver and the Commission's action shall be made prior to the applicant's submittal of an application for a Planning Unit Development designation.

Section IV: INFORMATION REQUIRED-SKETCH PLAN

- A.** The application for Sketch Plan approval shall include the following information:
1. The name of the proposed PUD.
 2. Names, addresses and phone numbers of the owner(s) of record and engineer, surveyor or designer responsible for the planning, engineering survey and design.
 3. Acreage in the PUD.
 4. Legal description of the entire PUD.
 5. Proposed deed restrictions, protective covenants, and homeowners' association articles of incorporation and bylaws.
 6. Notarized Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
- B.** Sketch Plan-The application shall be accompanied by four (4) copies of the proposed Sketch Plan drawn at the appropriate scale showing:
1. Name of the proposed PUD project.
 2. Scale, date and north arrow.
 3. A map showing the PUD in relation to the surrounding area.
 4. Within two hundred (200) feet of the proposed development, names of adjacent subdivisions, layout of streets (with names), rights of way widths, connections with adjoining platted streets, widths and locations of alleys, easements, and public sidewalks adjacent to or connecting with the tract location and size of all existing sanitary sewer, storm sewer and supply facilities.

5. Existing conditions in the plan area showing all utilities, bridges, streets, drives or alleys and existing structures.
6. Existing topography (at least five (5) foot contour intervals). All topographic data shall directly relate to USGS data.
7. The existing zoning status of all adjacent properties shall be identified on the Plan.
8. The general plan layout of the entire PUD showing proposed land uses, streets, parking areas, open space areas, and sidewalks with significant dimensions indicated where appropriate to clarify the plan.
9. All planned use areas shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the PUD shall be indicated on the plan dedication or reservation.
10. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, building and structures, including proposed easements or grants for public utilities.
11. Proposed stages of development.
12. Residential data.
 - a. Estimated total residential units.
 - b. Average square feet of residential land per each type of residential unit.
 - c. Proposed setbacks, based on topography, for front, side, and rear of lots.
13. Any additional information deemed necessary by the County Commission to adequately illustrate the proposed development.

Section V: STANDARDS FOR SKETCH PLAN APPROVAL

The County Commission shall consider in its review and shall determine and provide in its decision that the proposed Sketch Plan meets the intent of Appendix C and the following standards:

- A.** The use of land shall be in conformance with the permitted uses of the zoning district in which the land is situated and conforms to the adopted Master Plan or any part thereof, or represents land use policy which, in the County Commission's opinion, is a logical and acceptable change in the adopted Master Plan.
- B.** Average density is to be calculated as total land area excluding public right of way. However, the buildings so permitted may be clustered and located irrespective of yard

setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.

- C.** The proposed development shall be adequately served by public facilities and services, such as: highways, streets, easements, drainage courses, stormwater retention and detention facilities, water and sanitary sewer facilities in a manner acceptable to the County Commission.
- D.** Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services identified above.
- E.** Open space, individual properties, and all other elements of the PUD are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site and the surrounding land. All open spaces shall be permanently and legally secured as such to the satisfaction of the County Commission.
- F.** The location of the proposed uses, layout of the site and its relation to streets giving access to it, shall be such that traffic to, from, and within the tract, and concentration of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the County Commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.
- G.** Where applicable, the County Commission shall determine that noise, odor, light, or other external effects from any source whatsoever, which are connected with the proposed use, will not adversely affect adjacent and neighboring areas and uses.

Section VI: INFORMATION REQUIRED-FINAL SITE PLAN

Every Final Site Plan submitted to the County Commission shall be in accordance with the requirements of these regulations and conditions imposed by the County Commission.

Section VII: PROCEDURE FOR FINAL SITE PLAN REVIEW

- A.** The County Commission shall, upon receipt of a Final Site Plan, study same and approve, with or without conditions, or deny the Final Site Plan.
- B.** The applicant and owner(s) of record shall sign a notarized statement that the approved Final Site Plan shall be binding upon the applicant and the owner(s) and their heirs, successors and assigns.

- C. The procedure of this Section shall be repeated in full for each phase of the development in the approved Sketch Plan.
- D. Site plan approval shall be subject to the requirements of providing a performance guarantee for improvements to be made in the same manner as provided for subdivisions in the Subdivision Regulations. (See Appendix B, Part 4, Section V.)

Section VIII: STANDARDS FOR FINAL SITE PLAN APPROVAL

The County Commission, in granting Final Site Plan approval, shall determine that the following standards have been met:

- A. The Final site Plan shall conform to the approved Sketch Plan, except that minor variations in layout may be permitted at the discretion of the County Commission and without amendment of the approved Sketch Plan. Minor variations include, among others, a change in residential floor area, an increase in non-residential floor area of five percent (5%) or less, and a change in layout, provided that in the case of a change in layout, the applicant shall provide the County Commission with a revised Sketch Plan which incorporates such layout changes. The revised plans shall each be signed by the applicant and owner(s) of record. Modifications, such as, but not limited to, a change in use, type of street, increase in density or intensity of development, type of dwelling unit, or an increase in non-residential floor area of over five percent (5%), shall be considered major changes and shall require amendment of the approved Sketch Plan. The County Commission shall determine whether a change is minor or major, in accordance with this Section.
- B. All dedications of open space, roads or other public land shall become effective upon recording.

Section IX: PRESERVATION AND MAINTENANCE OF OPEN SPACE

All open spaces identified in the approved Sketch Plan shall permanently remain as open space and shall be maintained properly by a Homeowner's Association or other appropriate entity.

Section X: AMENDMENT OF A PUD PROJECT

An approved PUD project may be amended at either the Sketch Plan or final Site Plan stage by use of the procedure for original approval. An amendment to a Final Site Plan which results in a major change in the Sketch Plan shall require an amendment of the Sketch Plan and shall be processed in the same manner as the original application with a public hearing before the County Commission following public notice as required by law.

Section XI: EXPIRATION OF APPROVALS

- Plan
- A.** If a tract has been designated as a PUD by the County Commission, said tract shall not be developed or used except in accordance with the approved Sketch Plan and Final Site unless and until such designation is removed by formal action of the County Commission.
 - B.** A Final Site Plan for the entire area designated as a PUD or Final Site Plans for each phase of a PUD which is planned in phases must be approved by the County Commission within two (2) years of the date of approval of the Sketch Plan. Failure to obtain approval of Final Site Plans as herein provided shall authorize the County Commission to revoke, at its discretion, the right to develop under the approved Sketch Plan and to require a new Sketch Plan be filed and reviewed in accordance with the provision with Appendix C.
 - C.** Approval of the Final Site Plan in a PUD shall expire and be of no effect one (1) year after the date of approval unless construction is begun and is diligently pursued in accordance with the approved Plan. Expiration of the approved Final Site Plan shall authorize County Commission to require filing and review of a new Final Site Plan in accordance with the provision of Appendix C.
 - D.** Construction pursuant to a Final Site Plan shall be completed within two (2) years of the date of approval. If the construction is not completed, the County Commission shall not review or approve plans for any subsequent phases of the PUD unless good cause can be shown for extending the time of completion of the PUD.

Section XII: EXTENSION OF TIME LIMITS

Time limits set forth in Appendix C may be extended only by formal action of the County Commission.

Section XIII: VIOLATIONS

Any violation of either the approved Sketch Plan or approved Final Site Plan shall be grounds for the Planning and Zoning Administrator to issue a stop-work order and to withhold any and all permits required for the project until the violation is cured.