THE ZONING ORDER
FOR WARREN COUNTY, MISSOURI

This Amendment to the Zoning Order of Warren County was 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 amending the existing Zoning Order to promote 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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ARTICLE I: GENERAL PROVISIONS

Section 1.1: SHORT TITLE

These regulations shall be known 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 Warren 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 February 1, 2021. Warren County originally adopted zoning and subdivision regulations on November 27, 1985. There have been restatements of and amendments to such regulations since the original adoption leading to the current amendments and the adoption of 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 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

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. Due to the complex nature of some actions the fees may differ depending upon the type of permit or appeal desired.

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 that 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.

Section 1.13: 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 II: BASIC DEFINITIONS AND INTERPRETATIONS

**** all "USES" in the definitions with an asterisk (*) to signify "A Use"***

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. Any word not defined shall be given its normal and customary definition.

100- Year Flood (for purposes of Article 11 only): see "Base Flood".

A Frame Sign: A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A. (Also known as sidewalk sign.)

Accessory: The term applied to a building, structure or use which is clearly incidental or subordinate to and customary in connection with the principal building, structure or use and which is located in the same lot with the principal building, structure or use. No residential building, tourist cabin or summer colony cottage shall be considered as accessory to any other residential building except as is expressly provided in this Order. Any accessory building or structure attached to a principal building or structure is deemed to be part of such principal building or structure in applying these regulations to such building or structure.

Accessory Dwelling: An accessory structure, but not a mobile home, with complete housekeeping facilities for single-family occupancy for use by only immediate family members or guests of the occupants of the principal single-family dwelling on the lot at no charge. Also known as mother-in-law quarters, guest house or carriage house.

Accessory Structure: A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be similar and accessory to the use of the principal building. Accessory structures include garages, decks and fences.

Accessory Structure (for purposes of Article 11 only): The same as "Appurtenant Structure".

Accessory Use: A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Actual Building Construction: Includes the placement of construction materials in permanent position and fastened in a permanent manner and within the time requirements elsewhere in the Regulations.

Actuarial Rates (for purposes of Article 11 only): See "Risk Premium Rates".

Acreage, Gross: The entire area within the boundary lines of the proposed lot or tract, including the area to be dedicated for street and alley right-of-way and public use.

Acreage, Net: The entire area within the boundary lines of the proposed lot or tract, less the area to be dedicated for street and alley right-of-way and public use.

Administrator (for purposes of Article 11 only): The Federal Insurance Administrator.

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

1. **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.

2. **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.

3. **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.

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

Agency (for purposes of Article 11 only): The Federal Emergency Management Agency (FEMA).

Aggrieved Person: Any owner, lessee or tenant of land or public officer, department, board, or bureau or other persons or entities as defined by state law affected by any decision of the Zoning Administrator in administering these regulations.

AGL (Above Ground Level): Ground level shall be determined by the average elevation of the natural ground level within a radius of 50 feet from the center location of measurement.

***Agribusiness:** The business of production operations of farms, the manufacture and distribution of farm equipment and supplies, and the processing, storage, raising, feeding and distribution of farm commodities.

***Agriculture:** The planting, cultivating, harvesting and storage of grains, hay, plants, grapes, fruits or trees commonly grown in the County as well as the raising and breeding of livestock, poultry or similar animals, for private use or for retail or wholesale sale to the public.

Agricultural Commodities (for purposes of Article 11 only): Agricultural products and livestock.

***Agricultural Processing:** Operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use. Agricultural processing shall not include commercial feedlots or slaughterhouses.

***Agricultural Sales and Services**: A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines but includes food sales and farm machinery repair services that are accessory to the principal use.

Agricultural Structure (for purposes of Article 11 only): Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

Agritourism: The practice of touring agricultural areas to see farms and often to participate in farm activities.

***Airport/Heliport:** A complex of runways and buildings used or intended to be used for the takeoff, landing and maintenance of aircrafts, and includes its buildings and facilities, if any.

All-Terrain Vehicle: Small motor vehicle with three or four wheels that is designed for use on various types of terrain.

* **All-Terrain Vehicle Sales & Service:** A use primarily engaged in the sale or rental of Small motor vehicle with three or four wheels that is designed for use on various types of terrain.

Amateur Antenna: An antenna that transmits noncommercial communication signals and is utilized by any person licensed as an amateur operator by the Federal Communications Commission.

Amateur Radio Tower: A tower or other antenna support structure that exclusively supports amateur antennas.

***Amusement/Recreational Facility:** Includes, but is not limited to, swimming pools, tennis courts, skating rinks, miniature golf courses, and health clubs and spas.[1]

***Animal Auction House:** A building, area or areas within a building used for the public sale of livestock and/or domestic animals.

***Animal Shelter**: Warren County hereby adopts by reference the definitions and requirements of the Missouri Department of Agriculture Regulations as set forth in 2 CSR 30-9.010 through and including 2 CSR 30-9.030. This use is subject to the requirements all of such regulations to specifically include obtaining a license from the State of Missouri if required by such regulations as well as any and all inspections required by the regulations. If the use is allowed in a given district by way of a Conditional Use Permit the County can add additional conditions so long as such do not conflict with State regulations.

Animated Sign: A form of digital advertising that displays messages that move, appear to be moving, use lighting effects to portray movement or display information in a video or video like format.

Antenna: Equipment designed to transmit or receive electronic signals.

***Apiary:** Combs, hives, appliances or colonies, wherever bees are kept, located or found.

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Appeal (for purposes of Article 11 only): A request for review of the Floodplain Administrator's interpretation of any provision of Article 11 or a request for a variance.

Applicant: Persons having the legal authority to request action in accordance with the permit or the subdivision approval or persons who have permission from persons having the legal authority to take action. Generally, this means owners or lessees of property, their agents or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits or the agents of such persons.

Appurtenant Structure (for purposes of Article 11 only): A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

***Archery Range, Indoor:** A facility designed to offer a totally controlled shooting environment for the art, practice, or skill of propelling arrows with the use of a bow.

Archery Range, Outdoor: An outdoor facility that may include structures or buildings, used for target practice with bows and arrows.

***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.

***Auction House:** A building, or areas within a building, used for the public sale of goods, wares, merchandise or equipment to the highest bidder. This definition excludes livestock or motor vehicles.

***Aviary:** A place for keeping birds confined for the purpose of raising, exhibiting or selling.

Awning: A roof like structure, often made of canvas or plastic, that serves as a shelter, as over a storefront, window, door, or deck

Back-to-back sign, double faced sign, or V-type sign: A sign with two (2) sides each of which can be read from opposite directions of the same roadway, with not more than one (1) face on each side and not more than two (2) display areas to each facing. The total display area for each side must not exceed 672 square feet.

***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.

Battery:[1] A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.

Battery Energy Storage System:[2] (sometimes referred to as "BESS") One or more devices, assembled together, capable of storing energy to supply electrical energy at a future time. For purposes of this definition, a Battery Energy Storage System shall mean any system with a nameplate power capacity of five (5) megawatts (MW) or greater, or an energy storage capacity of twenty (20) megawatt-hours (MWh) or greater. BESS does not include: a standalone 12-volt automotive, marine, or other equipment starter or deep cycle battery; a battery installed in or powering a motor vehicle or other similar item; small-scale residential, commercial, or industrial backup power systems that are not interconnected to the electric utility transmission or distribution grid at utility-scale interconnection voltage level or that are not configured for energy export, wholesale market participation, or utility-scale operation.

***Battery Energy Storage System Development:**[3] An area, whether comprised of a single or multiple separate parcels, used for one or more BESS installations, including all BESS Equipment and BESS Structures necessary for operation of the BESS Development, whether operated as: (1) a standalone facility; (2) integrated into any solar energy farm or other similar energy generation facility; or (3) integrated into some other commercial or industrial use.

Battery Energy Storage System Equipment:[4] All equipment, devices, and systems located on or serving a BESS Development that supports or houses a BESS, and that are used for the storage, conversion, management, monitoring, protection, cooling, ventilation, suppression, control, or delivery of electrical energy associated with a BESS. Such equipment includes, but is not limited to, battery modules and racks, containers, enclosures, inverters, transformers, substations, switchgear, converters, metering equipment, control systems, supervisory control and data acquisition (SCADA) systems, battery management systems, fire detection and suppression systems, HVAC and cooling systems, security systems, fencing, internal access roads, and electrical collection, transmission, and communication systems located within the BESS Development. This definition excludes general public utility infrastructure located outside the BESS Development unless dedicated exclusively to the BESS.

Battery Energy Storage System Structure:[5] A building, container, enclosure, or other structure located within a BESS Development that supports or houses a BESS, and that is designed, constructed, or used primarily to house, support, or protect BESS Equipment or associated electrical and control systems. For purposes of this definition, "primarily" means more than incidental use for such purposes.

Battery Management System:[6] An electronic control and safety system that monitors, regulates, protects, and manages the performance and operating conditions of battery cells and modules within

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a Battery Energy Storage System, including, but not limited to, voltage, temperature, current, charging, discharging, balancing, and fault detection functions, within a BESS.

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

Basement (for purposed of Article 11 only): Any area of the structure having its floor subgrade (below ground level) on all sides.

Beacon Light: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

***Bed and Breakfast:** An establishment or place of business that is a private, owner-occupied single-family dwelling which provides between one (1) and five (5) guest rooms for paying guests on a reservation basis, with or without food service.

***Billboard-Large:** An off-premise sign that is exceeding thirty-two (32) square feet in size that is intended or used to advertise, direct or inform the traveling public of an establishment, products, services, entertainment or other information which is not sold, produced or furnished upon the property in which the sign is located. Directional and other official signs are not considered billboards. A billboard that has electronic displays that present one or more static advertisements for businesses or events, not located on the property, on a rotating basis.

***Billboard-Mini:** An off-premise sign that is equal to or less than thirty-two (32) square feet in size that is intended or used to advertise, direct or inform the traveling public of an establishment, products, services, entertainment or other information which is not sold, produced or furnished up the property in which the sign is located. Directional signs or other official signs are not considered mini-billboards. A billboard that has electronic displays that present one or more static advertisements for businesses or events, not located on the property, on a rotating basis.

Block: A platted tract of land entirely surrounded by public highways, streets, streams, railroad rights-of- way or parks or a combination thereof. In places where the platting is incomplete or disconnected, the Zoning Administrator shall determine the outline or perimeter of a block.

***Boarding House (Temporary Worker Housing):** A residential use consisting of at least one dwelling unit together with more than two rooms that 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 tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight guests. This type of residence should be used primarily to house temporary workers for the support of local businesses.

Building: A structure 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.

***Bus Station:** A terminal where buses arrive and depart.

Business: A usually commercial or mercantile activity engaged in as a means of livelihood.

Cabinet: A structure for the protection and security of communications equipment associated with one or more antennas where direct access to equipment is provided from the exterior and that has a horizontal dimension that does not exceed 4 feet by 6 feet and vertical height that does not exceed 6 feet.

***Campground:** An area where facilities are provided for recreational or camping vehicles or travel trailers, tents or other portable habitation, utilized by the public as a place for camping, vacationing, which are in place for not more than 30 days. The park may include certain recreational or service facilities for the use of the residents of the park.

Canopy: Roof-like covers that project from the wall of a building or are freestanding for the purpose of shielding from the elements. Canopies may also be freestanding, such as a covering over a service station island. Canopy does not include marquee signs.

Cell:[1] A receptacle containing electrodes and an electrolyte either for generating electricity by chemical action or for use in electrolysis.

***Cemetery:** a burial ground; a graveyard.

Centralized Sewer: A central sewage treatment facility owned or operated by a municipality, not-for- profit or public or private sewer district or similar authority, for a single development, community or region with an accompanying collection network. All systems must be designed to properly provide for the safe treatment and disposal of the generated raw sewage and are subject to the approval by the appropriate sanitation and health officials.

Centralized Water: A domestic water supply source and distribution system owned and operated by a municipality, not-for-profit or public or private water district or similar authority that provides a clean and sanitary water supply to a single development, community or region. All systems are subject to the approval 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.

Change in Use: When the essential character or nature of the activity conducted on the lot changes. This occurs whenever the change involves a change from one principal use category to another. A mere change in the status of property from unoccupied to occupy or vice versa does not constitute a change in use.

***Church:** a building used for public Christian worship.

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Circulation Area: That portion of the vehicle accommodation area 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.

***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.

Colocation Facility:[1] A facility where one or more entities may install, operate, and maintain their own computer servers, networking equipment, and other digital infrastructure.

Combination Uses: When a single piece of property proposes more than one permitted (or Conditional) use. When proposing combination uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plan the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

Combustible Vegetation:[2] Any living or dead grass, weeds, brush, shrubs, trees, vines, plant material, or vegetative debris that is capable of ignition and contributing to the spread of fire. The term includes dead, dry, diseased, or unmanaged vegetation and any accumulation of leaves, needles, branches, or other vegetative matter that may serve as fuel for a fire.

Commercial Antenna/Tower: Any tower and/or antenna that transmits or receives communications as part of a for-profit business. The term shall exclude satellite earth station antennas less than 6 feet in diameter (mounted within 12 feet of the ground or building) and any receiver for only home television antennas. This does require a building permit.

***Commercial Slaughterhouse:** A facility for the slaughtering and processing 1,000 or more head of livestock or 5,000 or more birds per year and the refining of their byproducts. Less than 1,000 head of livestock or less than 5,000 birds per year see "Agricultural Processing".

Commercial Service: Retail establishments that primarily render services rather than goods. Such services may include, but not be limited to, copy shops, printing services, package and postal services, photo processing, janitorial services and similar operations. (Also known as "Retail Sales and Services")

***Commercial Storage, Indoor**: The use of any building for non-transitory, semi-permanent or long-term, containment, holding, leaving, or placement of goods or materials used in connection with a business. Items include but are not limited to more than 2 commercial vehicles, equipment used in connection with business, items for sale, etc. All items being stored shall be completely concealed in the building.

***Commercial Storage, Outdoor:** The use of any building or premise for non-transitory, semi-permanent or long-term, containment, holding, leaving, or placement of goods or materials used in connection with a business. Items include but are not limited to more than 2 commercial vehicles, equipment used in connection with business, items for sale, etc.

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Commercial Vehicle: A vehicle which is used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. Includes fleet vehicles, company cars, or other vehicles used for business. Types of vehicles allowed as a commercial vehicle include:

- Truck
- Semi-truck tractor/trailer
- Van
- Taxicab
- Box truck (also known as a straight truck)

Common Ground: The land within or related to a development, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate. Also known as "open space".

***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.

***Composting Facility**: A commercial facility where yard waste is accepted from the public for composting. Composting is an aerobic (oxygen-dependent) degradation process by which organic wastes decompose under controlled conditions.

Computer Network:[1] A system of interconnected computers, computer servers, or other electronic devices capable of exchanging data, information, or resources.

Computer Server:[2] A device designed primarily to provide data, services, applications, or resources to other devices over a network, including local area networks, wide area networks, or the internet.

Conditional Use: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review and approval by the Planning and Zoning Commission.

Conditional Use Permit: A permit issued by the Planning and Zoning Commission that authorizes the recipient to make use of property in accordance with the requirements of these regulations as well as any additional requirements imposed by the Planning and Zoning Commission.

***Construction Business:** The commercial activity involved in repairing structures or constructing new ones.

Construction Waste Material: The materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways. Includes structural and functional materials comprising the structure and surrounding site improvements, including, but not necessarily limited to:

- Brick
- Stone

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- Glass
- Drywall
- Plumbing Fixtures
- Carpeting
- Roofing materials

***Convenience store:** A stand-alone structure not connected to any other retail stores, less than 5,000 square feet in size, engaged in the sale of personal or household merchandise, packaged foods and beverages, which may include fueling stations as an accessory use where permitted.

County: County of Warren, Missouri.

County Commission: County Commission of the County of Warren, Missouri.

Cul-de-Sac: A street having one (1) end opens to traffic and one (1) being terminated by a vehicular turnaround

***Cultural Use:** Uses that service the public, such as but not limited to museums, art galleries and libraries by a public or private, non-profit facility.

***Day Care, Center:** A building occupied by a day care provider that receives more than five (5) persons for care for any part of a twenty-four (24) hour day, without overnight stays.

***Day Care, Group:** A building occupied by a day care provider that receives less than five (5) persons for care for any part of a twenty-four (24) hour day, without overnight stays.

Developer: A person who is responsible for any undertaking that requires a zoning permit, conditional use permit, or sign permit.

Development: Any man-made change to improved or unimproved real estate, construction, renovation, mining, extraction, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, canal, woodlands, wetland, or other activity. This definition shall not apply to agricultural activities.

Device:[1] Any electronic or mechanical apparatus designed to perform a specific function, including computers, computer servers, storage devices, networking equipment, or other digital processing or communication equipment.

Digital Data:[2] Electronic representations of information, including text, images, audio, video, software, or any other digitally encoded content, whether stored, transmitted, or processed.

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Digital Storage Device:[1] Any device that is used to store digital data or information electronically, whether temporarily or permanently, including, but not limited to, hard drives, solid-state drives, storage arrays, and similar media.

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.

Directional and Informational Signs: An on-premise sign designed to guide vehicular and/or pedestrian traffic by using words like "Entrance", "Exit", "One Way", etc.

***Driving Range:** an area where golfers can practice drives.

***Driving Range (Unlighted):** an area where golfers can practice drives. (Daylight hours only)

Domestic Animals: An animal that has been tamed and kept by humans as a pet including, but not limited to, cats, dogs, guinea pig, etc.

Driveway: A private access for ingress/egress or means of approach to provide physical entrance to a property.

Driveway (shared): A private access for ingress/egress or means of approach to provide physical entrance to multiple properties.

***Duplex:** A structure on a single lot containing two apartment units, each of which it totally separated from the other by an unpierced wall extending from ground to roof and in which each unit have a separate, ground floor entrance.

Easement: A legal interest in land, granted by the owner to another person(s) or entity, which allows that person(s) the use of the designated portion of the owner's land, for a stated purpose including but not limited to rights-of-way or placement of utilities. The easement may be for use under, on or above said property.

***Educational Use:** A public, parochial or private institution that provides educational instruction to students.

Elevated Building: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundations walls, shear walls, posts, piers, pilings, or columns.

***Entertainment Facility:** A facility designed and/or operated for the assembly of large numbers of people for spectator or entertainment purposes, including but not limited to stadiums, arenas, and convention or exhibition centers. Such facilities are characterized by the presentation of entertainment, performances, or events for an audience, where an admission fee is charged, and typically include infrastructure designed to accommodate such assembly and entertainment.[2]

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***Event Rental Facility**: A use in which a property, or portion thereof, is regularly made available for weddings, receptions, corporate functions, or similar private events, where no admission fee is charged to the guests attending such events. This use is characterized by: (1) recurring or scheduled events; and/or (2) the marketing or holding out the property as a venue for such events.[1]

Existing Manufactured/Mobile Home Park or Subdivision: A manufactured/Mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the zoning regulations adopted by Warren County.

***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.

Expansion of an Existing Manufactured/Mobile Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading of the pouring of concrete pads).

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. the term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

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

Extraction: The act or process of taking something out, usually with force.

FAA: The Federal Aviation Administration.

Facility: A structure or place which is built, installed, or established to serve a particular purpose.

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

***Farm/Produce Markets:** A farmers' market is a physical retail marketplace intended to sell foods directly by farmers to consumers. Farmers' markets may be indoors or outdoors and typically consisting of booths, tables or stands where farmers sell their homegrown produce, live animals and plants, and sometimes prepared foods and beverages.

***Farm Equipment and Machinery Sales and Services:** Establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops and other operations and processes pertaining to farming and ranching.

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***Farming/Dairy:** All operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, production, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, freshwater fish, or poultry.

FCC: The Federal Communications Commission.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means or protection, privacy screening or confinement but not including hedges, shrubs, trees, or other natural growth.

Final Plat: The map of all or a portion of a subdivision that is presented to the approving authority for final approval

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

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

***Fish Hatchery:** Establishments devoted to hatching, raising or rearing fish.

Flag Lot: A lot of irregular shape with reduced frontage on a public or private street (less than 150 feet for lots 1 acre or greater and less than 75 feet for lots less than 1 acre) with dimensions which are otherwise adequate at the building line.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM): An official map of a community on which the Administrator has delineated both special food hazard areas and the designated regulatory floodway.

Flood Elevation Determination: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study: An examination, evaluation, and determination of flood hazards.

Flood Fringe: The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

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

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

***Forestry:** The growing or harvesting of forest tree species used for commercial or related purposes.

***Fraternal or Private Club:** A building or property to be used by an association of people with a common interest. The establishment belonging to the club should be operated for objects of national, social, patriotic, political, or athletic nature, or the like and should not be operated for profit. This establishment may be used by persons for recreational and eating purposes, but not for dwelling purposes. If the activities of the club more closely resemble those of another land use, the zoning classification of the other use will apply.

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Street: A property line which abuts a public right-of-way that provides public access or visibility to the premises.

***Fur Farming/Raising of Furbearing Animals:** Fur farming is the practice of breeding or raising certain types of animals for their fur.

Garage, Private: An accessory structure for storage of private motor vehicles.

General Waste Material: The accumulation of hazardous and non-hazardous discarded materials including, but not necessarily limited to:

- Animal, fruit and vegetable matter that attends the preparing, cooking delivering in or storing of fruits, fowls or vegetables
- Common household, commercial and/or industrial trash items such as, but no limited to paper, cardboard, plastic, etc.
- Tires
- All metals
- Large batch compost pile

***Golf Course:** Outdoor course of nine or more holes, which could include a driving range, cart rentals, pro-shop, clubhouse and restaurant services.

Grandfathered: Refer to "Nonconforming Use."

Grandstands:[1] Any structure, whether permanent or temporary, designed, constructed, erected, or maintained for the purpose of accommodating spectators viewing any activity or event held at an Outdoor Recreation Venue. The term includes bleachers, tiered seating structures, viewing stands, and similar facilities, whether covered or uncovered, and includes associated aisles, stairways, platforms, guardrails, and accessibility features.

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***Greenhouse:** An establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building for sale on a retail basis.

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.

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

***Halfway House:** A home for not more than eight persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not less than two persons providing supervision and other services to such persons, ten of whom live together as a single housekeeping unit. Does not include a licensed behavioral health hospital.

***Handicapped or Infirm Home/Institution:** A facility or home 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. One care provider for every four residents.

Heavy Construction Equipment: Refers to a class of large fuel-run driver-operated machinery, specially designed for executing construction tasks, earth-moving, heavy lifting, demolition, and digging. Typical heavy equipment includes, but is not limited to, dozers, backhoes, dump trucks, excavators, etc.

Height: The vertical distance measure from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.

Height, Billboard (Large): See Sign Regulations.

Height, Billboard (Mini): See Sign Regulations.

High-Volume Traffic Generation: All uses other than low-volume traffic generation uses which sell retail goods.

Historic Structure: Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior of (2) directly by the Secretary of the Interior in states without approved programs.

***Home Occupation:** A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 227), but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if; (i) goods, stock in trade, or other commodities are displayed outside any building or structure, (ii) any on-premises retail sales occur, (iii) more than one person not a resident on the premises is employed, part time or full time, in connection with the purported home occupation, (iv) it creates objectionable noise, fumes, odor, dust or electrical interference, or (v) more than 25 percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes. The following is a nonexclusive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional, (ii) workshops, greenhouses, or kilns, (iii) dressmaking or hairdressing studios.

***Homeless Shelter:** a type of homeless service agency which provide temporary residence for homeless individuals and/or families.

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 commercial establishment where accommodations are provided for compensation, with or without meals, including related customary services, and in which ingress and egress to and from all rooms are made through an inside office or lobby supervised by a person in charge at all hours. Also, no provisions for cooking are allowed in individual rooms or suites.

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

Improvement: Any manmade item or alteration that becomes part of is placed in or is affixed to land with the intention of being permanent.

Improvement Plan: The engineering drawings intended to be used in the construction of street, trail, water, sewer, drain facilities and appurtenances.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "loading only," "telephone" and other similar directives.

Independent Contractor: A person, business or corporation who provides services to other entities under terms specified in a contract or within a verbal agreement. Typical categories include general contractors, self-employed truck drivers, etc.

Information Technology and Data Processing Facility:[1] A facility used primarily for the storage, management, processing, or transmission of digital information and data for any purpose. Such facilities typically contain computers, computer servers, digital storage devices, networking equipment, and associated infrastructure, including mechanical and electrical systems such as

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backup power supplies, cooling systems, and security controls. The term includes, but is not limited to, data centers, cloud computing facilities, web hosting facilities, and colocation facilities. This term does not include telecommunications tower/facility or stealth structure, or facilities that contain only incidental computer equipment used for internal business or administrative purposes, such as standard office spaces/other places of business and related computer equipment, small-scale computer repair shops, hospitals, schools, or similar operations.

Intermediate Care Home: A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution: An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermittent: Occurring at intervals.

Junior Real Estate Sign: A sign that is less than or equal to thirty-two (32) square feet in size and advertises the sale of a property. Such signs shall be located out of rights-of-way and have permission from property owners.

***Kennel Boarding, Large:** A commercial operation that: (i) provide food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian). Kennel Boarding, large shall have more than 10 total animals. Any kennel that is permitted shall include conditions which mandate the type of housing for the animals so that the health and safety of the animal is protected.

***Kennel Boarding, Small:** A commercial operation that: (i) provide food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian). Kennel Boarding, small shall have no more than 10 total animals. Any kennel that is permitted shall include conditions which mandate the type of housing for the animals so that the health and safety of the animal is protected.

***Kennel Breeding, Large:** a person, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors five or more intact females for the primary purpose of breeding animals for sale. Any kennel that is permitted shall include conditions which mandate the type of housing for the animals so that the health and safety of the animal is protected.

***Kennel Breeding, Small:** a person, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors four or less intact females for the primary purpose of breeding animals for sale. Any kennel that is permitted shall include conditions which mandate the type of housing for the animals so that the health and safety of the animal is protected.

Laboratory: A building or portion thereof in which scientific, medical or dental research, investigation or testing is conducted.

Large Batch Compost Pile: A collection, more than 30 cubic feet, or organic and kitchen refuse set up so that is decomposes for use in fertilizing and conditioning a garden or yard. Properties located in the Non-Urban and Agricultural (NUA) zoning district shall be exempt.

Large Real Estate Sign: A sign that is greater than thirty-two (32) square feet in size and advertises the sale of a property and is located on the property which is advertised as being for sale. Any large real estate sign not on the property which is being advertised as being for sale shall fall under billboard (mini).

Livestock: Generally accepted outdoor farm animals, including but not limited to, cows, goats, horses, pigs, fowl, etc. Does not include cats, dogs and other house pets.

Loading and Unloading Area: That portion of the vehicle accommodation area used to satisfy the requirements of parking.

Local Area Network (LAN):[1] A computer network that interconnects devices within a limited geographic area, such as a single building, campus, or property, allowing them to communicate and share resources.

Local Road: Comprised of all facilities not included on one of the higher systems. Enables travel from residences over short distances to reach routes of higher classification and provides uncontrolled access to adjacent land.

Lot: A parcel of land, within a subdivision, whose boundaries have been established by some legal instrument such as a recorded subdivision map and which is recognized as a separate entity for purposes of transfer of title.

Lot Area: The total area circumscribed by the boundaries of a lot, except that 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.

Lowest Floor: The lowest flood of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable flood proofing design requirements of this article.

Low-Volume Traffic Generation: Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

Major Subdivision Road: A road used to access five (5) or more lots or three (3) or more dwelling units. A Major Subdivision Road cannot be classified as such unless it meets the minimum requirements from the point where it leaves the publicly maintained right-of-way.

Management Areas: The area which comprises the utility waste landfill to include driveways and ancillary uses which is under the control of and managed by the operator of the utility waste landfill.

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

***Manufactured/Mobile Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufacture home lots for rent or sale.

***Manufacturing, Heavy:** An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the build storage and handling of such products and materials. This term includes but is not limited to stonework or concrete product manufacturing, vehicle manufacturing, fabrication of metal products, manufacturing of agricultural, construction or mining machinery, lumber milling, permanent concrete/batch plant.

***Manufacturing, Light:** An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging, and/or processing of finished products or parts, primarily from previously prepared materials and incidental storage and distribution of such products but does not include basic industrial processing from raw materials.

Marijuana: Means Cannabis Indicia, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dg weight basis, or commodities or products manufactured from industrial hemp.

Marijuana, Medical: Marijuana that is available only by prescription and is used to treat a variety of medical conditions including but not limited to pain, anxiety, nausea, and glaucoma.

***Medical Marijuana Cultivation Facility:** A facility licensed by the Department, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

***Medical Marijuana Dispensing:** A facility licensed by the Department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.*Medical Marijuana Manufacturing: Means a facility licensed by the Department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

***Medical Marijuana Manufacturing:** Means a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana infused products to a license Medical Marijuana Dispensary Facility, a licenses Medical Marijuana Test Facility, or another licenses Medical Marijuana Infused Manufacturing Facility.

***Medical Marijuana Testing:** A facility certified by the Department, to acquire, test, certify, and transport marijuana.

Medical Hardships: A medical hardship is defined as an incapacity resulting from an injury or illness that has occurred. This must be documented and acknowledged by a medical professional as affecting the livelihood of the person for which the medical hardship is granted.

***Micro-Brewery:** A microbrewery or craft brewery is a brewery that produces small amounts of beer, typically much smaller than large-scale corporate breweries, and is independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

***Micro-Distillery:** A small distillery producing fewer than 500 barrels of liquor a year with one (1) or more buildings used for the processing of liquor making, sale of liquor and related products and related areas for offices, laboratories, and related beer producing activities. All liquor offered for sale must be produced under a State of Missouri domestic's license. Retail activities are limited to the sale of liquor, pre-packaged food items and gift items. In addition, seventy-five (75%) of the liquor for sale must be produced from grains either grown on the premises or within the State of Missouri.

***Mining/Quarrying:** The extraction of minerals, including solids, such as soil, coal and ores, building stone, slate, or limestone; liquids, such as crude petroleum; and gases, such as natural gases.

Minor Repairs or Renovations: Repairs or renovation costs that do not exceed fifty percent (50%) of the structural value of a structure or site improvement.

Minor Subdivision Road: A street used to access three (3) or four (4) lots or two (2) dwelling units. A Minor Subdivision Road cannot be classified as such unless it meets the minimum requirements from the point where it leaves the publicly maintained right-of-way

***Mobile Home (Double):** New and used mobile homes certified as meeting HUD Code on a permanent chassis and transportable in one or more sections, which contains all the necessary plumbing, heating, air conditioning and electrical systems and is, designed to be used as a dwelling without a permanent foundation. Mobile home (double) shall be at least twenty-four (24) feet in width by forty (40) feet in length with a pitched roof and siding and roofing materials similar in appearance as provided in the building code for single family dwellings.

***Mobile Home (Single):** New and used mobile homes certified as meeting HUD Code and on a permanent chassis and transportable in one or more sections, which contains all the necessary plumbing, heating, air conditioning and electrical systems and is designed to be used as a dwelling without a permanent foundation. Mobile home (single) shall be at least fourteen (14) feet in width by forty-eight (48) feet in length.

***Mobile Storage:** The use of any motor vehicle, trailer, mobile home, units originally designed to be used with semi-tractors or similar vehicles for storage, this does include shipping containers.

Modification: Any addition, deletion, or change, including the addition or replacement of antennas, or any change to a structure requiring a building permit and/or governmental approval.

***Modular Home**: A home which is constructed off-site and so designed to be transported to, and/or assembled on, the permanent building site, and, which complies with the Uniform Building Code requirements for a single-family home.

***Motel:** Any building or group of buildings containing guest rooms or dwelling units, available to the general public for compensation with access from each room to a readily accessible off-street parking area used by patrons of the building(s).

Motor Home: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel.

Motor Vehicle: A self-propelled device used for the transportation of people or goods over land surfaces and licensed as a motor vehicle.

***Motor Vehicle Rental:** A facility engaged in the rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent

***Motor Vehicle Sales:** The use of any building or portion thereof, or other premises or portion thereof, for the display, sale or lease of new or used motor vehicles.

***Motor Vehicle Service:** The use of a building or premises for the repair of automobiles, motorcycles, trucks, trailers or similar vehicles or the installation or repair of equipment or parts on motorized vehicles, such as mufflers, brakes, tires, radios, transmissions, bodies (including painting) glass and engines or engine parts, but excluding dismantling or salvage.

Motorsports Park:[1] Any premises, property, facility, structure, or area designed, intended, maintained, or used for the operation, testing, practice, instruction, exhibition, demonstration, competition, racing, rental, training, or recreational use of motorsport vehicles for commercial purposes.

Motorsports Vehicle:[2] Any self-propelled vehicle powered by an internal combustion engine, electric motor, hybrid power system, or other mechanical means, including automobiles, motorcycles, all-terrain vehicles, utility terrain vehicles, snowmobiles, go-karts, racing cars, off-road cars, and similar motorized recreational or competition vehicles.

***Multi-Family:** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

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

Networking Equipment:[3] Any hardware or device used to connect, route, manage, or facilitate communication among computers, computer servers, or other electronic devices within or between computer networks, including routers, switches, hubs, firewalls, and related components.

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Neutral Color:[1] Shall include colors, or shades of colors, such as beige, taupe, grey, cream, brown, black, green, white, and other similar colors and shades. Shall not include colors, or shades of colors, such as red, orange, pink, purple, neon, blue, and other similar colors and shades.

Non-combustible Vegetation:[2] Any living or dead grass, weeds, brush, shrubs, trees, vines, plant material, or vegetative debris that is capable of ignition and contributing to the spread of fire. The term includes dead, dry, diseased, or unmanaged vegetation and any accumulation of leaves, needles, branches, or other vegetative matter that may serve as fuel for a fire.

Nonconforming Lot: A lot existing on the effective date of these regulations (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.

Nonconforming Project: Any structure, development, or undertaking that is incomplete at the effective date of these regulations and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Structure: A structure that legally existed prior to the adoption date of these regulations, but which is not in compliance with the requirements of this ordinance for the district in which the structure is located.

Nonconforming Use: A use that lawfully occupied a building or land at the time these regulations, or amended regulations, and that does not conform to the use regulations of the district in which it is located.

***Nursing Care Home/Institution:** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital and in accordance with all State and Federal regulations.

Off-Premise Advertising: 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. Billboards and mini-billboards are considered off-premise advertising.

***Office:** The use of any building or premises primarily for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment. All offices can have up to two (2) commercial vehicles stored on premise.

- **Independent Contractor or Construction Business Office**: An office primarily engaged in the provision of services relating to an independent contractor or construction business.

- **Business Office, General**: An office used primarily for the administrative or legal affairs of a company.

- **Medical or Dental Office**: An office occupied and maintained for the provision of services by a person licensed by the State of Missouri to practice in the healing arts for humans,

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such as a physician, surgeon, dentist or optometrist.

- **Professional Office**: An office occupied by a member of a recognized profession and maintained for the provision of professional services, such as, but not limited to, an attorney, architect, engineer, planner, landscape architect, interior designer, accountant, financial planner, auditor, bookkeeper, realtor, brokerage for securities or commodities, secretarial services or title company.

On-Site Sewage Treatment System: Any approved system that treats and disposes of sewage affluent on the property from which such sewage is generated.

Open Space: Property within a subdivision, to be maintained by the developer and/or owner, in an undeveloped state in a manner approved by these regulations, to be used for passive or active recreation; sediment, erosion or storm water control; or for preservation of natural features.

Outdoor Advertising: An outdoor sign, display or device, figure, painting, drawing, message, plaque, billboard, or thing used to advertise or inform and any part of which message is visible from the traveled right-of-way.

***Outdoor Recreation Venue:**[1] Land, structures, facilities, or a combination of land, structures, and facilities designed or intended for outdoor recreational, sporting, entertainment, exhibition, training, competition, or spectator activities, including activities involving motorized vehicles, animals, firearms, archery equipment, or similar recreational equipment, where participants, spectators, or both pay a fee, admission charge, membership fee, registration fee, rental fee, or other consideration to participate in, observe, or access such activities. Outdoor recreation venues include, but are not limited to, motorsports parks, rodeo grounds, outdoor shooting and archery ranges, and similar outdoor recreational, entertainment, or competitive activities.

Overlay District: A special district created and established by these regulations used to facilitate, regulate and control specific types of uses. Overlay Districts are subject to the zoning regulations of the underlying district.

Parcel: A tract or plot of land of any size that may or may not be subdivided or improved.

Parking Area Aisles: A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space: A portion of the vehicle accommodation area set aside for the parking of one vehicle.

Performance Guarantee Agreement: Any security that may be accepted by the County to ensure that the improvements required as part of an application for development will be satisfactorily completed.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity including Federal, State and local governments and agencies.

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***Planned Unit Development:** A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Planning and Zoning Commission: Planning and Zoning Commission, Warren County, Missouri.

Planning & Zoning Administrator: The chief administrator of the Warren County Planning & Zoning department.

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)

***Preschool:** A preschool, also known as nursery, pre-primary school, playschool or kindergarten, is an educational establishment or learning space offering early childhood education to children before they begin compulsory education at primary school. It may be publicly or privately operated, and may be subsidized from public funds.

Principal Building: The primary building on a lot or a building that houses a "Use, Principal".

***Print Shop:** An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment. This type of printing would fall under a sale of a service.

***Printing, Industrial:** A commercial printing operation involving a process that is considered printing, imprinting, reproducing, duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic and screen process printing.

Public Improvement: Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable or similar essential services.

***Public Park/Playground:** A land use designed principally to offer recreation, passive or active, to the public.

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 as a public water supply system.

Quarrying: The business, occupation, or act of extracting useful material from quarries.

Rear Building Line: A line extending across the portion of a building which is opposite the side that faces or fronts any pavement, gravel, roadway, whether public or private, that is used as a point of entry for the building's immediate driveway, and which line shall extend to the nearest side lot line on both sides of the building. Amended: May 6, 2025 Commission Order 06-2025

Recreation Area: Areas that provide opportunities for passive recreation, such as trails and undeveloped fields, or active recreation, such as ball fields, courts and swimming pools.

Recreational Vehicle (RV): A vehicular-type built on a single chassis designed as temporary living quarters for recreational, camping, or travel use, with or without motor power including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

***Recycling Center:** An establishment engaged in the processing, collection and transfer, but not storage, of recyclable materials. Typical recyclable materials include glass, paper, plastic, cans, or other source- separated, non-putrescible materials. For purposes of this use, "recyclable materials" shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts putrescible materials or hazardous waste materials.

Registered Engineer: An engineer properly licensed and registered in the State of Missouri.

Registered Land Surveyor: A land surveyor properly licensed and registered in the State of Missouri.

***Religious Use:** A church or place of worship or religious assembly with related facilities where persons regularly assemble for religious purposes and related social events and which building, together with its accessory building is used, maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Remnant Parcel: An otherwise undivided piece or ground cut off from the bulk of said parcel by a public roadway, such as a County road or State Highway, or railroad right-of-way. Such parcels shall be considered separate, independent tracts, and may be sold without virtue of formal subdivision. The creation of a remnant parcel by a privately-owned roadway does not divide the land.

***Repair Shop:** A business establishment primarily engaged in specialized repair services, such as bicycle repair, leather goods repair, lock and gun repair, musical instrument repair, cleaning, furnace cleaning.

***Research/Laboratory Services:** Establishments primarily engaged in research of an industrial or scientific nature, but excludes final product testing. Typical uses include electronics research laboratories, space research and development firms, medical laboratories or pharmaceutical research labs.

***Retail Sales/Sales:** Retail sales are the purchases of finished goods and services by consumers and businesses. This use is primarily engaged in the sale or rental of all other goods and services not including agricultural sales and services, farm equipment and machinery sales and services, and motor vehicle sales and services as defined in Article II.

Right-of-way: See Easement.

Road: A public or private one-way or two-way access that provides ingress/egress to a lot, tract or parcel of land that has been recorded as dedicated for public use and publicly maintained, recorded as dedicated for public use and privately maintained or recorded as dedicated for subdivision use and privately maintained (the subdivision is responsible for maintaining and enforcing the privacy of the roads). Also referred to as streets.

Road Dedication, Private: A right-of-way or easement granted, but not dedicated to the County, providing ingress/egress to a parcel and maintenance is governed by an agreement that runs with the land and is recorded with the office of the Recorder of Deeds.

Road Dedication, Public: A right-of-way or easement dedicated to the public which the public has the right to use and is either maintained by an agreement that runs with the land or by an agreement with the County and is recorded with the office of the Recorder of Deeds.

Roadway: The paved or improved portion of a street/road, designed or ordinarily used for vehicular travel including shoulders, auxiliary lanes, curbs, sidewalks, etc.

Rodeo Ground:[1] A facility or area of land designed and used for rodeo competitions, exhibitions, training, practice, or related events involving livestock and horses, including arenas, chutes, pens, corrals, spectator seating, concessions, parking areas, and other customary accessory structures and uses.

Rural Minor Arterial: Provides linkage between cities and towns and is a critical component of an integrated, statewide roadway network by providing interstate and inter-county service.

Rural Minor Collector: Connects traffic generators of intra-county or local importance with the least populated rural areas. Characterized by the following characteristics:

- Serves remaining smaller communities not served by routes of higher classification
- Connects local roads with routes of higher classification

***RV Park:** An area where facilities are provided for recreational or camping vehicles, travel trailers or other portable habitation, utilized by the public as a place for camping, vacationing or temporary usage, which are in place for not more than 90 consecutive days. The park may include certain recreational or service facilities for the use of the residents of the park.

Sale or Lease: Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether such transfer is of fee simple title or some lesser estate, including leasehold estate, and whether by metes and bounds, deed, contract, plat, map or other written instrument.

*** Sales and Storage of Heavy Construction Equipment:** A use primarily engaged in the sales and storage of heavy construction equipment as listed in the definition (see: Heavy Construction Equipment)

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

***Sawmill:** Machine or plant with power-driven machines for sawing logs into planks and boards.

Second Dwelling: A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

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***Self-Storage:** Buildings, structures or parcels containing space of varying sizes leased, rented or sold on an individual basis and used exclusively for the storage of excess property including storage of boats and RVs.

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. 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.

Shipping Container: A portable storage container designed and manufactured according to specifications from the International Standards Organization (ISO) as a standard, reusable vessel intended to be loaded on a truck, rail car, or ship and used primarily for shipping goods. Amended: May 6, 2025 Commission Order 06-2025

***Shooting Range, Indoor:** A facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

Shooting Range, Outdoor: A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting ranges are usually backed by a high retaining wall, earth mound, sandbag barrier or specially designed funnel-shaped traps to prevent the ricochet of bullets or shots going outside the bounds of the shooting range.

Sign Permit: A permit issued by the Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

***Single Family Dwelling:** A building designed exclusively for and occupied exclusively by one family.

Site Built Home: A house built entirely on-site, with no sections preassembled in a factory.

Site Triangle: The areas of visibility required on a corner to allow for the safe operations of vehicles, trains, pedestrians and cyclists in the proximity of intersecting streets, rail lines, sidewalks and bicycle paths. It is created by the curb line, or edge of pavement without curb, of each street, alley or driveway extended to a point, and a line drawn between two (2) points on the curb line, or edge of pavement without curb, of each street.

***Skateboard Park:** An area designated and equipped for skateboarding.

Sketch Plan: A hand-drawn or certified drawing of the property including the following:

- Location of subdivision, development or commercial activity
- Location and names of roads
- Number of lots
- Acreage of lots, property involved in the development or property involved in the commercial activity
- Other information that will help clarify the subdivision, development or commercial activity

Small Batch Compost Pile: A collection, 30 cubic feet or less, of organic and kitchen refuse set up so that is decomposes for use in fertilizing and conditioning a garden or yard.

Solar Energy Farm: An area allowed only in Agricultural Zoning District and then only with an approved Overlay District used to generate clean and renewable energy using solar photaic panels.

***Solid Waste Landfill or (Non-UWL):** A parcel of land, or structure specifically designed and built as a landfill, used for the disposal of waste materials. A non-utility waste landfill can be built into or on top of the ground provided that waste materials are isolated from the surrounding environment (groundwater, air, surface water). This isolation is accomplished through the use of a composite bottom liner and a daily covering of clean soil. The operators of all non-utility waste landfills are strongly encouraged to provide set aside areas for plastic, glass, metal, cardboard and paper recycling facilities.

***Special Events, Occasional:** A temporary event, including but not limited to circuses, fairs, carnivals, and festivals, that: (1) is conducted for a duration not exceeding ten (10) consecutive days; (2) occurs no more than two (2) times per calendar year on a given property; and (3) is not a customary or ongoing use of the property.[1]

~~***Special Event, Permanent:** A celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner, where an admission fee of any type for entry is not charged and that takes place on a periodic basis. Involves the gathering of individuals assembled for the common purpose of attending a special event.~~[2]

Spectator Area:[3] Any area within an Outdoor Recreation Venue designated, intended, or customarily used for the observation of any activity at an Outdoor Recreation Venue by spectators, guests, or members of the public.

Stacked Sign: A sign with one or more displays placed one above another on a single structure.

***Stable, Boarding/Riding:** A commercial enterprise in which horses or ponies are rented, used exclusively for pleasure riding or driving, are housed, boarded or kept for the use of persons that do not occupy the premises. A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises.

Stable, Private: An accessory structure for the keeping of horses, ponies or mules owned by occupants of the premises, and not kept for the remuneration, hire or sale.

Standby Generator:[4] A stationary, engine-driven mechanical device, affixed to a mounting surface and typically fueled by diesel, natural gas, gasoline, propane, or other combustible material, designed to provide electrical power to a building, facility, or system. The term standby generator shall not include portable generators used in connection with residential purposes or generators temporarily used for construction activities.

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Stealth Structure: Any free standing, man-made structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately placed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to buildings at least 3 stories, clock towers, campaniles, observation towers, water towers, light standards, flag poles and artificial trees.

Storm water Lots: Subdivision lots being used for water retention or detention areas. These areas shall not be included as part of the subdivision lot but shall be dedicated as open space.

Stream Buffer: An area of land adjacent to streams where vegetation is strongly influenced by the presence of water.

Street: An improved way for the conveyance of motor-driven, rubber-tired vehicles, such as automobiles and trucks. A street is sometimes referred to as "road", "roadway", "highway" or "thoroughfare".

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. This does not include moveable agricultural structures.

Subdivider: Any person (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plot in a subdivision; or who (3) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision: The division of a lot, tract or parcel of land into more than two (2) non-exempt lots, tracts or other divisions of land.

***Subdivision, Major:** A subdivision of land which requires the installation of any utility or results in the creation of seven (7) or more lots (within a ten-year time period) unless otherwise exempted by these regulations. This includes all unsubdivided developments with greater than two (2) dwelling units.

***Subdivision, Minor:** A division of land into six (6) lots or less within a 10-year period.

Substantially Destroyed: Any residential, commercial or industrial building with one or more walls or roof that has a surface area of 50% or more that has collapsed and has been substantially destroyed for 90 days or more.

Supervisory Control and Data Acquisition System:[1] A computerized monitoring and control system used to collect operational data from, and remotely supervise, manage, and control components of a BESS and associated electrical infrastructure.

Surface Water: All rivers, lakes, streams or other bodies which are not subsurface and are considered to be waters of the state, as defined by Chapter 644 of the Missouri Revised Statutes.

***Telecommunications Tower/Facility:** A structure designed for the support of one or more antennae and including guyed towers, self-supporting (lattice) towers or monopole 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 not include amateur radio stations or public utilities regulated by the Missouri Public Service Commission. This is a regulated utility subject to all regulations by State and Federal Government.

Temporary Camping:[2] A designated area within an approved Outdoor Recreation Venue used for the temporary overnight accommodation of participants, event personnel, vendors, or spectators attending a scheduled event conducted at the Outdoor Recreation Venue. Temporary Camping may include tents, recreational vehicles, campers, travel trailers, motor homes, truck campers, or similar temporary lodging accommodations. Temporary Camping shall not constitute a campground, recreational vehicle park, or any other form of permanent or recurring overnight lodging use.

Temporary Emergency, Construction, or Repair Residence: A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

***Tow Truck Facility/Vehicle Storage Lot:** A mechanically propelled vehicle equipped with a device used to hoist and tow, transport, convey or move other vehicles from place to place upon authorization of the owner, his lawful agent or representative, which vehicle is sometime referred to as tow vehicle or wrecker. A garage, parking lot, or other facility that is: (A) owned by a person other than a governmental entity; and (B) used to store or park at least 10 vehicles each year.

Tract: Any parcel of land that is not in a subdivision.

***Trash Transfer Facility:** A site, which has a fully enclosed structure that accepts solids for temporary storage or consolidation and for transfer to a waste disposal, processing or storage facility. Any such facility shall not have any open storage of any solid or liquid waste products and must be kept clean at all times.

Travel Trailer: A structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of mobile home.

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Tri-Vision Billboard: Mechanical signs with three (3) or more separate faces on rotating panels that can be programmed to move in several ways at different time intervals.

***Truck Terminal:** A facility where trucks are loaded and unloaded, temporarily stored, or dispatched.

Unbuildable Land: The area of a site that includes wetlands and submerged areas, stream buffers and sinkholes. Such areas shall not be included in any lots where the density exceeds one unit per acre. These areas shall be labeled as open space or common ground on the plat.

Unsubdivided Development: Multi-family and condominium developments with one or more buildings and including three (3) or more dwelling units on one tract.

Use: Any purpose for which a lot, building or other structure or a tract of land may be designated, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, permitted: A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of these regulations.

Use, Principal: The primary or predominant use of any lot, building or structure.

Vacation: The official abandonment of public right-of-way, subdivision or easement by the County in accordance with State law.

Variance: A grant of relief by the Board of Zoning Adjustment from the terms of the regulations. For floodplain management variances, the Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the board.

Vehicle: Any mechanical device on wheels, designed primarily for use or used on any public thoroughfare.

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.

Vessel: Every motorboat and every description of motorized watercraft, and any watercraft more than twelve (12) feet in length which is powered by sail along or by a combination of sail and machinery, used or capable or being used as a means of transportation on water, but not any watercraft having as the only means of propulsion a paddle or oars.

***Veterinary Clinic:** An establishment providing veterinary medical care and treatment to animals large and small.

***Warehouse Distribution Center:** A warehouse or other specialized building which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers rather than on storage.

Waste Materials: The accumulation of non-hazardous materials including but not necessarily limited to:

- Animal, fruit and vegetable matter that attends the preparing, cooking, delivering in

or storing of fruits, fowls or vegetables.

- Fly ash used as ballast material or in the construction of berms as part of a Utility Waste Landfill shall not be considered "waste", provided that MDNR has approved such application and usage as part of its permitting process.

- Common household, commercial and industrial trash items such as but not limited to paper, cardboard, plastic, etc.

***Wholesale:** The selling of goods in large quantities to be retailed by others.

Wide Area Network (WAN):[1] **A** computer network that interconnects devices across broader geographic areas, such as multiple buildings, cities, or regions, enabling communication and resource sharing over long distances.

***Winery:** One (1) or more buildings, located on the same lot or premises with the vineyard, used for the processing of wine and juice making material, sale of wine and related products and related wine producing activities. All wine offered for sale at the winery must be produced under a State of Missouri domestics license. Retail activities are limited to the sale of grapes, juice, wine, pre-packaged food and gift items. In addition, seventy-five percent (75%) of the wine for sale on site must be produced from grapes either grown on the premises or within the State of Missouri.

Wooded Area: An area of contiguous wooded vegetation where trees are at a density of at least one six inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard Waste: Leaves, grass clippings, yard and garden vegetation. Yard waste shall not include stumps, roots or shrubs with intact root balls.

***Yard Waste Facility:** A commercial facility where yard waste is accepted from the public.

Zoning Enforcement Officer: The officer designated by the County Commission as the officer responsible for enforcing and administering the requirements of the regulations.

Zoning Permit: A permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of these regulations.

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P: PERMITTED USE

C: CONDITIONAL USE

X: NOT ALLOWED

*Any “C” with an asterisk signifies that the use shall only occur in connection with a Solar Overlay District.

	AG	CD	C-1	C-2	I-1	I-2	R1	R2	FP
Adult Entertainment	X	X	X	X	C	C	X	X	X
Agribusiness	P	C	C	X	P	P	X	X	X
Agriculture (See Farming)	P	P	P	P	X	X	X	X	P
Agriculture Processing	P	X	X	P	P	X	X	X	X
Agriculture Sales and Service	P	P	P	P	P	P	X	X	X
Airport / Heliport	C	X	X	X	P	C	X	X	X
All-Terrain Vehicle Sales and Service	P	P	P	P	P	X	X	X	X
Amusement/Recreational Facility	C	P	P	P	P	X	X	X	X
Animal Auction House	P	X	X	X	X	X	X	X	X
Animal Shelter	C	X	X	X	X	X	X	X	X
Apiaries	P	P	P	P	P	P	X	P	P
Archery Range Indoor~~/Outdoor~~[1]	P	P	P	P	P	X	X	X	X
Asphalt Plant	X	X	X	X	X	C	X	X	X
Auction House	C	P	P	P	C	X	X	X	X
Aviaries	P	X	P	P	X	X	X	P	P
Bar/Tavern	C	P	P	P	X	X	X	X	X
Battery Energy Storage System Development[2]	C*	X	X	X	C	X	X	X	X
Bed and Breakfast	P	P	P	P	X	X	P	P	X
Billboards (Large)	X	P	P	P	P	P	X	X	X
Billboards (Mini)	P	P	P	P	P	P	X	X	X
Boarding House (Temporary Working Housing)	X	P	P	P	C	X	X	X	X

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	AG	CD	C-1	C-2	I-1	I-2	R1	R2	FP
Bus Station	X	X	P	P	P	X	X	X	X
Campgrounds	C	C	C	X	X	X	X	X	X
Cemetery	P	P	P	P	X	X	X	X	X
Church	P	P	P	P	P	P	P	P	X
Club	P	P	P	P	P	P	X	X	X
Commercial Slaughterhouse	X	X	X	X	X	C	X	X	X
Commercial Storage, Indoor	C	X	P	P	P	P	X	X	X
Commercial Storage, Outdoor	C	X	C	C	P	P	X	X	X
Community Center	C	C	P	P	X	X	X	C	X
Composting Facility	C	X	X	X	C	C	X	X	X
Construction Business	C	C	C	X	P	P	X	X	X
Convenience Store with or without fuel	C	P	P	P	P	X	X	X	X
Cultural Uses	P	P	P	P	C	C	P	P	P
Daycare Center	P	P	P	P	X	X	P	P	X
Daycare Group	P	P	P	P	X	X	P	P	X
Driving Range	P	P	P	P	P	C	X	X	P
Driving Range (unlighted)	P	P	P	P	P	C	X	X	C
Educational Uses	P	P	P	P	X	X	P	P	P
Entertainment Facility	C	C[1]	C[2]	C[3]	C[4]	C[5]	X	X	X

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	AG	CD	C-1	C-2	I-1	I-2	R1	R2	FP
Event Rental Facility	C	C	P	P	P	P	C	C	X
Exotic or Wild Animals per RSMo 578.023	C	X	X	X	X	X	X	X	X
Explosive Facility	X	X	X	X	C	X	X	X	X
Farm and Produce Markets	p	P	X	P	P	X	X	X	X
Farm Equipment and Machinery Sales and Service	P	P	P	P	P	P	X	X	X
Farming/Dairy Farming	P	P	P	P	X	X	X	X	P
Fire Arms Dealer	C	X	P	P	C	P	X	X	X
Fireworks Stand, Temporary	P	P	P	P	P	X	X	X	P
Fish Hatcheries	P	X	P	P	X	X	X	X	X
Forestry	P	P	P	P	X	X	X	X	P
Fraternal/Private Clubs	P	P	P	P	X	X	P	P	X
Fur Farming/Raising of furbearing animals	P	X	X	X	X	X	X	X	X
Golf Course	P	P	P	P	P	X	C	C	C
Greenhouse	P	P	X	P	P	P	X	X	P
Halfway House	X	X	X	X	P	X	X	X	X
Handicapped or Infirm Home/ Institution	P	P	X	X	X	X	X	P	X
Home Occupation	P	P	P	P	X	X	P	P	X
Homeless Shelter	X	X	X	X	P	X	X	X	X
Hospital	C	P	P	P	X	X	X	X	X
Hotel	X	P	P	P	X	X	X	X	X
Hunting and Fishing Resort	C	X	X	X	X	X	X	X	X
Information Technology and Data Processing Facility[1]	X	X	X	X	C	X	X	X	X
Kennel Boarding, Large	C	C	X	C	C	X	X	X	X

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	AG	CD	C-1	C-2	I-1	I-2	R1	R2	FP
Kennel Boarding, Small	P	P	X	P	P	X	C	C	X
Kennel Breeding, Large	C	C	X	C	C	X	X	X	X
Kennel Breeding, Small	P	P	X	P	P	X	C	C	X
Manufactured/Mobile Home Park & Subdivision	X	X	X	X	X	X	X	P	X
Manufacturing, Heavy	X	X	X	P	P	P	X	X	X
Manufacturing, Light	C	X	X	P	P	P	X	X	X
Medical Marijuana Cultivating	X	X	C	X	X	X	X	X	X
Medical Marijuana Dispensing	X	X	X	P	X	X	X	X	X
Medical Marijuana Manufacturing	X	X	C	X	X	X	X	X	X
Medical Marijuana Testing	X	X	X	P	X	X	X	X	X
Micro-Brewery	P	P	P	P	P	X	X	X	X
Micro-Distillery	P	P	P	P	P	X	X	X	X
Mining/Quarrying (See Extraction)	C	X	X	X	X	P[1]	X	X	C
Mobile Home (Double)	P	P	P	P	X	X	X	P	X
Mobile Home (Single)	P	P	P	P	X	X	X	P	X
Mobile Storage	P	X	P	X	P	P	X	X	X
Modular Homes	P	p	P	P	X	X	P	P	X
Motel	X	P	P	P	X	X	X	X	X
Motor Vehicle Rental	X	P	P	P	X	X	X	X	X
Motor Vehicle Sales	C	P	P	P	X	X	X	X	X
Motor Vehicle Service	C	P	P	P	X	X	X	X	X
Multi-Family/Duplex[2]	X	P	P	P	X	X	X	P	X

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	AG	CD	C-1	C-2	I-1	I-2	R1	R2	FP
Museum	C	C	P	P	X	X	X	X	X
Nursing Care Home/Institution	C	C	P	P	X	X	C	C	X
Office	C	P	P	P	X	X	X	X	X
Outdoor Recreation Venue[1]	C	X	C	C	X	X	X	X	X
Planned Unit Development	P	P	P	P	X	X	P	P	X
Preschool	P	P	X	X	X	X	P	P	X
Print Shop	C	P	P	P	P	P	X	X	X
Printing Industrial	X	X	P	X	P	P	X	X	X
Public Parks/Playgrounds	P	P	P	P	P	P	P	P	P
Recycling Center	X	C	X	X	P	P	X	X	X
Religious Uses	P	P	P	P	P	P	P	P	P
Repair Shop	P	P	P	P	P	P	X	X	X
Research Service and Laboratory	C	X	C	P	P	P	X	X	X
Retail Sales/Sales and rental of goods, merchandise, services, equipment, storage	C	P	P	P	P	X	C	C	X
RV Park	C	C	C	X	X	X	X	X	X
Sales & Storage of heavy construction and/or industrial equipment	P	C	P	P	P	X	X	X	X
Salvage Yard	X	X	X	X	C	C	X	X	X
Sawmill	C	X	P	P	X	X	X	X	X
Self-Storage Units	C[2]	P	P	P	P	X	X	X	X
Shooting Range, Indoor	P	P	P	P	P	X	X	X	X
~~**Shooting Range, Outdoor**~~[3]	~~C~~	~~C~~	~~C~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C~~

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	AG	CD	C-1	C-2	I-1	I-2	R1	R2	FP
Single Family dwellings	P	P	P	P	X	X	P	P	X
Skateboard Parks	P	P	P	P	P	X	X	X	X
Solar Energy Overlay District (See Appendix D)	P	X	X	X	X	X	X	X	X
Solid Waste Landfill (Non-Utility)	C	X	X	X	X	C	X	X	X
Special Events, Occasional	C[1]	X	X	X	X	X	X	X	X
~~Special Events, Permanent~~[2]	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
Stable, Boarding/Riding	P	C	X	X	X	X	X	X	X
Subdivision with 6 or fewer lots, Minor	P	P	P	P	X	X	P	P	X
Subdivision with 7 or more lots, Major	C	P	P	P	X	X	P	P	X
Telecommunications Tower/Facility	C	C	X	X	C	C	X	X	X
Tow Truck Facility/Vehicle Storage Lot	C	C	P	P	P	P	X	X	X
Trash Transfer Facility	X	X	X	X	C	C	X	X	X
Truck Terminal	P	X	X	P	P	X	X	X	X
Veterinarian Clinic	P	P	X	P	P	X	X	X	X
Warehouse Distribution Centers	C	X	P	P	P	X	X	X	X
Wholesale Sales	P	P	P	P	X	X	X	X	X
Winery	C	P	P	P	P	X	X	X	X
Yard Waste Facility	C	X	X	X	C	X	X	X	X

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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
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.

Section 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.

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.

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. 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. 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. 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. 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. 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: 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 a discourage encroachment by commercial and industry which conflicts with this intent.

B. Supplementary Area and Lot Regulations

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

Section 3.13: 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. Supplementary Area and Lot Regulations

Minimum front structure setback-thirty-five (35) feet, minimum side & rear structure setback-ten (10) feet from the property line, minimum lot size of 1 (one) acre, One (1) Dwelling per one (1) acre lot.

Section 3.14: 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. 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 9/2019)

ARTICLE IV: SUPPLEMENTARY USE REGULATIONS

Section 4.1: 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 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 4.2: 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:

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.

8. Online sales as long as no evidence of the business are visible from outside the structure.

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 4.3: 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 4.4: CEMETERIES, BURIAL GROUNDS, CREMATORIES

Cemeteries, burial grounds and crematories shall be conducted in accordance with all state laws.

Section 4.5:[1] STANDBY GENERATOR AND FUEL STORAGE

A. *Purpose*. The purpose of this Section is to establish regulations governing the installation and operation of large-scale standby generators that are located at sites on a long-term basis. This Section is also intended to provide regulations related to on-site fuel storage associated with standby generators. These regulations are not intended to apply to small, portable generators associated with residential uses or to generators used temporarily for construction purposes.

B. *Definitions*. The following terms shall be defined, for purposes of this Section, as follows:

1. "Emergency" shall mean "an unforeseen event or condition that results in an interruption of primary power supply, including but not limited to, utility outages, natural disasters, equipment failure, or other circumstances that disrupt the normal supply of electricity to a structure. This term shall not include a situation where the owner or operator of a property caused the primary power supply interruption."

2. "Emergency Electrical Power" shall mean "electricity required during an emergency."

3. "Fuel" shall mean "diesel, gasoline, natural gas, liquid propane, or any other combustible or flammable material used to operate an internal combustion engine."

4. "Fuel Storage Facility" shall mean "any aboveground or underground tank, container, or similar device designed, installed, and maintained to store fuel on-site for use in one or more emergency generators. This definition includes all tanks, piping, valves, fittings, spill prevention equipment, fire suppression systems, and any other equipment necessary to safely store, contain, deliver fuel to a standby generator, and receive deliveries of fuel from a re-supply truck."

5. "Large-Scale" shall mean "the use of four (4) or more standby generators at any single site."

6. "Long-Term" shall mean "standby generators that are located on a site year-round, in one spot, not regularly transported or moved, specifically dedicated to serving the property during emergencies. Long-term does not preclude removing a standby generator for service or replacement."

7. "Primary Power Supply" shall mean "electrical power that is supplied by Ameren Missouri, Cuivre River Electric Cooperative, or another regulated electric supply company, via transmission lines run to a structure."

8. "Structure" shall mean "any building, facility, property, or system that is constructed, installed, or otherwise established to serve a functional or supportive purpose, including any component parts or improvements thereto."

C. *Applicability and Standby Generator Use, Generally*.

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1. The requirements of this Section shall apply to the use of four (4) or more standby generators at any single site. For purposes of this Section, a "site" includes one or more parcels designed as part of a common project. Standby generators may be operated as an accessory use intended to supply a structure with emergency electrical power during times when the primary power supply to such structure is interrupted due to an emergency.

2. Standby generators shall not be used to supplement or replace the primary power supply during non-emergency periods.

D. *Location and Screening Requirements*.

1. A standby generator shall be located as close as practicable to the structure for which it will supply emergency electrical power. Standby generators shall not be located less than 100 feet from the lot line of any adjacent property.

2. Standby generators shall be installed on a long-term basis and affixed to a paved or concrete surface designed to facilitate normal servicing and routine maintenance checks.

3. Standby generators shall be located and screened to minimize visual and auditory impacts on adjacent properties. Screening with landscaping, fencing, or walls is required where generators are visible from public rights-of-way or from properties used for residential purposes. Screening shall be maintained in good condition and shall not obstruct necessary airflow for standby generator intake or exhaust.

E. *Use, Testing, and Maintenance*.

1. Standby generators shall not operate continuously, except during times when primary power supply is interrupted due to an emergency and emergency electrical power is required. Operation of any standby generator shall cease no later than two (2) hours following the restoration of the primary power supply.

2. Standby generator testing shall occur only between 8:00 a.m. and 5:00 p.m., Monday through Friday. Written testing schedules and logs indicating when such testing occurred must be maintained on-site and made accessible to the County upon request.

3. The owner or operator of the property on which standby generators are located shall routinely inspect all standby generators, at least quarterly, which inspection shall ensure the generator is in good working order and free of hazardous material discharge. Written inspection schedules and logs indicating when such inspections occurred and the result of such inspections must be maintained on-site and made accessible to the County upon request.

4. A permanent, clearly visible sign shall be posted in the immediate vicinity of each standby generator indicating emergency shutdown procedures, fuel hazards, and contact information for responsible personnel.

F. *Emissions and Environmental Compliance*.

1. Standby generators must comply with all federal, state, and local environmental regulations, including air quality and emissions standards.

2. Standby generators shall be screened, situated, or equipped with sufficient noise mitigation devices, such as a muffler, acoustical enclosure, or similar apparatus, to minimize sound emissions.

G. *Fuel Storage*. Storing fuel for use in a standby generator shall comply with the following regulations.

1. *Fuel Storage Facility Design, Installation, and Maintenance*.

a. A fuel storage facility shall be located as close as practicable to the standby generator(s) for which it will supply fuel. Fuel storage facilities shall comply with the same setback regulations applicable to standby generators provided in Section 4.5(D)(1). Fuel storage facilities shall be located and screened to minimize visual and auditory impacts on adjacent properties. Screening with landscaping, fencing, or walls is required where fuel storage facilities are visible from public rights-of-way or properties used for residential purposes. Screening shall be maintained in good condition and shall not obstruct the operation or safety features of the fuel storage facility.

b. Fuel storage facilities shall be designed, operated, and maintained in compliance with all applicable Missouri and federal laws, rules, and regulations.

c. A permanent, clearly visible sign shall be posted in the vicinity of each fuel storage facility, indicating emergency shutdown procedures, fuel hazards, and contact information for responsible personnel.

d. In any site plan process that includes on-site fuel storage for emergency generators, the applicant shall bear the burden of demonstrating that the fuel storage facilities are adequately designed to prevent the release of fuel or other hazardous materials into the environment, including groundwater contamination in the event of a spill, leak, or other failure.

2. *Fuel Delivery and Handling*.

a. Fuel delivery to the site shall occur only between 8:00 a.m. and 5:00 p.m., Monday through Friday. Notwithstanding the foregoing, if there exists an emergency requiring emergency electrical power where the primary power supply is completely interrupted, fuel delivery may occur outside of the aforementioned hours. For purposes of these regulations, "fuel delivery" includes both: (1) the act of bringing fuel onto the site for transfer into a fuel storage facility; and (2) any operation involving the pumping of fuel from a fuel storage facility into a transfer vehicle for the purpose of replenishing the facility with fresh fuel. Written fuel delivery schedules and logs must be maintained on-site.

b. Fuel deliveries shall occur only at a designated fueling area shown on an approved site plan.

c. Fuel delivery shall occur, and fueling areas shall be designed, operated, and maintained in compliance with all applicable Missouri and federal laws, rules, and regulations.

d. No fuel tanker trucks shall remain on-site for more than twenty-four (24) hours unless specifically authorized as part of an approved emergency operation.

H. *Site Plan*. The installation of standby generators and related fuel storage facilities shall require a site plan be submitted to show compliance with this Section, including:

1. The location of all standby generators and associated fuel storage facilities and fueling areas, if applicable, on the proposed site;

2. Details of all required screening, noise mitigation, and fuel storage facility safety measures required herein; and

3. All associated access and servicing areas.

Following approval of a site plan, any: (1) change regarding the location of standby generators or fuel storage facilities on the site; or (2) increase in the number of standby generators or fuel storage facilities shall be subject to the submission and approval of a new site plan. Notwithstanding the foregoing, replacement and maintenance of existing standby generators or fuel storage facilities with substantially similar equipment shall not be subject to the site plan process. The information required to be put on the site plan required by this Section may be incorporated into any other required site plan if the standby generators and fuel storage facilities relate to the same project.

Section 4.6:[1] INFORMATION TECHNOLOGY AND DATA PROCESSING FACILITY REGULATIONS

A. *Definitions*.

1. The following terms shall be defined, for purposes of this Section, as follows.

(a) "Development Area" includes: (1) a single lot developed as an information technology and data processing facility; or (2) multiple lots developed together as an information technology and data processing facility.

B. *Setback and Height Requirements*.

1. Information technology and data processing facilities shall be located not less than two hundred (200) feet from the lot line of any adjacent lot.

2. Information technology and data processing facilities shall be located not less than three hundred (300) feet from the nearest point of any residential structure.

3. Where an information technology and data processing facility is developed on multiple lots, the setback required by subsection (1) shall be measured from the boundary

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between the outermost portions of the development area and the immediately adjacent lots not included within the development area.

4. The tallest part of any information technology and data processing facilities, including all antennas, mechanical equipment, roof peaks, and any other similar items, shall be no taller than thirty-five (35) feet. Information technology and data processing facilities shall be comprised of no more than two (2) floors above ground, when measured from the average grade surrounding the information technology and data processing facility.

C. *Buffering, Screening and Landscaping*.

1. The removal of woodlands, vegetation, trees, or other natural habitat within a development area shall be minimized to the maximum extent practicable. As part of any application for approval of an information technology and data processing facility and as part of the landscape plan required by Section 4.6(E), the applicant shall submit a tree and natural resource preservation plan identifying existing natural features, proposed impacts, and mitigation measures, including preservation and replanting efforts. The natural resource preservation plan shall include a detailed description of all proposed plantings and other items that will be incorporated as part of any buffer required herein, including the type, number, size, spacing, location, and approximate mature height and width of proposed vegetation, and the location, height, materials, and design of any proposed berms, fencing, walls, or other screening features. The plan shall demonstrate that the proposed buffer is reasonably designed to provide the visual screening required by this Section.

2. Where any portion of a development area is directly adjacent to land used for residential or commercial purposes, a minimum of fifty (50) feet of the setback established in Section 4.6(B)(1) shall be designed and maintained along the entire perimeter of the development area as a landscaped buffer strip to provide visual screening. The buffer area shall include trees sufficient to provide visual screening, and may include berms, fencing, and similar screening features.

3. Where a development area is adjacent to land used for industrial purposes, and no landscape buffer is otherwise required herein, no buffering or screening shall be required under this Section.

4. All preserved or installed vegetation and natural features within the development area or buffer areas shall be permanently maintained in accordance with an approved landscape maintenance plan.

D. *Site Plan*. All applications for approval of an information technology and data processing facility shall include a site plan containing the following information:

1. A legal description and survey, certified by a registered land surveyor, showing lot boundary lines and dimensions; all easements, roadways, rail lines, utility corridors, and public rights-of-way located on, crossing, or adjacent to the subject property; and documentation demonstrating legal access and the ability to obtain all necessary utility and access easements;

2. The location of the site, its present use, proposed use, and the total area of the proposed development;

3. The location, footprint, and height of all existing and proposed buildings, structures, and improvements;

4. The location and description of all major facility components and operational infrastructure, including data halls, server buildings, cooling systems, substations, transformers, switchgear, backup power systems, fuel storage areas, utility infrastructure, and associated mechanical equipment;

5. The location and description of all exterior lighting, including periods of illumination;

6. The location of all boundary lines between the development area and adjacent properties, including a description of the use of all adjacent properties;

7. The location and size of existing and proposed public and private water, sewer, stormwater, electrical, gas, and telecommunications utilities serving the development;

8. The location and design of all ingress and egress points, internal access roads, parking areas, loading areas, and emergency access routes;

9. The location of all emergency response equipment, fire suppression infrastructure, emergency shutoff locations, and fire hydrants; and

10. The location and description of all transmission, collection, interconnection, and utility distribution facilities associated with the development.

E. *Landscape and Buffering Plan*. In addition to the site plan required herein, the applicant shall submit a landscaping, buffering, screening, and tree preservation plan identifying all existing vegetation to remain, proposed vegetation removal, proposed landscaping improvements, and ongoing maintenance obligations.

F. *Hydrology Report*.

1. All applicants for an information technology and data processing facility shall submit a hydrology report prepared, signed, and sealed by a licensed professional engineer or other qualified professional. The hydrology report shall be limited to quantitative hydrologic and hydraulic engineering analysis of surface water, groundwater interaction to the extent it affects drainage, stormwater runoff, and floodplain impacts.

2. The hydrology report shall not include qualitative environmental impact assessment except as necessary to support engineering conclusions.

3. The hydrology report shall include, at a minimum, the following:

i. Description of existing site conditions, including topography, soils, land cover, drainage patterns, and watershed characteristics;

ii. Pre-development and post-development hydrologic conditions, including stormwater runoff volumes and rates;

iii. Peak discharge rate calculations for applicable design storm events;

iv. Identification of downstream drainage facilities and an assessment of potential impacts to adjacent properties and downstream receiving waters;

v. Evaluation of flood hazards, erosion potential, sedimentation risks, and water quality impacts;

vi. Description of proposed stormwater management facilities, best management practices, and mitigation measures designed to avoid, minimize, or offset adverse hydrologic impacts; and

vii. Supporting maps, calculations, models, assumptions, methodologies, and technical documentation sufficient to demonstrate compliance with all applicable stormwater management, floodplain management, and water resource protection regulations.

4. The hydrology report shall be used solely to evaluate compliance with stormwater, drainage, and flood management requirements and shall not substitute for the environmental impact report.

5. The reviewing authority may consider the findings of the hydrology report when determining compliance with these regulations and evaluating potential impacts on surrounding properties and public infrastructure

G. Environmental Report.

1. All applicants for an information technology and data processing facility shall submit an environmental impact report prepared by one or more qualified professionals. The environmental impact report shall evaluate the reasonably foreseeable non-hydrologic environmental impacts of the proposed facility during both construction and operational phases.

2. The environmental impact report may rely upon the hydrologic modeling contained in the hydrology report required under Section F.

3. The environmental impact report shall evaluate, at a minimum, the following impact categories:

i. Noise generation and vibration;

ii. Lighting, glare, and nighttime illumination;

iii. Air emissions, including criteria pollutants, greenhouse gas emissions, and construction-related dust;

iv. Water demand and consumption impacts, including potable and non-potable water use;

v. Wastewater generation, disposal, and treatment capacity;

vi. Geologic and soil impacts, including soil disturbance, compaction, and construction-related erosion;

vii. Impacts to wetlands, floodplains, groundwater resources, aquifers, and other sensitive hydrologic features;

viii. Vegetation removal, tree canopy loss, and impacts to ecological systems;

ix. Wildlife habitat disruption, fragmentation, and species impacts; and

x. Energy demand, peak load impacts, and associated utility infrastructure requirements.

4. The environmental impact report shall include an analysis of:

i. Short-term, long-term, and cumulative environmental impacts;

ii. The significance of identified impacts based on magnitude, duration, geographic extent, and reversibility; and

iii. Reasonably available measures to avoid, minimize, or mitigate adverse environmental impacts.

5. The environmental impact report shall provide sufficient supporting data, methodologies, and technical documentation to permit informed review by the reviewing authority.

6. The reviewing authority may consider the findings of the environmental impact report when determining compliance with these regulations and evaluating potential impacts on surrounding properties and public infrastructure.

H. *System Operations*.

1. Information technology and data processing facilities shall utilize only closed-loop cooling systems or air-cooled systems for heat management of all component parts of the facility operation, including, but not limited to, computers, servers, racks, power systems, and other similar equipment. No facility shall utilize evaporative cooling in any form, whether direct, indirect, hybrid, supplemental, or backup, for any data processing or computing equipment. This Section shall not limit the use of traditional HVAC equipment used solely for human occupancy comfort within occupied portions of buildings.

a. All applications for approval of an information technology and data processing facility that include a closed-loop cooling system shall submit a Water Use Plan with the application. The Water Use Plan shall describe the anticipated water demand and water-management practices associated with the proposed facility and shall include the following:

i. A description of how water is used at the information technology and data processing facility, including detail on how water will be used within the closed loop cooling system, including a complete list of all additives, if any, added to the water;

ii. The estimated average daily, peak daily, and annual water consumption of the information technology and data processing facility, for both cooling and non-cooling purposes;

iii. The anticipated source or sources of water supply;

iv. A description of any water-reuse, recycling, conservation, or efficiency measures incorporated into the closed loop cooling system design;

v. The estimated wastewater generation associated with cooling operations and the proposed method of disposal, including detail on the potential environmental impacts of the wastewater;

vi. A contingency plan describing operational measures to be implemented during periods of drought, water shortages, or utility-imposed water-use restrictions.

2. As used in this Section, the following terms shall have the meanings ascribed to them below:

a. "Closed-loop cooling system" means a mechanical cooling system in which the same fluid is continuously recirculated through a sealed system and does not require ongoing consumptive withdrawal of water for evaporative cooling. Minor losses resulting from maintenance, repairs, leakage, or initial system filling shall not be considered evaporative cooling.

b. "Air-cooled system" means a cooling system that rejects heat through air-to-air heat exchange and does not rely on evaporative cooling or once-through water consumption for heat dissipation.

c. "Evaporative cooling" means any mechanical or thermodynamic cooling process that rejects heat through the evaporation of water, including direct evaporative cooling, indirect evaporative cooling, cooling towers, evaporative condensers, spray systems, mist systems, cooling ponds, or any similar system that relies on phase change of water from liquid to vapor for heat dissipation. A system shall be considered evaporative cooling if it is designed or intentionally operated as part of the heat rejection process, whether primary, secondary, supplemental, or emergency.

I. *Emergency Services*.

1. The applicant for any information technology and data processing facility shall demonstrate, as part of the application process, that all emergency service providers having jurisdiction over the development are capable of responding to service calls associated with the operation of the facility.

2. Access Roads and Emergency Access.

a. Information technology and data processing facilities shall provide safe and adequate access for emergency responders, maintenance vehicles, and utility service providers.

b. Access roads shall be constructed and maintained to support anticipated emergency and service vehicle loads.

c. Gates and access controls shall comply with requirements established by the applicable fire protection district or emergency responders.

3. For purposes of this Section, "capable of responding" includes sufficient personnel, equipment, training, water supply availability, and technical resources necessary to respond to fire suppression incidents, hazardous material releases, fuel-related incidents, electrical failures, cooling system failures, and other emergencies reasonably associated with large-scale standby generators and information technology and data processing facilities.

4. As part of the conditional use process, the applicant shall provide an emergency operations and response plan which shall include:

a. emergency shutdown procedures;

b. fire detection and suppression systems;

c. hazardous material identification and handling procedures;

d. fuel storage and containment procedures;

e. site access and ingress/egress routes for emergency responders;

f. emergency contact information available on a twenty-four (24) hour basis; and

g. procedures for utility failures, backup power operations, and cooling system failures.

5. All information technology and data processing facilities shall comply with all applicable federal, state, and local fire, building, electrical, mechanical, and safety codes and regulations.

6. In addition to the foregoing, the applicant, or operator if different from the applicant, of any information technology and data processing facility, shall, at least annually, as measured from the one-year anniversary of the first information technology and data processing facility operations, update the emergency operations and response plan and provide a copy to the Warren County Emergency Management Agency.

J. Decommissioning Permit.

1. Permit Required. No owner or operator of an information technology and data processing facility shall commence decommissioning of the information technology and data process facility without first obtaining a decommissioning permit.

2. Application. An application for a decommissioning permit shall include, at a minimum:

a. A description of the proposed decommissioning activities and anticipated schedule;

b. An inventory identifying all hazardous materials, fuels, chemicals, regulated substances, and other potentially hazardous materials present on the site, including the location and quantity of such materials;

c. A plan for the safe removal, transportation, storage, treatment, recycling, or disposal of the materials identified in the immediately preceding subsection;

d. Identification of all standby generators, fuel storage facilities, tanks, piping, substations, transformers, cooling systems, and other major infrastructure proposed to be removed, dismantled, abandoned, or otherwise decommissioned;

e. Identification of all standby generators, fuel storage facilities, tanks, piping, substations, transformers, cooling systems, and other major infrastructure proposed to remain on the site, including the proposed new use for such items;

f. Procedures for preventing spills, releases, fires, explosions, environmental contamination, or other hazards during decommissioning;

g. A description of any required environmental monitoring, remediation, or site restoration; and

h. Proposed measures for erosion and sediment control and protection of stormwater, groundwater, wetlands, and other sensitive resources during decommissioning.

3. The decommissioning permit application shall be submitted to and reviewed by the zoning administrator. The decommissioning permit shall be issued upon a determination that the proposed decommissioning activities comply with this Section and all other applicable County regulations.

4. All decommissioning activities shall be conducted in compliance with the approved permit, and all applicable federal, state, and local laws, rules, regulations, other permits, and safety requirements.

5. Upon completion of decommissioning, the owner or operator shall provide documentation reasonably sufficient to demonstrate that the activities identified in the approved decommissioning permit have been completed and that all hazardous materials and regulated substances have been properly removed, disposed of, or otherwise addressed.

Section 4.7:[1] BATTERY ENERGY STORAGE SYSTEM DEVELOPMENT

A. *Purpose*. The requirements herein apply to all BESS Developments.

B. *BESS Development Setback Requirements*.

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1. BESS Structures shall not be located less than two hundred (200) feet from the lot line of any adjacent parcel.

2. Where a BESS Development occupies multiple parcels, the setback required by subsection (1) shall be measured from the outer boundary of the overall BESS Development, as shown on the site plan, to the nearest lot line of any adjacent parcel not included within the BESS Development.

C. *Fencing, Screening and Buffering*.

1. Fencing Requirements. BESS Structures shall be enclosed by a six (6) foot high sight-proof fence.

2. Where a BESS Development is adjacent to land used for residential or commercial purposes, a minimum of fifty (50) feet of the setback established in Section B, subsection (1) above shall be designed and maintained along the entire perimeter of the BESS Development as a landscaped buffer strip to provide visual screening. The buffer area shall include trees sufficient to provide visual screening, and may include berms and similar screening features. Required fire mitigation buffers may be located within required landscape buffers, provided all vegetation within the fire mitigation buffer complies with the requirements of Section C, subsection (4) below.

3. Where a BESS Development is adjacent to land used for industrial purposes, and no landscape buffer is otherwise required herein, no buffering or screening shall be required under this Section.

4. Fire Mitigation Buffering.

a. The area extending ten (10) feet inward from the outer perimeter of a BESS Development shall be maintained free of combustible vegetation, whether dead or alive.

b. Areas within ten (10) feet of any side of a BESS Structure or BESS Equipment shall be maintained free of combustible vegetation, whether dead or alive, and shall not contain stored materials or ancillary structures not related to fire safety or operation of the BESS.

c. No BESS Structure or BESS Equipment shall be located within the required ten (10) foot fire mitigation buffer area, set forth in subsection b. above, of another BESS Structure or BESS Equipment.

d. All BESS Structures and BESS Equipment shall be located within the BESS Development in such a manner to allow for emergency service access to all areas of the BESS Development.

5. All preserved or installed vegetation and natural features within the BESS Development or buffer areas shall be permanently maintained in accordance with an approved landscape maintenance plan.

D. *Site Plan*. All applications for a conditional use permit to authorize a BESS Development shall include a site plan that incorporates the following:

1. A legal description and a survey, certified by a registered land surveyor, showing parcel boundary lines and dimensions; and all easements, roadways, rail lines, and public rights-of-way, any part of which cross or are adjacent to and affect the subject property; together with documentation demonstrating legal access and the ability to obtain all necessary utility and access easements;

2. The location of the site, its present use and proposed use, and the area of the planned BESS Development;

3. The location and footprint, including height, of each building or structure on the site;

4. The location, description, and periods of illumination of all exterior lighting;

5. The location of all boundary lines between the development area and adjacent properties, including a description of the use of all adjacent properties;

6. Site access and ingress/egress routes for emergency responders, including all emergency access routes within the BESS Development;

7. The location and size of existing and proposed public water and sewer utilities on and adjacent to the site, and the location of fire hydrants;

8. The location and identification of any other proposed facilities or site improvements;

9. The location of each BESS Structure, including the related fire mitigation buffering areas;

10. The location and description of all BESS Equipment, including battery units, inverters, transformers, substations, switchgear, overhead and underground electrical lines, collection systems, transmission and interconnection facilities, emergency shutoff locations, fire suppression systems, and related utility infrastructure; and

11. The location and description of all other buffers, setbacks, facilities, and improvements required by this Section 4.7.

E. *Landscape and Buffering Plan*. In addition to the site plan required herein, the applicant shall submit a landscaping, buffering, screening, and tree preservation plan identifying all existing vegetation to remain, proposed vegetation removal, proposed landscaping improvements, and ongoing maintenance obligations.

F. *Emergency Response and Fire Protection*.

1. As part of the conditional use permit process, an emergency response and fire safety plan shall be prepared and submitted to the County, which plan shall include the following:

a. emergency shutdown procedures;

b. fire suppression methods;

c. A detailed description of all chemicals, hazardous materials, and other substances reasonably anticipated to be present, stored, used, generated, or released in connection with the construction, operation, maintenance, or repair of the BESS including:

i. The name and purpose of each chemical, hazardous material, or substance;

ii. The maximum quantity of each chemical, hazardous material, or substance anticipated to be present on the site at any one time;

iii. The location and method of storage of each chemical, hazardous material, or substance;

iv. A description of any hazardous byproducts, gases, or compounds that may be generated during normal operations, system malfunction, fire, or other emergency conditions; and

v. A description of measures proposed to prevent, contain, mitigate, and respond to the release of such chemicals, hazardous materials, substances, or byproducts.

d. emergency contact information available on a twenty-four (24) hour basis; and

e. procedures for battery failure events.

2. All BESS Developments shall comply with all applicable fire codes, building codes, and electrical codes.

3. The information required by Subsection 1 shall be updated annually, as measured from the one-year anniversary of the first BESS operations at the BESS Development, and provided to the Warren County Emergency Management Agency.

4. The applicant shall bear the burden of proving, through competent and substantial evidence, that the fire protection district and other emergency response agencies having jurisdiction possess, or will possess prior to commencement of operation of the BESS Development, the personnel, training, equipment, water supply, hazardous materials response capabilities, technical resources, and other capabilities necessary to safely respond to and mitigate all reasonably foreseeable emergencies associated with the proposed BESS Development. As part of this requirement, the applicant shall identify the personnel, training, equipment, apparatus, personal protective equipment, monitoring equipment, suppression agents, water supply, technical expertise, and other resources necessary to respond to each identified emergency scenario. The applicant shall further provide an evaluation of the existing capabilities of the fire protection district and other emergency response agencies having jurisdiction and shall identify any deficiencies between existing capabilities and those reasonably necessary to safely respond to and mitigate the identified emergency scenarios. To the extent deficiencies are identified, the applicant shall submit a detailed plan designed to eliminate or substantially reduce such deficiencies prior to commencement of operation of the BESS Development.

G. *Access Roads and Emergency Access*.

1. BESS Developments shall provide safe and adequate access for emergency responders, maintenance vehicles, and utility service providers.

2. Access roads shall be constructed and maintained to support anticipated emergency and service vehicle loads.

3. Gates and access controls shall comply with requirements established by the applicable fire protection district or emergency responders.

H. Decommissioning Permit.

1. Permit Required. No owner or operator of BESS Development shall commence decommissioning of the BESS Development without first obtaining a decommissioning permit.

2. Application. An application for a decommissioning permit shall include, at a minimum:

a. A description of the proposed decommissioning activities and anticipated schedule;

b. An inventory identifying all hazardous materials, fuels, chemicals, regulated substances, and other potentially hazardous materials present on the site, including the location and quantity of such materials;

c. A plan for the safe removal, transportation, storage, treatment, recycling, or disposal of the materials identified in the immediately preceding subsection;

d. Procedures for preventing spills, releases, fires, explosions, environmental contamination, or other hazards during decommissioning;

e. A description of any required environmental monitoring, remediation, or site restoration; and

f. Proposed measures for erosion and sediment control and protection of stormwater, groundwater, wetlands, and other sensitive resources during decommissioning.

3. The decommissioning permit application shall be submitted to and reviewed by the zoning administrator. The decommissioning permit shall be issued upon a determination that the proposed decommissioning activities comply with this Section and all other applicable County regulations.

4. All decommissioning activities shall be conducted in compliance with the approved permit and all applicable federal, state, and local laws, rules, regulations, other permits, and safety requirements.

5. Upon completion of decommissioning, the owner or operator shall provide documentation reasonably sufficient to demonstrate that the activities identified in the approved decommissioning permit have been completed and that all hazardous materials and regulated substances have been properly removed, disposed of, or otherwise addressed.

Section 4.8:[1] OUTDOOR RECREATION VENUE

A. *Purpose and Applicability*. The purpose of this Section is to establish minimum standards governing the location, design, construction, operation, and maintenance of Outdoor Recreation Venues to protect the public health, safety, and welfare and to minimize adverse impacts on surrounding properties and public infrastructure.

B. *Outdoor Recreation Venue, Generally*.

1. Setbacks.

a. No component of an Outdoor Recreation Venue, including, but not limited to, all component parts of the Outdoor Recreation Venue, whether specifically identified in this Section or similar in nature thereto, shall be located within:

i. Ten (10) feet of the lot line of any adjacent lot; or

ii. Twenty (20) feet from the nearest point of any residential structure not located on the property containing the Outdoor Recreation Venue.

b. Notwithstanding the foregoing, the required setback area may contain landscaping, screening vegetation, berms, fences, utility lines, drainage facilities, stormwater management improvements, and similar improvements that do not involve spectator activities, participant activities, vehicle operations, livestock activities, shooting activities, camping activities, or other Outdoor Recreation Venue operational uses.

c. The foregoing setbacks shall constitute minimum setbacks. As part of the conditional use permit approval process, the County Commission may require increased setbacks where necessary to protect adjacent properties from noise, dust, lighting, traffic, projectile hazards, safety concerns, or other impacts associated with the proposed Outdoor Recreation Venue.

2. Tree and Natural Resource Preservation Plan.

a. The removal of woodlands, vegetation, trees or other natural habitat for purposes of an Outdoor Recreation Venue shall be minimized to the maximum extent practicable, as demonstrated in a tree and natural resource preservation plan prepared by a qualified professional and subject to approval by the approving authority. As part of any application for approval of an Outdoor Recreation Venue, the applicant shall submit a tree and natural resource preservation plan identifying existing natural features, proposed impacts, and mitigation measures, including preservation and replanting efforts.

3. Site Plan. All applications for an Outdoor Recreation Venue shall include a site plan containing the following information:

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a. A legal description and survey, certified by a registered land surveyor, showing lot boundary lines and dimensions; all easements, roadways, utility corridors, and public rights-of-way located on, crossing, or adjacent to the subject property; and documentation demonstrating legal access and the ability to obtain all necessary utility and access easements;

b. The location of the site, its present use, proposed use, and the total area of the proposed development;

c. The location, footprint, and height of all existing and proposed buildings, structures, and improvements;

d. The location and description of all component parts of the Outdoor Recreation Venue, including, but not limited to, any racing surface, pit area, paddock area, arena, livestock holding area, stabling area, grandstands, spectator areas, firing lines, shooting stations, target areas, shot fall zones, parking areas, camping areas, vendor areas, concession areas, maintenance facilities, storage facilities, and all other operational areas and facilities associated with the Outdoor Recreation Venue;

e. The location and description of all exterior lighting, including periods of illumination;

f. The location of all boundary lines between the development area and adjacent properties, including a description of the use of all adjacent properties;

g. The location and size of existing and proposed public and private water, sewer, stormwater, electrical, gas, and telecommunications utilities serving the development; and

h. The location and design of all ingress and egress points, internal access roads, parking areas, loading areas, and emergency access routes.

4. Traffic and Parking.

a. Minimum Parking. Off-street parking shall be provided to accommodate the maximum anticipated attendance, participants, employees, vendors, and event personnel for the proposed Outdoor Recreation Venue.

b. Parking areas shall be designed to allow safe and efficient vehicle circulation and access by emergency vehicles.

c. All parking areas shall be connected to public roadways by approved access drives designed to accommodate anticipated traffic volumes.

5. Event Operations Plan.

a. As part of an application for a conditional use permit for an Outdoor Recreation Venue, the applicant shall submit an event operations plan describing the manner in which the venue will be operated and managed.

b. The event operations plan shall include, at a minimum:

i. Type of activity to be conducted;

ii. Proposed hours of operation, but in no event shall the operations occur outside the hours of 8:00 a.m. and 10:00 p.m.;

iii. Estimated attendance for routine operations and major events;

iv. Traffic management and parking procedures;

v. Emergency response and evacuation procedures; and

vi. Sanitation and waste management procedures.

c. Where additional event operations plan requirements are contained within a specific Outdoor Recreation Venue classification, the applicant shall also provide the information required by such classification.

6. The conditional use permit shall establish the maximum permitted attendance for routine operations, major events, and any Temporary Camping period.

C. *Motorsports Parks*.

1. Definitions. The following terms shall be defined, for purposes of this Section C, as follows:

a. "Racing Surface" shall mean the portion of a motorsports park specifically designed, constructed, maintained, or designated for the operation, competition, testing, practice, exhibition, or training of motorsports vehicles. The term includes the track, course, circuit, drag strip, oval, straightaway, turns, run-off areas, and any associated paved, unpaved, or specialized driving areas intended for motorsports vehicle movement as part of a motorsports activity. The term does not include spectator areas, grandstands, parking areas, paddocks, pit buildings, garages, maintenance areas, or other support facilities.

b. "Pit Area" shall mean the designated portion of a motorsports park that is used for the temporary staging, inspection, servicing, repair, fueling, tire changes, adjustment, and preparation of motorsports vehicles before, during, or after a motorsports activity. The pit area may include pit stalls, pit lanes, pit road, technical inspection areas, and associated safety barriers and equipment.

c. "Paddock Area" shall mean an area separate from the racing surface and pit area used for vehicle storage, truck and trailer parking, team operations, equipment staging, vehicle preparation, and related support activities as related to those participating in motorsports activities at a motorsports park.

2. Motorsports Park Operations.

a. Spectator Area Safety. All spectator areas shall be separated from the racing surface by fencing, barriers, guardrails, earthen berms, or other protective measures designed to prevent vehicles, vehicle debris, or other hazards from entering spectator areas.

b. No spectator shall have access to the racing surface, pit area, paddock area, or any other restricted operations area except as authorized by the motorsports park operator.

c. The racing surface shall be maintained in a condition reasonably suitable for the motorsports activities conducted thereon.

d. Unpaved racing surfaces shall be maintained with dust-control measures consistent with best management practices and designed to prevent visible off-site dust migration beyond the property boundary under normal operating conditions.

e. Any lighting installed to illuminate the racing surface shall be shielded and directed to minimize light trespass onto adjacent properties.

f. Motorsports activities involving operation of vehicles on the racing surface shall be limited to the hours of 8:00 a.m. to 10:00 p.m. For purposes of this subsection, motorsports activities include racing, practice sessions, testing, tuning involving vehicle operation on the racing surface, and timed or competitive driving events.

g. Public address systems shall be directed inward toward the facility and operated to minimize impacts on adjacent properties.

h. As part of the event operations plan, if there are any unpaved surfaces that will be traversed by any type of vehicle for any purpose, the applicant shall identify all methods and dust-control measures that will be in place to limit the amount of dust created by the use.

D. *Rodeo Ground*.

1. Definitions. The following terms shall be defined, for purposes of this Section D, as follows:

a. "Arena" shall mean the portion of a rodeo ground specifically designed, constructed, maintained, or designated for rodeo competitions, exhibitions, training, practice, performances, or related equestrian and livestock activities. The term includes riding arenas, competition rings, roping areas, riding courses, and associated activity areas used for rodeo events. The term does not include spectator areas, grandstands, parking areas, stables, barns, holding pens, corrals, livestock staging areas, concession areas, or other support facilities.

b. "Livestock Holding Area" shall mean the designated portion of a rodeo ground used for the temporary containment, staging, sorting, inspection, care, loading, unloading, or movement of livestock participating in rodeo activities. The term includes corrals, pens, chutes, alleyways, and similar livestock handling facilities.

c. "Stabling Area" shall mean an area separate from the arena and livestock holding area used for the temporary housing, care, feeding, grooming, and preparation of horses or other animals participating in rodeo activities.

2. Rodeo Ground Operations.

a. Spectator Area Safety. All spectator areas shall be separated from the arena and livestock activity areas by fencing, barriers, guardrails, or other protective measures designed to prevent livestock, horses, equipment, or other hazards from entering spectator areas.

b. No spectator shall have access to the arena, livestock holding area, stabling area, chutes, pens, staging areas, or any other restricted operations area except as authorized by the rodeo ground operator.

c. The arena and all livestock activity areas shall be maintained in a condition reasonably suitable for the rodeo activities conducted thereon.

d. Unpaved arenas, livestock areas, parking areas, and access routes shall be maintained with dust-control measures consistent with best management practices and designed to prevent visible off-site dust migration beyond the property boundary under normal operating conditions.

e. Any lighting installed to illuminate the arena or spectator areas shall be shielded and directed to minimize light trespass onto adjacent properties.

f. Rodeo activities involving livestock, horses, or public performances shall be limited to the hours of 8:00 a.m. to 10:00 p.m. This does not include animal care activities.

g. Public address systems shall be directed inward toward the facility and operated to minimize impacts on adjacent properties.

h. Livestock shall be confined within secure fencing, corrals, pens, chutes, or similar containment facilities when not actively participating in an event.

i. Manure and animal waste generated by rodeo activities shall be collected, stored, and disposed of in a manner that prevents nuisance conditions and minimizes impacts on adjacent properties.

j. As part of the event operations plan, if there are any unpaved surfaces that will be traversed by any type of vehicle or animal for any purpose, the applicant shall identify all methods and dust-control measures that will be in place to limit the amount of dust created by the use. In addition, the applicant shall include within the event operations plan all livestock management and containment procedures to be observed at the rodeo ground.

E. *Outdoor Shooting and Archery Range*.

1. Definitions. The following terms shall be defined, for purposes of this Section E, as follows:

a. "Firing Line" shall mean the designated location from which shooters discharge firearms, air guns, bows, crossbows, or similar projectile devices toward targets.

b. "Target Area" shall mean the portion of a shooting and archery range designated for the placement, suspension, projection, launching, or presentation of targets and the impact or interception of projectiles. The term includes fixed targets, moving targets, clay targets, target launch areas, and associated safety areas.

c. "Shot Fall Zone" shall mean the area designated and maintained for the anticipated deposition of shotgun pellets discharged during trap shooting, skeet shooting, sporting clays, or similar shotgun sports.

d. "Shooting Station" shall mean a designated location from which participants discharge firearms, air guns, bows, crossbows, or similar projectile devices toward fixed, moving, or clay targets, including stations used for trap shooting, skeet shooting, sporting clays, five-stand shooting, and similar shooting sports.

e. "Safety Berm" shall mean an earthen embankment, backstop, side berm, baffle, or similar structure designed to contain projectiles and prevent projectiles from leaving the shooting and archery range property. Where shotgun sports are conducted, the term includes other safety measures designed to ensure shot remains within designated shot fall zones.

f. "Range Operations Area" shall mean the portion of a shooting and archery range used for shooting activities, including firing lines, shooting stations, target areas, target launch areas, shot fall zones, safety berms, and other restricted operational areas.

2. Outdoor Shooting and Archery Range Operations.

a. Spectator Area Safety. All spectator areas shall be separated from firing lines and range operations areas by fencing, barriers, designated setbacks, or other protective measures designed to prevent unauthorized access and protect spectators from hazards associated with shooting activities.

b. No spectator shall have access to the firing line, target area, shot fall zone, range operations area, or any other restricted area except as authorized by the shooting and archery range operator.

c. All shooting activities shall be conducted in a manner that directs projectiles toward approved target areas, safety berms, or designated shot fall zones, as applicable. All shot fall zones shall be delineated on a site plan prepared by a qualified engineer or range design professional demonstrating anticipated pellet dispersion patterns based on proposed shotgun sports activities.

d. Safety berms, backstops, baffles, shot fall zones, and other projectile containment measures shall be maintained in a condition reasonably sufficient to contain projectiles generated by the shooting activities conducted on the property.

e. The shooting and archery range shall be designed, constructed, and operated to reasonably prevent projectiles and shot from leaving the property boundaries under normal operating conditions, consistent with industry safety standards and applicable engineering guidance.

f. Any lighting installed to illuminate firing lines, shooting stations, target areas, or spectator areas shall be shielded and directed to minimize light trespass onto adjacent properties.

g. Shooting activities involving the discharge of firearms, air guns, bows, crossbows, or similar projectile devices shall be limited to the hours of 8:00 a.m. to 10:00 p.m.

h. The event operations plan shall include the following additional information:

i. Types of shooting activities to be conducted, including whether shotgun sports are proposed;

ii. Projectile containment measures to be used at the location;

iii. Procedures for controlling access to restricted areas; and

iv. If there are any unpaved surfaces that will be traversed by any type of vehicle for any purpose, a description of all methods and dust-control measures that will be in place to limit the amount of dust created by the use.

F. Temporary Camping.

1. Purpose and Authorization.

a. Temporary Camping may be permitted only as an accessory activity to an approved Outdoor Recreation Venue and only when expressly authorized as part of the conditional use permit for the Outdoor Recreation Venue.

b. Temporary Camping shall be conducted only in conjunction with a scheduled event occurring at the Outdoor Recreation Venue.

c. Authorization of Temporary Camping under this Section shall not be construed as approval of a campground, recreational vehicle park, or any other form of permanent or recurring overnight lodging use.

2. Frequency and Duration.

a. An Outdoor Recreation Venue shall not be authorized to host more than two (2) temporary camping periods during any calendar year.

b. A temporary camping period shall not exceed three (3) consecutive nights, ending at 3:00 p.m. the day following the last night of the period. Any temporary camping period that lasts less than three (3) consecutive nights nonetheless qualifies as one (1) temporary camping period for purposes of the immediately preceding subsection.

c. There shall be at least one (1) full calendar day separating each temporary camping period wherein no camping occurs. Temporary camping periods shall not be extended, renewed, or repeated in a manner that circumvents the limitations contained in this Section.

3. Location and Layout.

a. Temporary Camping shall only occur within areas designated on an approved site plan.

b. Temporary Camping areas shall be located and designed to avoid interference with active operational areas, including but not limited to racing surfaces, arenas, firing lines, livestock areas, parking circulation, and emergency access routes.

4. Facilities and Standards.

a. Temporary Camping areas shall provide adequate:

i. Sanitary facilities (portable toilets or approved equivalent);

ii. Wastewater disposal facilities, including one or more of the following, as applicable: connection to an approved sanitary sewer system; an approved onsite wastewater treatment system; a sanitary dump station; a watertight holding tank; portable wastewater collection facilities; or pump-and-haul service provided by an authorized sewage hauler;

iii. Solid waste disposal facilities; and

iv. Potable water access or alternative approved water provisions.

b. Wastewater and solid waste shall be removed from the site at the conclusion of each approved camping period.

c. The maximum number of campsites, camping units, and campers permitted during a temporary camping period shall be established as part of the conditional use permit approval.

d. Open burning, campfires, and outdoor cooking fires shall comply with all applicable fire code requirements and any conditions imposed as part of the conditional use permit.

e. All tents, portable sanitation facilities, and other temporary camping-related improvements shall be removed within one (1) week following the conclusion of a temporary camping period unless another temporary camping period is scheduled to commence before expiration of such one-week period.

5. Operational Standards. Quiet hours shall be observed between 11:00 p.m. and 6:00 a.m. During quiet hours, amplified sound, public address systems, live entertainment, and other noise generating activities shall be prohibited.

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 change to the Zoning Map, the nonconforming use may continue until such use is abandoned or the use is changed to a conforming use.

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 it 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: SOLID WASTE REGULATIONS

Section 6.1: 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 6.2: 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.

ARTICLE VII: AUTOMOBILE GRAVEYARDS AND JUNKYARD REGULATIONS

Section 7.1: PROHIBETED

No automobile graveyard or junkyard, as those terms are defined in Section 226.660 RSMo, shall be permitted within the unincorporated portions of Warren County, Missouri. Subject only to the provisions of this Order pertaining to nonconforming uses, automobile graveyards and junkyards are prohibited in all zoning districts in Warren County, Missouri.

ARTICLE VIII: PERMITS AND PLAT APPROVAL

Section 8.1 Permits Required.[1]

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 Officer of the Recorder of Deeds.

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4. Solar energy farm and a solar overlay district.

5. A shipping container permit issued by the Planning and Zoning Administrator.

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, *shipping container permit, or final plat as stated by the Planning and Zoning Commission.

D. An application for a permit required by the Zoning Order shall be submitted in such form as the Planning and Zoning Commission, 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, 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 application. Such application shall succinctly describe the proposed action, and shall give such additional information as may be required by the Planning and Zoning Administrator. All applications shall be accompanied by a fee deposit in the amount established by the County Commission for the type of permit requested. Any portion of the deposit not required to cover the costs associated with issuing the permit, to include court reporter fees, publication costs, and Zoning Administrator processing time, shall be refunded to the person who made the deposit. Likewise, if there is a balance due after the deposit is applied the applicant shall be required to pay the balance prior to any permit being issued.

E. Issuance of permits, as described above, authorizes the recipient to commence the activity specifically described, permitted, or authorized by the permit or plat. The proposed activity 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 met.

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 8.2: 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 8.3: ZONING PERMITS & CONDITIONAL USE PERMITS: EXPIRATION OF PERMITS

A. Conditional Use Permits issued pursuant to the Zoning Order shall not expire but shall terminate upon the discontinuance of the use which has been permitted with conditions, the permitted use is modified without permission or the permit is revoked in the manner as required by the Zoning Order.

B. This Section shall also apply to permits issued prior to the date this section becomes effective.

Section 8.4: 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 8.5: CONDITIONAL USE PERMITS

A. Applications for Conditional Use 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 filed with the Planning and Zoning Administrator, along with the appropriate deposit and a list of the names and addresses 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 Warren County.

B. The Planning and Zoning Administrator shall schedule the application for hearing by the Planning and Zoning Commission. Any such hearing may at the request of the applicant and for good cause shown, or at the discretion of the planning and Zoning Commission, be continued to a later date. The Planning and Zoning Administrator shall mail a notice of the public hearing on the application by both certified and regular mail to all of the adjoining owners who are entitled to notice under Missouri law and shall publish a notice of said hearing at least once in a local newspaper of general circulation in the County and shall post such notice in a public place at least fifteen (15) days prior to said hearing. The Planning and Zoning Commission, as part of its decision, may deny said application or may direct the Planning and Zoning Administrator to issue a Conditional Use Permit which embodies 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 8.6: STANDARDS AND RECOMMENDATIONS ON GUIDANCE ON CONDITIONAL USE PERMIT APPLICATIONS

A. As part of the hearing, the Planning and Zoning Administrator shall present a report and recommendations to the Planning and Zoning Commission.

B. If the Planning and Zoning Administrator shall not accept for filing an application which is not complete

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 8.7: RECONSIDERATION OF APPLICATIONS

A. Whenever (1) the Planning and Zoning Commission denies an application for a Conditional Use Permit or an application for approval of a subdivision plat or (2) the County Commission denies a request for rezoning or (3) the Board of Zoning 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 8.8: AMENDMENTS TO AND MODIFICATIONS OF PERMITS AND APPROVED PLANS

All requests for changes in permits or approved plans will be processed as new applications as far as the hearing and procedural process is concerned but shall be considered as part of the original permit if there is common ownership, the real property affected is contiguous to the real property which is subject to the original permit and the modification or amendment is a continuation of the original use or is the addition of uses which support the original use. If any one of these requirements are not met the application shall be considered as an entirely new application. Regardless if an application is a new application or is an amendment or modification to an existing use the notice and hearing requirement established by Missouri law and these regulations for public hearings shall apply.

Section 8.9: CONDITIONAL USE PERMITS REMOVAL PROCESS

The Planning and Zoning Commission may revoke a Conditional Use Permit by voluntary request of the property owner or, in the case of alleged violations, upon application of the Zoning Administrator. No Conditional Permit shall be revoked without first affording to the owner the opportunity to be heard. The Planning and Zoning Commission shall hold a hearing on the application filed by the Zoning Administrator at which time the owner shall have the opportunity to be heard and to present evidence. At the conclusion of the hearing the Planning and Zoning Commission shall issue its decision to continue, terminate or modify the Conditional Use Permit.

Section 8.10: CONDITIONAL USE PERMITS: EFFECT OF PERMITS ON SUCCESSORS AND ASSIGNS

Conditional Use Permits are transferrable unless otherwise specified in the individual permit.

Section 8.11: CONDITIONAL USE PERMITS APPEAL 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 an appeal with the County Commission. A Notice of Appeal 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 the basis for the appeal and how the Planning and Zoning Commission erred. Notice of Appeal shall be accompanied by a deposit in the amount as determined from time to time by the County Commission to cover all costs associated with the hearing and processing of the appeal.

B. A 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 an appeal with the County Commission requesting a review by the County Commission. A Notice of Appeal shall be filed in duplicate with the County Clerk within ten (10) days after the Planning and Zoning Commission's decision. The appeal shall state with specificity the grounds for the appeal and how the Planning and Zoning Commission erred. Notice of Appeal shall be accompanied by a deposit in the amount as determined from time to time by the County Commission.

C. The County Commission shall set the appeal for public hearing within thirty (30) days of the filing of the appeal. The County Commission shall give written notice of such hearing in the same manner as is provided in Section 8.5 hereof. The applicant and the appellant and any other aggrieved or interested party shall be granted an opportunity to be heard at the hearing.

D. Following the hearing by the County Commission on an appeal, the County Commission shall make a determination regarding the impact of the Conditional Use in accordance with the criteria set forth in Section 8.6D 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 appeal.

E. Within forty-five (45) days of the hearing on the appeal, the County Commission shall notify, in writing, the applicant and, if applicable, the appellants of its decision regarding the Conditional Use Permit or amendment thereto.

Section 8.12: CONDITIONAL USE & PLAT APPROVAL: COMPLETING DEVELOPMENT IN PHASES

A. If a development is constructed in phases or stages the conditions imposed by these Regulations or a Conditional Use Permit 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 8.13: CONDITIONAL USE PERMIT, ZONING PERMIT, PLAT APPROVAL: NO OCCUPANCY, USE, OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED

Issuance of a 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 8.14: 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 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 8.15: 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.

Section 8.16:[1] Shipping Container Permit

A. A shipping container permit shall be obtained in compliance herewith prior to installing or modifying any shipping container in connection with any permitted or conditional use as provided in the Zoning Order, except that any shipping container to be used as an integral, structural part of a single family residence shall not require a permit pursuant to this section.

B. Application. A shipping container permit application must be submitted to the Planning and Zoning Administrator who shall review the application for compliance

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with the Order. Applications for a shipping container permit shall include the following:

1. The name, address, phone number and email address of the applicant.

2. The address of the property upon which the shipping container(s) will be installed or modified, including the total acreage of such property.

3. The name of each owner of the property upon which the shipping container(s) will be installed or modified.

4. A site plan of the property where the proposed shipping container(s) is to be installed/modified, detailing the location and number of the proposed/modified shipping container(s) on the subject property.

5. Renderings or pictures of the proposed shipping container(s) showing the color thereof, including identifying whether the shipping containers will be stacked, and if so, a description and technical drawing of the type of foundation to be used for the shipping container(s). If the shipping container(s) are stacked and require a foundation, the rendering shall include a depiction showing how the shipping container(s) will be securely anchored to the foundation. The rendering required hereunder shall be incorporated as part of the site plan.

6. The applicant must submit to the Planning and Zoning Administrator a verified statement confirming that any applicable Homeowners Association has been notified of the application. If the property is not subject to any regulations promulgated by a Homeowners Association, the application must state such fact.

7. A statement indicating what use(s) the shipping container(s) will be put, and whether the applicant intends for the shipping container(s) to be temporarily or permanently deployed at the property.

C. Upon receipt of the application, the Planning and Zoning Administrator shall review the sufficiency of the application materials. If the application materials are deficient, the Planning and Zoning Administrator shall notify the applicant of such deficiency prior to processing the application. Upon receipt of the required information and requisite fee, the Planning and Zoning Administrator shall determine if the proposed installation/modification of the shipping container(s) complies with the following requirements:

1. Shipping containers shall be placed behind the rear building line of the principal building on the lot in compliance with all required setbacks. If there is no principal building on the lot, all shipping containers shall be placed in compliance with all required setbacks.

2. Shipping containers shall be painted using a solid, neutral color and must be free from rust.

3. Any lot used for residential purposes that is less than three (3) acres in size shall not be permitted to have shipping containers as provided herein. Any lot used for residential purposes that is three (3) acres in size or larger shall be permitted to have up to four (4) shipping containers. For each additional acre beyond the three (3) acre minimum described herein for lots used for residential purposes, one (1) additional shipping container per one (1) additional acre is permitted.

4. All shipping containers used in connection with any residential use shall be limited to the storage of personal items and shall not be used for any commercial purpose.

5. All shipping containers shall be placed on a level surface.

6. Shipping containers shall not be stacked on top of each other unless the stacked shipping containers are placed on a solid surface foundation, such as a concrete pad or concrete piers, and the shipping containers are properly fastened to each other and securely anchored to the foundation and/or ground to prevent tipping or other movement. Permissible items used to securely anchor the shipping container to the foundation and/or ground include, but are not limited to: (1) twist lock mechanisms bolted to a secure concrete surface; (2) anchor and bracket assemblies of similar nature, kind, and quality to those used in mobile home applications; (3) direct bolting to a concrete foundation or pier; and (4) any other method that provides a permanent or semi-permanent secure connection. Items that may not be used to securely anchor the shipping container to the foundation and/or ground include, but are not limited to: (1) rope, whether natural or synthetic; (2) nylon type ratchet straps; (3) wood beams, whether buried or sunk in the ground with concrete and bolted to the shipping container; and (4) other materials prone to breaking or rotting. In no event shall shipping containers be stacked more than two (2) shipping containers high.

D. Shipping Container Permit Issuance. Upon review of the application and materials, upon finding that the application and proposed shipping container(s) comply with the requirements of this section, the Planning and Zoning Administrator shall issue a shipping container permit, authorizing the shipping container(s) as provided for herein.

1. If the applicant indicated that the shipping containers were to be temporarily located on the property, the Planning and Zoning Administrator shall issue a temporary shipping container permit, which shall be valid for ninety (90) days, as indicated on the issued temporary shipping container permit, so long as the shipping container(s) are used in a manner that complies with the submitted site plan and application materials.

2. If the applicant indicated that the shipping containers were to be permanently located on the property, the Planning and Zoning Administrator shall issue a permanent shipping container permit, which shall be valid in perpetuity, so long as the shipping container(s) are used in a manner that complies with the submitted site plan and application materials.

E. Shipping container permit revocation. If a shipping container permit is issued as provided for herein, whether it be permanent or temporary, the Planning and Zoning

Administrator is authorized to revoke such permit if the applicant does not comply with the submitted site plan and application materials. Upon notice of the revocation sent to the applicant's address provided in the application, the applicant shall have ten (10) days from the date of such notice to appeal the same to the Warren County Board of Adjustment.

ARTICLE IX: 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 Zoning Order or the Zoning Map.

Section 9.1: CHANGE BY OWNER APPLICATION

A. Applications for amendment to the Zoning Order or the Zoning Map for the purpose of changing uses permitted in a given zoning district may be made by any owner or his attorney-in-fact. If such application is made by the owner's attorney-in-fact, 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 deposit in the amount as determined from time to time by the County Commission to cover the cost of publication, notice, the court reporter and the processing of the application.

B. Notice and publication shall be as required by Missouri law. All applications shall be set 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. If the applicant does not appear at the hearing before the Planning and Zoning Commission, at the option of 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 or the application may be denied. Within forty-five (45) days after the final hearing of

such application, the Planning and Zoning Commission shall by a majority vote of the Commission members present either recommend approval or denial of the request and a report such recommendation to the County Commission.

C. Amendments to the Zoning Order which are of general applicability in Warren County shall not require notice to adjoining property owners but shall require a public hearing after notice duly published in a newspaper of general circulation within Warren County.

D. The County Commission shall thereafter schedule a public hearing on the request for amendment. Notice of the time and place of such hearing shall be published 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 County 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. 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 9.2: CHANGE BY COUNTY COMMISSION

Recommendations for amendment, revision or change of the Zoning Order or 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 for its review and recommendation. If the proposed amendment involves specific real property whether initiated by the Planning and Zoning Commission or the County Commission the process shall be the same as that applicable to a change or amendment initiated by the owner of the subject property except that the cost thereof shall be borne by Warren County. If the proposed amendments are of general applicability the notice requirements of Section 9.1 C. shall apply.

Section 9.3: 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 two-thirds of all the members of the County Commission.

ARTICLE X: TELECOMMUNICATIONS TOWERS

Section 10.1 : PURPOSES

The general purpose of this Article is to regulate the placement, construction, and modification of telecommunications towers, support structures, and antennas in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the provision of wireless telecommunications in WARREN COUNTY. Specifically, this Section is intended to:

A. Provide for the appropriate locations and development of telecommunication facilities and systems with the least amount of impact for the citizens and businesses of WARREN COUNTY;

B. Minimize adverse visual impacts of communications antennas and support structure through the 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. Maximize the co-location of facilities on any new support structures;

E. Ensure that any new telecommunications tower or structure is located in an area compatible with the neighborhood or surrounding community to the extent possible;

F. Ensuring that regulation of telecommunications towers and structures does not have the effect of prohibiting the provision of personal wireless services, and does not unreasonably discriminate among functionally equivalent providers of such service.

G. Ensuring that annual inspections and provisions providing for ongoing maintenance are in place.

H. Provide for the appropriate mechanism to remove abandoned and unstable towers.

Section 10.2: Legislative Findings and Regulatory Compliance

A. The Telecommunications Act of 1996 preserves the authority of the COUNTY to regulate the placement, construction, and modification of Towers and Antennas Support Structures and to protect the health, safety and welfare of the public.

B. The COUNTY has been granted the authority to enact legislation to regulate the construction, placement, and operation of Telecommunications towers and antennas pursuant to its zoning powers established in Chapter 64 of the Revised Statutes of Missouri and additionally pursuant to the general and specific police powers established by statute authorizing the regulations herein to protect the public health, safety and welfare.

C. All antennas and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate communications antennas and support structures. No approval for any

placement, construction or modification of any antenna or structure permitted by this Section shall be granted for any applicant having an unresolved violation of this Section or any other governmental regulatory requirement related to such structures.

Section 10.3: General Requirements

The requirements set forth in this Section shall be applicable to all commercial towers, antennas, and other support structures approved after the effective date of this amendment. This shall not apply to amateur radio or receive-only towers and support structures.

A. Zoning

Communication towers or facilities placed in any district shall require a Conditional Use Permit.

B. Construction and Appearance of Tower

1. All antenna support structures shall be built in compliance with all state and local codes.

2. Towers, cabinets, and all associated structures, including fences, shall have an exterior finish compatible with the natural or built environment of the site. Antennas attached to a building or stealth structure shall be of a color identical to or closely compatible with the surface to which they are mounted.

3. The placement of advertising on structures regulated by this Section is prohibited, unless a sign is designed as part of a stealth structure. Any sign that is part of a stealth structure shall also be in compliance with any sign regulations.

4. No telecommunication tower, except the 200' towers, shall be of a type or height, or placed in a location that the Federal Aviation Administration would require the telecommunication tower to be lighted or painted. The applicant shall be required to certify that the proposed telecommunication tower is not required to be painted or illuminated by any FAA rule or regulation. Equipment cabinets and shelters may have lighting as approved by the Director. A lighting plan shall be required with the submittal of the tower site plan.

5. Separation from other towers. Any telecommunication tower built after the date of these regulations shall be separated from any other communication tower a distance of at least one (1) mile.

C. Fall Zone and Setbacks

1. In all zoning districts, towers shall be separated from any off-site single family, multi-family residential or non-residential structure a distance equal to 1.5 times height of the tower. This area of separation shall be known as the Fall Zone.

2. Towers shall be setback from all public or private rights of way a distance equal to the height of the tower.

3. If a property cannot be found in a desired area that is large enough to fully contain the fall zone on the property, an easement shall be obtained for the fall zone area

or a letter from a certified engineer verifying the subject tower will collapse on itself and be contained within the property lines.

a. Both the easement and the letter from the engineer are subject to the approval of the Planning and Zoning Administrator.

b. If the tower is required to get an easement, this easement shall be recorded and submitted to the Planning and Zoning office before the tower may be built.

4. Ground anchors of all guyed towers, if permitted, shall be located on the same parcel or within an easement on an adjoining parcel. These ground anchors shall meet the setbacks of the applicable zoning district, unless the setback is from the property on which the tower lies.

D. Security and Layout of Site

1. Screening and buffering.

a. A communication tower facility shall be landscaped with a buffer of plant materials, not less than 10 feet in width and 6 feet in height, that effectively screens the view of the communication tower base and accessory structures from adjacent property that is residentially zoned or is a residential use. This may be waived by the Zoning Administrator where natural growth and land forms provide an equivalent buffer.

b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

c. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the Zoning Administrator.

2. Fencing. A communication tower shall be enclosed by fencing not less than six (6) feet in height and equipped with an appropriate anti-climbing device

3. All antennas and support structures shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas or support structures.

4. Vehicle or outdoor storage on any tower site is prohibited.

5. At least one on-site parking for periodic maintenance and service shall be provided at all antenna or tower location.

E. Shared use

1. All new towers with a height of 60 to 100 feet shall be built to accommodate at least one other user. All new towers with a height greater than 100 feet and less than 150 feet shall be built to accommodate the co-use of at least two (2) additional providers. New towers with a height of 150' or more shall be built to accommodate

of the co-use of at least three (3) additional providers.

2. Prior to the issuance of any permit to construct a new tower or to modify any tower existing on the effective date of this amendment, the owner shall provide to the COUNTY a written and notarized agreement committing to make said tower available for use by others subject to reasonable technical limitations and reasonable financial terms. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be unlawful and shall, among other remedies of the COUNTY, be cause for the withholding of future permits to the same owner to install, build or modify antennas or towers within the COUNTY.

3. Prior to the issuance of any permit to install any new towers, the tower owner shall furnish the Planning and Zoning Administrator an inventory of all of that owner's towers in WARREN COUNTY. The inventory shall include the towers' street location, parcel number, structure type, and height.

4. Prior to any application for the construction of a new commercial tower or stealth structure, a copy of the application or a summary containing the height, design, location and type and frequency of antennas shall be delivered by certified mail to all known potential tower users as identified by a schedule maintained by the Department of Planning and Zoning. Proof of such delivery shall be submitted with the application to the COUNTY. The Land Use Administrator may establish a form required to be used for such notifications.

5. Prior to approval of any application for a new tower, the tower owner shall submit a signed and notarized document guaranteeing that they will allow local public service providers to use the tower at no charge. The COUNTY Commission will determine which agencies can take advantage of this provision.

6. Prior to the tower being built, the tower site shall be assigned an address.

F. Height of tower

1. The maximum height for a commercial communication tower is 200 feet.

2. The maximum height for a stealth structure located within a non-commercial or non-industrial district shall be 80 feet.

3. The maximum height for a stealth structure located within a commercial or industrial zoning district shall be 120 feet.

G. Other requirements
Tower signal shall not interfere with other communications facilities.

H. Exemptions

1. It is the position of WARREN COUNTY that towers owned and controlled by any

governmental entity or emergency management agency serves a vital function to the health, safety and welfare to all citizens. Accordingly, these regulations shall not restrict the right of governmental or municipal agencies (state, city or county government) or emergency services (such as fire departments or districts, ambulance districts, and police agencies) to locate and establish such facilities as are considered essential for the provision of adequate emergency services to the public.

2. The actual construction of communication towers for entities which are otherwise exempt shall be subject to building codes and safety regulations in place at time of construction.

Section 10.4: Zoning Permit

A. The placement of Antenna and Towers are permitted with a Zoning Permit:

1. The attachment of additional or replacement of antennas or shelters to any tower existing on the effective date of this amendment or subsequently approved in accordance with these regulations, provided that additional equipment shelters or cabinets are located within the existing tower compound area.

2. The attachment of additional or replacement antennas or shelters to any tower existing on the effective date of this amendment or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area as long as all other requirements of this Section and the underlying zoning district are met.

3. The mounting of antennas on any existing building or structure such as a water tower, provided that the presence of the antennas is concealed by architectural elements or satisfactorily camouflaged by painting of a color identical surface to which they are attached.

4. The mounting of antennas on or within any existing high-voltage electric transmission tower, but not exceeding the height of such tower by more than 10 feet.

5. The installation of antennas or the construction of a tower or support structure on buildings or land owned by the COUNTY.

B. Application procedures

1. The following items shall be submitted to apply for a Zoning Permit:

- **a.** Completed application.
- **b.** Processing Fee in accordance with the established Fee Schedule.
- **c.** A site plan, based on a survey, showing the following:
  - **i.** All existing and proposed improvements including buildings, drives, walkways, parking areas and other structures.
  - **ii.** The nearest public and private rights-of-way.
  - **iii.** The location and height of the existing or proposed tower
  - **iv.** Any modifications to the site.
- **d.** An elevation of the structure clearly showing the proposed modifications.

e. Written authorization from the owner to apply for this permit.

2. The Zoning Administrator shall issue a decision on all Zoning Permits within 45 days of the date of the application. The Zoning Administrator may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purposes of this Section. The decision shall be issued in writing, and in the case of a denial, shall state the specific reasons for the denial.

Section 10.5: Conditional Use Permit

A. All proposals to build a communications tower or facility shall require the approval of a Conditional Use Permit following a duly advertised public hearing by the Planning and Zoning Commission.

B. Application procedures

1. The following items shall be submitted to apply for a Conditional Use Permit:

a. Completed application.

b. Fee $1500.

c. Fifteen copies of a detailed site plan, based on a survey, showing the following:

i. All existing and proposed improvements including buildings, drives, walkways, parking areas and other structures.

ii. The nearest public and private rights-of-way.

iii. Fall zone radius and any necessary easements.

iv. The location and distance to off-site residential or non-residential structures within 600 feet.

v. Required setbacks.

vi. Required buffer and landscape areas and any hydrologic features on the site.

vii. The location and height of the proposed tower.

viii. Details about the lighting of the site if applicable.

ix. Any modifications to the site.

x. Information about the security of the tower compound area, including the fence and gate, if applicable.

xi. The access road to the property with the width indicated.

d. An elevation of the structure clearly showing any proposed modifications.

e. A list of the users of the tower.

f. Written authorization from the property owner to apply for this permit. An access permit from the Highway Department or MoDot for the driveway entrance.

g. A letter of intent committing the tower owner and any successors to allow shared use of the tower (The site plan shall demonstrate how the shared facilities would potentially be situated on the proposed site).

h. A map showing the location of all towers within a 1-mile radius to this site, including those in other counties or jurisdictions.

i. Fifteen copies of computer-generated coverage map in color with adequate explanation and labeling.

2. Some of the above items may be waived at the discretion of the Zoning Administrator.

3. The applications and materials shall be reviewed by the Zoning Administrator for completeness. The Zoning Administrator shall then transmit the application for review and comment to other departments and public agencies that may be affected by the proposed facility.

4. Applications for Conditional Use Permits shall be filed and processed subject to and in the manner and time frame as established in the Zoning Order.

Section 10.6: Findings Required

A. All applications for new towers or modifications to towers shall meet the General Requirements for communications towers as described in these regulations.

B. Existing non-conforming towers may add and modify antennas as needed, however major changes to the site shall comply with Section 10.3.

C. No Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantive evidence that placement of an antenna or support structure is not technologically or economically feasible. The Planning and Zoning Commission may consider current or emerging industry standards and practices, among other information, in determining feasibility.

D. In addition to the determinations or limitations specified herein for the consideration of conditional use permits, the Commission shall also base its decision upon, and shall make findings as to, the existence of the following conditions:

1. No existing towers, structures or buildings within the necessary geographic area for the applicant's tower meet the applicant's necessary engineering requirements considering the following:
   - **a.** Height,
   - **b.** Structural strength,
   - **c.** Resulting signal interference,
   - **d.** Feasibility of retrofitting,
   - **e.** Feasibility of redesigning the applicant's tower network, or
   - **f.** Other limiting conditions that render existing towers, structures or buildings with the applicant's required geographic area unsuitable.

2. That the design of the tower or structure, including the antennas, shelter and ground layout maximally reduces visual degradation and otherwise complies with provisions and intent of this Section. New towers shall be of a monopole design, unless it is shown that an alternative design would equally or better satisfy this provision.

3. That the proposal minimizes the number and/or size of towers or structures that will be required in the area.

4. That the applicant has not previously failed to take advantage of reasonably available shared use opportunities or procedures provided by this amendment or otherwise.

5. That no land owned by any agency of the federal or state government, or by any political subdivision of the state, is available for locating the structure or tower.

If anyone, but not more than one, of the five determinations is not satisfied, approval may be granted only on a finding of unique circumstances otherwise necessitating approval to satisfy the purposes of this section.

Section 10.7: Appeals

Appeals from the decision of the Zoning Administrator shall be made in the same manner as otherwise provided through the Board of Zoning Adjustment.

Section 10.8: Abandonment and Removal

A. In general, any tower no longer in use for its original communications purpose or any tower which is not occupied for a period of twelve (12) months shall be considered abandoned. The owner of the tower shall provide the County with a copy of any notice given to the FCC relating to its intent to cease operations.

B. Removal. Abandoned towers, the Communication Facility and all accessory structures shall be removed at the owner's expense within ninety (90) days of the date of cessation of operations. Upon removal, the tower owner(s) shall re-vegetate the Communication Facility to blend with the existing surrounding vegetation at their expense.

C. Multiple users sharing a single tower. In the case of multiple antenna operators sharing use of a single tower, the provisions of this section regarding removal of abandoned towers shall not become effective until all users have ceased communications operations, provided all other provisions of this section are fully complied with.

D. Failure to remove abandoned tower. All obligations imposed by this section shall be the joint obligation of the applicant(s) and, if applicable, the lessee of the property upon which the tower and/or antenna(s) are located. In the event that any tower or antenna is not properly and timely removed as required, then the Land Use Administrator (and any persons he or she has designated) may proceed to remove the abandoned tower and/or antenna(s) and the Communication Facility and thereafter recover the costs of removal, together with the costs of enforcement of this section (including reasonable attorney's fees), from the financial guarantee or from the applicant (s) and owner (s). In this connection the applicant shall provide the COUNTY with a financial guarantee in the form of an irrevocable letter of credit or cash or a performance bond, in such amount, which guarantees the removal of the applicable tower and Communication Facility according to the terms thereof.

E. If the site is to be reused for a Communications Tower after being abandoned for twelve (12) months, a new Permit shall be acquired.

Section 10.9: Amateur Towers and Antennas

The following restrictions and requirements apply to all amateur radio towers erected after the effective date of these regulations. In all instances, WARREN COUNTY shall reasonably accommodate amateur communications and shall impose the minimal practicable regulation necessary. Any amateur radio towers existing on the effective date of these regulations shall be exempt from the provisions of this Section, unless such towers were erected in violation of any WARREN COUNTY regulation.

A. Amateur radio towers shall be permitted in the residential and commercial zoning districts with a maximum height of 65′.

B. Amateur radio towers shall be permitted in agricultural and industrial zoning districts with a maximum height of 120′.

C. Amateur radio towers shall comply with the following:

1. Towers shall be set back at least a distance equal to the height of the tower from all surrounding rights-of-way and property lines.

2. Towers, including any guying required, shall be placed in the rear or side yards of the property and shall not be placed in the front yard.

3. Amateur radio operators with less than one acre shall be allowed to erect a maximum of two (2) towers. One additional tower shall be allowed for each additional acre with a maximum of five (5) towers. (Towers may be grouped on the lot according to the needs of the amateur radio operator).

4. Towers shall be engineered to meet the FCC, Part 97 rules and regulations.

D. Amateur radio operators that wish to exceed the above height restrictions shall be required to obtain a Conditional Use Permit.

E. Due to the public service performed by amateur tower operators, all fees for amateur radio tower permits shall be waived.

F. Amateur Radio Towers that are not located within 500 feet of the owner's residence may be subject to greater requirements regarding security, access, and screening.

G. Applicants who wish to erect an amateur radio tower shall submit the following:

1. Completed application.

2. Site plan showing locations of all property lines, roadways, and easements,

structures, existing towers, and proposed towers.

3. Elevation showing the height and appearance of the proposed tower.

4. For conditional use permits only, the applicant must submit additional documentation to explain or demonstrate why he/she reasonably requires the proposed tower for communication purposes.

Section 10.9: Commercial Operation or Unlawful Tower or Antennas

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or Stealth Structure in violation of any provision of this Amendment, regardless of whether such antenna or structure is located on land owned by a governmental entity.

Section 10.10: Severability

If any section, subsection, sentence, clause, phrase or portion of this amendment 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.

Section 10.11: Repeal of Laws in Conflict

This amendment supersedes all past amendments or parts of amendments adopted prior hereto which are in conflict herewith, to the extent of such conflict.

ARTICLE XI: BILLBOARDS AND SIGNS

Section 11.1: 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 11.2: 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.

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 11.3: 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 structure 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 issue 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 11.4: 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 11.5 : 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 11.6: 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 11.7: 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 11.8: 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 11.9: 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 11.10: 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.

ARTICLE XII: JURISDICTION AND ADMINISTRATIVE MECHANISMS

Section 12.1: 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 and decide 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 of the members present so long as a quorum is 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 12.2: 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 an 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 authorized, 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, purposed 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.

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 affect 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 12.3: 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 XIII: ENFORCEMENT AND REVIEW

Section 13.1: 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. No complaint shall be considered or investigated which pertains to a condition which has existed for a period of time in excess of three (3) years prior to the complaint being submitted.[1]

Section 13.2: 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 13.3: 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 13.4: 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.

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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 13.5: 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 XIV: INTERPRETATION, VALIDITY AND REPEAL

Section 14.1: 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 14.2: 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 14.3: 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 REGULATIONS[1]

Section I: PURPOSE

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

Section II: REGULATIONS

A. As used in this Appendix A, "lot" shall refer to an un-subdivided mobile home site, and also to individual tracts within a mobile home subdivision.

B. A mobile home 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 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 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 provide 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 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.

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Further, site planning shall reflect advances in site planning techniques and be adaptable to the trends in design of the mobile home 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 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 Park shall be graded and equipped to drain all surface water in a safe and efficient manner.

M. No part of any mobile home park shall be used for non-residential purpose, except such uses that are required for the direct servicing and wellbeing 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, 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 3,750 square feet.

P. All mobile home 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 shall be set back no less than one hundred fifty (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 (2) 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 ensure 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 one hundred (100) feet of an intersection streets shall be at approximately right angles. Intersections of more than two streets at one point shall be avoided.

X. Convenient access shall be provided to each mobile home by means of an access way reserved for maneuvering the mobile home into position. Access ways shall be kept free from trees and other immovable obstructions. Access to mobile home 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, connected by a common walk system between locations where pedestrian traffic is concentrated and to applicable public facilities with the park 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 wherever pedestrian traffic is highly concentrated, but all walkways throughout the park shall, at minimum, be adequately lit to ensure for the safe traversal of pedestrians at all hours All mobile home pads shall be connected to this common walk system, or otherwise connected to paved streets or driveways connecting to this common walk system. All walkways throughout the park shall be constructed of a paved concrete or asphalt surface and shall have a minimum width of three and one half (3.5) feet or the minimum applicable requirement for such walkways contemplated by the Americans With Disabilities Act, as amended from time to time, and all applicable regulations, rules, and standards promulgated thereunder, as each may be amended, supplemented, or otherwise modified from time to time, whichever is greater.

AA. The area of the mobile home pads shall be improved to provide adequate support for the placement and tie down of the mobile home thereby securing the superstructure against uplift, sliding, rotation and overturning.

BB. Each unit or space shall be provided with a foundation. Each unit must conform to manufacturer's set up standards per RSMo, Chapter 700.

CC. The pad shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure.

DD. All mobile homes, 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 to meet the minimum standards of the State of Missouri.

EE. 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.

FF. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home 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 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 where 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, nonabsorbent, 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 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 them.

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 to 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 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 PARK MANAGEMENT

A. The person to whom a Conditional Use Permit for a mobile home 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 on its pad, which includes securing its stability and installing 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.

a. Mobile home 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 detectors.

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 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 and 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 – Major and Minor Subdivisions

Section 1.1: Purpose

The intent of these regulations is to protect the public health, safety and welfare by providing for the orderly growth and development of the County. The following subdivision regulations have been adopted and approved to promote the goals and objectives of the Official Master Plan of Warren County. Among other land use policies these regulations should encourage the use of open space, compatibility between land use and site characteristics and facilitate the dedication for future public facilities such as roads, utilities, parks and/or schools.

Section 1.2: Authority

A. No person may subdivide his land except in accordance with all of the provisions of these regulations. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been approved by the Planning and Zoning Department and recorded in the County Recorder of Deeds Office. Any person who violates these regulations shall be guilty of a Class A misdemeanor. Upon conviction of same, any said party shall be punished in accordance with Chapters 557.021, 560.016, and 560.021 RSMo regulating fines and

imprisonment of anyone convicted of a Class A misdemeanor.

B. The County Recorder of Deeds may not record a plat of any subdivision, except those exempt under Section 1.4, within the county's jurisdiction, until the plat has been approved in accordance with the provisions of these regulations.

C. *In all instances it shall be the Developer's responsibility to obtain approval from all outside agencies, to specifically include but not necessarily limited to fire districts and, if applicable, water districts, with regard to the development of any new subdivision. No Subdivision Application shall be considered without the approval of all applicable outside agencies.

Section 1.3: Subdivision Requirements and Enforcement

A. The County shall be responsible for enforcing, according to Article VIII: Enforcement and Review, the following requirements regarding the subdivision and platting of property:

1. No subdivision (except a minor subdivision as defined herein) may be developed in the County until both a preliminary plat and improvement plans have been filed and approved and all applicable conditions of this Article have been satisfied.

2. No person shall create a minor subdivision, plat amendment or any other similar act within the County, except in conformance with the provisions of this Article.

3. No lot, tract or parcel of land shall be divided by a metes and bounds description for the purpose of sale, transfer or lease, except in conformity with these requirements.

4. No subdivision shall contain a lot that is less than the minimum dimensions set out in the applicable zoning district regulations.

*Amended: May 11, 2023 Commission Order 08-2023

5. No lot, tract or parcel of land, as part of any plat or replat of any subdivision, shall be sold, traded or legal title otherwise conveyed by deed unless the plat or replat first shall have been approved in accordance with the provisions of this Article and recorded in the office of the Recorder of Deeds.

6. No building permit shall be issued for the construction of any building or structure located on a lot, tract or parcel or plat divided or sold in violation of the provisions of this Article.

7. No person shall change any recorded subdivision plat, if the change affects any street layout shown on the plat or area reserved for public use or any lot line or if it affects any plat legally recorded prior to the effective date of this Article, unless the parcel shall be approved by the County under the procedures established by this Article.

B. Building or Construction on Property Lines

1. There shall be no construction or building across a tract or lot line in Warren County. If a construction project is to be constructed on or across two (2) or more lots or tracts, these lots or tracts must be re-platted into a single lot or property in accordance with the provisions of this Article before a building permit is issued for the project.

2. All structures must be located outside of the site triangle as approved by the Highway Administrator.

3. Any buildings built within any utility easement is done at the owners own risk. Any building built in the utility easement takes on the risk of being moved, demolished, etc. by the utility needing to access that dedicated easement.

Section 1.4: Exemptions: The following shall be excluded from platting requirements:

A. The descriptions of tracts listed on a recorded warranty or quit claim deed so long as the tracts described were legally described as separate tracts under these regulations or prior regulations, and so long as the descriptions are drafted describing the tract.

B. The conveyance of land for street or railroad right-of-way, utility or drainage easements, or other public utility purposes subject to local, state or federal regulations, and where no new street or access easements are created.

C. The conveyance of land for public recreation, trails or similar easements or public purposes.

D. The division of land into parcels 10 acres (net) in size or greater.

E. The division of land by any court action pursuant to the law of eminent domain.

F. The division of property through the probate of an estate.

G. Remnant parcel as defined in Article II.

Section 1.5: Partial Exemptions

A. The following subdivisions may be exempt from certain requirements of this section. A sketch plan and application shall be required to determine whether an action qualifies for a partial exemption.

1. Combination or Boundary Adjustment Exemption

   If a two or more adjacent un-platted properties are to be combined into one tract of land or the property lines adjusted and this does not result in the creation of more properties or reducing any property below the minimum acreage allowed in that area the following items shall be required:

   a. A sketch plan and a survey shall be submitted.

   b. Owner shall obtain an access review from MoDOT if accessing a State road or from the Warren County Highway Department if accessing a County road. Planning and Zoning shall receive a copy of the review prior to signing off on the survey. If either agency requires an access permit, Planning and Zoning shall receive a copy of permit prior to signing off on the

survey.

c. Excessive depth in relation to tract width shall be avoided. Tract shall not exceed a depth to width proportion of 4:1. Width shall be defined as the width at the midpoint of the tract. At no point shall any tract be less than fifty (50) feet in width.

2. Lot Line Adjustment or Lot Combination

If subdivision lots are to be combined or replatted and this does not result in the creation of any more lots, this subdivision may be considered exempt from certain requirements of Appendix B (Subdivision Regulations). A re-subdivision shall not be considered exempt if any lots are reduced below the minimum acreage allowed in that area, based on zoning and available utilities. Staff shall determine whether a revision or combination shall be considered exempt and shall deny exempt status if any regulations would be violated by such revision. If a re-subdivision requires a substantial change in roads or other improvements, this shall not be considered exempt. Whenever non-conforming lots are to be revised, such action shall not increase the extent of any nonconformity. The following items shall be required for an exempt Combination or Revision:

a. A Sketch Plan and Final Subdivision Plat shall be required.

b. If a property lies along a private road less than fifty (50) feet in width additional easements shall be dedicated. If this property is only on one side of the road, that portion of the road shall by widened to twenty-five (25) feet from the centerline. If this action alone reduces the lot size below the minimum acreage requirements, this subdivision shall still be considered partially exempt.

c. Lots shall show utility easements in accordance with Section 1.7, Subsection E.

d. Lots shall show the limits of the 100-year floodplain, if applicable, as determined by the Federal Insurance Rate Maps.

e. If combining lots in an existing platted subdivision, the application must be accompanied by a statement from the utility providers that the utility easements being changed are not in use.

f. The addressing authority shall review the road to determine whether a road name shall be required. Payment for any road signs shall be submitted prior to recording

g. Owner shall obtain an access review from MoDOT if accessing a State road or from the Warren County Highway Department if accessing a County road. Planning and Zoning shall receive a copy of the review prior to recording the final plat. If either agency requires an access permit, Planning and Zoning shall receive a copy of the permit prior to recording of the final plat.

3. Large Lot Exemption

a. Plat of Survey or Subdivision Plat shall be submitted for approval.

b. Properties must be at least 3 acres net but less than 10 acres net.

c. Plat of survey shall include the following:

   i. A 50 foot roadway and utility easement on property involved in the land division (includes any property owned by the subdivider) and provide Planning and Zoning with proof of a legal access to a roadway, easement or right-of-way. Shall show a cul-de-sac easement, if applicable, with a minimum radius of 40 feet.

   ii. Owner shall obtain an access review from MoDOT if accessing a State road or from the Warren County Highway Department if accessing a County road. Planning and Zoning shall receive a copy of that review prior to recording the final plat. If either agency requires an access permit, Planning and Zoning shall receive a copy of the permit prior to recording of the final plat.

   iii. The addressing authority shall review the road to determine whether a road name will be required. Payment for any road signs shall be submitted prior to recording.

If the addressing authority requires the road to be named, the applicant will be required to provide Planning and Zoning with a dedication document, dedicating the 50 foot roadway, that was recorded with the Recorder of Deeds.

d. Excessive depth in relation to tract width shall be avoided. Tract shall not exceed a depth to width proportion of 4:1. Width shall be defined as the width at the midpoint of the tract. At no point shall any tract be less than fifty (50) feet in width.

e. The landowner may, if desired, submit a subdivision plat. The subdivision plat shall include the items in #3 above in addition to the following:

   i. Utility easements

   ii. Additional items listed under Final Plat, Minor Subdivisions

f. A Plat of Survey by itself does not legally change any lot lines or ownership. The subdivision plat, is chosen, shall reflect what is shown in the approved Plat of Survey. Plats shall be submitted to the Planning and Zoning Department for recording.

4. Family Exemption

If a property is located on a private easement road and the landowner is unable to acquire the required easement width, to divide for the use of the child or stepchild or lineal descendant of the owner or owners, the owner may apply for a family subdivision access exemption. Minimum roadway

improvements shall not be enforced. This shall be platted as a minor subdivision. The owner must submit a sketch plan as well as the following information:

a. The owner shall submit documentation showing that they are unable to acquire the necessary easements.

b. The grantee must be the child or stepchild or lineal descendant of the owner or owners. To prove family relationship, a birth certificate, adoption certificate or other relevant documentation shall be required.

c. No previous transfer under this provision has been granted to the grantee in this County.

d. The lot shall not be divided for at least twenty (20) years unless it meets the minimum easement requirements specified in B-7, Section 6.

e. The purpose of the transfer is to provide for the housing needs of the grantee. Commercial activity shall not take place on a family subdivision lot.

f. The transfer is not for the purpose of circumvention of the subdivision requirements.

g. The grantor and grantee shall sign an affidavit certifying compliance with 1-6 above.

h. No lot of less than three (3) acres in size shall be created in a family subdivision, unless such subdivision will be served by central water and central sewer.

i. If the roadway used for the family exemption serves 5 or more parcels, that roadway shall be not less than 16 feet in width.

j. Excessive depth in relation to lot width shall be avoided. Lots shall not exceed a depth to width proportion of 4:1. Width shall be defined as the width at the midpoint of the lot. At no point shall any lot be less than fifty (50) feet in width.

k. Procedures for approval shall be the same as those for any other subdivision except for the additional information as follows:

    i. The subdivision plat shall show the names of the family members to whom these lots will be conveyed.

    ii. The proposed subdivision plat shall contain a statement to read as follows:

    "FAMILY EXEMPTION- The property shown hereon has been exempted from certain provisions of the Warren County Land-Use Regulations."

l. A final plat must be submitted showing the following, in addition to those items required in Section 1-10.

i. A fifty foot easement shall be provided on the property involved in the subdivision (includes all areas owned by the person who owns the subdivided property).

ii. Property shall show utility easements as required in Section 1.7, E.

iii. Owner shall obtain an access review from MoDOT if accessing a State road or from the Warren County Highway Department if accessing a County road. Planning and Zoning shall receive a copy of that review prior to recording the final plat. If either agency requires an access permit, Planning and Zoning shall receive a copy of the permit prior to recording of the final plat.

iv. The addressing authority shall review the road to determine whether a road name shall be required. Payment for any road signs shall be submitted prior to recording.

5. Charter Exemption

If a parcel to be divided has been owned by the same person for at least 20 years and has legal access to a roadway, this person may subdivide land under the provisions of a "Charter Subdivision." This shall be platted as a minor subdivision

a. A sketch plan shall be submitted

b. A fifty (50) foot easement shall be provided on the property involved in the subdivision (includes all areas owned by the person who owns the subdivided property). This shall be listed as a roadway and utility easement.

c. The property may be divided up to 4 times total under this provision. The parent parcel shall be considered to be the property as it existed when the first charter subdivision lot was divided. Additional lots may be divided if the property meets the general requirements for a subdivision.

d. Subdivision lots shall be at least 3 acres in size.

e. An improved roadway with a minimum width of 16 feet is adequate to serve the minimum needs of this type of subdivision.

f. Owner shall obtain an access review from MoDOT if accessing a State road or from the Warren County Highway Department if accessing a County road. Planning and Zoning shall receive a copy of that review prior to recording the final plat. If either agency requires an access permit, Planning and Zoning shall receive a copy of the permit prior to recording of the final plat.

g. The addressing authority shall review the road to determine whether a road name shall be required. Payment for any road signs shall be submitted prior to recording.

h. Property shall show utility easements as required in Section 1.7 E.

i. Excessive depth in relation to lot width shall be avoided. Lots shall not exceed a depth to width proportion of 4:1. Width shall be defined as the width at the midpoint of the lot. At no point shall any lot be less than fifty (50) feet in width.

Section 1.6: Minor Subdivisions

A. Minor subdivisions, both residential and non-residential, may include the following:

1. A division of land into no more than six (6) lots, less than ten (10) acres net, having access to a County or State-maintained street or to a private drive. The lots shall meet the minimum lot size of the zoning district;

2. An adjustment in boundaries between the owners of adjoining platted lots that are already a part of a subdivision.

B. No more than six lots, involving the original tract of land (parent parcel), may be approved within any five (5) year period other than a boundary adjustment, except for a subdivision where all the lots are more than ten (10) acres in size. Once five (5) years has passed, that lot then becomes a parent parcel.

Section 1.7: Minor Subdivision General Requirements

A. All lots platted or any remaining platted or unplatted land shall meet all zoning requirements for lot sizes.

B. Subdivision names shall not exceed 35 characters unless it is a unique circumstance and waived by the Planning Director and they shall not duplicate to any existing names. All subdivision names are subject to approval of the Planning and Zoning Department

C. For any minor subdivision which must use a privately maintained minor subdivision road, driveway (shared) or driveway for means of ingress and egress to a publicly maintained road, it must be constructed with the required minimum easement of fifty (50) feet. The minimum easement applies to the road, driveway (shared) or driveway in its entirety and should start at the point where the private road leaves the publicly maintained road. For minor subdivision road standards see Section 168.

1. Roads, driveways (shared) or driveways in low density subdivisions (3 acres or more per lot) that were created to conform to the previous easement requirement of forty (40) feet shall be acceptable, but only if the fifty (50) foot requirement cannot be met. Documentation shall be provided showing fifty (50) feet cannot be met and that the forty (40) foot easement was approved according to previous requirements.

2. If a forty (40) foot easement was created in conformance with previous regulations and shall be used to provide subdivision access, any portion of the subdivision access road that lies on the applicants' property shall be widened to fifty (50) feet. If the applicants' property is on only one side of the road, that portion of the road shall be widened to twenty-five (25) feet from centerline.

D. A fifteen (15) foot utility easement shall be required from private roads and easements and a twenty (20) foot utility easement shall be required along all state-maintained highways or existing publicly maintained rights-of-way. A five (5) foot utility easement shall be required along all side property lines and a ten (10) foot utility easement is required along all rear property lines.

E. If applicable, the road, driveway (shared) or driveway must have a name approved by the addressing authority of Warren County 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.

F. All permanent or temporary dead-end roads, driveways (shared) or driveways greater than 150 feet in length shall be developed as cul-de-sacs with a minimum radius easement of 50 feet with or without an island.1 T-intersections may also be accepted is approved by the Planning Director.

G. Excessive depth in relation to lot width shall be avoided. Lots shall not exceed a depth to width proportion of 4:1. Width shall be defined as the width at the midpoint of the lot. At no point shall any lot be less than fifty (50) feet in width.

H. Flag Lots shall be permitted on properties to allow better utilization but shall not be permitted when such lots would substantially increase the number of access points on a road.

1. If the parcel in question is a flag lot, the average width shall be measured exclusive of the access strip.

2. No portion of the access strip shall be included when computing the required area for the lot.

3. For all such lots, there shall be a minimum access strip of fifty (50) feet in width.

4. The access strip shall not exceed 500 feet in length.

5. No other properties shall access any portion of the access strip.

I. No lot shall be created that it is so narrow or irregularly shaped that it would be impractical to construct on it a building of adequate size At no point shall any lot be less than fifty (50) feet in width.

J. All electric, telephone, cable and other distribution lines to serve new subdivisions shall be placed according to the utility service provider.

K. A percolation or soil morphology test is required for any lots in the subdivision that are less than five acres and do not have an operating approved on-site septic system or sewer.

L. Owner shall obtain an access review from MoDOT if accessing a State road or from the Warren County Highway Department if accessing a County road. Planning and Zoning shall receive a copy of that review prior to recording the final plat. If either agency requires an access permit, Planning and Zoning shall receive a copy of the permit prior to recording of the final plat.

M. Central water and sewer shall be required if:

1. 1-2 lots are created and they are within 100 feet of exiting public water or sewer lines measured along public easements.

2. 3-4 lots are created and they are within 200 feet of existing public water or sewer lines measured along public easement.

3. 5-6 lots are created and they are within 500 feet of existing public water or sewer lines measured along public easement.

Section 1.8: Minor Subdivision Streets

A. Subdivisions with lots that are less than 5 acres shall have one main subdivision entrance and may have one additional driveway provided that driveway is at least 200 feet from entrance.

B. Subdivisions with lots 5 acres or greater may have multiple entrances at the discretion of the Highway Department. All new entrances shall be at least 200 feet from existing intersections.

C. All permanent or temporary dead-end roads, driveways (shared) or driveways greater than 150 feet in length shall be developed as cul-de-sacs with a minimum radius easement of 50 feet with or without an island. T-intersections may also be accepted is approved by the Planning Director

D. Streets that exceed 1000 feet in length without a cross street shall be required to have a turnaround at an approved location. An additional turnaround is required for every additional 1000 feet of roadway. The diameter of the turnaround shall be the same as that of a cul-de-sac. A T-intersection would also be an acceptable turnaround.

E. Maximum grade on streets with lot sizes of less than 5 acres shall be 12%

F. In low density subdivisions in which the lot size is 5 acres or greater, the maximum grade may be 15%. Any street with a grade that exceeds 12% must be hard surfaced.

G. Traffic signs shall be installed in accordance with the most recent Manual on Uniform Traffic Control Devices (developed by the Federal Highway Administration). Traffic signs shall be shown on construction plans.

H. Streets shall intersect as nearly as possible at right angles, and no two streets shall intersect at less than 60 degrees. Not more than two streets shall intersect at any one point.

I. 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 intersection streets shall not be less than 150 feet.

J. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance as determined by lot size:

    1. At least 1 acre or greater – 2,640 feet

    2. Less than 1 acre – 1,000 feet

K. The following are the possible types of street.

    1. Dedicated for public use and publicly maintained

    2. Dedicated for public use and privately maintained

    3. Dedication for subdivision use and privately maintained (the subdivision is responsible for maintaining and enforcing the privacy of the streets).

L. Streets that are dedicated for public use shall not be maintained by the County unless approved by the County Commission through a Commission Order. Acceptance of roads may be considered if the road is built to the minimum standards and:

1. Lies in a transportation corridor according to the county transportation plan, or

2. Would be a beneficial connection between subdivisions, or

3. Lies in a special taxing district.

M. Streets dedicated for public use and accepted by the County for maintenance shall be deeded to the County.

Section 1.9: Minor Subdivision Approval

A. The applicant for minor subdivision plat approval shall submit a sketch plan to the planning staff for a determination of whether the approval process authorized by this section can be and should be utilized. The planning staff 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.

B. The applicant shall be notified of the requirements of their desired subdivision and whether they may proceed to the Final Plat Stage. This preliminary approval shall lapse if a Final Plat is not submitted within 1 year.

C. Applicants for minor subdivision approval shall submit, after receiving their notification of requirements, to the Planning Director a copy of the final plat (as well as three paper copies of such plat).

D. The Planning Director shall approve the proposed subdivision unless the subdivision is not a minor subdivision or the application or the proposed subdivision fails to comply with requirements of these regulations.

E. If the subdivision is disapproved, the Planning Director shall promptly furnish the applicant with a written statement of the reasons for disapproval.

F. Approval of any final plat is contingent upon the plat being recorded within 60 days after the date the Certificate of Approval is signed by the Chairman of the Planning & Zoning Commission.

Section 1.10: Minor Subdivision Final Plats

The Final Plat shall be submitted for final approval of all subdivisions. This plat shall be drawn by a registered surveyor and shall reflect the requirements from the preliminary approval letter. One original and two (2) copies shall be required. An electronic version of the final plat shall also be required. The applicant may opt to not submit an electronic version of the plat, but an additional fee shall be charged. The fee shall be $10 plus $1 per subdivision lot. The applicant is responsible for hiring the surveyor and ensuring that the plat reflects the desired subdivision. If the Planning and Zoning staff determines that significant changes have been made from the minor or major subdivision, the applicant shall be required to file a new application based on those changes.

A. Approval of the Final Plat

1. The Planning & Zoning Administrator shall review the Final Plat and ensure that all the necessary items are included and shall forward it to the Planning & Zoning Commission for approval.

2. If the subdivision includes infrastructure and/or open space that shall be privately maintained, subdivision restrictions or covenants shall be submitted with the Final Plat. These will be reviewed only to determine whether the required maintenance of private improvements and open space has been addressed. The general content will not be reviewed and at no time will these documents be enforced by the County.

B. Recording of Plat and Other Documents

1. The recording fee for the Final Plat shall be submitted to Planning & Zoning Department when the plat is submitted. Once the Planning & Zoning Commission has approved the plat and the Chairman of the Planning & Zoning Commission and signed the plat, the plat shall be taken to the Recorder of Deeds Office and recorded.

2. The necessary recording fee shall be submitted for covenants or restrictions, if required. As long as the necessary maintenance items are covered, the covenants and/or restrictions shall be recorded with the Final Plat.

C. Expiration of Plats

1. Once the final plat has been submitted, the plat shall be good for one year from date of submission. Extensions may be given at the discretion of the .

2. If the plat has been rejected by Planning & Zoning Department or Commission, it is up to the applicant and/or surveyor to fix any issues with the plat within that year.

3. After a one year period, the final plat shall be void and the applicant shall resubmit the application, unless an extension is granted.

D. The *minor subdivision plat* shall be accompanied by the following information:

1. Name of subdivision.
2. The full legal description of the entire surveyed parcel
3. Location by section, township, range, County and State and including descriptive boundaries of the subdivision as determined by Missouri Minimum Standards.
4. Location of streets, utility lines, alleys, easements and other public grounds that abut or are upon the parcel.
5. Location of all existing structures and physical improvements upon the parcel.
6. Names of all abutting streets.
7. Name and address of the surveyor and his registration number and date of the survey.
8. North arrow and scale. All plats are to be drawn to a standard engineer's scale. The actual scale used

will depend on the development and shall be subject to the approval of the Director.

9. Recommended signature blocks for the following certifications, with the corresponding name typed, printed or stamped beneath the signature:

   a. Signature of the owner or owners and notary public

      i. 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, and that I hereby freely adopt this plan of subdivision. Rights-of-way, alleys, walks, open space, and easements are hereby dedicated to the property owners and their assigns. All utility easements are hereby dedicated to public utility purposes. Any public utility shall have the right to use these easements for purposes related to the installation and maintenance of utility systems.

         Owner(s) signature and Date
         (Notarized)

      ii. 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, and that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as rights-of-way, 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 other use is approved by the County Commission in the public interest.

         Owner(s) signature and Date
         (Notarized)

   b. Certification by a registered land surveyor that the plat meets Missouri Minimum Standards for subdivision plats:

      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 Agriculture. Witness my original signature, registration number and seal this ____ day of _____.

      Seal or Stamp
      Registered Land Surveyor
      Registration Number

   c. Certification of approval to be signed by the Chairman of Planning & Zoning Commission:

      i. Certificate of Approval (for non-exempt subdivisions with the creation of new roads) I hereby certify that all streets shown on this plat are within Warren County's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 24 months after the date below) has been assured by the posting of a performance bond or other sufficient

surety, and that the subdivision shown on this plat is in all respects in compliance with these regulations, and therefore this plat has been approved by the Land Use Administrator, subject to its being recorded in the County Recorder of Deeds' Office within 60 days of the date below.
Chairman's Signature and Date

ii. Certificate of Approval (for non-exempt subdivisions with no new roads)

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision show is in all respects in compliance with the Unified Land Use Regulations of Warren County, Missouri, and that therefore this plat has been approved by the Planning Director, subject to its being recorded in the Office of the Recorder of Deeds within 60 days of the date below.

Chairman's Signature and Date

iii. Certificate of Exemption (for exempt subdivisions)

I hereby certify that the subdivision shown on this plat is exempt from the subdivision standards as described in Article 8 of the Unified Land-Use Regulations of Warren County, Missouri.
Planning Director's Signature and Date

10. Statement dedicating all easements.
11. Statement, if applicable, dedicating all streets, sidewalks, alleys and other public areas to be dedicated, but not previously dedicated.
12. The limits of the 100-year floodplain, is applicable, as determined by the Federal Insurance Rate Maps.
13. Location and widths of all rights-of-way/road and utility easements.
14. Lot numbers and dimensions.
15. Road names, as approved by the Warren County Addressing/IT Department.
16. Locations of existing buildings and existing roadways within the patted area.
17. Location, dimensions and names of any existing cemeteries or burial grounds.
18. Date, book and page of current deed (parent parcel).
19. Corner stakes or other monument markings on the ground.
20. A legend.
21. Zoning districts
22. Buffer strips
23. Vicinity Map
24. Reference to adjoining parcels by document number of subdivision plat or deed(s)

25. Note regarding existence of subdivision covenants and/or restrictions, if applicable.

26. Other special platting requirements for subdivision that may be required by certain sections of these regulations (i.e. items required for exempt subdivisions).

Section 1.11: Major Subdivisions

Major subdivisions, both residential and non-residential, may include one of the following:

A. A division of land into more than six (6) lots, less than ten (10) acres net, having access to a County or State-maintained street or to a private drive;

B. An unsubdivided development with more than two (2) dwelling units;

C. A subdivision of land which requires the installation of public sewer.

Section 1.12: Major Subdivision General Requirements

A. A meeting shall be held with the developer, Planning and Zoning staff and other appropriate entities (invited by Planning and Zoning staff) to review the sketch plan. At this meeting, preliminary comments shall be given as well as instructions for the next step in the approval process. Please allow at least two weeks between submission of the sketch plan and the sketch plan meeting.

B. All lots platted or any remaining platted or unplatted land shall meet all zoning requirements for lot sizes.

C. Subdivision names shall not exceed 35 characters unless it is a unique circumstance and waived by the Planning Director and they shall not duplicate to any existing names. All subdivision names are subject to approval of the Planning and Zoning Department

D. For any major subdivision which must use a privately maintained subdivision road, driveway (shared) or driveway for means of ingress and egress to a publicly maintained road, it must be constructed with the required minimum easement of fifty (50) feet. The minimum easement applies to the road, driveway (shared) or driveway in its entirety and should start at the point where the private road leaves the publicly maintained easement. For major subdivision road standards see Section 173.

    1. Roads, driveways (shared) or driveways in low density subdivisions (3 acres or more per lot) that were created to conform to the previous easement requirement of forty (40) feet shall be acceptable, but only if the fifty (50) foot requirement cannot be met. Documentation shall be provided showing fifty (50) feet cannot be met.

    2. If a forty (40) foot easement was created in conformance with previous regulations and shall be used to provide subdivision access, any portion of the subdivision access road that lies on the applicants' property shall be widened to fifty (50) feet. If the applicants' property is on only one side of the road, that portion of the road shall be widened to twenty-five (25) feet from centerline.

    3. Any subdivision with less than three (3) acres per lot shall be accessed by an easement of at least fifty (50) feet from the point the road leave the public easement until each lot in the subdivision has been accessed.

E. A fifteen (15) foot utility easement on both sides of all rights-of-way whether they are newly created rights-of-way as a result of the subdivision and a twenty (20) foot utility easement along all state maintained highways or existing publicly maintained rights-of-way (a county road). A five (5) foot utility easement shall be required along all side property lines and a ten (10) foot utility easement is required along all rear property lines.

F. If applicable, the road, driveway (shared) or driveway must have a name approved by the Addressing Authority of Warren County 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.

G. All permanent or temporary dead-end roads, driveways (shared) or driveways greater than 150 feet in length shall be developed as cul-de-sacs with a minimum radius easement of fifty (50) feet with or without an island.[1] T-intersections may also be accepted is approved by the Planning Director.

H. Excessive depth in relation to lot width shall be avoided. Lots shall not exceed a depth to width proportion of 4:1. Width shall be defined as the width at the midpoint of the lot. At no point shall any lot be less than fifty (50) feet in width.

I. Flag Lots shall be permitted on properties to allow better utilization and shall not be permitted when such lots would substantially increase the number of access points on a road.

    1. If the parcel in question is a flag lot, the average width shall be measured exclusive of the access strip.

    2. For all such lots, there shall be a minimum access strip of fifty (50) feet in width.

    3. The access strip shall not exceed 500 feet in length.

    4. No other properties shall access any portion of the access strip.

K. No lot shall be created that is so narrow or irregularly shaped that it would be impractical to construct on it a building of adequate size. At no point shall any lot be less than fifty (50) feet in width.

L. A percolation or soil morphology test is required for any lots in the subdivision that are less than five acres and do not have an operating approved on-site septic system or sewer.

M. All electric, telephone, cable and other distribution lines to serve new subdivisions shall be placed underground.

N. Owner shall obtain an access review from MoDOT if accessing a State road or from the Warren County Highway Department if accessing a County road. Planning and Zoning shall receive a copy of that review prior to recording the final plat. If either agency requires an access permit, Planning and Zoning shall receive a copy of the permit prior to recording of the final plat.

O. Permits for land disturbance from the Department of Natural Resources shall be required for subdivisions disturbing at least 1 acre of ground or more.

P. Permits from the Army Corps of Engineers shall be required for any subdivision disturbing a qualifying stream or wetland.

Q. Street lighting shall be required in subdivisions with three or more units per acre at an intensity of at least 0.5 foot-candles. Street lighting plans shall be included in the improvement plans and submitted to the County and to the local utility company.

1. Installation of street lighting shall be the responsibility of the developer. Maintenance shall be the responsibility of the developer or the homeowners' association.

2. Subdivisions that are not required to install street lights throughout the subdivision, but subdivisions that have 25 lots or more shall provide a street light at the subdivision entrance and any other road intersections within the subdivision.

R. Unsubdivided developments with 8 or fewer units shall have a driveway width of twenty (20) feet. Unsubdivided developments with more than 8 units shall have a driveway width of twenty four (24) feet. The number of units is based on those units on a given driveway.

S. Open space shall be provided, if applicable, according to the following table:

A. # of Dwelling Units	B. Lots with at least 3 acres	C. Lots with at least 1 acre but less than 3 acres[1]	D. Lots with less than 1 acre[2]
E. 2 to 25	F. 0%	G. 0%	H. 5%
I. 26 to 50	J. 0%	K. 5%	L. 10%
M. Greater than 50	N. 0%	O. 10%	P. 10%

1. The following items shall be considered open space as long as they are designated by either a fee simple title to a homeowner's association with a deed restriction that ensures that the land will not be developed or a designation of trail easement. Trails shall either be constructed along with all other infrastructure or a sufficient escrow deposit shall be filed to guarantee that the trail will be built.

    a. Conservation or natural, archeological and historical resources

    b. Meadows, woodlands, wetlands and other undisturbed natural features

    c. Walking or bicycle trails

    d. Stormwater Lots

    e. Agricultural, horticultural or pasture uses

    f. Landscape easements or buffer strips provided that such buffers are designated as open space and serve the purpose of protecting a natural resource or separating a subdivision from an adjacent undesirable use or feature

2. Subdivisions that include open space shall file covenants and restrictions that state how these areas shall be maintained and record it with the Recorder of Deeds. If open space is to be deeded to the subdivision's homeowners' association, a restriction shall be placed on the deed to identify that lot as common ground and restrict it from being developed.

3. Subdivision developments with a density of 3 units or more per acre and with at least 100 units shall provide an area for recreational activity for residents according to the following formula:

Number of Dwelling Units	X	.02	=	Acres of parkland required

T. All subdivisions shall provide a preliminary stormwater plan at the time of application. A final stormwater plan shall be submitted with the required construction plans.

U. Stream Buffers according to Article 11, Section 242, A

V. Water and sewer shall be supplied according to "Table 1". For more information see Section 174 "Water and Sewer."

Q. <u>Table 1</u>	**R. Lot size less than 3 acres (net)**	**S. Lot size at least 3 acres (net) but less than 5 (net)**	**T. Lot size 5 acres (net) or more**
U. 6 or fewer lots	V. Central water and sewer required	W. On site wastewater treatment and wells acceptable	X. On site wastewater treatment and wells acceptable
Y. At least 7 but no more than 15 lots	Z. Central water and sewer required	AA. On site wastewater treatment acceptable with MoDNR approval. Wells acceptable.	BB. On site wastewater treatment and wells acceptable
CC. At least 16 lots but no more than 31	DD. Central water and sewer required	EE. On site wastewater treatment acceptable with DNR approval. Wells acceptable.	FF. On site wastewater treatment and wells acceptable
GG. More than 31 lots	HH. Central water and sewer required	II. Central water and sewer required.	JJ. Central water and sewer required
KK. Un-subdivided development with no more than 2 dwelling units	LL. Central water and sewer required	MM. Central water and sewer required	NN. Central water and sewer required
OO. Un-subdivided development with no more than 4 dwelling units	PP. Central water and sewer required	QQ. Central water system required, on site wastewater treatment acceptable with MoDNR approval	RR. On site wastewater treatment and wells acceptable (engineered systems)

SS. Un-subdivided development with more than 5 dwelling units	TT. Central water and sewer required	UU. Central water and sewer required	VV. Central water and sewer required
WW. Subdivisions of more than 10 lots and within 500 feet of existing public water or sewer lines*	XX. Central water and sewer required	YY. Central water and sewer required	ZZ. Central water and sewer required

Section 1.13: Major Subdivision Road

A. Major subdivision roads shall have minimum easement width of fifty (50) feet and an improved road surface of asphalt, concrete or chip and seal. Major subdivision roads that access lots at least three (3) acres net may be improved with gravel, asphalt, concrete or chip and seal.

B. All permanent or temporary dead-end roads, driveways (shared) or driveways greater than 150 feet in length shall be developed as cul-de-sacs with a minimum radius easement of 50 feet with or without an island. T-intersections may also be accepted is approved by the Planning Director.

C. Major subdivision roads shall have pavement width according to the following:
    1. At least 3 acres but less than 10 shall have an improved width of 20 feet edge to edge of surface.

    2. At least 1 acre but less than 3 acres shall have an improved width of 26 feet edge to edge of pavement.

    3. Less than 1 acre or multi-family (unsubdivided) developments shall have a pavement width of at least 26 feet back to back of curb or 30 feet back to back of curb for high density subdivisions (three or more units per acre).

D. Streets shall be laid out so that any single block face does not exceed one thousand five hundred (1,500) feet in length. Street layouts that provide easement connections to the edge of the development adjacent to parcels of land that may develop in the future may be required where physically feasible considering grade and location so that this street pattern can be maintained, cut-through conflicts can be reduced and traffic circulation can be increased. Curb and gutter shall be required for any subdivision with lots that are less than one acre in size.

E. Subdivision Entrances

    1. Subdivisions with lots that are less than 5 acres shall have one main subdivision entrance and may have one additional driveway provided that driveway is at least 200 feet from entrance.

    2. Subdivisions with lots 5 acres or greater may have multiple entrances at the discretion of the Highway Administrator. All new entrances shall be at least 200 feet from existing intersections.

    3. If a development has 30-49 units, an emergency access road shall be required.

4. If a development has 50 or more units it shall be served by at least two approved entrances.

F. Streets that exceed 1000 feet in length without a cross street shall be required a turnaround at an approved location. An additional turnaround is required for every additional 1000 feet of roadway. The diameter of the turnaround shall be the same as that of a cul-de-sac. A T-intersection would also be an acceptable turnaround.

G. Maximum grade on streets with lot sizes of less than 5 acres shall be 12%

H. In low density subdivisions in which the lot size is 5 acres or greater, the maximum grade may be 15%. Any street with a grade that exceeds 12% must be hard surfaced.

I. Traffic signs shall be installed in accordance with the most recent Manual on Uniform Traffic Control Devices (developed by the Federal Highway Administration). Traffic signs shall be shown on construction plans.

J. Streets shall intersect as nearly as possible at right angles, and no two streets shall intersect at less than 60 degrees. Not more than two streets shall intersect at any one point, unless the Highway Department certifies that such an intersection can be constructed with no extraordinary danger to public safety.

K. 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 intersection streets shall not be less than 150 feet.

L. If applicable, a registered engineer must seal that said improvements have been constructed and built prior to subdivision approval.

M. If improvements have not been constructed prior to subdivision approval, no building permit shall be issued for a lot in a minor subdivision until all required improvements for the minor subdivision have been substantially completed or the subdivider enters into a guarantee agreement with the County secured by one (1) of the following, all of which must be in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the improvements, to wit:
    1. An irrevocable bank letter of credit in a form approved by the County; or

    2. Performance Bond; or

    3. Cash Escrow.

Section 1.14: Water and Sewer

A. Water systems, sewer systems and treatment plants shall meet the minimum standards according to the Missouri Department of Natural Resources and, if the Sewer District is to maintain the system, standards of the Sewer District in which that system lies.

B. Existing public water and/or sewer lines shall be used whenever possible.

C. Any subdivision within a water or sewer district shall notify the district and give an opportunity to that district to supply them service.

D. Subdivisions shall be required to connect with existing systems only if the district is able to supply them with service.

E. If a subdivision lies within a water or sewer district and the district cannot provide service, privately developed water or sewer systems may be constructed. These systems shall be reviewed by the applicable district prior to beginning construction and shall be offered for acceptance to the district for maintenance.

F. Any subdivision with more than 6 lots with less than 5 acres and that intends for those lots to be served by on-site septic shall be required to obtain approval from the Missouri Department of Natural Resources.

Section 1.15: Major Subdivision Process (Preliminary Plat)

A. Applicant shall submit the 2 full size (24x36 or 22x34) preliminary plat copies, 11 reduced (11x17) preliminary plat copies, an electronic version of the plat and the necessary fees at least 30 days prior to the next scheduled Planning and Zoning meeting. A new application need be filed only if the preliminary plat is different from the sketch plan. The ***preliminary plat*** shall include the following items:

1. General Requirements:

   a. Plat should be drawn, signed, and sealed by a registered engineer.

   b. A vicinity map which shows the location of the project. This location map may be drawn on the development site plans, or it may be furnished separately.

   c. Plat shall be drawn to scale, using a scale that enables all features to be easily identified for staff review. Developments may be shown in sections. Staff may request that the scale be changed, if needed for review.

   d. Preliminary Plat should show on the first page the following information:

      i. Name of applicant

      ii. Name of subdivision

      iii. North arrow

      iv. Legend

      v. Scale

   e. In most cases, existing features and proposed new features should be shown on separate sheets. This may be waived at the discretion of the Planning and Zoning staff.

   f. If the development is to be developed in phases, this shall be indicated on the Preliminary Plat.

2. Information Regarding Existing Natural, Man-Made, and Legal Features

   a. Preliminary Plats shall show all existing natural, man-made, and legal features on the parcel where development is to take place, including but not limited to those listed below. In addition, the Plat shall show those features that are located within 200 feet in any direction of the parcel where the development is to take place, and shall specify the names of the adjoining property

owners.

b. Existing natural features to include, but not limited to the following:

i. Tree line of wooded areas, orchards, and other vegetated areas

ii. Streams, ponds, drainage ditches, wetland areas, boundaries of floodways and floodplains and sinkholes

iii. Base flood elevation data, if located in floodplain

iv. Contour lines (shown with dashed lines) – see table A-1 for interval

c. Existing man-made features to include, but not limited to the following:

i. Utilities, including water, sewer, electric, stormwater facilities, etc. (If utility lines are too far away to be shown on Plat, indicate direction and distance to nearest lines.)

(1) Properties shall be developed in such a way as to not cause an undue increase in soil erosion.

(2) Any development that is to cause a land disturbance of more than one (1) acre shall submit an erosion control plan in accordance with Missouri DNR requirements.

(3) Stormwater management and erosion controls shall be subject to Article _____.

ii. Roads, sidewalks, and other paved areas

iii. Structures, including buildings and existing signs

d. Existing legal features:

i. The zoning district in which the property lies, including district boundary lines, if applicable

ii. Property lines (with dimensions shown)

iii. Street rights-of-way and easements

iv. Utility easements and other easement lines

e. Proposed Changes in Existing Features or New Features

i. Preliminary Plats shall show proposed changes in existing natural features, existing man-made features, and existing legal features.

ii. The following information shall be stated in the "notes" section of the Plat:

(1) Note whether water and sewer will be provided by on-site services, public utility agency, or new private system.

(2) Indicate which water and sewer districts will be providing service to this subdivision.

(3) Indicate what types of fire protection measures are planned.

(a.) Developments shall be subject to the fire protection regulations in each district.

(b.) If a development is located in an area that does not have fire protection regulations and they have lot sizes of three (3) acres and at least 10 lots OR unsubdivided developments with at least four (4) units, they are required to provide water for fire protection.

(c.) The requirement for fire protection shall be satisfied by one of the following:

1. Fire Hydrants placed every 600 feet in single family residential development and every 400 feet in unsubdivided developments.

2. Water lines that serve hydrants shall be at least 8 inches in diameter. If approval is obtained from the fire district, 6 inches may be acceptable in certain areas.

3. Dry Hydrant (at a location acceptable to the fire district)

(d.) Water hold facility

1. Shall provide a 30,000 gallon water holding facility

2. Shall be located at a position approved by the fire district.

(4) Note the proposed use of the property – i.e. single family residential, multi-family residential, commercial, industrial, mixed use, etc.

iii. Plat shall show proposed new legal features, to include, but not limited to the following:

(1) Property lines and dimensions

(2) Street rights-of-way

(3) Utility and other easements

(4) Proposed setback lines

(5) Buffer strips

iv. Plat shall show proposed man-made features, including, but not limited to, the following:

(1) The square footage or acreage in every lot created by a new subdivision

(2) Lot dimensions

(3) Standard elevations of buildings in multifamily developments

(4) The location and dimensions of all recreational areas, if applicable, with each

area designated as to type of use

(5) Areas dedicated as open space or common ground, and the purpose of each (The plans shall clearly indicate whether such areas are intended to be offered for dedication to public use or remain privately owned.)

(6) Streets, labeled by road classification and street name, showing whether curb & gutter or shoulders and swales are to be provided, and indicating paved widths

(7) Street cross-section

(8) Location of stormwater retention/detention facilities

(9) Location of sewage treatment plant, private well system, and water storage tank for fire protection, if planned

(10) Sidewalks and other walkways, if applicable, showing widths and surface material.

(11) Bridges

(12) Existing and proposed contour lines (Proposed contour lines shall be shown as solid lines. Existing contour lines shall be shown as dashed lines. See table A-1 for interval.)

(13) Proposed landscape areas and screening as required by Article 8 and Article 13

Table A-1 – Contour Line Intervals Existing and Proposed

Lot size	Required Contour Line Intervals
Less than one (1) acre	2 foot intervals
One (1) acre to five (5) acres	5 foot intervals
Greater than five (5) acres	10 foot intervals

B. The developer or a representative shall be required to present information about the proposed development to the Planning and Zoning Commission. Written comments only may be submitted by the public either in favor of or in opposition to the application.

1. If the Preliminary Plat is approved, the applicant shall be notified of the preliminary approval and any additional comments by the County staff or other agencies.

2. If the plat is rejected, the developer will be notified and will have three (3) months to fix the problems and resubmit the plat. If the plat is not resubmitted within three (3) months, a new application and sketch plan will be required.

C. After approval of the Preliminary Plat but prior to approval of the Final Plat, the applicant shall submit engineering and construction plans detailing the improvements that will be built within the subdivision. Engineering and Construction Plans, drawn by a registered engineer indicating engineering plans for grading, street design, sanitary and storm sewerage, easements to be created and similar data design information.

1. The ***improvement plans*** are required prior to making any improvements on the property, including clearing and grading and shall contain the following information:

    a. Stormwater management plan, including storm sewer profiles, cross section of detention/retention basin, details and design data regarding overflow structures, drainage ditches, and any other drainage-related improvements

    b. Stormwater calculations

    c. Erosion Control Plan and SWMP

    d. Grading Plan

    e. Clearing and Grubbing Plan

    f. Sanitary Sewer Plan

    g. Water Plan

    h. Road Profiles

    i. Details and cross sections regarding curbs and sidewalks

    j. Lighting plan, with lighting fixtures sufficiently identified to demonstrate compliance with Appendix B

    k. Underground utility lines, including water and sewer

    l. Landscaping plan, if landscaping is proposed

    m. Fire protection details, including location and design of any fire hydrants (including dry hydrants). All fire protection shall meet the requirements as found in Section 1.15, 2,e.

    n. Dumpsters and associated fencing and screening

    o. Details regarding traffic signs, street signs, and advertisement and marquee signs

    p. Vehicle accommodation areas including parking areas, circulation areas, and types of surfaces, showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways

    q. Documents from applicable agencies (i.e. sewer, water, fire districts) indicating general acceptance of the plans

    r. Traffic Impact Study, if applicable

    s. Plans need to be signed and sealed by a registered engineer

2. Plans shall not be approved until all inspection fees are paid as required, if applicable. No construction shall being before Construction Plans are granted final written approval.

3. If changes are made to the approved construction plans, revised plans shall be submitted for approval to the Planning and Zoning Department. Revised plans shall be submitted as soon as the change is planned or discovered. Additional inspection fees may be required. If the change affects a recorded Final Plat, a revised Final Plat shall be required.

D. An approved Preliminary Plat shall lapse and be of no further effect if a complete Final Plat has not been submitted within 2 years of the date of the Preliminary Plat approval by the Planning and Zoning Commission. If the subdivision is to be developed in phases, a phasing plan shall be required as part of the Preliminary Plat approval process. Two one-year extensions may be granted. Requests for extensions shall be submitted in writing and shall be accompanied by a fee of $_____.

Section 1.16: Final Plats – Major Subdivision

The Final Plat shall be submitted for final approval of all subdivisions. This plat shall be drawn by a registered surveyor and shall reflect the requirements from the preliminary approval letter. One original and two (2) copies shall be required. The applicant is responsible for hiring the surveyor and ensuring that the plat reflects the desired subdivision. If the Planning and Zoning staff determines that significant changes have been made from the minor or major subdivision, the applicant shall be required to file a new application based on those changes.

A. Approval of the Final Plat
   1. The Land Use Administrator shall review the Final Plat and ensure that all the necessary items are included and shall then forward it to the Planning & Zoning Commission for approval.

   2. If the subdivision includes infrastructure and/or open space that shall be privately maintained, subdivision restrictions or covenants shall be submitted with the Final Plat. These will be reviewed only to determine whether the required maintenance of private improvements and open space has been addressed. The general content will not be reviewed and at no time will these documents be enforced by the County.

B. Recording of Plat and Other Documents
   1. The recording fee for the Final Plat shall be submitted to Planning and Zoning when the plat is submitted. Once the Land Use Administrator has approved and signed the plat, the plat shall be taken to the Recorder of Deeds Office and recorded.

   2. The necessary recording fee shall be submitted for covenants or restrictions, if required. As long as the necessary maintenance items are covered, the covenants and/or restrictions shall be recorded with the Final Plat.

C. Expiration of Plats
   1. Once the final plat has been approved, the plat shall be good for one year from date of submission. Extensions may be given by the Planning & Zoning Administrator.

   2. If the plat has been rejected by Planning and Zoning, it is up to the applicant and/or surveyor to fix any issues with the plat within that year.

3. After a one year period, the final plat shall be void and the applicant shall resubmit the application unless an extension has been granted.

D. The *major subdivision plat* shall include or be accompanied by the following information:

1. Name of subdivision.
2. The full legal description of the entire surveyed parcel
3. Location by section, township, range, County and State and including descriptive boundaries of the subdivision as determined by Missouri Minimum Standards.
4. Location of streets, utility lines, alleys, easements and other public grounds that abut or are upon the parcel.
5. Location of all existing structures and physical improvements upon the parcel.
6. Names of all abutting streets.
7. Name and address of the surveyor and his registration number and date of the survey.
8. North arrow and scale. All plats are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Director.
9. Signature blocks for the following certifications, with the corresponding name typed, printed or stamped beneath the signature:

    a. Signature of the owner or owners and notary public

        i. 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, and that I hereby freely adopt this plan of subdivision. Rights-of-way, alleys, walks, open space, and easements are hereby dedicated to the property owners and their assigns. All utility easements are hereby dedicated to public utility purposes. Any public utility shall have the right to use these easements for purposes related to the installation and maintenance of utility systems.

            Owner(s) signature and Date
            (Notarized)

        iii. 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, and that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as rights-of-way, 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 other use is approved by the County Commission in the public interest.

            Owner(s) signature and Date
            (Notarized)

    b. Certification by a registered land surveyor that the plat meets Missouri Minimum Standards for subdivision plats;

i. 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 number and seal this ____ day of _____.
Seal or Stamp
Registered Land Surveyor
Registration Number

c. Recommended certification of approval to be signed by the Chairman of the Planning & Zoning Commission:

i. Certificate of Approval (for non-exempt subdivisions with new roads)
I hereby certify that all streets shown on this plat are within Warren County's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 24 months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with these regulations, and therefore this plat has been approved by the Land Use Administrator, subject to its being recorded in the County Recorder of Deeds' Office within 60 days of the date below.
Chairman's Signature and Date

ii. Certificate of Exemption (for exempt subdivisions)

I hereby certify that the subdivision shown on this plat is exempt from the subdivision standards as described in Article 8 of the Unified Land-Use Regulations of Warren County, Missouri.
Chairman's Signature and Date

iii. Certificate of Approval (for non-exempt subdivisions with no new roads)

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision show is in all respects in compliance with the Unified Land Use Regulations of Warren County, Missouri, and that therefore this plat has been approved by the Planning Director, subject to its being recorded in the Office of the Recorder of Deeds within 60 days of the date below.

Planning Director's Signature and Date

10. Statement dedicating all easements.

11. Statement, if applicable, dedicating all streets, sidewalks, alleys and other public areas to be dedicated, but not previously dedicated.

12. The limits of the 100-year floodplain, is applicable, as determined by the Federal Insurance Rate Maps.

13. Location and widths of all rights-of-way/road and utility easements.

14. Lot numbers and dimensions.
15. Road names, as approved by the Warren County.
16. Locations of existing buildings and existing roadways within the patted area.
17. Location, dimensions and names of any existing cemeteries or burial grounds.
18. Date, book and page of current deed (parent parcel).
19. Corner stakes or other monument markings on the ground.
20. A legend.
21. Zoning districts
22. Buffer strips
23. Vicinity Map
24. Reference to adjoining parcels by document number of subdivision plat or deed(s)
25. Note regarding existence of subdivision covenants and/or restrictions, if applicable.
26. Other special platting requirements for subdivision that may be required by certain sections of these regulations (i.e. items required for exempt subdivisions).

Section 1.17: Zero Lot Line Development

A. Zero lot lines shall apply only to side setbacks that serve as common walls between units. Front and rear utility easements shall still apply according to Section _____, Subsection __.

B. Zero lot line lots may be less than the minimum acreage for the zoning district as long as the development does not exceed the maximum density for the zoning district.

C. The 4:1 ratio may be exceeded as long as the lot, as a whole, is in compliance.

D. With approval from the Planning and Zoning Department zero lot line lots may be allowed for attached units only according to the following regulations:

1. Detached single family homes shall not be allowed on lots with zero setbacks.

2. Each unit shall be totally separated from the other by an unpierced wall extending from ground to roof and in which each unit has a separate, ground floor entrance.

3. Preliminary plat for a zero lot line development shall show building footprints for the development.

4. Covenants and restrictions shall be submitted prior to final approval and shall include a maintenance agreement and appearance standards for the owners of all zero lot line parcels to ensure equal and

reasonable maintenance and repair schedules are conducted for all single family attached residential units.

5. An eight-foot maintenance easement, four-feet on each side of any zero-lot line side property line, to allow for normal maintenance of each single-family attached residential unit, shall be shown on the final plat. This shall apply only to the exterior portion of the building.

Part 2: Subdivision Vacations

Section 2.1: Vacations of Entire Platted Subdivisions

A. When a person(s) or corporation desires to vacate an entire subdivision in which they shall be the legal owner of all the lots and no buildings or utilities have been placed after the recording of the subdivision, such person(s) or corporation may petition the County Commission giving a distinct description of the property to be vacated and the names of the persons to be affected thereby.

B. The petition shall be filed together with a filing fee in the sum of $_____ with the Planning and Zoning Department who shall post a public notice of the pendency of the petition in a public newspaper of general circulation in Warren County giving the public fifteen (15) days to comment on said petition.

C. If no opposition is made, the County Commission may vacate the same with such restrictions as they may deem for the public good. If opposition is made, the petition shall be set for a public hearing before the County Commission.

D. Prior to County Commission action, the petition shall be referred to the Planning and Zoning Department for review and comment.

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 or 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, this 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 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, storm water 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

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 Plan 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.

APPENDIX D

SOLAR ENERGY (SOLAR FARM) OVERLAY DISTRICT (SOD)

Section I. PURPOSE

A. The purpose of the SOLAR ENERGY OVERLAY DISTRICT (SOD) is to promote the use of solar energy as an alternative to fossil fuels and thereby promote the public health, safety and welfare by protecting the environment and preserving our non-renewable resources while at the same time mitigating any negative impact on wildlife, natural vegetation and aesthetics.

B. Furthermore, the SOLAR ENERGY OVERLAY DISTRICT implements the following goals and policies of Warren County.

Master Plan:

1. Solar Energy Facilities involve exclusively development costs which are the responsibility of private ownership which advances the objective of having developers in rural areas pay their own way.

2. Balances the needs of the general public for lower cost and clean energy with the goal of preserving prime agricultural land.

3. Solar Energy helps create business opportunities without noise, air or ground pollution and without impacting traffic flow in Warren County.

4. Promotes effective wildlife and natural vegetation management while minimizing the impact on wetlands and minimizes erosion.

5. Preserves the underlying zoning classification of the property which is subject to the Overlay District.

6. Balances the needs of the public with the rights of private ownership of land.

Section II. APPLICABILITY

A. These Regulations are applicable to all tracts of real estate which have been designated as part of a SOD by the Warren County Commission and to any application filed by real property owner, or their designee, who desires that one or more parcels of real estate be designated as a SOD.

B. All SODs must be reflected as such on the Warren County Official Zoning Map or designated as such by a registered engineer or surveyor on a topographical map which is to be attached as an Appendix to the Official Zoning Map of Warren County.

C. Although the Warren County Commission has the inherent authority to rezone property and designate which areas are to be part of a given overlay district, it is the policy of Warren County that no land will be designated as a SOD without the consent of or at the request of the owner or owners of the subject property.

Section III. OVERLAY DISTRICT MAP

The OVERLAY DISTRICT MAP will consist of the Official Zoning Map of Warren County which has been annotated in clear and unambiguous markings to reflect the boundaries of the SODs which have been approved by the Warren County Commission. The Official Zoning Map will be updated on an annual basis, if needed because of the addition of parcels to existing SODs or the creation of new ones, so that the Zoning Map accurately reflects the SOD Boundaries. Between the date that any new area is designated as a SOD and the date that the Official Zoning Map is updated, all SODs shall be designated by an Appendix attached to the Zoning Map as required in Section II. B. hereof.

Section IV. DEVELOPMENT STANDARDS

A. General Standards.

1. SODs can only be established in areas which are zoned as Agricultural.

2. The boundaries of any SOD must adhere to the minimum principal setback standards for the Agricultural zoning district. Additionally, solar panels within a SOD shall be set back at

least two hundred (200) feet from non-participating residences, unless non-participating landowners and the Applicant mutually agree upon a shorter distance.

3. In order to be designated as a SOD, the area to be designated must consist of a minimum of 50 contiguous acres.

B. Development Standards.

All development within a SOD must comply with the following standards in addition to the applicable requirements of the underlying zoning district. In the event of a conflict between these Development Standards and the requirements of the underlying zoning district, these Development Standards shall control.

1. Setbacks from any area which has been designated as a "wetland" by the Missouri Department of Natural Resources (MDNR) shall be subject to the MDNR's regulations.

2. An area requested to be designated as a SOD must adjoin or be able to be accessed by at least one publicly owned and maintained road or a privately-owned road which has been dedicated to public use and which meets Warren County roadway standards. The primary means of ingress and egress must meet the applicable site line requirements of either the Warren County Highway Department or the Missouri Department of Transportation. Access must be suitable for entry by emergency response vehicles.

3. All utility lines must be depicted on a topographical map of the subject area.

4. Boundaries of the proposed Solar Energy Overlay District must be at least 200 feet from the nearest occupied residence, existing and occupied as of the date of an application for a SOD, unless the owners of any residence less than 200 feet from a boundary has consented to a lesser distance in writing.

5. A security fence at least six (6) feet in height must encircle the boundaries of a solar Facility within the proposed SOD.

6. A screen buffer of appropriate vegetation, trees and shrubs must be planted on any boundary of a Solar Overlay District which adjoins a county, state or federal roadway or which is within 200 feet of a residence which is not located within the District. All other buffer requirements shall be as required by the regulations of the underlying zoning district. The screen buffer requirements required by this Section are the minimum necessary in order to obtain a designation as a SOD. Any requirements to obtain an operating permit which are more restrictive than the requirements hereof shall control.

7. Only Photovoltaic Solar Panels or other panels which do not contain liquids within the panels shall be permitted.

8. In order to preclude unacceptable noise pollution beyond the boundaries of the SOD, the inverters which are necessary to convert DC to AC so that power can be transferred to the "grid" must be located at least 100 feet from all boundaries of the SOD.

Section V. SUBMITTAL REQUIREMENTS

The following information must be included in all applications to establish a SOD:

1. Name, address, email address and phone number of the applicant. If the applicant is a corporation, a Certificate of Authority to do business in Missouri or a Certificate of Good Standing must be submitted.

2. Name and address of all owners of the property which is proposed to be designated as a SOD, and evidence of the applicant's authority to proceed on behalf of the owners.

3. The exact legal description and parcel number of each tract which is the subject of the application.

4. Twelve (12) copies of a topographical map which contains the boundaries of the proposed SOD, all utility lines, proposed points of ingress and egress, names of all public and private roads which provide access to the proposed SOD, and any occupied non-participating residence, existing and occupied as of the date the application for the SOD is filed, within 200 feet of all SOD boundaries.

5. The names and addresses of all owners of property within 1000 feet of any boundary of the proposed SOD. If any such property is owned by a corporation or limited liability company then the name and address of the registered agent shall be provided.

6. A statement as to the total number of acres contained within the proposed SOD.

7. Zoning classification of the underlying property.

8. Zoning classifications of all parcels which abut the proposed SOD.

9. Requests to establish a SOD submitted by private property owners shall include any memorandum of lease or other document which has been entered into between the property owner and a solar power energy company or business.

10. A cost deposit of $25,000 which shall be used to pay for the cost of County processing, publication of notices of hearings and the court reporter. If the actual cost is less than the amount of the deposit, a refund shall be paid to the applicant. If the cost is more, the balance must be paid prior to the County Commission issuing its final decision.

Section VI. REVIEW PROCEDURE

The review procedure for the establishment of a SOD shall be the same as required for any other proposed amendment to the Warren County Zoning Ordinance. The process of deciding whether or not to establish a SOD is entirely separate from the process required for an entity to obtain a permit necessary to operate a Solar Energy Farm. The procedure is as follows:

1. The applicant shall submit a request to the Zoning Administrator to establish a SOD. The request may either be submitted in narrative form or an application form prepared and maintained by the Planning and Zoning Department.

2. The Zoning Administrator and the Zoning Administrator's staff and other necessary County officials shall review the application for completeness. If the application is found to be

incomplete, it shall be returned to the applicant. Once it has been confirmed that the application is complete, the Zoning Administrator shall prepare a report and recommendation to be provided to the Planning and Zoning Commission.

3. The Zoning Administrator shall schedule the matter to be heard by the Planning and Zoning Commission at a public hearing and shall mail out and publish notice as required by Missouri law.

4. The Planning and Zoning Commission shall hold a public hearing and after hearing and viewing the testimony and evidence submitted, the Planning and Zoning Commission shall make its recommendation to approve, deny or modify the request and submit its recommendations to the County Commission.

5. Upon the receipt of the Planning and Zoning Commission's recommendations, the County Commission shall schedule and conduct a minimum of one (1) public hearing with notice and publication of each being made as required by Missouri law.

6. The procedure at the public hearing or hearings shall be the same as that employed for any other amendment to the Zoning Order.

7. At such time as all scheduled public hearings have been concluded, the County Commission shall schedule a deliberative session at which the County Commissioners shall discuss the evidence and testimony between themselves and shall have the right to ask questions of County staff for clarification purposes. Although the deliberative session shall be an "open meeting", no testimony or evidence shall be received.

8. At the conclusion of the deliberative session, the County Commission shall issue its findings and may approve the request, deny the request or amend the request.

9. Appeals from the decision of the County Commission shall be as provided for by Missouri law.

APPENDIX E[1]

RECREATIONAL VEHICLE (RV) PARK REGULATIONS

Section I: PURPOSE

The purpose of this section is to provide controls for the development of recreational vehicle parks and for the health, safety and welfare of the occupants of these areas. The intent of this Appendix is to provide for vacation, recreational, and leisure oriented use of RV park facilities and to prohibit any establishment of residency.

Section II: GENERAL REGULATIONS

A. It shall be unlawful for any person to reside in, or allow any person to reside in, an RV park for

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more than ninety (90) days within any 365 day period. It shall be unlawful for any person to maintain or operate an RV park with the County without first obtaining a permit therefor.

B. An RV park may be only located in zoning districts which allow such use 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 RV parks shall be the same as required for subdivisions.

C. The condition of soil, ground water level, drainage and topography in an 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 an 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 RV park shall provide an area of not less than ten (10) acres.

F. Space between each lot on which a recreational vehicle is permitted to be parked shall have adequate space to allow for the parking of no less than 1 motor vehicle.

G. RV Parks shall be surrounded by a landscape buffer not less than fifty (50) feet wide along all property lines, including any portions of the RV Park adjacent to and a public road or highway. Portions of an RV park where recreational vehicles are regularly parked that are located within one hundred (100) feet of any property used for residential purposes shall be screened such that the area where the recreational vehicles are parked are not visible from said residentially used property. This screen may be comprised of a six foot vinyl fence, six foot chain link fence with adequate privacy slats, six foot wood fence or any natural vegetation, trees, landscaped growth or other property feature that otherwise accomplishes the intent of screening the portions of the RV park where recreation vehicles are regularly parked.

H. A Site Plan shall be required for the operation of an RV park. 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. 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, in accordance with this Appendix E;

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 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.

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 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 RV Park shall be graded and equipped to drain all surface water in a safe and efficient manner.

M. All 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.

N. All recreational vehicles shall be set back not less than ten (10) feet from a drain or from a sewage disposal facility, located within the park.

O. All RV parks shall be provided with safe and convenient vehicular access from abutting public streets or roads other than alleys.

P. 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. Grades of all streets shall be sufficient to ensure adequate surface drainage.

Q. 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.

R. 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.

S. An accessible, adequate, safe and potable supply of water shall be provided in each 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.

T. An adequate and safe sewage system shall be provided in all 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.

U. An RV park may but is not required to allow for the igniting of campfires. If an RV park allows campfires, such campfires must be permitted only in designated fire rings that are adequately designed to prevent the unintentional spread of the fire. Fire rings, 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. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

V. As part of the RV park operations, RV parks may from time to time hold events for the benefit of those who are using the RV park for RV camping purposes ("Park Patrons"), such as cook-offs, contests,

and other leisure activities. Such events must only be open to Park Patrons, and be conducted safely at reasonable volumes, at all times. Events taking place on Sunday through Thursday must be concluded no later than 8:00 p.m., and events taking place on Friday and Saturday must conclude no later than 10:00 p.m. The event shall not be opened for individuals who are not Park Patrons.

W. All camping at an RV park shall utilize recreational vehicles. No tent camping is permitted. This prohibition includes the maintenance or operation of a tent on a space occupied by a recreational vehicle, by the same owner and/or the owner's guests.

X. Exterior lighting in the RV park shall be such that adequate security can be maintained and that visitors can safely navigate the park during evening hours.

V. Zoning district setbacks shall apply.

W. 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.

X. An RV park must comply with the Americans with Disabilities Act, as amended from time to time, and all applicable regulations, rules, and standards promulgated thereunder, as each may be amended, supplemented, or otherwise modified from time to time (collectively, the "ADA"). Compliance with the ADA shall be determined based on the version of the ADA then in effect at the time of such compliance without regard to whether the requirements of the ADA were in effect at the time this Appendix was enacted.

Section III: SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES

A. Every RV park shall provide certain recreational amenities in such number as determined by the capacity of the RV park. The capacity of the RV park shall be measured by the number of spaces that can be occupied by a recreational vehicle within the RV park. Every RV park must contain one Major Amenity for every 30 spaces within the RV park and one Minor Amenity for every 30 spaces within the RV park. RV parks are permitted to have more than one of each type of Major Amenity and Minor Amenity, however repeat installations of the same type of Major Amenity or Minor Amenity shall not count toward the requisite number of Major Amenities or Minor Amenities required herein.

1. Major Amenities shall consist of the following:
    - Swimming pools
    - Fitness centers
    - Basketball courts
    - Tennis courts
    - Ponds or lakes
    - Hiking and biking trails
    - Clubhouses or lodges
    - Arcade Rooms

2. Minor Amenities shall consist of the following:

- Barbecue areas or fire rings for grilling and roasting food
- Picnic areas consisting of at least five (5) tables each
- Playgrounds
- Pavilions or community gathering areas
- Laundry Facilities

3. In addition to the above, every RV park shall contain the following required amenities (the "Required Amenities"):
    - A sewage dumping station constructed in accordance with the On-Site Septic Systems Order of Warren County Missouri
    - A Sanitary Facility

The suitability of Major, Minor, and Required Amenities shall be determined by the Zoning Administrator. A site plan shall not be approved unless Major, Minor, and Required Amenities are designated in accordance with this Section.

B. The requirements of this Section shall apply to service buildings, recreation buildings, Major, Minor, and Required Amenities, as applicable, and other community service facilities when provided, such as:

1. Management offices, repair shops and storage areas;

2. Toilet facilities and bath houses (collectively "Sanitary Facilities");

3. Laundry facilities;

4. Indoor recreation buildings;

5. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

C. All portions of every 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.

D. All rooms containing Sanitary Facilities 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, nonabsorbent, 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.

E. Every RV park shall contain no less than one toilet per 15 RV sites and no less than one shower

per 15 RV sites in the RV park. 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.

F. Sanitary Facilities must have a concrete floor and be generally accessible to occupants with disabilities, including occupants who require the use of a wheelchair. At least one Sanitary Facility per 30 occupants must be designed with adequate foundations and anchorage to protect visitors in the event of severe weather. Such a Sanitary Facility must have a roof securely anchored to walls of masonry, reinforced concrete, or other material substantially engineered for safety.

G. 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.

H. 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.

Section IV: UTILITIES AND WASTE MANAGEMENT

A. The storage, collection and disposal of refuse in the RV Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazards or air pollution.

B. 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.

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

D. 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.

E. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the State of Missouri and any agency having jurisdiction over such matters.

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

G. 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.

H. 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.

I. 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.

J. 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 vehicle space 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.

K. 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.

L. All LPG piping = 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.

M. Liquefied petroleum gas containers shall be securely fastened to prevent accidental overturning.

N. No liquefied petroleum gas vessel over twenty (20) pounds shall be permitted in an RV park unless approved by the State of Missouri or any agency having jurisdiction over such matters.

M. 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.

Section V: RESPONSIBILITIES OF RV PARK MANAGEMENT

A. The person to whom a Conditional Use Permit for an 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 maintain a register containing the names of all park visitors and automobiles located within the RV park. The register shall contain the name and address of each visitor, the make, model, year, and license number of each automobile, and the dates of arrival and departure of each visitor to the RV park. . Such register shall be available to any authorized person inspecting the park.

D. The park management shall notify the County health Services immediately of any suspected communicable or contagious disease within the park.

E. 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 detectors.

F. RV parks must be adequately staffed at all times. At minimum, the RV park must have an employee or volunteer who is responsible for the general day-to-day operations and proper care and maintenance of the RV Park onsite at any and all times the RV Park is open for public or private business. An RV park may designate multiple employees or volunteers whose presence is sufficient for purposes of compliance with this section, provided that each employee or volunteer shall have received adequate training necessary for the proper performance of the duties contemplated by this section.

Section VI: RESPONSIBILITIES OF PARK OCCUPANTS

A. The park occupants shall comply with all applicable requirements of these regulations and shall maintain their RV lot and its facilities and equipment in good repair and in a clean and sanitary condition.

B. 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.

Section VII: EXCLUSIONS

A. A property on which an owner allows no more than 5 occupied recreational vehicles for no more than 30 total days within a calendar year shall not be considered an RV park subject to the requirements of this Appendix E. Any day on which any recreational vehicle is occupied by any owner on a given property shall be counted against this 30 day requirement regardless of whether the recreational vehicle is occupied by the same person as on any other day. Each day a recreational vehicle is occupied shall also count toward this limit regardless of whether or not the recreational vehicle was occupied on consecutive days.

B. An RV park may allow an occupant to remain on the property for longer than provided in Section 2 of this Appendix E only upon a written letter from the occupant's employer stating that the occupant is an employee or independent contractor working for said employer on a long-term basis. Notwithstanding the foregoing, in no event shall such a visitor be permitted to reside in an RV Park for longer than 16 months.

C. Nothing in this Appendix E shall be interpreted to prohibit Temporary Camping in compliance with Section 4.8 of the Zoning Order.